

The Commission is seeking OMB approval for an extension of this information collection. There are no changes in the reporting, recordkeeping and/or third party disclosure requirements.

SUPPORTING STATEMENT

A. Justification:

1. Background: On April 25, 2007, the Commission adopted a Report and Order in WT Docket Nos. 96-86, 01-309, 03-264, 06-150, 06-169; CC Docket No. 94-102; and PS Docket No. 06-229; FCC 07-72 (*April 2007 Report and Order*), revising certain rules for the 700 MHz band as previously set out in its December 12, 2001 Report and Order in GN Docket No. 01-74, and its March 9, 2000 Second Report and Order in WT Docket No. 99-168. These rule changes modified both information collections (IC) 3060-1008 (Lower 700 MHz Service Rules) and IC 3060-1027 (Guard Band Lease Agreements) which were merged into one IC (3060-1008) due to the merging of the relative dockets in this proceeding.

In the area of Lower 700 MHz service rules, the *April 2007 Report and Order* made two changes. First, 47 CFR Section 27.50(c)(5) was redesignated as 27.50(c)(8) and its scope changed slightly. The section covers stations identified in 27.50(c)(6); i.e. stations that are “transmitting a signal at an ERP greater than 1000 watts and greater than 1000 watts/MHz” or in rural counties “if transmitting a signal with an ERP greater than 2000 watts and greater than 2000 watts/MHz.”

Specifically: Lower 700 MHz licensees intending to operate a base or fixed station at a power level permitted under the provisions of paragraph (c)(6) must provide advanced notice of such operation to the Commission and to licensees authorized in their area of operation. Licensees who must be notified are all licensees authorized under this part to operate on an adjacent spectrum block within 75 km of the base or fixed station. Notifications must provide the location and operating parameters of the base or fixed station, including the station's ERP, antenna coordinates, antenna height above ground, and vertical antenna pattern, and such notifications must be provided at least 90 days prior to the commencement of station operation.

Second, in relation to lower 700 MHz service rules, the Commission, in response to proposals by parties seeking greater power limits for rural area operations, permits power levels of up to 2 kW/MHz ERP in rural areas. In an effort to be consistent with its Part 27 rules with respect to the Advanced Wireless Service (AWS), the Commission allowed rural licensees operating with bandwidths less than one megahertz to operate at power levels up to 2 kW ERP over their bandwidth, but at the same time imposed on licensees operating at such increased power levels a requirement to coordinate with other licensees in nearby areas similar to that requirement applied to similarly-situated AWS licensees under § 27.50(d)(1) of its rules.

Specifically: Lower 700 MHz licensees seeking to operate a fixed or base station located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, and transmitting a signal at an ERP greater than 1000 watts must:

- (i) coordinate in advance with all licensees authorized to operate in the 698-764 MHz and 776-794 MHz bands within 120 kilometers (75 miles) of the base or fixed station;
- (ii) coordinate in advance with all regional planning committees, as identified in §90.527 of this chapter, with jurisdiction within 120 kilometers (75 miles) of the base or fixed station.

Finally, in relation to the Guard Bands service rules, the *April 2007 Report and Order* replaced the “band manager” leasing regime which previously applied to Guard Bands licensees with the spectrum leasing policies and rules adopted in the Secondary Markets proceeding in WT Docket 00-230 to provide Guard Band licensees and spectrum users additional flexibility to enter into spectrum leasing agreements.

Specifically: Guard Band licensees may enter into spectrum leasing arrangements under Part 1 of the Commission’s rules regarding the use of their licensed spectrum by spectrum lessees. The spectrum lease agreement between the licensee and the spectrum lessee must specify in detail the operating parameters of the spectrum lessee’s system, including power, maximum antenna heights, frequencies of operation, base station location(s), area(s) of operation, and other parameters specified in Commission rules for the use of spectrum identified in §27.5(b)(1) and (b)(2). Further, the spectrum lease agreement must require the spectrum lessee to use Commission-approved equipment where appropriate and to complete post-construction proofs of system performance prior to system activation.

