

SUPPORTING STATEMENT

Introduction: With this submission, the Commission seeks Office of Management and Budget (OMB) approval for a revision to obtain the full three year clearance for these requirements.¹ We are adjusting estimates of the currently approved information collection to reflect the issuance of the *AWS-4 NPRM*, which would slightly increase the number of respondents, responses, hourly burden, and annual costs associated with an additional spectrum band.

A. Justification:

1. In the *AWS-1 Report and Order*, the Commission adopted service, licensing, and competitive bidding rules for advanced wireless services in the 1710-1755 MHz and 2110-2155 MHz bands. In sum, the regulatory framework adopted in the *AWS-1 Report and Order* fostered the development of new services and to create new and expanded revenue streams for the communications industry, while at the same time ultimately benefiting consumers by giving them the services and value that they demand. The license application requirements and the disaggregation and partitioning burdens contained in the *AWS-1 Report and Order* were approved by OMB as part of the Commission's Universal Licensing Service (ULS) system, OMB Control No. 3060-0798, which also contains approval for certain foreign ownership reporting requirements as discussed in paragraph 61 of the *AWS-1 Report and Order*. However, this approval (3060-0798) covers only initial foreign ownership reporting requirements.

In the *AWS-1 Report and Order*, the Commission found that all licensees in the 1710-1755 MHz and 2110-2155 MHz bands must report to the FCC any change in their foreign ownership status. Therefore, the 2005 submission sought and received OMB approval for this additional burden related to foreign ownership. The *AWS-1 Report and Order* also adopted the substantial service requirement in section 27.14 of the Commission's rules to the 1710-1755 and 2110-2155 MHz bands. According to that provision, AWS licensees must, as a performance requirement, make a showing of "substantial service" (NT) in their license area prior to the expiration of their license term. See 47 C.F.R. § 27.14(a). AWS licensees can file their NTs anytime before the performance deadline. AWS-1 licensees also have the right to a renewal expectancy under § 27.14 if the renewal applicant has provided substantial service during its past license term and has complied with the Communications Act and the applicable FCC rules and policies. As such, the AWS-1 licensee must file a substantial service showing, regarding the renewal expectancy under § 27.14, with its renewal license application.

The *AWS-1 Report and Order* also proposed coordination as a solution to possible in-band interference between AWS licensees in adjacent geographic licensing areas and also possible out-of-band interference between AWS licensees and adjacent band licensees.

¹ In 2005, the Office of Management and Budget (OMB) approved Control No. 3060-1030 based on service rules that the FCC adopted for Advanced Wireless Services ("2005 submission"). See *Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands*, 69 FR 5711 (February 6, 2004) (*AWS-1 Report and Order*). In 2007, the Commission received OMB approval for revisions to this information collection made by a *Ninth R&O* (71 FR 29818 (May 24, 2006)), a *Clearinghouse Order* (72 FR 41940 (August 1, 2007)), and in a *Public Notice* issued jointly with the National Telecommunications and Information Administration (NTIA) (71 FR 28696 (May 17, 2006)) ("2007 submission"). In 2010, the Commission submitted and received OMB approval extending this information collection which will expire on June 30, 2013; however, with this submission, the Commission is requesting a revision to the information collection requirements and is seeking (OMB) approval.

In the *Ninth R&O* (71 FR 29818 (May 24, 2006)), the Commission adopted disclosures related to negotiation and relocation of incumbent Fixed Microwave Service (FS) radio links and incumbent Broadband Radio Service (BRS) systems (see items 12-d, 12-e, 13-a, and 13-b below), and for the registration of these relocation expenses with a clearinghouse (see item 12-f below), including documentation of reimbursable costs for FS and BRS relocations (see item 12-g below), documentation when a new Advanced Wireless Services (AWS) and Mobile Satellite Service Ancillary Terrestrial Components (MSS/ATC) operators trigger a cost-sharing obligation (see item 12-h below), prior coordination notices to identify when a specific site will trigger a cost-sharing obligation (see item 12-i below), and retention of records by the clearinghouses (see items 12-j, 13-c below).

Privately administered clearinghouses, selected by the FCC, will keep track of and administer the cost sharing obligations over the next 10-15 years as AWS and MSS-ATC operators build new stations that require them to relocate incumbents. In the *Clearinghouse Order*, 72 FR 41940 (August 1, 2007), the FCC's Wireless Telecommunications Bureau (Bureau) requires the AWS clearinghouses to file reports with the FCC (see items 12-k, 13-c, 14-c below) and to make disclosures between the clearinghouses (see item 12-l below).

