

SUPPORTING STATEMENT

A. Justification:

1. The reporting requirement contained in 47 CFR 95.833 is necessary for 218-219 MHz Service system licensees to file a report after ten years of license grant to demonstrate that they provide substantial service to its service areas.

The Commission is seeking an extension (no change in the reporting requirement) in order to obtain the full three year clearance from the OMB. There is a significant decrease in the number of respondents (-1,458) since this was submitted and approved by OMB in 2006. With this submission, we are reporting 10 respondents with a total of 10 burden hours will file construction status reports in ten years.

Statutory authority for this collection of information is contained in Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154 and 303.

As noted on the Form OMB-83I, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The information is used by the Commission staff to assess compliance with 218-219 MHz Service construction requirements, and to provide adequate spectrum for the service. This will facilitate spectrum efficiency and competition by the 218-219 MHz Service licensees in the wireless marketplace. Without this information, the Commission would not be able to carry out its statutory responsibilities.

3. Prior to finalizing rule making the Wireless Telecommunications Bureau conducts an analysis to insure that improved information technology cannot 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.

4. No other federal agency collects this data.

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 that absolutely necessary to deter against possible abuses.

6. This information is collected within five years from the date of license grant and within ten years from the date of license grant.

7. Current data collection is consistent with the guidelines in 5 CFR 1320.6.

8. The Commission initiated a 60-day public comment period which appeared in the Federal Register on August 28, 2008 (73 FR 50813). No comments were received as a result of the notice. A copy of the Federal Register Notice is referenced in this submission to the OMB.

9. Respondents will not receive any payments.

10. There is no need for confidentiality.

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

12. The reporting requirement in Section 95.833 is a result of comments sought in the Order, Memorandum Opinion and Order and Notice of Proposed Rulemaking in WT Docket. No. 98-169, FCC 98-228. Entities providing 218-219 MHz service have to provide the Commission with a progress report after ten years to inform the Commission of the construction status of the 218-219 MHz system. The Commission anticipates that approximately 10 entities may be required to file and that the burden would be about 1 hour per report. This estimate of respondents is based on the possible number of licenses that can be authorized in the Metropolitan Statistical Areas (MSAs) and Rural Statistical Areas (RSAs). Therefore, this information collection results in a total of **10 burden hours**.

13. Estimate of cost to respondents: We assume that the respondents would use in-house engineering personnel to prepare the information. $\$48.08/\text{hour} \times 10 \text{ responses} \times 1 \text{ hour} = \480.80 .

a. There are no capital or start-up costs.

b. There are no operational or maintenance costs.

14. Estimate of cost to Federal Government:

We estimate that approximately 10 reports will require 4 hours each at the GS 13 step 5 level @ \$43/per hour ($10 \times 4 \times \$43 = \$1,720.00$.)

15. The Commission is reporting an adjustment to this information collection hour burden due to a decrease in the number of respondents who may be required to file a construction status report.

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

17. We do not seek approval to not display the expiration date for OMB approval of the information collection.

18. There are no exceptions to Item 19.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.