

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).

The Commission is now seeking Office of Management and Budget (OMB) approval for a revision of the collection to adjust the number of respondents, the cost of burden, minor changes to the wording of FCC Form 608 data elements, adding a question inquiring if filing is the lead application on the Main Form, and changing wording in the instructions. The changes to the various schedules are highlighted in yellow.

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

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.

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, 98% of all applications and notifications submitted to the FCC are now being filed electronically. Electronic filing is mandatory for certain categories of respondents specified in section 1.913 of the Commission's rules, 47 C.F.R. §1.913 and others have the choice of filing manually or electronically.

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. FCC 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 (WT Docket No. 06-150, FCC-07-132) 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 23, 2010 (75 FR 57947). No comments were received as a result of this notice.
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. This collection does not address private matters of a sensitive nature.
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 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 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 it will take a secretary approximately 1 hour @ the GS-8 Step 5 level, earning \$25.00/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 991 responses annually.

991 X 4 hrs (attorney) = 3,964 hours + 991 x 1 hr (clerical) = **4,955 hours.**

The total annual estimated burden is: 4,955 hours.

13. Cost to the Respondent:

- a. Total annualized capital/start-up costs: \$0.00
- b. Total annualized cost requested to prepare FCC 608 are:

There is no cost to file the application electronically with the FCC other than the cost of a long distance phone call and/or Internet access.

FCC application filing fees:

We estimate that approximately 75% of 991 various applications filed require an application fee of \$60-\$385 each. (The balance of the respondents would be exempt from filing fees due to type of entity, i.e. public safety, governmental entities, non-commercial educational broadcast, or because the purpose for which they are filing does not require a fee.)

For purposes of this submission, we estimate the total application fees using an average of \$125 per filing:

991 total respondents @ 75% (feeable) = 743 feeable filings

743 filings @ \$125 average fee = \$92,875

We obtain our cost estimates from the corresponding hour burdens calculated in item #12 of this information collection.

991 respondents X 4 hours @ \$200.00 per + 991 respondents x 1 hour @ \$25.00 per
= \$817,575

Total annual estimated respondent cost: \$92,875 + \$817,575 = \$910,500
Total without \$50 = 910, 400

14. Cost to Federal Government:

FCC Form 608 applications estimated to be filed: 991

(Cost of printing for FCC 608 (69 pages) is estimated to be \$138.00 per hundred.)

1 (50) @ \$69.00 = \$69.00 (Printing)

20 applications to be data entered at an average of 5 mins. (.084 hrs.) each using a data entry contractor @ \$35.39 hr.	=	\$59.45 (Data Entry)
991 applications x 1 hour @ \$33.92 per hour (GS-11, Step 5) for an Industry Analyst	=	\$33,614.72 (Processing)
Sub-Total		\$33,743.17
25% Overhead	+	\$8,435.79
Total		\$42,178.96

The total annual estimate of government cost is: \$42,178.96

15. There is an adjustment to the number of respondents and the cost of burden. This is due to a recalculation of the burden estimates because of a decrease in the number of respondents.
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.