

# FEDERAL COMMUNICATIONS COMMISSION

## Notice of Public Information Collection(s) being Reviewed by the Federal Communications Commission

June 16, 1998.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before August 24, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Judy Boley at 202-418-0214 or via internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

### SUPPLEMENTARY INFORMATION:

**OMB Approval No.:** 3060-0405.

**Title:** Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station.

**Form No.:** FCC 349.

**Type of Review:** Extension of currently approved collection.

**Respondents:** Business or other for-profit.

**Number of Respondents:** 875.

**Estimated Hours Per Response:** 16 hours (4 hours respondent, 1.5 hours contract attorney, 10.5 hours consulting engineer).

**Frequency of Response:** On occasion reporting requirement.

**Cost to Respondents:** \$2,492,000.

**Estimated Total Annual Burden:** 3,500.

**Needs and Uses:** FCC 349 is used to apply for authority to construct a new FM translator or FM booster broadcast station, or to make changes in the existing facilities of such stations. This collection also includes the third party disclosure requirement of Section 73.3580. This section requires local public notice in a newspaper of general circulation of the filing of all applications for new or major change in facilities. This notice must be completed within 30 days of the tendering of the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. A copy of this notice must be placed in the public inspection file along with the application. The data is used by FCC staff to ensure that the applicant meets basic statutory requirements and will not cause interference to other licensed broadcast services.

**OMB Approval No.:** 3060-0662.

**Title:** Section 21.930, Five year build-out requirements.

**Form No.:** N/A.

**Type of Review:** Extension of currently approved collection.

**Respondents:** Businesses or other for-profit.

**Number of Respondents:** 493.

**Estimated Hours Per Response:** 4 hours (1 hour respondent, 3 hours consulting engineer).

**Frequency of Response:** On occasion reporting requirement.

**Cost to Respondents:** \$184,975.

**Estimated Total Annual Burden:** 493.

**Needs and Uses:** A BTA authorization holder has a five-year build-out period, beginning on the date of the grant of the BTA authorization and terminating on the 5th year anniversary of the grant of the authorization, within which it may develop and expand MDS station operations within its service area. Section 21.930(c) requires the Basic Trading Area (BTA) holder to file with the Commission a demonstration that the holder has met construction requirements. This demonstration must be filed sixty days prior to the end of the five year build-out period. These filings will not occur until FY 2001. (The certification of completion of construction (FCC 304-A) required by Section 21.930(a)(3) has separate OMB

approval under control number 3060-0664.) The data is used by FCC staff to determine if the BTA holder has met its construction requirements and to ensure that service is promptly delivered to the public. The Commission will issue a declaration that the holder has met the construction requirements.

**OMB Approval No.:** 3060-0660.

**Title:** Section 21.937, Negotiated Interference Protection.

**Form No.:** N/A.

**Type of Review:** Extension of currently approved collection.

**Respondents:** Businesses or other for-profit.

**Number of Respondents:** 75.

**Estimated Hours Per Response:** 30 hours (6 hours respondent, 8 hours contract attorney, 16 hours consulting engineer).

**Frequency of Response:** On occasion reporting requirement.

**Cost to Respondents:** \$270,000.

**Estimated Total Annual Burden:** 450 hours.

**Needs and Uses:** Under Section 21.937, the level of acceptable electromagnetic interference that occurs at or within the boundaries of an adjacent Basic Trading Area (BTA), partitioned service area or an incumbent MDS station's protected service area, can be negotiated and established with the written consent of the affected licensee. Thus, Section 21.937 permits negotiated interference agreements among these parties. These written agreements must be submitted to the Commission within thirty days of ratification. (These agreements are often included with the submission of the FCC 304 attached as Exhibits.) These agreements allow the parties to establish acceptable levels of interference based on the design of their stations and service needs. These agreements are the most effective means of regulating interference and they provide flexibility in designing MDS systems.

**OMB Approval No.:** 3060-0657.

**Title:** Section 21.956, Filing of long-form applications or statements of intention.

**Form No.:** N/A.

**Type of Review:** Extension of currently approved collection.

**Respondents:** Businesses or other for-profit.

**Number of Respondents:** 2.

**Estimated Hours Per Response:** 3.0 hours (1.0 hour respondent, 2 hours consulting engineer).

**Frequency of Response:** On occasion reporting requirement.

**Cost to Respondents:** \$900.

**Estimated Total Annual Burden:** 2 hours.

**Needs and Uses:** Where the Basic Trading Area (BTA) is so heavily encumbered that the winning bidder is unable to file a long-form application for a station within the BTA while protecting incumbents from harmful interference, the winning bidder must file a statement of intention of use of the BTA in accordance with Section 21.956. This statement of intention must identify all incumbents and describe in detail its plan for obtaining the authorized/proposed MDS stations within the BTA. This statement must also include the exhibits detailed in 21.956(b). The long-form application (FCC 304) has separate OMB approval under control number 3060-0654. The data is used by FCC staff to determine whether to grant a BTA authorization.

