SUPPORTING STATEMENT

A. Justification:

1. The Commission seeks a three-year approval from the Office of Management and Budget (OMB) for the extension of this information collection titled "Allocation and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands," +specifically, Section 101.1523, Sharing and Coordination Among Non-government Licensees and Between Non-Government and Government Services (Allocation and Service Rules for the 70-80-90 GHz Bands). There are no program changes to the reporting, recordkeeping and/or third-party disclosure requirements, but we are revising estimates based on experience and a reduction in the number of database managers. The Commission's rules promote the private sector development and use of 71-76 GHz, 81-86 GHz, and 92-95 GHz bands (70/80/90 GHz bands).

The 70/80/90 GHz bands are licensed based on non-exclusive nationwide licenses applied for on FCC Form 601 (OMB Control No. 3060-0798) and there is no limit to the number of non-exclusive nationwide licenses that may be granted for these bands. Nationwide licenses serve as a prerequisite for registering individual links. Section 101.1523 of the Commission's rules requires licensees to register each link in the 70/80/90 GHz bands in a third-party database that is administered by database managers (DMs). To register a link, the licensee or applicant shall:

a) Complete coordination with Federal Government links according to the coordination standards and procedures adopted in Report and Order, FCC 03-248, and as further detailed in subsequent implementation public notices[1] issued consistent with that order;

b) Provide an electronic copy of an interference analysis to the third-party DM which demonstrates that the potential for harmful interference to or from all previously registered non-government links has been analyzed according to the standards of 47 CFR 101.105 and generally accepted good engineering practice, and that the proposed non-government link will neither cause harmful interference to, nor receive harmful interference from, any previously registered non-government link; and

c) Provide upon request any information related to the interference analysis and the corresponding link. The third-party DMs shall receive and retain the interference analyses electronically and make them available to the public. Protection of individual links against harmful interference from other links shall be granted to first-in-time registered links. Successful completion of coordination via the National Telecommunications and Information Administration (NTIA) automated mechanism shall constitute successful non-Federal Government to Federal Government coordination

[1] *See, e.g.*, Millimeter Wave 70/80/90 GHz Service; Source: https://www.fcc.gov/millimeter-wave-708090-ghz-service.

for that individual link.[2] If coordination of a link cannot be completed using the automated system, i.e., a proposed link receives a "yellow-light" response, then the licensee must complete Federal coordination by filing FCC Form 601 for the link (so the Commission can coordinate the proposed link with NTIA using the traditional RF assignment process). *See, e.g.*, 47 CFR § 101.1523((b)(1).

In addition, the following types of non-Federal Government links require the filing with the Commission a FCC Form 601 for each link for the purpose of coordination and registration, in addition to registering each link in the third-party database:

1) Facilities requiring the submission of an Environmental Assessment (47 CFR §§ 1.1307, 101.1523(c)(1);
2) Facilities requiring international coordination (47 CFR §§ 101.1523(c)(2), 101.1527); and
3) Operation in quiet zones (47 CFR §§ 1.924, 101.1525(c)(3).

The Commission believes the licensee is in the best position to determine the nature of its operations and whether those operations impact these settings, and is required to submit to a DM, as part of the registration package, documentation that a FCC Form 601 has been filed.

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

Statutory authority for this collection of information is contained in 47 U.S.C. sections 151, 154(i), 303(f) and (r), 309, 316, and 332 of the Communications Act of 1934, as amended.

2. The recordkeeping, reporting, and third-party disclosure requirements will be used by the Commission to verify licensee compliance with Commission rules and regulations, and to ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934. Such information has been used in the past and will continue to be used to minimize interference, verify that applicants are legally and technically qualified to hold licenses, and to determine compliance with Commission rules.

3. Before finalizing rulemakings, the Wireless Telecommunications Bureau conducts an analysis to ensure that improved information technology can be used to reduce the burden on the public. This analysis considers the possibility of obtaining and/or computer-generating the required data from existing data bases in the Commission or other Federal agencies.

