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Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on January 28, 2019 for the information collection requirements contained in the modifications to the Commission's pole attachment complaint rules in 47 CFR 1.1413.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB 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 that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-0392.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the affected respondents are as follows:

OMB Control Number: 3060-0392.

OMB Approval Date: January 28, 2019.

OMB Expiration Date: January 31, 2022.

Title: 47 CFR part 1, subpart J—Pole Attachment Complaint Procedures.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,775 respondents; 1,791 responses.

Estimated Time per Response: 10–14 hours.

Frequency of Response: On occasion reporting and third-party disclosure requirements.

Obligation to Respond: Required to obtain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 224.

Total Annual Burden: 3,149 hours.

Total Annual Cost: \$486,000.

Nature and Extent of Confidentiality: No questions of a confidential nature are asked. However, respondents may request that materials or information submitted to the Commission in a complaint proceeding be withheld from public inspection under 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission received OMB approval for a revision to an existing information collection. OMB Collection No. 3060-0392, among other things, tracks the burdens associated with utilities defending against complaints brought by incumbent local exchange carriers (LECs) related to unreasonable rates, terms, and conditions for pole attachments. In *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order and Declaratory Ruling*, FCC 18-111, the Commission, among other things, revised 47 CFR 1.1413 to establish a presumption that an incumbent LEC is similarly situated to an attacher that is a telecommunications carrier or a cable television system providing telecommunications services for purposes of obtaining comparable pole attachment rates, terms, or conditions. The Commission also established a presumption that an incumbent LEC may be charged no higher than the Commission-defined pole attachment rate for telecommunications carriers, as determined in accordance with 47 CFR 1.1406(d)(2). To rebut these presumptions, the utility must demonstrate by clear and convincing evidence that the incumbent LEC receives benefits under its pole attachment agreement with a utility that materially advantages the incumbent LEC over other telecommunications carriers or cable television systems providing telecommunications services on the same poles. As a result, now there is an incremental paperwork burden on utilities should they elect to challenge the presumption that incumbent LECs are entitled to rates, terms, and conditions of similarly-situated telecommunications attachers. None of the other paperwork burdens as set forth in the 2018 renewal of OMB Collection No. 3060-0392 will change. The Commission will use the information collected under this revision to 47 CFR 1.1413 to hear and resolve pole attachment complaints brought by incumbent LECs and to determine the merits of the complaints.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019-01312 Filed 2-6-19; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[DA 18-1272]

Annual Adjustment of Civil Monetary Penalties To Reflect Inflation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act) requires the Federal Communications Commission to amend its forfeiture penalty rules to reflect annual adjustments for inflation in order to improve their effectiveness and maintain their deterrent effect. The Inflation Adjustment Act provides that the new penalty levels shall apply to penalties assessed after the effective date of the increase, including when the penalties whose associated violation predate the increase.

DATES: The rule is effective February 7, 2019. The civil monetary penalties are applicable beginning January 15, 2019.

FOR FURTHER INFORMATION CONTACT: Lisa S. Gelb, Deputy Chief, Enforcement Bureau, 202-418-2019.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, DA 18-1272, adopted and released on December 19, 2018. The document is available for download at <https://www.fcc.gov/document/annual-adjustment-civil-monetary-penalties-reflect-inflation>. The complete text of this document is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, DC 20554.

The Bipartisan Budget Act of 2015 included, as Section 701 thereto, the Inflation Adjustment Act, which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410), to improve the effectiveness of civil monetary penalties and maintain their deterrent effect. Under the Inflation Adjustment Act, agencies are required to make annual inflationary adjustments by January 15 each year, beginning in 2017. The adjustments are calculated pursuant to Office of Management and Budget (OMB) guidance. OMB issued guidance on December 14, 2018, and this Order follows that guidance. The Commission therefore updates the civil monetary penalties for 2019, to reflect an annual inflation adjustment based on the

percent change between each published October's CPI-U; in this case, October 2018 CPI-U (252.885)/October 2017 CPI-U (246.663) = 1.02522. The Commission multiplies 1.02522 by the most recent penalty amount and then rounds the result to the nearest dollar.