**OMB Approval No.:** 3060-0654.

**Title:** Application for a Multipoint Distribution Service Authorization.

**Form No.:** FCC 304.

**Type of Review:** Revision of a currently approved collection.

**Respondents:** Businesses or other for-profit.

**Number of Respondents:** 500.

**Estimated Hours Per Response:** 19 hours (1 hour respondent, 16 hours consulting engineer, 2 hours contract attorney).

**Frequency of Response:** On occasion reporting requirement.

**Cost to Respondents:** \$1,495,000.

**Estimated Total Annual Burden:** 500 hours.

**Needs and Uses:** The FCC 304 will be used by existing MDS operators to modify their stations or to add a signal booster station. It will also be used by some winning bidders in the competitive bidding process to propose facilities to provide wireless cable service over any usable MDS channels within their Basic Trading Area (BTA). The Commission has revised the FCC Form 304 to further streamline the application process and to accommodate electronic filing. This collection of information also includes the burden for the technical rules involving the interference or engineering analysis and service requirements under Sections 21.902, 21.913 and 21.938. These analyses will not be submitted with the application but will be retained by the operator and must be made available to the Commission upon request. The data is used by FCC staff to ensure that the applicant is legally, technically and otherwise qualified to become a Commission licensee. MDS/ITFS applicants/licensees will need this information to perform the necessary analyses of the potential for harmful interference to their facility.

**OMB Approval No.:** 3060-0664.

**Title:** Certification of Completion of Construction for a Multipoint Distribution Service Station.

**Form No.:** FCC 304A.

**Type of Review:** Revision of a currently approved collection.

**Respondents:** Businesses or other for-profit.

**Number of Respondents:** 300.

**Estimated Hours Per Response:** 0.5 hours.

**Frequency of Response:** On occasion reporting requirement.

**Cost to Respondents:** N/A.

**Estimated Total Annual Burden:** 150 hours.

**Needs and Uses:** The FCC 304A will be used to certify that the facilities as authorized in the FCC 304 have been completed and that the station is now operational, ready to provide service to the public. The Commission has revised the FCC Form 304 to further streamline the application process and to accommodate electronic filing. Each license will specify as a condition that upon the completion of construction, the licensee must file with the Commission an FCC 304A, certifying that the facilities as authorized have been completed and that the station is now operational and ready to provide service to the public. The conditional license shall be automatically forfeited upon the expiration of the construction period specified in the license unless within 5 days after that date an FCC 304A has been filed with the Commission.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 98-16629 Filed 6-22-98; 8:45 am]

BILLING CODE 6712-01-F

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Approved by Office of Management and Budget

June 17, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Pub. L. 96-511. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act

(PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Judy Boley, Federal Communications Commission, (202) 418-0214.

### Federal Communications Commission.

**OMB Control No.:** 3060-0813.

**Expiration Date:** 6/30/2001.

**Title:** Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.

**Form No.:** N/A.

**Estimated Annual Burden:** 194,457 annual hours; 15 minutes - 12 hours per response; 125,996 responses. This collection contains various reporting and third party requirements that range in estimated completion time.

**Description:** The Commission is placing several burdens on the wireless E911 industry and on government entities and phone systems. Most of these are one time rather than ongoing requirements, and are minimal to ensure the rapid implementation of the technologies needed to bring emergency help to wireless callers throughout the United States. In establishing these requirements, the Commission balanced consumers' need for dependable, speedy access to 911 services with carriers' need for flexibility in providing emergency services. The actions were taken in response to concerns raised by the initial Report and Order.

**OMB Control No.:** 3060-0690.

**Expiration Date:** 6/30/2001.

**Title:** Rules Regarding 37.0-38.6 GHz and 38.6-40.0 GHz Bands.

**Form No.:** FCC 402 and FCC 494.

**Estimated Annual Burden:** 210,318 annual hours; 30 minutes to 20 hours per respondent; 13,905 responses. The Commission estimates that approximately 25% of the respondents will hire consultants to prepare this information.

**Description:** The information is used by the Commission staff to provide adequate point-to-point microwave spectrum, which will facilitate provision of communications infrastructure for commercial and private mobile radio operations and competitive wireless local telephone service. Without this information, the Commission would not be able to carry out its statutory responsibilities.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 98-16630 Filed 6-22-98; 8:45 am]

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