In a *Public Notice* issued jointly with the National Telecommunications and Information Administration (NTIA), 71 FR 28696 (May 17, 2006), the FCC sets forth procedures for AWS licensees to coordinate with Federal Government operators in the 1.7 GHz band, and AWS licenses are granted with a special condition that requires coordination with Federal operators (12-m, 13-d below).

For this revision, subject to OMB approval, the Commission in the *AWS-4 NPRM*, FCC 12-32, proposes terrestrial service, technical, assignment, and licensing rules for the 2000-2020 MHz and 2180-2200 MHz spectrum bands. These rules are designed to provide for flexible use of this spectrum, to encourage innovation and investment in mobile broadband, and to provide a stable regulatory environment in which broadband deployment could develop. The *AWS-4 NPRM* proposes terrestrial service rules for these spectrum bands that would generally follow the Commission's Part 27 rules, which apply to flexible use services (such as AWS-1), modified as necessary to account for issues unique to the 2000-2020 MHz and 2180-2200 MHz bands. The proposals in the *AWS-4 NPRM* include band-specific buildout, renewal, and discontinuance of service criteria. Given the proximity of these spectrum bands to spectrum bands previously identified as Advanced Wireless Service (AWS), the *NPRM* refers to these spectrum bands as "AWS-4" or "AWS-4 spectrum." The *AWS-4 NPRM* proposes to expand spectrum available for AWS, which the Commission first adopted in the *AWS-1 Report and Order*.

Statutory authority for these collections are contained in 47 U.S.C. §§ 151, 152, 154(i), 201, 301, 302, 303(f), 303(g), 303(r), 307, 308, 309, 310, 316, 319, 324, 332, and 333 of the Communications Act of 1934, as amended and the Commercial Spectrum Enhancement Act (CSEA), Pub. L. No. 108-494, 118 Stat. 3896, 3992 (2004).

As noted on the Form 83-i, these information collections do not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. Recordkeeping, reporting, and third party disclosure requirements associated with the four FCC items listed in item 1 will be used by incumbent licensees and new entrants to negotiate relocation agreements and to coordinate operations to avoid interference. The information also will be used by the clearinghouses to maintain a national database, determine reimbursement obligations of entrants pursuant to the Commission's rules, and notify such entrants of their reimbursement obligations. Additionally, the information will be used to facilitate dispute resolution and for FCC oversight of the clearinghouses and the cost-sharing plan.

3. Before finalizing rulemakings, WTB conducted an analysis to ensure that improved information technology could be used to reduce the burden on the public. This analysis considers the possibility of obtaining and/or computer-generating the required data from existing data bases in the Commission or other Federal agencies. The Commission encourages licensees to provide the requested information and notifications electronically in situations where licensees wish to use electronic means and the Commission's regulations permit this approach. Any submissions made through the Universal Licensing System (ULS) must be filed electronically. Additionally, the clearinghouses use technological collection techniques, such as electronic filing, to reduce the burden on respondents.
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 compliance with Commission rules and policies, to ensure fair and efficient relocation and cost sharing, and to avoid interference to Federal operations in the 1.7 GHz band. The Commission's use of a flexible regulatory scheme for relocation of incumbents that includes an industry-administered cost-sharing plan is a reflection of the FCC's intent to minimize the regulatory burden on incumbents as well as prospective applicants and licensees for these frequencies. Likewise, offering guidelines, developed and issued jointly with NTIA, for AWS-1 licensees that wish to operate before Federal operations are relocated, promotes the opening of these frequencies to a wide variety of licensees offering a range of services to the public. In addition, applying information requirements to AWS-4 licensees that are already in place for AWS-1 licensees would limit the additional information requirements needed for AWS-4 licensees.
6. Without the reporting, recordkeeping, and disclosure requirements, it would be difficult for the Commission to ensure that licensees are in compliance with FCC rules and policies. Specifically, without the required disclosures and recordkeeping for incumbent licensees and new entrants, the Commission could not effectively facilitate the relocation of incumbents from the bands and clear the bands for the services that will be offered by AWS and MSS. Moreover, the costs of relocating incumbents could not be allocated and shared among all entrants benefiting from the relocation of any given incumbent from the bands, which would lead to an inequity in the development of competition in the wireless telecommunications service market. In addition, if the collection of information from the clearinghouses were not required, the Commission would be required to expend extraordinary resources in administering the cost-sharing plan, a function which falls more squarely and efficiently within the expertise of the industry. The AWS-license condition requiring coordination with Federal operations and the related FCC/NTIA guidelines allow AWS operations to commence prior to the relocation of Federal incumbents in accordance with the CSEA.
7. No special circumstances exist except as follows: some relocators that seek reimbursement through the FCC cost-sharing plan administered by the clearinghouses will be required to retain records for more than three years, as will the clearinghouses themselves.
8. Pursuant to 5 CFR 1320.5(d), the FCC published the *AWS-4 NPRM*, which appeared in the Federal Register on April 17, 2012 (77 FR 22720). At the time of submission to the OMB, no PRA comments have been received.
9. Respondents will not receive any payments or gifts from the Commission.
10. There is no need for confidentiality except as follows: the clearinghouses have committed, pursuant to the FCC's directive, to implement safeguards to maintain the confidentiality of information where necessary to protect respondents' legitimate commercial interests. The Commission's rules permit