DMs must make data available to the Commission, NTIA, the other DMs, licensees, and the public electronically. Licensees must submit information to a DM in whatever format the DM requires. Although the Commission's *Memorandum of*

[2] OMB has approved this information collection under OMB Control No. 0660-0018 (NTIA/FCC Web-based Frequency Coordination System).

Understanding (MOU) with DMs might specify formats that DMs must accept, licensee submissions to the Commission are covered under ULS (OMB Control No. 3060-0798).

The interference analysis requirement requires licensees to provide an electronic copy of an interference analysis to the third-party DM which demonstrates that the potential for harmful interference to or from all previously registered non-government links has been analyzed according to the standards of Section 101.105 and generally accepted good engineering practice, and that the proposed non-government link will neither cause harmful interference to, nor receive harmful interference from, any previously registered non-government link. Licensees are also required to provide upon request any information related to the interference analysis and the corresponding link.

The third-party DMs shall receive and retain the interference analyses electronically and make them available to the public. Additionally, DMs and licensees must submit information to NTIA electronically via NTIA's own automated mechanism. The Commission had envisioned a single, shared database if more than one DM were selected but, subsequently, but the Bureau decided that it could accomplish the same purpose by accepting a joint proposal by the DMs to link their separate databases through coordinated communications to form a unified link registration system.

4. The Commission does not impose a similar information collection on respondents and no similar data is available duplicated elsewhere.

5. 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 for evaluating licensee compliance with Commission rules and to deter against possible abuses of the processes. The Commission will continue to examine alternatives in the future with the objective of eliminating unnecessary regulations and minimizing burdens on small businesses. Small businesses seeking authority to operate links at 70-80-90 GHz will have to apply for a nationwide license and register each link. The burdens are minimal and the database registration process itself minimizes the burden on all licensees, including small businesses.

In choosing among the various alternatives in the 2005 reconsideration *(Memorandum Opinion and Order or MO&O)*, the Commission sought to minimize the adverse economic impact on small entities. In revising Section 101.1523 of our rules, the Commission decided that the purpose of the interference-analysis requirement would not be met by having licensees certify compliance, rather than submitting the analysis to the third-party DM. In adopting the interference-analysis requirements, the Commission considered the costs and benefits of imposing an interference analysis requirement, particularly for small entities, and concluded that the costs of performing such analyses would be relatively small, particularly when compared to the benefits of preventing harmful interference to existing operations for all licensees. The Commission also found it is important to facilitate entry and development of this industry by lowering the risk of interference and thereby ensuring continued investment. Finally, the Commission found that the additional assurance of no harmful interference provided by interference analyses in these bands better serves the public interest.

6. Reporting burdens required for the 70/80/90 GHz bands, first adopted in the 2003 *Report and Order (R&O)*[3] correspond to burdens placed on other wireless licensees. Some of the proposed burdens would only apply if certain situations arise, such as interference. If the information required in these collections were not maintained, important licensing-type data would not be available when needed by the Commission, other licensees, or the public. In addition, without these reporting requirements, it would be difficult for the Commission to ensure compliance. If the FCC did not or could not sponsor third-party disclosure and recordkeeping requirement, it would have to use the existing ULS process to collect the information on Schedule M of Form 601. (OMB approved the PRA submission for Schedule M on April 16, 2004, OMB Control No. 3060-0798). The interference analysis requirement added by the 2005 *MO&O*[4] is necessary to ensure that the proposed non-government link will neither cause harmful interference to, nor receive harmful interference from, any previously registered non-government link. In addition, the collection furthers the Commission's goal of facilitating entry and development of this industry by lowering the risk of interference and thereby ensuring continued investment. In this regard, the Commission found that the additional assurance of no harmful interference provided by interference analyses in these bands better serves the public interest.

