

SUPPORTING STATEMENT

With this submission the Federal Communications Commission (“Commission” or “agency”) seeks Office of Management and Budget (“OMB”) approval for a revision to information collections, recordkeeping, and third-party disclosure requirements associated with Control No. 3060-1070. The Commission requests that OMB approve the new rules associated with this collection, described below, and seeks to obtain a full three-year clearance for the same. The revision of Control No. 3060-1070 is due to the new rules that cause a program change. The Commission also adjusts its estimates for the currently approved information collection.

A. Revision:

1. On January 24, 2024, the Commission adopted a *Report and Order*, FCC 24-16, in WT Docket No. 20-133 entitled “Modernizing and Expanding Access to the 70/80/90 GHz Bands” (“*Report and Order*”).¹ The *Report and Order* was subsequently released on January 26, 2024, and published in the Federal Register on April 29, 2024. Relevant to Control No. 3060-1070, the *Report and Order* adopted the following Commission rules: section 101.63(b); section 101.1523(a) and (e); and section 101.1528(a)(11), (b)(10), and (d), which are described below.

47 CFR § 101.63 Period of construction; certification of completed construction.

47 CFR § 101.63(b)

(b) For the 70 GHz, 80 GHz, and 90 GHz bands, the 12-month construction period will commence on the date of each registration of each individual link; adding links will not change the overall renewal period of the license. For each individual link, a licensee who commences operations within the construction period must certify in the third-party link registration database, such as those established pursuant to section 101.1523, that the link is constructed and operational. The certification must be filed within 15 days of the expiration of the applicable construction period for each individual link. If operations have begun using some, but not all, of the authorized transmitters, the certification must show to which specific transmitters it applies. After 15 days of the end of the construction period for each individual link, if the licensee has not certified that the link is constructed and operational, the third-party database managers will delete the registration from the database.

47 CFR § 101.1523 Sharing and coordination among non-government licensees and between non-government and government services.

47 CFR § 101.1523(a)

(a) Each individual point-to-point link must be registered in a third-party database. Registration of aeronautical ground stations, maritime shore stations, and

¹ “70/80/90 GHz” refers to 71–76 GHz, 81–86 GHz, 92–94 GHz, and 94.1–95 GHz.

aerostats for operation of aeronautical or maritime links to end points in motion in the 71–76 GHz and 81–86 GHz bands will be in a third-party database after the Wireless Telecommunications Bureau announces by public notice the details of the implementation of a third-party database for such links to endpoints in motion.

47 CFR § 101.1523(e)

(e) A licensee must successfully complete the requirements of this section prior to modifying the technical parameters of a registered link. Except for de minimis modifications, any change to the technical data on a link registration will result in a new interference protection date. A modification to link registration in the 71–76 GHz and 81–86 GHz bands is de minimis, and the registration will retain its existing interference protection date and not lose its existing first-in-time rights, if the modification meets all of the following criteria:

- (1) The licensee certifies that the modification is necessary to repair or replace equipment specified in the registration that was constructed and operating under the registration;
- (2) The modification does not increase the EIRP of a digital system or change the EIRP of an analog system;
- (3) The modification does not increase the channel bandwidth;
- (4) The modification does not change the power density;
- (5) The modification does not increase the receiver sensitivity;
- (6) The modification does not increase the antenna beamwidth;
- (7) The modification does not increase the antenna gain, except where there is a corresponding reduction transmitter power so that there is no increase in EIRP;
- (8) The modification does not involve a change to antenna with less off-axis attenuation at any angle; and
- (9) The modification does not change any other technical parameters not mentioned in paragraphs (e)(1) through (e)(8) of this section.

47 CFR § 101.1528 Requirements for aeronautical and maritime links to, from, or between endpoints in motion.

47 CFR § 101.1528(a)(11)

(a)(11) Aeronautical operators must coordinate with Federal operators and register ground-to-air stations, and must not operate such facilities or any associated air-to-ground transmissions until registration has successfully been completed.

47 CFR § 101.1528(b)(10)

(b)(10) Maritime operators must coordinate with Federal operators and register shore and aerostat transmitters, and must not operate such facilities or any associated ship-to-shore transmissions until registration has successfully been completed.^[2]

47 CFR § 101.1528(d)

(d) Prior to registration of any an Aeronautical or Maritime links—to, from, or between endpoints in motion—each licensee must demonstrate, in accordance with the process to be established by the Wireless Telecommunications Bureau and Office of

² See also 47 CFR § 101.111(a)(2)(vi)(B).

