

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.**

To address a growing problem of harmful interference to 800 MHz public safety communication systems caused by high-density commercial wireless systems, the Commission in July 2004 adopted a comprehensive plan to reconfigure the band. This plan was designed to protect the lives of first responders and other emergency personnel, and fulfills the Commission's obligation to promote safety of life and property through the use of wire and radio communications. Under that plan, the Commission ordered the reconfiguration of the 800 MHz band to migrate incompatible technologies to separate segments of the band. The new band plan required public safety and other high-site systems to relocate to the lower portion of the band, while cellular-architecture SMR systems relocate to the upper portion of the band.

Although the 800 MHz band reconfiguration is now complete, the band reconfiguration undertaking also established continuing procedures to resolve incidents of interference through the exchange of information between public safety licensees and commercial operators. That process for exchanging information when a public safety licensee experiences interference in the 800 MHz band continues, despite the completion of band reconfiguration.

As part of the exchange of information between public safety licensees and commercial operators, the Commission adopted a number of information collections. The Office of Management and Budget approved these information collections under OMB 3060-1080 for a three year period. Consistent with the requirements of the Paperwork Reduction Act, the Commission seeks to renew those information collections for another three year period.¹

The information collection related to this information exchange includes a requirement for commercial operators to: (1) respond to requests for pre-coordination of facilities; (2) respond to interference complaints; (3) establish an electronic system (*i.e.*, e-mail) to file interference complaints; and (4) perform an analysis of interference complaints. Additionally, to address interference concerns, the Commission will require many small governmental entities and public safety radio licensees to provide information relevant to avoiding interference in the first instance, and eliminating future interference incidents.

¹ The correct title of this information collection is "Collections for the Prevention or Elimination of Interference and for the Reconfiguration of the 800 MHz Band," as reflected in the 60-day Notice. Therefore, we are replacing the title of this Supporting Statement to make them the same.

Generally, we note that small entities were not among the interfering parties in those instances of interference that parties brought to the attention of the Commission in this proceeding. Public Safety and Critical Infrastructure Industry licensees, many of which may be considered small entities, have experienced interference and largely supported the information collections adopted to resolve interference. Therefore, we do not perceive the information collection requirements as a burden on such small entities.

On November 7, 2017, OMB approved the renewal for the instant information collection under ICR Reference No: 201709-3060-009. Since that time, the Commission has sought to decrease the burdens associated with the rebanding proceeding. As demonstrated in the Commission's 2020 Report and Order in this rulemaking proceeding (FCC 20-61), the Commission is actively accelerating the conclusion of the 800 MHz rebanding program. Therefore, the Commission is removing the burden hours and annual cost for those rule sections from this collection.

Statutory authority for this collection of information is contained in 47 U.S.C., Sections 151, 154, 160, 251–254, 303, and 332 unless otherwise noted.

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

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

The information collection requirements will be used by the Commission to ensure that Cellular/ESMR, Public Safety, Critical Infrastructure Industry (CII), and other 800 MHz licensees comply with the interference mitigation in an orderly, timely, comprehensive fashion with no unnecessary delay.

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.

These information collections will make use of electronic collection techniques. It is expected that all respondents will employ electronic correspondence to submit interference complaints.

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 information is not available elsewhere. It is being collected specifically to meet the requirements of the Commission's Orders. This is a unique collection and there is no duplication.

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

In conformance with the Paperwork Reduction Act of 1995 (PRA), the Commission strives to minimize burdens on all respondents regardless of size, consistent with the critical nature of this proceeding. The Commission has limited the information requirements to those absolutely essential to ensure a timely, comprehensive resolution to 800 MHz interference, and the minimal amount of data that the Commission needs to meet its oversight role.

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.

Failure to collect this information will adversely impact the FCC's ability to carry out its congressionally mandated duty to promote public safety communications, and its objective to eliminate interference to public safety communications.

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.

In the normal course, the Commission avoids requiring responses to information collections in fewer than thirty days. However, as noted *supra* there are exigent circumstances attendant on the need for prompt abatement of interference to crucial public safety communications that dictate that responses be made within a matter of hours, rather than days. Current data are consistent with 5 CFR § 1320.6. If Public Safety licensees perceive an interference threat or experience interference, corrective action must be taken immediately (*i.e.*, a response must be filed within 24 hours and an interference analysis must be performed within 48 hours) to resolve the interference. Indeed, to the extent that a public safety licensee experiencing interference determines that an unresolved incident of interference constitutes a clear and imminent threat to safety of life and property, the licensee may request immediate discontinuance of operation of the interfering station by a written statement served immediately on the Commission and the relevant cellular/ESMR licensee(s). The nature of such a threat necessitates a prompt response to preserve public safety communications and safety of life.