parties filing information with the Commission to request confidential treatment of that information under 47 CFR 0.459.

11. The reporting and disclosure requirements described herein do not address any private matters of a sensitive nature.

12. Respondent Burden: The Commission estimates the following number of respondents for this information collection request:

200 AWS licensees; 765 Incumbent FS licensees; 10 Incumbent BRS licensees; 2 AWS-4 operators; and 2 clearing houses = **979 total number of respondents.**

Please see the chart below for the number of respondents, frequency of response, time per response, total annual burden hours. Our explanation of the estimates for each item follows the chart.

| 12- | Burden on Respondents | Number of Respondents | Number of Responses | Time per Response (Hours) | Total Annual Burden Hours |
|-----|---|-----------------------|-----------------------|---------------------------|---------------------------|
| a. | Foreign ownership reports | 10 | 1 (On occasion) | 0.5 | 5 |
| b. | § 27.14 (substantial service showing for AWS-1 operators) (placeholder – FCC use only) | 0 | 0 | 0 | 0 |
| | § 27.14 (performance requirements for AWS-4 operators) 3-year aggregate | 2 | 1 | 2 | 4 |
| | 7-year per license (placeholder – FCC use only) | 0 | 0 | 0 | 0 |
| | § 1.949 10-year renewal (placeholder – FCC use only) | 0 | 0 | 0 | 0 |
| c. | § 27.1131 (Protection of Part 101 operations) § 27.1132 (Protection of incumbent operations in the 2150-2160/62 MHz band) § 27.1133 (Protection of Part 74 and Part 78 operations) § 27.1134 (Protection of Federal Government operations) | 200 | 200 (On occasion) | 0.25 | 10,000 |
| d. | §§ 101.69, 101.73(d), 101.75(a) (disclosures related to negotiation and relocation of FS links) | 927 | 5 (On occasion) | 0.5 | 2,318 |
| e. | §§ 27.1250, 27.1251, 27.1252, 27.1255(a) (disclosures related to negotiation and relocation of BRS systems) | 200 | 0.75 (On occasion) | 2 | 300 |
| | | 10 | 2 (On occasion) | 5 | 100 |