Engineering and Technology, *see* 47 CFR 0.241(l), 0.331(g) of this title, that its technologies for point-to-endpoint-in-motion communications to aircraft and ships are capable of meeting specific technical and operating requirements set forth in this section.

This information collection does not affect individuals or households. Accordingly, there are no impacts under the Privacy Act of 1974.

Statutory authority for this collection of information is contained in 47 U.S.C. sections 151, 154(i), 302a, 303(c), 303(f), and 303(r) of the Communications Act of 1934, as amended.

2. The recordkeeping, reporting, and third-party disclosure requirements described above will be used by the Commission to (1) verify licensee compliance with agency rules and regulations for the 70/80/90 GHz bands; and (2) ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934 (as modified). The Commission has used—and will continue to use—such information to help minimize interference in the bands; to verify that applicants are legally and technically qualified to hold relevant licenses; and to determine compliance with Commission rules.

3. Before finalizing the *Report and Order*, the Commission’s Wireless Telecommunications Bureau (“WTB”) conducted an analysis to ensure that improved information technology can be used to reduce the burden on the public. WTB’s analysis considered the possibility of obtaining and/or computer-generating the required data from existing databases maintained by the Commission, or other Federal agencies. *See Report and Order* at Appendix B (“Final Regulatory Flexibility Analysis”).

Under the Commission’s regime for the 70/80/90 GHz bands, Database Managers (“DMs”) must electronically make data about the 70/80/90 link registrations available to the Commission; to the National Telecommunications and Information Administration (“NTIA”); to other DMs; to licensees; and to the public. Licensees must submit information to a DM in whatever format the DM requires. Although the Commission’s Memoranda of Understanding with the DMs—which can be periodically updated—may specify data formats that DMs must accept, licensee submissions to the Commission itself are covered under the agency’s Universal Licensing System (“ULS”) (OMB Control No. 3060-0798).

The interference analysis requirement for the 70/80/90 GHz bands obligates licensees to provide an electronic copy of an interference analysis to a third-party DM. This analysis must demonstrate that the potential for harmful interference to or from all previously registered non-government links has been analyzed according to both the standards articulated in section 101.105 of the Commission’s rules, and generally accepted good engineering practices. The analysis must also demonstrate 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 a specific interference analysis and the corresponding link.

The third-party DMs receive and retain the interference analyses electronically, and make them available to the public. Additionally, DMs and licensees submit information to NTIA electronically via NTIA's own automated mechanism.

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 ("PRA"), the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements in the *Report and Order* to those absolutely necessary for evaluating licensee compliance with agency rules, and to deter against possible abuses of processes. The Commission will continue to examine alternatives in the future with the objective of eliminating unnecessary regulations and minimizing burdens on small businesses.

All entities including small businesses seeking authority to operate links in the 70/80/90 GHz bands must first apply for a nationwide license, and must register each link. The burdens for doing so are minimal; in fact, the database registration process's efficiency minimizes the burden on all licensees—including small businesses.

6. Reporting burdens required for the 70/80/90 GHz bands correspond to burdens placed on other wireless licensees. Certain burdens only apply if specific situations arise—e.g., if interference occurs. If the information required in these collections were not maintained, important licensing-type data would not be available when needed by the Commission, by other licensees, or by the public. In addition, without these reporting requirements it would be difficult for the Commission to ensure compliance.

7. There are third-party disclosure and recordkeeping requirements associated with the use of third-party DMs. Under the rules first promulgated by the Commission in 2003,³ licensees must provide DMs information regarding each link, and for certain links that require special processing (e.g., environmental concerns, international or Federal coordination).

Under the new rules adopted in the *Report and Order*, licensees will now have to provide DMs with additional information—in the form of certifications—on the operational status of each registered link. The Commission will release a public notice setting forth implementation details including due dates for updating the operational status of existing registrations and new registrations. DMs will update the database to remove registrations that are not timely certified as constructed and operating. Licensees also must inform the DM, when filing Commission Form 601 Schedule M, about any 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.

