

SUPPORTING STATEMENT

A. Justification:

1. **Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

Pursuant to the Balanced Budget Act of 1997, the Commission reallocated 24 megahertz of electromagnetic spectrum in the 700 MHz band (769-776/799-806 MHz) to ensure the efficient and effective use of that spectrum to meet the Nation's critical public safety communications needs. In this connection, the Commission established a communications framework relying on regional planning committees for the development of plans to utilize available frequencies in ways that best meet the needs of public safety agencies at the local, State and regional levels. Specifically, the Commission requires planning committees made up of representatives from the public safety community to submit regional plans for the 700 MHz band. Preparation of these regional plans imposes some burden, both on the eligible entities that make their needs known, and on the planners who seek to accommodate them.

The Commission adopted national standards for the operation and use of the spectrum allocated for nationwide interoperability. In the 700 MHz band, the Commission requires that (1) non-governmental organizations be authorized by state or local agencies, and (2) regional planning committees submit spectrum allocations for Commission review and approval prior to licensing of general use narrowband channels. The specific rules sections for which we seek continued OMB approval¹ are:

47 CFR § 90.523 - Eligibility. Requires that nongovernmental organizations, which provide services to protect the safety of life, or property, obtain a written statement from an authorizing state or local government entity to support the nongovernmental organization's application for the assignment of 700 MHz frequencies.

47 CFR § 90.527 - Regional plan requirements. To prepare and modify the regional plans for the 700 MHz band, the regional planning committees will require input from those entities within their regions that will be eligible to receive licenses under the plans. Entities that seek inclusion in the plan in order to obtain licenses will be third party respondents.

¹ The correct title of this information collection is "700 MHz Eligibility, Regional Planning Requirements, and 4.9 GHz Guidelines (47 CFR 90.523, 90.527, and 90.1211)," as reflected in the 60-day Notice. Therefore, we are replacing the title of this Supporting Statement to make them the same.

47 CFR § 90.1211 - Regional Plan. With respect to the 4.9 GHz band, the Commission suggested that each 700 MHz region submit a plan on guidelines to be used for sharing the spectrum within the region.²

Statutory authority for this collection of information is contained in sections 4(i), 11, 303(g), 303(r), 332(c)(7), and 337(f) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 161, 303(g), 303(r), 332(c)(7), and 337(f), unless otherwise noted.

This information collection does not affect individuals or households; thus, there is no impact under the Privacy Act.

2. Indicate how, by whom and for what purpose the information is to be used.

For information submitted to the Commission, Commission personnel use the information obtained to assign licenses, and also use the information to determine regional spectrum requirements and to develop technical standards. The information is also used to determine whether prospective licensees will operate in compliance with the Commission's rules. Without such information, the Commission could not accommodate regional requirements or provide for the optimal use of the available frequencies. For information provided to, or exchanged among third parties, the data is used to establish eligibility.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Third party respondents are free to exchange information electronically if they desire, and the Commission encourages submissions to be made electronically whenever possible.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

This agency does not impose a similar information collection on the respondents. There are no similar data available.

5. If the collection of information impacts small businesses or other small entities describe any methods used to minimize burden.

² The Commission has stayed this requirement indefinitely, and we anticipate that the rule will be revised or deleted eventually as part of a current rulemaking proceeding focusing on the 4940-4990 MHz band, PS Docket No. 07-100.

In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary to deter against possible abuses of the processes.

- 6. Describe the consequences to a Federal program or policy activity, if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reduce burden.**

Without the submission of regional plans, the Commission could not identify and accommodate regional needs and preferences. The information is initially collected only once, although the regions are permitted to amend their plans as needed. Thus, the frequency of filing is determined by the respondents. If individuals or organizations did not assist the Commission in developing technical standards, it would take much longer for the Commission to develop such standards.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the criteria listed in supporting statement.**

Current data collection is consistent with 5 C.F.R § 1320.6.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The Commission published a 60-day notice soliciting public comment which appeared in the Federal Register on July 14, 2023 [88 FR 45211] seeking comments from the public on the information collection requirements contained in this supporting statement.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

Respondents will not receive any gifts or payments.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

There is no need for confidentiality with this collection of information.

- 11. Provide additional justification for any questions of a sensitive nature.**

There are no collections of information that are considered sensitive in nature or of a private matter being sought from the applicants on this collection.

- 12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.**

The Commission has derived the following estimates of the burden on respondents:

a. 47 CFR § 90.523 - Eligibility. Filing by non-governmental entities:

Based on a search of the Commission's licensing database, staff believes 10 non-governmental entities per year are applying for 700 MHz narrowband public safety spectrum. We also estimate that copies of approximately 100% of these applications are filed electronically with state or local governmental entities per year.

The time required for electronic filing is estimated to be 1 hour per transaction (1 hour) for a total annual burden of 10 hours annually:

1 hour x 10 = 10 hours.

We estimate that the applications will be filed electronically with state or local government. In this latter case, the state or local government will generally electronically file a statement certifying that the NGO is eligible to hold a 700 MHz license. The estimated time to electronically file each supporting statement will be 1 hour for a total annual burden of 10 hours:

1 hour x 10 = 10 hours.

Number of Respondents: 20.