| 12- | Burden on Respondents | Number of Respondents | Number of Responses | Time per Response (Hours) | Total Annual Burden Hours |
|-----|--|-----------------------|-----------------------|----------------------------|-----------------------------|
| f. | §§ 27.1166(a)(1)-(2), 27.1182(a)(1) (disclosures related to registration of FS or BRS relocations with a clearinghouse) | 242 | 18.7 (On occasion) | 0.5 | 2,263 |
| g. | §§ 27.1166(b), 27.1182(b) (disclosures to clearinghouses related to documentation of reimbursable costs for FS or BRS relocations) | 242 | 18.6 (On occasion) | 1 | 4,501 |
| | | 200 | 0.1 (On occasion) | 3 | 60 |
| h. | §§ 27.1166(b), 27.1182(b) (additional reporting and disclosures of documentation to FCC, clearinghouse, or other licensee(s)) | 242 | 4.8 (On occasion) | 1 | 1,162 |
| i. | §§ 27.1170, 27.1186 (disclosures to clearinghouses related to AWS or MSS-ATC site-specific data (prior to initiating new or modified operations)). | 202 | 99 | 0.25 | 5000 |
| j. | §§ 27.1168, 27.1170, 27.1184 (recordkeeping; disclosures from clearinghouses to licensees) | 2 | 1000 | 0.25 | 500 |
| k. | Reports by clearinghouses to FCC | 2 | 5 | 4 | 40 |
| l. | Disclosures between the clearinghouses | 2 | 260 | 0.25 | 130 |
| m. | Disclosures by AWS-1 to Federal incumbents operating in the 1.7 GHz band | 200 | 6 | 5 | 6,000 |
| n. | § 27.17 (Discontinuance of Service in for AWS-4 operators) (AWS-4 NPRM) | 1 | 1 (on occasion) | .5 | .5 |
| o. | § 27.1136 (AWS-4 protection of MSS) (AWS-4 NPRM) | 1 | 1 (on occasion) | .5 | .5 |
| | Totals: | 979* | 1,624 | 1.6 Hours (Average) | 32,384 Hours (Total) |

12-a. *Reporting- Compliance with foreign ownership filing requirements for AWS-1 licensees.* The Commission sought and received OMB approval for the estimated burden that it would take about 0.5 hours to complete this filing and that perhaps 10 licensees would make this occasional filing. On average, the Commission believes that three filings per year will be prepared by a licensee's existing staff attorneys ("in-house") at approx. \$58.39 per hour.

10 respondents x 1 response x 0.5 hours per response = **5 hours.**
 Cost per response = \$29.20 Internal cost = \$292

12-b. *Reporting- Showing of compliance with substantial service requirement for AWS-1 licensees.* AWS licensees must, as a performance requirement, make a showing of "substantial service" (NT) in their license area prior to the expiration of their license term. See 47 C.F.R. § 27.14(a). AWS licensees can file their NTs anytime before the performance deadline but we estimate that most licensees will wait

until the deadline approaches given that they will need to prepare a substantial service showing for their license renewal applications. (AWS-1 licensees also have the right to a renewal expectancy under § 27.14 if the renewal applicant has provided substantial service during its past license term and has complied with the Communications Act and the applicable FCC rules and policies. As such, the licensee will also have to file a substantial service showing, regarding the renewal expectancy under § 27.14, with its renewal license application.) Thus, this is an occasional requirement likely to be performed at the end of the first 15-year license term and then every 10 years thereafter. The first AWS-1 licenses were granted in 2006; thus we do not anticipate any burden hours for this collection during the next three-year approval period.

= **0 hours** (this entry is on the statement merely to remind FCC staff to reactivate it in the future and to act as a place holder for this requirement.)

Performance Requirements for AWS-4 operators – 3 year aggregate. Under the proposed revisions, AWS-4 licensees would be required to file 3-year aggregate performance data with the FCC, as shown in the table above.

= **4 hours** (proposed) during the next 3-year approval period.

12-c. *Disclosures for interference coordination.* The Commission expects that all 200 AWS licensees will be affected by coordination requirements that are necessary to prevent interference with in-band and out-of-band licensees. See 47 C.F.R. §§ 27.1131 (Protection of Part 101 operations), 27.1132 (Protection of incumbent operations in the 2150-2160/62 MHz band), 27.1133 (Protection of Part 74 and Part 78 operations), 27.1134 (Protection of Federal Government operations). The Commission estimates that licensees' staff engineers (\$58.39 per hour) will take an average of 15 minutes to prepare each disclosure and that each licensee will send 200 coordinations per year. (Note: AWS coordination with Federal operators is discussed in paragraph (m), below.)

200 respondents x 200 responses x 0.25 hours per response = **10,000 hours.**
Cost per response = \$14.60 Internal cost = \$583,900

12-d. *Disclosures related to negotiation and relocation of FS links.* 47 C.F.R. §§ 101.69, 101.73(d), 101.75(a). We estimate that up to 202 AWS (or MSS-ATC) licensees will relocate 4250 (85% of 5000) paired FS links, licensed to 725 (approx. 85% of 850) incumbent FS licensees and that virtually all of these relocations will proceed via agreements between AWS licensees (or MSS/ATC) and FS incumbents negotiated in-house by staff attorneys and engineers at 58.39/hr. We estimate that the required disclosures will take each party an average of 0.5 hours each per relocation and we are assuming an equal distribution of the 4250 relocations among the 927 respondents, which works out to approximately five FS relocations per respondent.

