

### SUPPORTING STATEMENT

The Federal Communications Commission (“Commission”) is requesting that the Office of Management and Budget (OMB) approve the extension without change of an existing information collection titled, “Telemetry, Tracking, and Command (TT&C) Operators.” This information collection was established as a result of information collection requirements contained in the rulemaking discussed below. There are no changes to the information previously approved by OMB for this information collection, including the estimated burden hours and annual cost.

#### **A. Justification:**

1. *Circumstances that make the collection necessary.* On March 3, 2020, the Commission released a Report and Order and Order of Proposed Modification titled, “In the Matter of Expanding Flexible Use of the 3.7 to 4.2 GHz,” GN Docket Number 18-122 (FCC 20-22). This rulemaking, which is under the purview of the Commission’s Wireless Telecommunications Bureau, is hereinafter referred to as the *3.7 GHz Report and Order*.

The Commission believes that C-band spectrum for terrestrial wireless uses will play a significant role in bringing next-generation services like 5G to the American public and assuring American leadership in the 5G ecosystem. The agency took action to make this valuable spectrum resource available for new terrestrial wireless uses as quickly as possible, while also preserving the continued operation of existing Fixed Satellite Services (FSS) available during and after the transition.

In the *3.7 GHz Report and Order*, the Commission concluded that a public auction of the lower 280 megahertz of the C-band will best carry out our goals, and the agency will add a mobile allocation to the 3.7-4.0 GHz band so that next-generation services such as 5G can use the band. Relying on the *Emerging Technologies* framework, the Commission adopted a process to relocate FSS operations into the upper 200 megahertz of the band, while fully reimbursing existing operators for the costs of this relocation and offering accelerated relocation payments to encourage a speedy transition. The Commission also adopted service and technical rules for overlay licensees in the 280 megahertz of spectrum designated for transition to flexible use.

Among other information collection requirements in the *3.7 GHz Report and Order*, the Commission has adopted several requirements, described in the text, related to the protection of TT&C earth stations and coordination with 3.7 GHz Service licensees. In a section of the *3.7 GHz Report and Order* titled “Adjacent Channel Protection Criteria” the Commission sets out the following requirements:

Pursuant to paragraph 388 of the *3.7 GHz Report and Order*, the Commission requires that the TT&C operators make available certain pertinent technical information about their systems upon request by licensees in the 3.7 GHz Service to ensure the protection of TT&C operations. In addition, paragraph 389 of the *3.7 GHz Report and Order* includes the requirement that, in the event of a claim by a TT&C earth station operating in 4.0-4.2 GHz of harmful interference by a 3.7 GHz operator, the earth station operator must demonstrate that that have installed a filter that complies with the mask requirement prescribed by the Commission. This requirement will facilitate an efficient and safe transition by requiring earth station operators to demonstrate their compliance with the mask requirements, thereby minimizing the risk of interference.

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The statutory authority for this information collection is contained in sections 1, 2, 4(i), 4(j), 5(c), 201, 302, 303, 304, 307(e), 309, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 155(c), 201, 302, 303, 304, 307(e), 309, and 316.

This collection does not have any impacts under the Privacy Act.

2. *Use of Information.* The information that will be collected under this new information collection is designed to ensure that 3.7 GHz Service licensees operate in a manner that ensures incumbent C-band operations in the upper portion of the 3.7-4.2 GHz band and TT&C operations in the 3700-3980 MHz band are protected. By requiring TT&C operators to disclose pertinent technical information about their systems upon request by a 3.7 GHz licensee, the potential collection promotes the safety of operations in the band and reduces the risk of harmful interference to incumbents.

3. *Technological collection techniques.* Entities required to submit information under this new information collection may be asked to file the required information electronically using the Commission's ECFS existing system. This collection mechanism is being used to reduce the technological burden on the public and the Commission. A total of 100 percent of information will be filed with the Commission electronically.

4. *Efforts to identify duplication.* There will be no duplicative information collected. This information collection was a new information collection to protect incumbent C-band operations in the upper portion of the 3.7-4.2 GHz band post-transition pursuant to the *3.7 GHz Report and Order*. Thus, the information being collected under this collection is not already available.

5. *Impact on small entities.* The Commission has made an effort to minimize the burden on all respondents regardless of size by limiting the information collected under this collection to that which is necessary to obtain the information needed to protect incumbent C-band operations in the upper portion of the 3.7-4.2 GHz band pursuant to the *3.7 GHz Report and Order*.

The Commission has taken several actions to minimize the burden on small businesses, organizations, or other small entities. For instance, by requiring TT&C operators to provide upon request pertinent technical analysis to the 3.7 GHz operator, the Commission simplifies the coordination process and ensures that 3.7 GHz Service licensees and TT&C operations operate safely and effectively. This information collection is designed to minimize the risk of harmful interference and promote safe operations in the 3.7-4.2 GHz band, which minimizes the potential burden on affected entities, including small entities, if interference were to occur. Entities subject to this information collection should have the processes and procedures in place to facilitate compliance with these rules, thereby resulting in minimal incremental compliance costs.

