

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 608 is a multi purpose form. It is used to provide notification or request approval for any spectrum leasing arrangement ('Lease') entered into between an existing licensee ('Licensee') in certain Wireless and/or Public Safety Radio Services and a spectrum lessee ('Lessee'). This form also is required to notify or request approval for any spectrum subleasing arrangement ('Sublease'). The data collected on the form is used by the FCC to determine whether the public interest would be served by the Lease or Sublease. The form is also used to provide notification for any Private Commons Arrangement entered into between a Licensee, Lessee, or Sublessee and a class of third-party users (as defined in Section 1.9080 of the Commission's Rules).

In this latest revision, pursuant to Second Report and Order *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, WT Docket No. 06-150, FCC 07-132, adopted July 31, 2007 and released August 10, 2007, FCC Form 608 is being revised to accommodate the increase of number of respondents and annual burden costs. There are no changes to the form FCC 608.

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

Statutory authority for this collection of information is contained in 47 U.S.C. 151, 154(i), 154(j), 155, 158, 161, 301, 303(r), 308, 309, 310, 332 and 503.

2. The required notifications and applications will provide the Commission with useful information about spectrum usage and help to ensure that licensees and lessees are complying with Commission interference and non-interference related policies and rules. Similar information and verification requirements have been used in the past for licensees operating under authorizations, and such requirements will serve to minimize interference, verify that lessees are legally and technically qualified to hold licenses, and ensure compliance with Commission rules.
3. The Commission encourages the use of electronic filing and estimates that currently. With the advent of ULS, 93% of all applications will be submitted to the FCC electronically. Electronic filing is mandatory for certain categories of respondents and others have the choice of filing manually or electronically. (These types of requirements are identified by various public notices as the radio services are implemented in ULS pursuant to the provisions of § 1.913(d).)

For leasing arrangements in many of the wireless radio services, the Commission requires licensees and spectrum lessees to file the requested information (in the notifications or applications) electronically in ULS, while it encourages the parties to file electronically in all other situations in which the regulations permit such electronic filing. The Form 608 is an electronic form that will be filed via ULS. The Commission will provide a file format to allow respondents to complete the form electronically.

4. The Commission does not impose a similar information collection on the respondents. There are no similar data available.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize burdens on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary for evaluating licensee compliance with Commission rules and to deter against possible abuses of the Commission's processes. The Commission will continue to

examine alternatives in the future with the objective of eliminating unnecessary regulations and minimizing burdens on small businesses.

6. This proceeding is intended to aid the Commission in finding ways to remove unnecessary regulatory barriers to the development of more robust secondary markets in radio spectrum usage rights in the wireless radio services. The rules and regulations that are implemented in this R&O are essential to ensuring that the Communications Act and the Commission's rules and policies are obeyed and that the Commission can maintain its responsibility to protect spectrum users from harmful interference. Without these reporting requirements, it would be difficult for the Commission to ensure compliance.
7. The special circumstances in this information collection are in our notification requirements. In those requirements, licensees are required to notify the Commission within 14 days of execution and at least 21 days in advance of operation. This requirement is requiring respondents to report information to the Commission in fewer than 30 days.
8. The Commission published a 60-day public notice which appeared in the Federal Register on September 5, 2007 (FR Vol 72 Page 50960). No comments were received as a result of this notice. A copy of the Federal Register notice is included in this submission to the OMB.
9. Respondents will not receive any payments.
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. There are no requests of a sensitive nature or those considered a private matter being sought from the applicants on this collection.
12. **Hour burden estimates.** The Commission estimates that of the total number of licensees in most services who may participate in the option to enter into the types of spectrum leasing arrangements implemented in the R&O, 10% will be lessors, and 5% lessees. We estimate that 85% of licensees in most services will be non-participants. In addition, the Commission estimates that approximately 50 non-licensees per year will enter into spectrum leasing arrangements as lessees.

The Commission predicts that all of the entities affected by this 2nd R&O will use outside staff attorneys @ \$200.00/hr. to prepare the notifications or applications, which we estimate will take approximately 4 hours to prepare. We estimate that each filed notification or application should be submitted once per newly-entered leasing arrangement, and that virtually all, if not all, entities will file this information electronically using the FCC Form 608. Finally, we estimate that it will take a secretary approximately 1 hour @ the GS-8 Step 5 level, earning \$22.00/hr., to update and maintain copies of the files associated with the leasing arrangements.

The FCC Form 608 will be filed by all wireless licensees entering into leasing and private commons arrangements. The estimated completion time is 5 hours per filing. This includes the burden for both the licensee and the lessee.

We anticipated an estimated 1,623 responses annually.

$1,623 \times 4 \text{ hrs (attorney)} = 6,492 \text{ hours} + 1,623 \times 1 \text{ hr (clerical)} = \mathbf{8,115 \text{ hours.}}$

The total annual estimated burden is: 8,115 hours.

13. **Cost to Respondent:** We obtain our cost estimates from the corresponding hour burdens calculated in item #12 of this information collection.

1,623 respondents X 4 hours @ \$200.00 per + 1,623 respondents x 1 hour @ \$22.00 per
= \$1,334,106

The total annual estimated respondent cost is: \$1,334,106.00

14. Cost to Federal Government:

FCC Form 608 applications estimated to be filed: 1,623.

(Cost of printing for FCC 608 (70 pages) is estimated to be \$140.00 per hundred.)

1 (100) @ \$140.00	=	\$140.00 (Printing)
112 applications to be data entered at an average of 5 mins. (.084 hrs.) each using a data entry contractor @ \$32.54 hr.	=	\$306.14 (Data Entry)
1,623 applications x 1 hour @ \$29.47 per hour (GS-11, Step 5) for an Industry Analyst	=	\$ 47,829.81 (Processing)
Sub-Total	=	\$48,275.95
25% Overhead		<u>\$12,068.99</u>
Total		\$60,344.94

The total annual estimate of government cost is: \$60,344.94

15. The program changes in this information collection result from the adoption of the 2nd Report and Order in WT Docket Number 06-150. The program change is due to an increase of respondents who will be required to file an application after the auction closes for leasing arrangements.
16. The data will not be published for statistical use.
17. The Commission is requesting a continued waiver from displaying the OMB expiration date on FCC Form 608. Granting this waiver will prevent the Commission from destroying excess forms, having to update computer versions and thus reduce waste. All OMB-approved information collections are published in 47 CFR 0.408. This section includes the OMB control number, title of the collection and the OMB expiration date.
18. There are no exceptions to the "Certification Statement" in Item 19.

B. Collections of Information Employing Statistical Methods:

This information collection does not use any statistical methods.