927 (200 + 2 + 725) respondents x 5 responses x 0.5 hours per response = **2,318 hours.**
Cost per response = \$ 29.20 Internal cost = \$135,348

12-e. *Disclosures related to negotiation and relocation of BRS systems.* See 47 C.F.R. §§ 27.1250, 27.1251, 27.1252, 27.1255(a). We estimate that up to 200 AWS licensees will relocate approximately 20 BRS systems licensed to approximately 10 BRS licensees. We further assume that all of these relocations will occur pursuant to negotiated agreements between AWS licensees and BRS incumbents. We estimate that the required disclosures will take each AWS respondent an average of 2 hours per relocation and each BRS respondent an average of 5 hours per relocation and we are assuming an equal distribution of the 20 relocations among the 200 AWS respondents, which works out to an average of 0.75 BRS relocations per AWS respondent and 2 relocations per BRS respondent. The Commission estimates that

the negotiations will probably be conducted in-house by staff engineers at \$58.39. Additional, external costs are shown in item 13.

200 AWS respondents x 0.75 (AWS responses) x 2 hrs. & 10 BRS respondents x 2 (BRS responses) x 5 hrs. = **400 hours.**

Cost per AWS response = \$ 87.59

Cost per BRS response = \$ 291.95 Internal cost = \$ 23,356-

12-f. *Disclosures related to registration of FS or BRS relocations with a clearinghouse. See 47 C.F.R. §§ 27.1166(a)(1)-(2), 27.1182(a)(1).* Although, relocators are not required to seek reimbursement via the FCC's cost-sharing plan, they can not do so unless they register their reimbursement rights with a clearinghouse. We are assuming that all AWS and MSS-ATC relocations (4250 paired links + 20 BRS systems) will be registered with a clearinghouse by 200 AWS and 2 MSS-ATC respondents. Additionally, we estimate that 250 "self relocations" done voluntarily by 40 (approx. 5%) of the microwave incumbents will be registered by 40 FS incumbents. Accordingly, we estimate 4520 responses by 242 respondents. We assume that respondents will use in-house personnel to file their registrations and that each registration will take a staff analyst (\$35/hr) an average of 0.5 hours to prepare and file. We are also assuming an equal distribution of the 4520 relocations among the 242 respondents, which works out to approximately 18.7 responses per respondent.

242 (200 AWS + 2 MSS/ATC + 40 FS) respondents x 18.7 responses x 0.5 hrs. = **2,263 hours.**

Cost per response = \$17.5

Internal cost = \$ 79,205

12-g. *Disclosures to clearinghouses related to documentation of reimbursable costs for FS or BRS relocations. See 47 C.F.R. §§ 27.1166(b), 27.1182(b).* As discussed in paragraph (f) above, 4520 relocations (4250 + 250 + 20) will be registered with a clearinghouse by 200 AWS, 2 MSS-ATC, and 40 FS-self-relocators (242 total respondents). We estimate that meeting the documentation requirement will average 1 hour per FS relocation (4500 x 1 hr) and 3 hours per BRS system (20 x 3 hrs), and that relocators will use in-house staff (\$35/hr.) to prepare, submit, and retain this documentation itemizing reimbursable costs. (Appraisal costs are covered in Item 13.) We are assuming an equal distribution of the 4500 FS relocations among the 242 respondents, which works out to approximately 18.6 responses per respondent. We are also assuming an equal distribution of the 20 BRS relocations among the 200 AWS respondents, which works out to approximately 0.1 responses per respondent.