7. There are third-party disclosure and recordkeeping requirements associated with the use of third-party DMs. Under the rules adopted in the 2003 *R&O*, licensees must provide DMs information regarding each link, *e.g.*, essentially the same technical information required to register a link using Form 601 Schedule M before the FCC designated DMs (and for certain links that require special processing, *e.g.*, environmental concerns, international or Federal coordination). Occasionally, licensees must provide DMs with information on the operational status of one or more links. Licensees also must inform the DM when filing FCC Form 601 Schedule M with the FCC for a link that requires special processing. Additionally, licensees must also retain correspondence to and from a DM. The DMs will be responsible for keeping the history for all registered links so long as they are designated as a DM (the initial period of designation and subsequent renewals were for five (5) years). Under the rule revisions made in the 2005 *MO&O*, licensees must submit an electronic copy of an interference analysis to the third-party DM which demonstrates that the potential for harmful interference to or from all previously registered non-government links has been analyzed according to the standards of Section 101.105 and generally accepted good engineering practice, and that the proposed non-government link will neither cause harmful interference to, nor receive harmful interference from, any previously registered non-government link. Licensees are also required to provide upon request any information related to the interference analysis and the corresponding link. The third-party DMs shall receive and retain the interference analyses electronically and make them available to the public.

8. The FCC initiated a 60-day comment period which was published in the *Federal Register* on August 14, 2023 (88 FR 55041)**,** as required by CFR Section 1320.8

[3] FCC-03-248.

[4] FCC-05-45.

which sought PRA comments from the public on the information collection requirements contained in this collection. No PRA comments were received as a result of this notice.

9. Respondents will not receive any payments or gifts associated with this collection of information.

10. Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR § 0.459 of the FCC rules.

11. This collection of information does not address any private matters of a sensitive nature.

12. *Link registrations*. In 2020 there were approximately 700 nationwide licensees. In 2023 there are approximately 909 licensees and based on this yearly trend, we estimate that there could be a total of 315 new nationwide licensees by the end of the next three-year approval period. As of November 2023, there are 621 registrations in the database. From November 2020 to November 2023, approximately 8,994 links were registered and approximately 1,011 registrations were deleted. he actual number of licensees that will register links with DMs over the next three years, as well as the number of links that they will register, is unknown at this time. The following represents our best high estimates based on current data looking back three years concerning licenses and registrations in the 70/80/90 GHz bands.

Over the next three years, we estimate that there could be a total of 315 nationwide new licensees submitting a total of approximately *2661* registrations annually including new or modified links, *2661* construction-status updates, and *221.75* deletions annually for registrations not constructed within 12 months of registration. For convenience, we are distributing this burden equally among all respondents by assuming that each licensee will make approximately 3 registration submissions and 3 construction-status updates per year and approximately 0.40 deletions per year.

We estimate that each registration submission will take on average 1.5 hours to complete (including the burden of obtaining and providing an electronic copy of an interference analysis to the third-party DM[5]) and that each construction-status update and deletion each will take 0.25 hours. Accordingly, the estimated annual burden on each of 315 respondents is 5.35 hours as follows: 4.5 hours (3 x 1.5 hours) for registration submissions, 0.75 hours for construction-status updates (3 x 0.25 hours), and 0.1 hours (.40 x 0.25 hours) for deletions. The total annual burden hours are as follows:

[5] As noted in the *2005 MO&O*, the DMs are not precluded from offering additional services and licensees are under no obligation to use the third-party DM's services. MiLicensees are free to conduct their own interference analyses or to procure the interference analyses from a third-party source or the DMs, provided the analyses meet generally accepted good engineering practice and the interference protection standards of Section 101.105. However, we anticipate and assume here that most licensees will utilize the interference analysis services provided by DMs as part of the registration process.