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 September 5, 2023 (88 FR 60676), seeking comments from the public on the information collection requirements contained in this supporting statement. No comments were received on the information collection requirements in the 60-day Notice.

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

There are no payments or gifts to respondents.

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

No questions of a confidential nature are asked. However, under the Commission's rules, licensees may request confidential treatment for information they provide in response to these information collections.

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

The collection of information contained in this supporting statement does not address any private matters of a sensitive nature.

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:

The total burden is 9,468 hours. Below we summarize our estimates. These information collections are required to obtain or retain a benefit.

a. 47 CFR § 22.972(a)(2); 90.674(a)(2). (Electronic Notification System)

Burden Hours of Respondents

The Commission directed Cellular carriers and ESMR licensees to establish an electronic notification system to receive interference complaints. The electronic notification system -- which is an email box -- has been established, so the burden of creating the electronic notification system has been deducted from the burden estimate for this current submission.

b. 47 CFR §§ 22.972(a)(3), (b); 90.674(a)(3), (b). (Interference Response).

Burden Hours of Respondents

The Commission, for purposes of estimating the PRA burdens, predicts that interference incidents will require approximately three of the estimated 50 Cellular carriers and ESMR licensees participating in the electronic notification database, to each prepare a response and interference analysis, and that all will use in house staff to prepare their respective submissions in each instance. Although there are numerous other cellular carriers, the record does not support a conclusion that they are other than *de minimis* sources of interference. Each response and analysis should take an average of approximately 8 hours to prepare. Based on data extrapolated from the electronic notification system for interference complaints, the number of such complaints is reported to be approximately 17 incidents, down from 29 incidents reported in 2019.

3 carriers x estimated 5.8 incidents per carrier (17 total incidents) x 8 hours = 136 hours total burden.

c. 47 CFR §§ 22.972(c)(3); 90.674(c)(3). (Interference Statement to FCC of Imminent Danger)

Burden Hours of Respondents

In certain instances, a public safety licensee will prepare a written statement when it determines that an interference incident constitutes an imminent danger to safety of life, health, and property, and that all will use in-house staff to prepare the submission. We anticipate that such determinations will be rare. The Commission, for purposes of estimating the PRA burdens, predicts that one such interference incident per year affecting one public safety licensee, in a public safety region, will occur in each of the nation's 55 public safety regions. The written statement, and the underlying analysis, should take an average of approximately 8 hours to prepare.

1 public safety licensee in each region x 55 public safety regions x 8 hours = 440 hours total burden.

d. 47 CFR § 22.973(a); 90.675(a). (Prior Coordination)

Burden Hours of Respondents

The Commission, for purposes of estimating the PRA burdens, predicts that prior coordination filings will affect, at most, three of the estimated 50 Cellular carriers and ESMR licensees that are participating in the electronic notification system for filing interference complaints, not all of which are operating in areas in which 800 MHz public safety and CII systems exist. The estimated number of Cellular carriers and ESMR carriers was derived from the electronic notification system website. We anticipate that the carriers all will use in-house staff to prepare their respective submissions. The prior coordination response should each take an average of approximately 3 hours to prepare.

It is exceptionally difficult to estimate the number of prior coordination reports that will be filed by Cellular/ESMR carriers given that public safety and CII system infrastructure are relatively static, while Cellular/ESMR infrastructure can change parameters on a daily basis. However, a very approximate estimate is that, on the average, the operating parameters of a Cellular or ESMR system will change once a week. Therefore in a given one year period the total hours burden could be:

3 hours per response x 52 responses per carrier x 3 carriers = 468 total annual burden hours.

e. 47 CFR 90.674(a); 90.674(a)(1). (Interference Complaint)

Burden Hours of Respondents

The Commission, for purposes of estimating the PRA burdens, predicts that each initial notification of interference (interference complaint) will originate from one out of the estimated 4,041 800 MHz licensees, (which include Public Safety, CII, Business, Industrial/Land Transportation and non-cellular Specialized Mobile Radio licensees) and that all will use in-house staff to prepare their respective submissions. The estimated number of 800 MHz licensees was derived from the Commission's licensing database. The initial notification of interference should take an average of approximately 3 hours to prepare.

One 800 MHz licensee per incident x 3 hours = 3 hours total burden.