242 (200 + 2 + 40) respondents x 18.6 responses @ 1 hr. = **4,501 hrs.,** and

200 (AWS) respondents x 0.1 responses @ 3 hrs. = **60 hrs. = 4,561 hours.**

Cost per FS response = \$ 35

Cost per BRS response = \$105 Internal cost = \$ 159,635

12-h. *Additional reporting and disclosures of documentation to FCC, clearinghouse, or ET licensee(s) when another new entrant triggers a cost-sharing obligation for a given, registered relocation. See 47 C.F.R. §§ 27.1166(b), 27.1182(b).* All respondents must maintain documentation of cost-related issues until the applicable sunset date and provide such documentation, upon request, to a clearinghouse, the FCC, or an entrant that triggers a cost-sharing obligation. Regarding the recordkeeping requirement, we believe this requirement imposes no annual burden because respondents already will retain these cost-related documents as part of customary and usual business practices. Regarding the third-party disclosures, we estimate that up to 1163 relocations (25% of 4650 relocations) will involve the need to supply additional information, upon request and that providing it will take an average of 1 hour per response by relocators' internal staff (\$35/hr.). We are assuming an equal distribution of the 1163

responses among the 242 respondents (200 AWS, 2 MSS/ATC, & 40 FS self-relocators), which works out to an average of 4.8 responses per respondent.

242 (200 +2 +40) respondents x 4.8 responses x 1 hr.) = **1,162 hours.**
Cost per response: \$35 Internal cost= \$ 40,670

12-i. *Disclosures to clearinghouses related to AWS or MSS-ATC site-specific data (prior to initiating new or modified operations).* See 47 C.F.R. §§ 27.1170, 27.1186. We assume that 200 AWS licensees and 2 MSS-ATC operators will file a total annual average of 20,000 notices annually with a clearinghouse for new or modified facilities. In many cases, new entrants will have to prepare and send a “prior-coordination notice” (PCN) that includes the relevant site data to FS licensees for relocation negotiation purposes, see para. (d) above, in which case the new entrant can send a copy of the PCN to a clearinghouse. Furthermore, we believe that licensees will prepare and retain site data on their facilities, *i.e.*, assets, as part of customary and usual business practices. Our estimate of the disclosure burden is 15 minutes (0.25 hrs.) per submission to a clearinghouse at \$35 per hour. We are assuming an equal distribution of the 20,000 responses among the 202 respondents (200 AWS, 2 MSS-ATC), which works out to an average 99 responses per respondent.

202 respondents x 99 responses x 0.25 hrs. = **5,000 hours.**
Cost per response: \$8.75 Internal cost= \$ 175,000

12-j. *Recordkeeping; disclosures from clearinghouses to licensees.* 47 C.F.R. §§ 27.1168, 27.1170, 27.1184. Clearinghouses are not-for-profit entities voluntarily formed by private-sector entities to keep track of cost-sharing obligations among AWS and MSS-ATC operators over the next 10-15 years. The clearinghouses will charge fees for their services, which include retaining records of relocation registrations and then analyzing site-specific data submitted by new entrants to determine whether any cost-sharing obligations exist under criteria set forth by FCC rules. When a cost-sharing obligation is triggered, the clearinghouse must notify the relevant entity(s) of the total amount of its reimbursement obligation. Because the core business of a clearinghouse is directly related to recordkeeping and third party disclosures for which the clearinghouses receive fees, we believe that any burdens associated with these recordkeeping and disclosure requirements are undertaken by the clearinghouses for reasons other than to provide information or keep records for the government and/or are part of customary and usual business or private practices of a clearinghouse. Alternatively, if OMB views these burdens as within the scope of the Paperwork Act, we estimate that each clearinghouse will send an average of 1000 cost-sharing notices per year and that each notice will take an in-house staff analyst (\$35/hr.) approximately 0.25 hours to prepare and send.

2 respondents x 1,000 responses x 0.25 hrs. = **500 hours.**
Cost per response: \$8.75 Internal cost: \$17,500

12-k. *Reports by clearinghouses to FCC.* Each clearinghouse must file reports with the FCC every six months, upon specific FCC request, and occasionally (*e.g.*, when referring a dispute to the FCC). The biannual reports must include an update on the number of links relocated, the amounts paid to relocate these links, updated cost and revenue projections, and any adjustments to existing fee structures. We have also reserved the right at any time to inspect the records of or require additional information or reports from a clearinghouse. We estimate that each clearinghouse will file five reports per year (2 semi-annual and 3 occasional reports) and take an average of 4 hours per report (2 hrs. in-house staff attorney at \$58.39/hr. = \$116.78) and 2 hrs. in-house staff analyst at \$35/hr. = \$70.00).