315 respondents x 5.35 hours = **1,685.25 hours**

Database Managers. There are currently two third-party DMs. DMs maintain databases, interface with other DMs, the FCC and NTIA, and electronically receive, retain, and make available to the public registration data, including the interference analyses. For the DMs, we estimate 1.5 burden hours associated with each of *2,661* registrations per year related to recordkeeping, third-party disclosures, and responding to FCC inquiries. For convenience, we are distributing this burden equally among the two respondents by assuming that each DM will register 1,330.5 links per year. Accordingly, the burden hours for each of the two respondent is estimated to be 1,995.75 (1,330.5 x 1.5 hours). The total burden hours are as follows:

2 respondents x 1,995.75 hours = **3,991.5 hours**

Total Annual Burden Hours: 1,685.25 + 3,991.50 **= 5,677.00** (5,676.75 rd.) **hours**

Total Number of Respondents: 315 licensees + 2 DMs **= 317**

Total Number of Responses: 2,661 for new or modified registrations, 2,661 for construction updates, 221.75 for deletions and 2,661 for DMs = 8,205 (8,204.75 rd.**) responses**.

13. Summary of Costs to the Respondents:

There are now two Commission-designated DMs operating, and we previously estimated that each of these DMs would incur total annualized capital/startup costs of $510,000. Given that these DMs have been operating for over ten years, we do not estimate any additional annualized startup costs for these two DMs. Because, for purposes of this submission, we anticipate no new DM with the renewal of the 2020 3060-1070; therefore, the annual cost associated with database management which we believe may include database management and personnel to be approximately $0.

Total Annualized capital/startup costs: $0.

Additionally, we anticipate other costs associated with database management which we believe may include revisions to existing systems to make required disclosures to an additional DM, database management, software or hardware and personnel to be approximately $100,000 per year for each existing DM.

Annual operation and maintenance cost: $100,000 x 2 = $200,000.

Total Annual Cost Burden: $0 + $200,000 = $200,000.

14. FCC maintains Memorandums of Understanding signed by DMs, as well as, correspondence to and from DMs or to and from licensees that, for example, bring interference or other complaints to the FCC. FCC may maintain electronic or hardcopy "backups" or reference copies of some or all registration data.

Based on our experience administering this service, the Commission anticipates receiving no more than 5 registration or interference-related complaints annually per DM. A dispute might involve two or more registrations by two or more licensees and could involve two or more of the approximately 19,690 existing registrations now in the database and/or new or modified registrations (3,683 annually). If each dispute involves a total of 25 new or existing registrations then a total of 125 registrations (5 disputes x 25 registrations) would be involved annually, which is 3.39% of the assumed annual total of 3,683 registrations and well below 1% of all existing registrations. The Commission estimates are as follows:

One GS 14-5 engineer working for 8 hours x 10 complaints = **80 burden hours**

One GS 14-5 attorney working for 8 hours x 10 complaints = **80 burden hours**

One GS 12-5 analyst working for 2 hours per complaint

x 5 complaints x 2 DMs = **20 burden hours**

Total Burden Hours to the Federal Government = **180 hours annually.**

The estimate of annualized cost to the Commission is as follows:

One GS-14 step 5 engineer @ $71.88 per hour x 80 hours = **$ 5,750.40**

One GS 14 step 5 attorney @ $71.88 per hour x 80 hours = **$ 5,750.40**

One GS 12 step 5 analyst @ $51.15 per hour x 20 hours = **$ 1,023.00**

Total Burden Costs to the Federal Government = $12,523.80.

15. There are no program changes. There are adjustments to the figures for this collection as follows: -535 to the number of respondents, -3,137 to the annual number of responses, -6,362 to the annual burden hours and $0 to the annual burden cost. We have adjusted the estimated number of respondents to reflect the reduction of database managers, and the increase in the number of nationwide licensees since 2020. The adjustments to the estimates represent our best, high estimates based on current data concerning licenses and registrations in the 70/80/90 GHz band.

16. The data will not be published for statistical use.

17. We do not seek approval to display the expiration date for OMB approval of the information collection. The expiration date of the information collection is displayed on OMB's website.

18. There are no exceptions to the Certification Statement.

B. Collection of Information Employing Statistical Methods:

No statistical methods are employed.