Number of Responses Annually: 20.

Annual Hourly Burden: 10 + 10 = 20 hours.

We note that the annual hourly burden per respondent will vary depending on the number of applications filed by each respondent and whether the application and supporting statement is filed electronically.

“In-House Cost”: The Commission estimates that NGO, state and local government personnel will be paid an hourly rate of \$40 per hour to fulfill the requirements contained in this collection.

Total Annual “In-House” Cost: 20 burden hours x \$40 per hour = \$800

b. 47 CFR § 90.527 - Regional plan requirements.

There are 55 Regional Planning Committees. Based on a search of the Commission’s Electronic Comment Filing System, staff identified 55 regions that have submitted initial plans. These 55 regions may modify their FCC-approved plans.

The time required for preparation and electronic filing of each regional plan or modification is estimated to be 628 hours per transaction for a total annual burden of 34,540 hours annually:

628 hours x 55 = 34,540 hours.

We estimate that each regional planning committee will solicit information from state, local, tribal governmental entities as well as non-governmental entities in developing initial plans and plan modifications. In this latter case, we estimate that each of the 55 regional planning committee will solicit information from approximately 20 state, local, tribal governmental entities and non-governmental entities generating approximately 1,100 responses. The estimated time to electronically file each response will be 1 hour for a total annual burden of 1,155 hours including the 55 regional planning committees:

1 hour x 1,155 = 1,155 hours.

Number of Respondents: 1,155.

Number of Responses Annually: 1,155.

Annual Hourly Burden: 34,540 + 1,155 = 35,695 hours.

“In-House Cost”: The Commission estimates that regional planning committees, state and local government personnel will be unpaid volunteer staff or will be paid an hourly rate of \$40 per hour to fulfill the requirements contained in this collection.

Total Annual “In-House” Cost: 35,695 burden hours x \$40 per hour = \$1,427,800

c. 47 CFR § 90.1211 - Regional Plan.

There are 55 Regional Planning Committees. Based on a search of the Commission’s Electronic Comment Filing System, the last regional plan was filed in 2006. The

Commission has stayed this requirement indefinitely, and regional plans are optional rather than mandatory in the 4.9 GHz band. Therefore, we are reducing the number of possible respondents, for the purpose of this information collection renewal, to 0.

As a result, the total annual burden for preparation and electronic filing for regional plans is estimated to be 0 hours annually:

Number of Respondents: 0.

Number of Responses Annually: 0.

Annual Hourly Burden: 0 hours.

“In-House Cost”: The Commission estimates that regional planning committees, state and local government personnel will be unpaid volunteer staff or will be paid an hourly rate of \$40 per hour to fulfill the requirements contained in this collection.

Total Number of Respondents: 1,175 (20 + 1,155)

Total Number of Responses: 1,175

Total Annual Hourly Burden: 35,715 hours

Total In-House Cost: \$ 800 + \$1,427,800 + \$0 = \$1,428,600

13. Provide estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

The Commission believes that the development of the regional plans and the national plan, and the provision of assistance in the development of technical standards, will impose no annual cost burden on respondents from either capital or start-up costs, or from operation and maintenance of equipment, or from purchase of outside services. The Commission believes that the public safety agencies and other interested entities already possess the necessary materials, and that the agencies and other interested entities will have procured these materials in the course of conducting their customary and usual business. The Commission further believes that the affected entities already employ a large pool of highly able professional and clerical staff, which makes the likelihood of purchase of outside services remote.

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expenses that would not have been incurred without this collection of information.

Cost to Federal Government. To review all fifty-five (55) regional plans will require 2,200 hours of analysis and review. The Commission anticipates that of those 40 hours

per plan, half will be performed by staff at the GS 13/5 level (\$60.83/hour) and half will be performed by staff at the GS 14/5 level (\$71.88/hour). Thus, the total estimated burden hours cost of reviewing 55 plans is 2,200 hours. GS 13/5 salary @ \$60.83 per hour x 1,100 burden hours = \$66,913 + GS 14/5 salary @ \$71.88 per hour x 1,100 = \$79,078.

Total Cost to the Federal Government: \$66,913 + \$79,078 = \$145,991.

15. Explain the reasons for any program changes or adjustments reported.

Based on the most current available data, the Commission is reporting adjustments/increases to this information since the last submission to OMB. Therefore, the total respondents increased from 1,161 to 1,175 (+14), the total annual responses increased from 1,161 to 1,175 (+14), and the total annual burden hours increased from 35,646 to 35,715 (+69).

There are no program changes.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The data will not be published for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We do not seek approval to not display the expiration date for OMB approval of the information collection. OMB control numbers and expiration dates for the Commission's information collection requirements assigned by OMB pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13 can be found at <https://www.reginfo.gov/public/do/PRAMain> See 47 CFR § 0.408.

18. Explain any exceptions to the Certification Statement identified in Item 19, "Certification of Paperwork Reduction Act Submissions."

When the 60/30-day notices were published in the Federal Register on July 14, 2023 (88 FR 45211) and September 19, 2023 (88 FR 64431) respectively, the total annual burden hours were incorrectly stated as 35,660 rather than 35,715. This correction has been made and is reflected in this submission to OMB.

There are no other exceptions to Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.