Based on data extrapolated from the electronic notification system for interference complaints, the number of such complaints is reported to be approximately 17 incidents, down from 29 incidents reported in 2019. Therefore the total hours burden could be:

3 hours x 17 incidents = 51 hours total burden.

f. 47 CFR 90.675(c)(1)-(2) (Prior Coordination Response)

Burden Hours of Respondents

The Commission, for purposes of estimating the PRA burdens, predicts that each prior coordination response will involve, at most, each of the estimated 2,791 800 MHz Public Safety/CII licensees, and that all will use in-house staff to prepare their respective submissions. The estimated number of 800 MHz licensees was derived from the Commission's licensing database. The prior coordination response should take an average of approximately 3 hours to prepare.

2,791 800 MHz licensees x 3 hours = 8,373 hours total burden

This information collection is required to obtain a benefit. Upon completion of the band reconfiguration process we anticipate that there will no longer be a need to provide this information. This rule remains in the CFR.

Total Burden Hours to collect this information is as follows:

Total Number of Respondents: 3 cellular carriers and ESMR licensees + 55 public safety licensees = **58 respondents**.

Total Number of Annual Responses: (a) 0 + (b) 17 +(c) 55 + (d) 52 + (e) 17 + (f) 2,791 + (g) 0 + (h) 0 + (i) 0 = **2,932 responses**.

Total Annual Burden Hours: (a) 0 + (b) 136 +(c) 440 + (d) 468 + (e) 51 + (f) 8,373 + (g) 0 + (h) 0 + (i) 0 = **9,468 hours**.

ESTIMATED IN-HOUSE RESPONDENT COST

The total in-house costs are estimated to be **\$480,595.58** as follows:

a. 47 CFR § 22.972(a)(2); 90.674(a)(2). (Electronic Notification System)

Burden Costs of Respondents

The Commission directed Cellular carriers and ESMR licensees to establish, at their expense, an electronic notification system to receive interference complaints. The electronic notification system -- which is an email box -- has been established and therefore there is no need to recreate the electronic notification system now that it is active.

b. 47 CFR §§ 22.972(a)(3), (b); 90.674(a)(3), (b). (Interference Response).

Burden Costs of Respondents

The Commission estimates that all of the Cellular carriers and ESMR licensees will each use a staff electronics engineer, at approximately \$50.76 per hour, to draft their respective interference responses and analyses. If each response takes about 8 hours to prepare, then the cost per submission will be \$50.76 x 8 hours = \$406.08 burden per response.

Based on data extrapolated from the electronic notification system for interference complaints, approximately 17 incidents of interference involving cellular/ESMR carriers were reported, down from 29 in 2019.

The total cost burden could be \$406.08 x 17 incidents = \$6,903.36

We anticipate a dramatic reduction in the number of interference incidents after completion of band reconfiguration, thus reducing the number of instances requiring an interference response and analysis.

c. 47 CFR §§ 22.972(c)(3); 90.674(c)(3). (Interference Statement to FCC of Imminent Danger)

Burden Costs of Respondents

The Commission estimates that all 800 MHz Public Safety licensees involved in interference incidents will each use in-house staff electronics engineers, at approximately \$50.76 per hour, to draft their respective determinations that interference constitutes an imminent danger to safety of life, health, or property. If each response takes about 8 hours to prepare, the cost per submission will be $\$50.76 \times 8 \text{ hours} = \406.08 burden per party.

We expect such determinations to be rare, approximately one such determination in each of the 55 public safety regions.

$\$406.08 \times 55 \text{ incidents} = \$22,334.40$ total cost burden per year.

We cannot predict the number of interference incidents in a given area during band reconfiguration, nor how many Public Safety licensees will determine that an interference incident constitutes an imminent threat. We anticipate, however, a dramatic reduction in the number of interference incidents after completion of band reconfiguration, thus reducing the number of instances that require interference determinations.

d. 47 CFR § 22.973(a); 90.675(a). (Prior Coordination)

Burden Costs of Respondents

The Commission estimates that all of the Cellular carriers and ESMR licensees will each use a staff electronics engineer, at approximately \$50.76 per hour, to draft their respective responses to a prior coordination request and that there will be an average of one such request per week. If each response takes about 3 hours to prepare, then the cost per submission will be $\$50.76 \times 3 = \152.28 .

It is exceptionally difficult to estimate the number of prior coordination reports that will be filed by Cellular/ESMR carriers given that public safety and CII system infrastructure are relatively static, while Cellular/ESMR infrastructure can change parameters on a daily basis. However, a very approximate estimate is that, on the average, the operating parameters of a Cellular or ESMR system will change once a week. Therefore in a given one year period the total estimated cost burden could be:

$\$152.28 \text{ hours} \times 52 \text{ weeks} = \$7,918.56$ total cost burden per carrier over a one year period.