6. *Consequences if information is not collected.* This new information collection is critical to protect incumbent C-band operations in the upper portion of the 3.7-4.2 GHz band. The pertinent technical information provided upon request to 3.7 GHz Service licensees by TT&C operators will enhance the 3.7 GHz licensee's ability to comply with technical requirements and support the protection of incumbent C-band operations. This information ensures that all relevant stakeholders have access to important coordination and technical aspects of the transition, which promotes safe operations and minimizes the risk of interference. Without this information, there remains a risk of interference, which would frustrate operations and have significant negative effects for the American consumer.

7. *Special circumstances.* The new information collection does not have any of the characteristics that would require separate justification under 5 C.F.R. § 1320.5(d)(2).

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8. *Federal Register notice; efforts to consult persons outside the Commission.* On December 7, 2023, the Commission published a 60-day notice in the Federal Register (88 FR 85287) to solicit comments from the public with regard to the new information collection.
9. *Payments or gifts to respondents.* No payment or gift will be given to respondents.
10. *Assurance of confidentiality.* The information collected under this collection will be made publicly available. However, to the extent information submitted pursuant to this information collection is determined to be confidential, it will be protected by the Commission. If a respondent seeks to have information collected pursuant to this information collection withheld from public inspection, the respondent may request confidential treatment pursuant to section 0.459 of the Commission's rules for such information. *See* 47 C.F.R. § 0.459.
11. *Questions of a sensitive nature.* The information collection requirements do not ask questions of a sensitive nature.
12. *Estimates of the hour burden of the collection to respondents.* The following represents the frequency of response,<sup>1</sup> time per response, total annual burden hours, and an explanation for the estimated 4 respondents and 4 responses to this information collection.

- A. A TT&C earth station operator should make available pertinent technical information about their systems upon request by the 3.7 GHz licensees.

**General requirements:** Para. 388, *3.7 GHz Report and Order*

Annual Respondents: 2

Annual Responses: 2

Frequency of Response: On occasion. The frequency of responses will vary depending on whether the relevant 3.7 GHz Service Licensees request pertinent technical information for the TT&C operations.

Total Annual Burden Hours: 2 responses x 12 hours/response = 24 hours

- B. In the event of a claim by a TT&C earth station of harmful interference by a 3.7 GHz operator, that earth station operator must demonstrate that they have installed a filter that complies with the mask requirement prescribed by the Commission. This requirement seeks to ensure that the TT&C operator claiming harmful interference has installed a filter that complies with the mask required by the Commission, and thus is entitled to interference protection.

**General requirements:** Para. 389, *3.7 GHz Report and Order*

Annual Respondents: 2

Annual Responses: 2

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<sup>1</sup> Throughout this document, we report the frequency of response for each in information requirement. This reflects the number of times a particular respondent is required to submit that particular information. We use the term "on occasion" to refer to a collection where each respondent may be required to submit particular information more than once, but there is no requirement that they submit that information on a regular basis.

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Frequency of Response: On occasion. The frequency of responses will vary depending upon how often a TT&C earth station operator makes a claim of harmful interference and therefore triggers the requirement for the TT&C operator to demonstrate that it has installed a filter that complies with the applicable mask requirements.

Total Annual Burden Hours: 2 responses x 12 hours/response = 24 hours

**TOTALS:**

**Total number of respondents: 4**

**Total number of responses: 4**

**Estimated time per response: 12**

**Total number of burden hours: 48 hours**

**In-House Cost:** The in-house staff working on the information collection requirements are estimated to have an hourly salary of \$60/hour. Therefore, the estimated in-house costs to respondents are **48** (12 hours per response x 4 respondents) x \$60/hour = **\$2,880**.

13. *Estimates of the cost burden of the collection to respondents.* In addition, any in-house legal and engineering staff, earth station operators often rely on outside attorneys and engineers to assist with some of the information collection requirements. Respondents are assumed to use outside legal or engineering assistance for approximately 2 hours per response. We estimate that the hourly rates for outside legal and engineering assistance are \$300/hour and \$250/hour, respectively. Because outside attorneys and engineers may be used in approximately equal proportions for preparation of these responses, we use an average rate of \$275/hour to arrive at a cost burden for outside assistance. The total cost burden for outside assistance is estimated to be **8** (2 hours per response x 4 respondents) x \$275/hour = **\$2,200**.

**Total Estimated Costs to Respondents = \$2,200**

14. *Estimates of Annualized Cost to the Federal Government.*

There is no estimated annualized cost to the Federal Government.

15. *Program changes or adjustment.* There are no program changes or adjustments to this information collection.

16. *Collections of information whose results will be published.* The information collection will not be published for statistical use.

17. *Display of expiration date for OMB approval of information collection.* The Commission renews its request for an exemption from the requirement to display the OMB expiration date for this information collection. The OMB control number and OMB expiration date for this collection will be in a list contained on OMB's website.

18. *Exception to certification statement for Paperwork Reduction Act submissions.* There are no exceptions to the certification statement.

**II. Collections of Information Employing Statistical Methods:**

The Commission does not anticipate that this new collection of information will employ statistical methods, and the use of such methods would not reduce the burden or improve accuracy of results.