Pursuant to §27.602, Guard Band Managers are required to enter into written agreements regarding the use of their licensed spectrum by others, subject to certain conditions outlined in the rules. Section 27.602(h) requires Guard Band Managers to maintain their written agreements with spectrum users at their principal place of business, and retain such records for at least two years after the date such agreements expire. Such records shall be kept current and be made available upon request for inspection by the Commission or its representatives.

This information collection does not affect individuals or households. Thus, this information collection is not impacted by the Privacy Act.¹

Statutory authority for this collection of information is contained in 47 U.S.C. §§ 151, 154(i), 157, and 309(j), as amended.

2. The service rules have been designed to promote the development and rapid deployment of new technologies, products, and services for the benefit of the public; to promote economic opportunity and competition; and to create an efficient and intensive use of the

¹ OMB Memorandum M-03-22, Memorandum for Heads of Executive Departments and Agencies, *OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002* (Sept. 26, 2003).

spectrum by promoting the objectives identified in 47 U.S.C. § 309(j), and to alleviate any problems associated with the increase power limits available to rural licensees.

3. The information will be submitted electronically in the Universal Licensing System (ULS) and will be provided in a written notice to certain other licensees authorized in adjacent areas of operation. All information that is to be submitted electronically via ULS has been accounted for under information collection 3060-0798.
4. This agency does not impose a similar information collection on licensees affected by this collection. There is no similar data available.
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 its information requirements to those absolutely necessary for conclusively determining compliance with its procedures.
6. This collection is required for three groups of licensees: 1) Lower 700 MHz licensees intending to operate a base or fixed station at a power level greater than 1000 watts and greater than 1000 watts/MHz (or, in rural counties, if transmitting a signal with an ERP greater than 2000 watts and greater than 2000 watts/MHz.); 2) Lower 700 MHz licensees seeking to operate a fixed or base station located in a rural county and transmitting a signal at an ERP greater than 1000 watts; and 3) Guard Band licensees and spectrum lessees.
7. No known circumstances require this collection to be conducted in a manner inconsistent with the guidelines in 5 C.F.R. § 1320.
8. The Commission published a 60-day public comment period seeking comments from the public on the information collection requirements contained in this collection. It appeared in the Federal Register on September 2, 2022 (90 FR 42409). No comments were received as a result of the Notice.
9. Respondents will not receive any payments for this collection of information.
10. There is no need for confidentiality associated with this collection.
11. This collection does not address any private matters of a sensitive nature.
12. As of the date of this submission, 92 respondents are subject to the reporting requirement in Section 27.50(c)(8). The average burden on these respondents will be one hour.

92 (respondents) x 1 hour = **92 hours.**

The Guard Bands aspect of this combined information collection remains unchanged. According to the Commission's Universal Licensing System, there are 29 licensees holding 114 licenses. While we do not anticipate that all licensees will enter into leasing arrangements, we estimate the time for Band Managers to comply with the required information collection is 6 hours/response, including the recordkeeping requirement.

114 responses x 6 hours/response = **684 hours.**

92 hours + 684 hours = 776 hours.

Total "Annual" Burden Hours: 776 hours.

In-house Costs: The Commission assumes that the respondents will use in-house clerical personnel, whose earnings level is equivalent on average to the GS-7/5 level at \$31.04 per hour, to prepare this information and keep records.

776 hrs. x \$31.04 (clerical) = \$24,087.04

Total In-House Burden Cost = \$24,087.04

Total Number of Respondents: 92 + 29 = 121.

Total Number of Responses: 92 + 114 = 206.

13. There are no external costs for this collection of information.
14. The costs to the Federal Government will be included in the annual personnel budget for the Division.
15. There are no program changes to this collection. There are adjustments to the number of respondents of +1, to the annual number of responses of +4 and to the annual burden hours of +24. These adjustments are due to the Commission reevaluating the number of respondents and estimated time per response for this collection.
16. This data will not be published for statistical use.
17. No expiration date will be displayed in these Commission rules.
18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.