Paperwork Reduction Act

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Congressional Review Act

The Commission will send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Penalties.

Federal Communications Commission.

Lisa S. Gelb,

Deputy Chief, Enforcement Bureau.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

■ 1. The authority citation for part 1 continues to read as follows:

Authority: 47 U.S.C. chs. 2, 5, 9, 13; Sec. 102(c), Div. P, Public Law 115-141, 132 Stat. 1084; 28 U.S.C. 2461, unless otherwise noted.

■ 2. Section 1.80 is amended by revising the table in Section III of the note to paragraph (b)(8) and paragraph (b)(9)(ii) to read as follows:

§ 1.80 Forfeiture proceedings.

(b) * * *

(8) * * *

Note to paragraph (b)(8) * * *
Section III * * *

Violation	Statutory amount after 2019 annual inflation adjustment
Sec. 202(c) Common Carrier Discrimination	\$12,081, \$604/day.
Sec. 203(e) Common Carrier Tariffs	\$12,081, 604/day.
Sec. 205(b) Common Carrier Prescriptions	\$24,160.
Sec. 214(d) Common Carrier Line Extensions	\$2,415/day.
Sec. 219(b) Common Carrier Reports	\$2,415/day.
Sec. 220(d) Common Carrier Records & Accounts	\$12,081/day.
Sec. 223(b) Dial-a-Porn	\$125,190/day.
Sec. 227(e) Caller Identification	\$11,562/violation, \$34,686/day for each day of continuing violation, up to \$1,156,242 for any single act or failure to act.
Sec. 364(a) Forfeitures (Ships)	\$10,067/day (owner).
Sec. 364(b) Forfeitures (Ships)	\$2,014 (vessel master).
Sec. 386(a) Forfeitures (Ships)	\$10,067/day (owner).
Sec. 386(b) Forfeitures (Ships)	\$2,014 (vessel master).
Sec. 634 Cable EEO	\$892/day.

(9) * * *

(ii) The application of the annual inflation adjustment required by the foregoing Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 results in the following adjusted statutory maximum forfeitures authorized by the Communications Act:

U.S. code citation	Maximum penalty after 2019 annual inflation adjustment
47 U.S.C. 202(c)	\$12,081 604
47 U.S.C. 203(e)	12,081 604
47 U.S.C. 205(b)	24,160
47 U.S.C. 214(d)	2,415
47 U.S.C. 219(b)	2,415
47 U.S.C. 220(d)	12,081
47 U.S.C. 223(b)	125,190
47 U.S.C. 227(e)	11,562 34,686 1,156,242
47 U.S.C. 362(a)	10,067
47 U.S.C. 362(b)	2,014
47 U.S.C. 386(a)	10,067
47 U.S.C. 386(b)	2,014
47 U.S.C. 503(b)(2)(A)	50,334

U.S. code citation	Maximum penalty after 2019 annual inflation adjustment
47 U.S.C. 503(b)(2)(B)	503,349 201,340 2,013,399
47 U.S.C. 503(b)(2)(C)	407,270 3,759,410
47 U.S.C. 503(b)(2)(D)	20,134 151,005
47 U.S.C. 503(b)(2)(F)	115,624 1,156,242
47 U.S.C. 507(a)	1,994
47 U.S.C. 507(b)	292
47 U.S.C. 554	892

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[GN Docket No. 14-177, IB Docket Nos. 15-256 and 97-95, WT Docket No. 10-112; FCC 17-152, FCC 18-73]

Use of Spectrum Bands Above 24 GHz for Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the Commission's *Second Report and Order (Second R&O) and Third Report and Order (Third R&O)*, GN Docket No. 14-177, WT Docket No. 10-112, FCC 17-152 and FCC 18-73. This document is consistent with the *Second R&O and Third R&O*, which stated that the Commission