

SUPPORTING STATEMENT

A. Justification:

1. The Commission is seeking to obtain OMB approval for an extension of a currently approved collection (no change in reporting requirements). With this submission, the Commission is reporting a 15 hour burden reduction due to fewer responses. At the time of the 2006 revision that was approved in which the Commission submitted a new rule that took effect after the respondents had filed in a pending auction. Because of the timing of the new rule, some respondents had to file twice and the Commission included that burden estimate in the submission. Now the Commission is eliminating that estimate and reporting a 15 hour burden reduction for the 60 respondents who had already filed.

The FCC Form 175 is used to apply to participate in competitive bidding (auctions) for Commission licenses and permits. Statutory authority for this collection is contained in: Sections 154(i) and 309(j)(5) of the Communications Act, as amended, and sections 1.2105, 1.2110, 1.2112 of the Commission's rules, as amended. *See* 47 U.S.C. §§ 4(i), 309(j)(5), 47 C.F.R. §§ 1.2105, 1.2110, 1.2112.

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

2. The Commission needs to use the information collected in FCC Form 175 in determining whether applicants are legally, technically, and financially qualified to participate in Commission auctions for licenses or permits. In addition, if an applicant applies for status as a particular type of auction participant pursuant to Commission rules, the Commission uses the information in FCC Form 175 to determine whether the applicant is eligible for the status requested. The Commission's auctions, including the collection of information to determine applicants' qualifications to participate pursuant to Commission rules and requirements, are designed to limit the competitive bidding to qualified applicants; to deter possible abuse of the bidding and licensing process; and to enhance the use of competitive bidding to assign Commission licenses and permits in furtherance of the public interest.

Commission staff reviews information collected in FCC Form 175 for a particular auction prior to the auction being held. Staff determines whether each applicant satisfies Commission requirements to participate in the auction and whether applicants claiming status as a particular type of auction participant are eligible for the status claimed.

3. Pursuant to Commission rules, auction participants are required to submit the completed FCC Form 175 electronically. Applicants asserting qualification as a designated entity in a Commission auction certify their status on the FCC Form 175 prior to the beginning of the auction. Depending on each applicant's circumstances, applicants may need to submit certain information demonstrating their qualifications pursuant to the designated entity rules.

4. This agency does not impose a similar information collection on the respondents. 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 the information requirement to that which is necessary for evaluating and processing the application and to deter possible abuses of the processes.

6. The respondents will determine whether to participate in competitive bidding. Thus, the frequency of filing is generally determined by the applicant. Small business ownership and gross revenues information/calculations must be updated when its status changes, so it is generally determined by the applicant. Designated entity qualification is required when seeking small business bidding credits, either generally or with respect to specific licenses.

The Commission's auction program could not function in its current form without the collection of information in FCC Form 175. Licensing access to the public spectrum resource and recovery for the public of a portion of the value of the public spectrum resource depend in part on the collection of information in FCC Form 175.

7. FCC Form 175 previously did not and currently does not have any of the characteristics requiring separate justification by 5 C.F.R. § 1320.5(d)(2).

8. The Commission initiated a 60 day comment period which appeared in the Federal Register on July 20, 2009 (74 FR 35187). No comments were received as a result of this notice. A reference to this notice is included in the submission to the OMB.

9. Respondents will not receive any payments or gifts.

10. Information collected in FCC Form 175 is made available for public inspection. Applicants may request confidential treatment of information collected in FCC Form 175 pursuant to 47 C.F.R. § 0.459 of the FCC's rules.

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

12. The Commission estimates that up to 500 applicants may submit an FCC Form 175 each year, depending on the number and nature of the auctions in any given year. The number of applicants will vary, dependent on the licenses or permits available in the

particular auction. Applicants determine whether to apply to participate in a Commission auction and, therefore, applicants determine the frequency of filing. Auctions occur on an irregular schedule.

The Commission estimates that it will require up to 90 minutes for applicants to report the information requested in FCC Form 175.

Total estimated annual hour burden: estimated 500 annual responses x 1.5 hours per response = 750 total estimated annual burden hours.

TOTAL ANNUAL BURDEN HOURS = 750.

13. There is no cost burden to the respondents. Applicants should not incur capital and start-up costs or operation and maintenance of purchase of services in connection with responding to the information collection in FCC Form 175. The information collected in FCC Form 175 should be collected and maintained as part of the customary and usual business or private practice of the applicant.

TOTAL CAPITAL AND START-UP COSTS or OPERATION AND MAINTENANCE (O&M) : \$0

14. The Commission estimates that on average staff review of the information collected in FCC Form 175, including time spent by staff attorneys, will take 30 minutes per application, including time to identify any deficiencies in an initial application, review resubmitted applications as necessary, and identify the nature of any legal issues requiring policy review.

Total Estimated Annual Cost to the Federal Government: 500 applications x 0.50 hours x \$55.78 (Attorney, GS-14/5) = \$13,945

TOTAL ANNUAL COST TO THE GOVERNMENT: \$13,945

15. As noted on the first page of this supporting statement, the estimated annual hour burden is reduced due to 60 fewer respondents. The Commission is adjusting our estimates due to this reduction in respondents. Therefore, the Commission is reporting a -15 hour adjustment because we previously reported 560 respondents (60 one time responses x 15 minutes per response) and we now are reporting 500 respondents (at 90 minutes per response).

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

17. The Commission seeks continued approval to not display the OMB expiration date on FCC Form 175. Approval will prevent the Commission from having to change the expiration date whenever a revision or three-year extension is requested. The Commission will publish the OMB control number and OMB expiration date in the Code of Federal Regulations. See 47 C.F.R. § 0.408.

18. There are no exceptions to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods:

The information collection in FCC Form 175 does not employ statistical methods.