³ The Commission first established service rules to promote non-Federal use of the 70/80/90 GHz bands in 2003 Report and Order ("*2003 R&O*"); the *2003 R&O* was subsequently revised in a 2005 Memorandum Opinion and Order ("*2005 MO&O*"). FCC 03-248; FCC 05-45.

8. The FCC initiated a 60-day comment period which was published in the *Federal Register* on December 2, 2024 (89 FR 95211), as required by 5 CFR Section 1320.8 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.

12a. *New Link Registrations and Construction Certifications.*

New and Existing Licensees. At present, there are 911 preexisting licensees in the 70/80/90 GHz bands. Based on past projections and on current interest in the 70/80/90 GHz bands, including the *Report and Order*'s authorization of new categories of links,⁴ over the next three years the Commission estimates there will be 264 new licensees in the bands. This would bring the total number of licensees to an estimated 1,175. The Commission also estimates that that—between new and preexisting licensees—11,500 new links will be registered over the next three years. Of those 11,500 links, the agency estimates that 12 percent will not construct. Therefore, the Commission estimates annual totals of approximately: 3,833 registrations, including new or modified links ($11,500/3 = 3,833.33$); and (2) 3,373 construction certifications ($3,833 \times 0.88 = 3,373.04$).

For convenience, below the Commission distributes burdens equally among all estimated respondents (i.e., the aforementioned estimated 1,175 licensees by the end of the third year) by assuming that each licensee will annually make approximately: 3.25 registration submissions ($3,833/1,175 = \sim 3.26$); and 3 construction certifications ($3,373/1,175 = 2.87$).

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 DM⁵), that construction certifications will take

⁴ *I.e.*, aeronautical and maritime links to endpoints in motion.

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. Licensees 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, The Commission anticipates and assumes here that licensees will utilize the interference analysis services provided by DMs as part of the

0.25 hours. Accordingly, the estimated annual burden on each of 1,175 respondents is 5.25 hours, as follows: 4.5 hours for registration submission; and 0.75 hours for construction status certifications. The total annual burden hours are as follows:

$$1,175 \text{ respondents} \times 5.25 \text{ hours} = \mathbf{6,168.75 \text{ hours}}$$

Database Managers. There are currently two third-party DMs. Each DM maintains its own database and interfaces with the other DM, with the FCC, and with NTIA. They also electronically receive, retain, and make available to the public registration data, including interference analyses. For the DMs, the Commission estimate 1.5 burden hours associated with each of 3,833 registrations per year related to recordkeeping, third-party disclosures, and responding to FCC inquiries. For convenience, the agency distributes this burden equally among the two respondents by assuming that each DM will register 1,916.5 links per year. Accordingly, the burden hours for each of the two respondent is estimated to be 2,874.75. The total burden hours are as follows:

$$2 \text{ respondents} \times 2,874.75 \text{ hours} = \mathbf{5,749.5 \text{ hours}}$$

Totals for New Link Registrations and Construction Certifications:

$$\text{Total Annual Burden Hours: } 6,168.75 \text{ (licensees)} + 5,749.5 \text{ (DMs)} = \mathbf{11,918.25 \text{ hours rounded to } 11,918 \text{ hours}}$$

$$\text{Total Annual Number of Respondents: } 1,175 \text{ licensees} + 2 \text{ DMs} = \mathbf{1,177 \text{ respondents}}$$

$$\text{Total Annual Number of Responses: } \mathbf{11,039 \text{ responses}^6}$$

12b. *Preexisting Link Construction Certifications.*

Existing Licensees. Separate from the construction status certification obligation for new links (estimated immediately above as part of the overall registration obligation for the same), the *Report and Order* also established a link construction certification obligation for preexisting registered links. This obligation is expected to create a one-time burden on preexisting licensees in the first year of the rules' effectiveness.

At present, there are 911 preexisting licensees for the 70/80/90 GHz bands, and 29,200 preexisting registered links. On the same rationale the Commission estimated 12 percent of new links will not construct (immediately above), the Commission also estimates that 12 percent of preexisting links have not been constructed.

registration process.

⁶ This figure was calculated as follows: 3,833 registrations + 3,373 constructions certificates + 3,833 records kept = 11,039 responses.