2 respondents x 5 responses x 4 hrs. = **40 hours.**
Cost per response: \$186.78 Internal cost= \$1,868

12-l. Disclosures between the clearinghouses. Having multiple clearinghouses offers participants a choice, thereby increasing the incentive for each clearinghouse to operate in an efficient manner, thus benefiting the consumers of these services. However, with multiple clearinghouses, we must either require participants to file data with both clearinghouses or require each clearinghouse to exchange data with the other clearinghouse(s). Two entities submitted clearinghouse proposals and each stated that it is capable and willing to work with other clearinghouse managers, if we designated multiple clearinghouses. In this connection, we will require each clearinghouse to exchange data that participants file with the clearinghouse of their choosing. We anticipate that the clearinghouses will exchange data electronically and that this disclosure will take an average of 0.25 hours on each of 260 business days (in-house staff analyst at \$35/hr. = \$8.75).

2 respondents x 260 responses x 0.25 hrs. = **130 hours.**
Cost per response: \$8.75 Internal cost = \$4,550.

12-m. Disclosures by AWS-1 to Federal incumbents operating in the 1.7 GHz band. See license condition and NTIA/FCC Public Notice. See generally 47 C.F.R. § 27.1134. AWS-1 licensees must coordinate spectrum use with incumbent Federal operations in the 1.7 GHz band and we are assuming that each of the 1200 AWS licenses will have to be coordinated. We are also assuming an equal distribution of the 1200 coordinations among 200 AWS licensees, which works out to an average 6 responses per respondent. On average, we estimate that the disclosures required with each coordination will take an average of 5 hours (in-house staff engineer at \$58.39/hr.). Additional external costs are discussed in item 13.

200 respondents x 6 responses x 5 hrs. = **6,000 hours.**
Cost per response: \$291.95 Internal cost = \$ 350,340.

TOTAL ANNUAL BURDEN: (5 + 4 + 10,000 + 2,318 + 400 + 2,263 + 4,561 + 1,162 + 5,000 + 500 + 40 + 130 + 6,000 + 1 = 32,384 HOURS)

13. Annual Costs to the Respondent:

No external costs were reported in the 2005 submission. External costs were reported to and approved by OMB in the 2007 submission. Internal costs are discussed in item 12.

13-a. Appraisals required under 47 C.F.R. §§ 27.1166(b)(1), 27.1182(a)(3) to register certain relocations with a clearinghouse.

- Appraisal for FS self-relocations We estimate that 40 incumbent FS licensees will self-relocate 250 paired FS links. When registering these relocations with a clearinghouse, self-relocators must include an appraisal, which we estimate will cost an average of \$420 (engineer/economist at 3 hrs. x \$140/hr.) for each of the 250 FS self-relocations. We are assuming an equal distribution of the 250 FS appraisals among the 40 FS respondents, which works out to an average of 6.25 appraisals per FS respondent.

40 respondents x 6.25 appraisals each @ \$420 = **\$105,000**

- Appraisal for BRS relocations BRS relocations can be registered without an appraisal if the AWS registrant agrees to certain conditions. However, we are assuming that the relocators (AWS licensees) will submit appraisals for all 20 BRS relocations and that each appraisal will cost an average of \$840 (engineer/economist at 6 hrs. x \$140/hr.). We are assuming an equal distribution of the 20 BRS appraisals among the 200 AWS licensees, which works out to an average of 0.1 appraisals per respondent.

$$200 \text{ respondents} \times 0.1 \text{ responses} \times \$840 \text{ per response} = \mathbf{\$16,800}$$

13-b. *Disclosures related to negotiation and relocation of BRS systems.* In addition to the burdens discussed in paragraph 12-e, we estimate that 5 of the BRS respondents (50% of 10) will retain legal counsel to assist in the negotiations and that some of these costs will be attributable to the disclosure requirements. We estimate these costs at up to \$2000 (attorney @ \$200/hr. x 10 hrs) for each of 10 (50% of the 20 BRS systems subject to relocation).

$$5 \text{ respondents} \times 10 \text{ responses} \times \$ 2000 \text{ per response} = \mathbf{\$100,000}$$