We cannot, however, predict the number of instances in which a Public Safety or CII licensee will seek prior coordination in a given area. Nor can we predict the number of instances in which Cellular/ESMR carriers will add or modify facilities such that prior

coordination would be warranted. However, we note that there are 50 Cellular carriers and ESMR licensees participating in the interference notification system and we estimate that over the course of a year, an average of 3 licensees may need to file a report once a week.

$\$7,918.56 \times 3$ Cellular/ESMR licensees = $\$23,755.68$ total cost burden.

e. 47 CFR 90.674(a); 90.674(a)(1). (Interference Complaint)

Burden Costs of Respondents

The Commission estimates that all of the 800 MHz licensees will each use a staff electronics engineer, at approximately \$50.76 per hour, to draft their respective initial notifications of interference. If each notification of interference takes about 3 hours to prepare, then the cost per submission will be $\$50.76 \times 3 = \152.28 burden per party.

Based on data extrapolated from the electronic notification system for interference complaints, approximately 17 incidents of interference involving cellular/ESMR carriers were reported in 2019, down from 43 incidents reported in 2016.

The total estimated cost burden could be $\$152.28 \times 17$ incidents = $\$2,588.76$.

We anticipate, however, a dramatic reduction in the number of interference incidents after completion of band reconfiguration.

f. 47 CFR 90.675(c)(1)-(2). (Prior Coordination Response)

Burden Costs of Respondents

The Commission estimates that all of the 800 MHz Public Safety and CII licensees will each use a staff electronics engineer, at approximately \$50.76 per hour, to draft their respective responses to requests for prior coordination. Because the operating parameters of these licensees' systems change much less frequently than the parameters of Cellular/ESMR systems, we estimate that an average of one report will be submitted per licensee. If each response takes about 3 hours to prepare, then the cost per submission will be $\$50.76 \times 3 = \152.28 burden per party.

There are approximately 2,791 800 MHz public safety and CII licensees, nationwide. Therefore in a given year the total estimated cost burden could be:

$\$152.28 \times 2,791$ licensees = $\$425,013.48$ total cost burden per year.

We cannot, however, predict the number of instances in which a Cellular/ESMR carriers will seek prior coordination in a given market. Nor can we predict the number of instances in which Public Safety and CII licensees will add or modify facilities such that prior coordination would be warranted.

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

The Commission anticipates that the parties subject to these collections will use in-house electronics engineer staff to respond to the collections.

(a) Total annualized capital/startup costs: **None**

(b) Total operations and maintenance and purchase of services costs: **None**

We believe that no respondent will file a waiver request, and therefore, none will seek the assistance of outside counsel.

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.

Estimated Annualized Cost to the Federal Government. With respect to 47 CFR 90.677(e), the Commission has completed review of responses, and will require no further annualized costs for analysis and review of waiver requests under this rule, which remains in the CFR.

With respect to 47 CFR §§ 22.972(c)(3) and 90.674(c)(3), there may be a cost to the Commission associated with reviewing statements of imminent danger that it receives from licensees. For Paperwork Reduction Act purposes, we estimate that one such statement may be filed in each of the 55 Public Safety Regions. We estimate that each such statement will incur 8 hours of review by Commission staff, thus resulting in 440 hours of Commission review. The Commission anticipates that those 440 hours will be performed by staff at the GS 15/5 grade level. Thus the cost is 440 hours x \$84.55 = \$37,202.

Total estimated annualized cost to the federal government = \$37,202 (\$0.00 + \$37,202).

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

There are adjustments/decreases to this information collection. The reduction is due to the end of rebanding. The total number of respondents decreased from 60 to 58 (-2), total annual responses increased from 2,665 to 2,932 (+267) and the total annual burden hours increased from 9,039 hours to 9,468 hours (+429 hours). These changes are due to a re-estimate of the number of responses given the (1) increasing number of 800 MHz licensees that have completed 800 MHz rebanding, (2) decreasing number of licensees that have filed interference complaints, and (3) the increasing number of prior coordination responses stemming from the rising number of 800 MHz Public Safety and CII licensees.

There are no program changes.

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

We do not intend to publish this information 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 not to display the expiration date for OMB approval of the information collection.

18. Explain any exceptions to the Certification Statement.

When the 60/30-day notices were published in the Federal Register on September 5, 2023 (88 FR 60776) and on November 14, 2023 (88 FR 78019) respectively, the total annual responses were updated from 2,965 to 2,932 and the total annual burden hours were updated from 9,507 to 9,038, these corrections were made and reflected in this submission to OMB.

There are no other exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.