For convenience, the Commission distributes burdens annually equally among all estimated respondents (i.e., among the 911 preexisting licensees) by assuming that each licensee has construction certification obligation for approximately 32 preexisting links (29,200/911 = ~32.05). As above, the Commission estimates that construction certifications—both in the affirmative (constructed) and in the “negative” (non-certification for non-constructed)—for these preexisting links will take 0.25 hours/link. Accordingly, the estimated annual burden on respondents is 8 hours (32 x 0.25). The Commission notes that the entirety of these burden hours will occur during the first of the next three years. Afterwards—i.e., in years two and three of the next three years—all preexisting links will have either been certified or removed from the DMs’ database, and new links will face the above-describe rolling obligation to certify. Annualized, burden hours over the next three years are therefore as follows:

$$911 \text{ respondents} \times 8 \text{ hours} = \mathbf{2,429 \text{ hours}}^7$$

Database Managers. As noted above, there are currently two third-party DMs; each maintains its own database and interfaces with the other DM, with the FCC, and with NTIA. They also electronically receive, retain, and make available to the public registration data, including interference analyses. As part of their regular course of business, these DMs engage in revisions to their systems (as touched on vis-à-vis monetary costs in Section 13 of this submission, immediately below). The Commission anticipates the routine removal of both preexisting and new non-certified links to be a feature included in the databases’ builds, and do not expect additional hours to be required by the DMs to enable licensees to fulfill the latter’s obligations.

$$2 \text{ respondents} \times 0 \text{ hours} = \mathbf{0 \text{ hours}}$$

Totals for Preexisting Link Construction Certifications:

$$\text{Total Annual Burden Hours: } 2,429 \text{ (licensees)} + 0 \text{ (DMs)} = \mathbf{2,429 \text{ hours}}^8$$

$$\text{Total Annual Number of Respondents: } 911 \text{ (licensees)} + 0 \text{ (2 DMs with no responses necessary)} = \mathbf{911 \text{ respondents}}^9$$

$$\text{Total Annual Number of Responses: } \mathbf{8,565 \text{ responses}}^{10}$$

⁷ The burden hours will all occur in year one but have been equally distributed among the three years.

⁸ See *supra* note 6.

⁹ The respondents will respond in year one but have been equally distributed among the three years.

¹⁰ The responses will all occur in year one but have been equally distributed among the three years. This figure was calculated as follows: 29,200 [total links currently registered] * 0.88 [accounting for 12% anticipated “not constructed”] = 25,696; 25,696/3 [years] = 8,565.33 rounded to 8,565 responses.

Combined totals for 12a and 12b:

Total Annual Burden Hours: $11,918 + 2,429 = 14,347$ hours

Total Annual Number of Respondents: **1,177 respondents**

Total Annual Number of Responses: $11,039 + 8,565 = 19,604$ responses

13. Summary of Costs to the Respondents.

There are currently two Commission-designated DMs operating. The Commission 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, the agency does not estimate any additional annualized startup costs for the two DMs. For purposes of this submission, the Commission anticipates no new DM with the renewal of the 2020 3060-1070. Therefore, the annual cost associated with capital/startup costs to be approximately \$0.

Total Annualized capital/startup costs: \$0

Additionally, the Commission anticipates other costs associated with database management which it believes 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: $\$100,000 \times 2 = \$200,000$

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

14. The Commission maintains Memorandums of Understanding (MOUs) signed by DMs, as well as correspondence to and from DMs. It also maintains correspondence to and from licensees that, for example, bring interference or other complaints to the Commission. The Commission may maintain electronic or hardcopy “backups” or reference copies of some or all registration data.

Based on its experience administering the 70/80/90 GHz bands, 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	= <u>20 burden hours</u>
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 @ \$75.70 per hour x 80 hours	= \$6,056.00
One GS 14 step 5 attorney @ \$75.70 per hour x 80 hours	= \$6,056.00
One GS 12 step 5 analyst @ \$53.87 per hour x 20 hours	= <u>\$1,077.40</u>
Total Burden Costs to the Federal Government	= \$13,189.40

15. There are program changes to this collection as a result of the information collection requirements adopted in FCC 24-16. The program changes/increases are as follows: +860 to the number of respondents, +11,399 to the annual number of responses, and +8,670 to the annual burden hours. There are no adjustments to this collection.

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

17. The Commission does not seek approval to display the expiration date for OMB approval of the information collection.

18. There are no exceptions to the Certification Statement.

B. Collection of Information Employing Statistical Methods:

No statistical methods are employed.