13-c. *Reporting, recordkeeping; disclosures to/from clearinghouses to licensees and FCC.* 47 C.F.R. §§ 27.1168, 27.1170, 27.1184. The clearinghouses are subject to reporting, recordkeeping, and disclosure requirements described in item 12. Clearinghouses are not-for-profit entities voluntarily formed by private-sector entities to keep track of cost-sharing obligations among AWS and MSS-ATC operators over the next 10-15 years. The clearinghouses will charge fees for their services, which include retaining records of relocation registrations and then analyzing site-specific data submitted by new entrants to determine whether any cost-sharing obligations exist under criteria set forth by FCC rules. When a cost-sharing obligation is triggered, the clearinghouse must notify the relevant entity(s) of the total amount of its reimbursement obligation. Because the core business of a clearinghouse is directly related to recordkeeping and third party disclosures for which the clearinghouses receive fees (see item 12(j) (Recordkeeping; disclosures from clearinghouses to licensees) and item 12(l) (Disclosures between the clearinghouses), we believe that any burdens associated with these recordkeeping and disclosure requirements are undertaken by the clearinghouses for reasons other than to provide information or keep records for the government and/or are part of customary and usual business or private practices of a clearinghouse. Internal costs for reports to the FCC are discussed in item 12(k). In the 2007 submission, we included information on estimated capital/startup costs of \$1.4 million. Now that the clearinghouses have operated for several years, we are deleting these estimated startup costs.

13-d. *Disclosures by AWS-1 to Federal incumbents operating in the 1.7 GHz band.* In addition to the burdens discussed in paragraph 12-m, we estimate that for 600 AWS-1 licenses (50% of 1200) 100 (50% of 200) AWS licensees will hire a consultant \$600 (3 hrs. x \$200 per hr.) to assist in the coordination with Federal incumbents in the 1.7 GHz band. We are assuming an equal distribution of the 600 licenses among the 100 licensees, which works out to an average of approximately 6 responses per respondent.

$$100 \text{ respondents} \times 6 \text{ responses} \times \$600 \text{ per response} = \mathbf{\$ 360,000} =$$

TOTAL ANNUAL (External) RESPONDENT COST: \$105,000 + \$16,800 + \$100,000 + \$360,000 = \$581,800.

14. Government Costs:

14-a. *Foreign ownership notifications.* We estimate that the cost to the Commission is for a GS 7 legal instrument examiner at \$19 (rounded off) per hour to take 0.25 hrs. to review each of the 10 foreign ownership change submissions that might be filed.

Annual cost: \$19 x .25 hrs x 10 foreign ownership change submissions = \$47.50 (rounded to \$48).

14-b. *Substantial service showings* We estimate that the Commission would assign a GS 12 engineer at \$33 per hour (rounded off) to review substantial-service showings filed by up to 200 AWS-1 licensees and that each review would take an average of about two hours.

Annual cost: \$33 x 2 hrs. per review x 200 showings = \$13,200.

14-c. Clearinghouses. The FCC will incur costs for review of plans, periodic and special reports, and other submissions made by the clearinghouses but we believe that only the reports that are required on a regular (twice-a-year) basis. For these reports, we estimate that the cost to the Commission will be as follows: GS-12 analyst at \$33 per hour (rounded off) to take one hour per report with four reports per year (2 reports filed by two clearinghouses).

Annual cost: $\$33 \times 1 \text{ hr. per report} \times 4 \text{ reports per year} = \$132.$

Total cost to the government: $\$48 + 13,200 + 132 = \$13,380.$

15. There are no program changes. We are adjusting the total number of respondents reported on the Form 83i to 979 from 904 to reflect an increase in the estimated number of AWS licensees (to 200 from 125) based on the grant of additional initial licenses (FCC Auction No. 78) and partitions and disaggregations of existing licenses to new licensees. (765 incumbent FS licensees, 200 AWS licensees, 10 incumbent BRS licensees, 2 MSS-ATC operators and 2 clearinghouses.)

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

17. We do not request OMB approval to not display the expiration date for OMB approval of the information collection. Display is inappropriate because the requirements are set forth in rule sections, not forms, and many involve third-party disclosures. The Commission publishes a comprehensive listing of all OMB approved information collections in 47 C.F.R. § 0.408. This listing “displays” the title of the collection, its OMB control number and expiration date. The Commission also will publish a notice in the Federal Register upon receipt of OMB approval of the collection informing the respondents of the approval number and expiration date.

18. There were exceptions. When the Commission published the NPRM in the Federal Register, our estimates were slightly different than what we are now reporting to the OMB. With this submission, we are reporting more accurate estimates.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.