

*New collection titled:* Sections 1.946, 1.949, 27.10, 27.12, 27.17, and 30 day requirement - Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions – NPRM, FCC 12-118

## SUPPORTING STATEMENT

### **A. Justification:**

1. The FCC adopted the Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions Notice of Proposed Rulemaking (NPRM), FCC 12-118, GN Docket No. 12-268, on September 28, 2012. In the NPRM, the FCC proposes wireless broadband service rules to license the recovered broadcast spectrum in the 470-698 MHz spectrum band (hereinafter the “600 MHz band”). The NPRM also contains new information collection requirements that require Office of Management and Budget (OMB) approval. Therefore, the Commission seeks OMB approval for this new information collection for a full three-year clearance.

Statutory authority for these collections are contained in 47 U.S.C. §§ 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 332, and 403, of the Communications Act of 1934.

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.

The following is a description of each rule section requirement for which the Commission seeks OMB approval:

- (a) **Section 1.946(d)** requires 600 MHz licensees to file a construction notification and certify that they have met the applicable performance benchmarks.
- (b) **Section 1.949** requires 600 MHz licensees to file license renewal applications. Included in the application should be a detailed description of the: (1) provision of service during the entire license period; (2) level and quality of service provided; (3) date service commenced; (4) whether service was ever interrupted; (5) the duration of any interruption or outage; (6) the extent to which service is provided in rural areas; (7) access to spectrum and service provided to qualifying tribal lands; and (8) any other factors associated with the level of service to the public.
- (c) **Section 27.10(d)** requires 600 MHz licensees to notify the Commission within 30 days if it changes, or adds to, the carrier status on its license.
- (d) **Section 27.12** requires 600 MHz licensees to comply with certain foreign ownership reporting requirements.
- (e) **Section 27.17** requires 600 MHz licensees to notify the Commission within 10 days if they permanently discontinue service by filing FCC Form 601 or 605 and requesting license cancellation.
- (f) **30 Day Notice Requirement** - Requires 600 MHz licensees, along with TV broadcasters in the 470-698 MHz band, to provide thirty days’ notice to all incumbent fixed Broadcast Auxiliary Service (BAS) operations within interference range prior to commencing operations in the vicinity.

2. The Commission will use the information to ensure 600 MHz licensees' compliance with required filings of notifications, certifications, regulatory status changes, and meeting applicable performance benchmarks. Also, such information will be used to minimize interference, verify whether 600 MHz applicants are legally and technically qualified to hold licenses and to determine compliance with Commission's rules. Any submissions made through the Universal Licensing System (ULS) must be filed electronically.
4. The Commission does not impose a similar information collection on the respondents. There is no similar data available. This NPRM does not impact other existing information collections.
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.
6. The information collected will only be required when a 600 MHz applicant changes its regulatory status, or provides certain notifications or certifications to the Commission. Therefore, the frequency of the filing would be determined by the applicant. Renewal applications must be filed once every ten years.
7. No special circumstances exist for this collection
8. Pursuant to 5 CFR 1320.11, the FCC published the NPRM in the Federal Register on November 21, 2012 (77 FR 69934. At the time of submission to OMB, no PRA comments have been received.
9. Respondents will not receive any payments.
10. There is no need for confidentiality.
11. The reporting and disclosure requirements described herein do not address any private matters of a sensitive nature.
12. **Respondent Burden:** For purposes of this supporting statement, the Commission estimates that there will be 101 licensees in the 600 MHz band. This estimate is based on the 101 winning bidders from the Commission's prior auction of recovered broadcast spectrum in the lower 700 MHz band. In addition, based on our proposal in the NPRM, we estimate that there will be 172 service areas in the United States for the 600 MHz band.

101 600 MHz licensees = 101 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	Frequency of Responses	Time per Response (Hours)	Total Annual Burden Hours
a.	§ 1.946(d) IA NPRM 600 MHz Licensee Construction Notification, Certification, or Cancellation (Form 601 or Form 605)	0	0	0	0
b.	§ 1.949 IA NPRM 600 MHz 10-year license renewal	0	1 (every 10	0	0

12 -	Burden on Respondents	Number of Respondents	Frequency of Responses	Time per Response (Hours)	Total Annual Burden Hours
			years)		
c.	§ 27.10(d) IA NPRM 600 MHz Licensee Change in Regulatory Status	5	On occasion	.25	1.25
d.	§ 310 (b) Foreign Ownership Compliance – § 27.12	9	On occasion	.5	4.5
e.	§ 27.17 IA NPRM 600 MHz Licensee Notification of changes resulting in discontinuance, reduction, or impairment	0	0	0	0
f.	IA NPRM 600 MHz licensees in 470-698 MHz band) Provide 30-day Coordination requirement to all Fixed BAS operations within interference range prior to commencing operations in the vicinity	101 respondents	On occasion	.25	25.25
	<b>Totals:</b>	<b>101</b>		<b>1.0 Hours</b>	<b>31 Hours</b>

**12-a.** *Reporting- Compliance with performance requirement for 600 MHz licensees pursuant to 47 C.F.R. § 1.946(d).* The Commission proposes adopting performance requirements for the 600 MHz band. However, the Commission has not proposed a specific performance requirement nor has it proposed any deadlines associated with the performance requirements over the next three years. 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.)

**12-b.** *Reporting – Compliance with License Renewal pursuant to 47 C.F.R. § 1.949.* The Commission proposes that 600 MHz licensees must renew their 600 MHz licenses every 10 years by filing a license renewal application. Because the license renewal application will not be filed until 10 years after the initial license is granted, 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.)

**12-c.** *Reporting- Compliance with Change in Regulatory Status for 600 MHz licensees pursuant to 47 C.F.R. § 27.10(d).* A 600 MHz licensee must notify the Commission within 30 days if it changes, or adds to, the carrier status on its license. We estimate that five 600 MHz licensees would make this occasional filing over the next three years. On average, the Commission believes that these filings will be prepared by a licensee’s existing staff attorneys (“in-house”) at approx. \$58.39 per hour.

5 respondents x 1 response x .25 hrs. = **1.25 hours.**

Cost per 600 MHz response = \$ 14.60 Internal cost = \$ 72.99-

**12-d.** *Reporting- Compliance with foreign ownership filing requirements pursuant to 47 C.F.R. § 27.12.* The Commission estimates that it would take about .5 hours to complete this filing and that perhaps nine 600 MHz licensees would make this occasional filing over the next three years. On average, the Commission believes that these filings will be prepared by a licensee’s existing staff attorneys (“in-house”) at approx. \$58.39 per hour.

9 respondents x 0.5 hours per response = **4.5 hours.**  
Cost per response = \$29.20                      Internal cost = \$262.80

**12-e.** *Reporting- Compliance with Licensee Notification of Permanently Discontinuing Service pursuant to 47 C.F.R. § 27.17.* 600 MHz licensees must notify the Commission within 10 days if they permanently discontinue service by filing FCC Form 601 or 605 and requesting license cancellation. 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.)

**12-f.** *Reporting- Showing compliance with 30-day coordination by 600 MHz licensees.* 600 MHz licensees, along with TV broadcasters in the 470-698 MHz band need to provide thirty days’ notice to all incumbent fixed BAS operations within interference range prior to commencing operations in the vicinity. The Commission estimates that all 101 600 MHz licensees will be affected by these coordination requirements over the next three years and that it will apply to all 172 service areas. On average, the Commission believes that these filings will be prepared by a licensee’s existing staff attorneys (“in-house”) at approx. \$58.39 per hour.

101 respondents x 1 response for each 600 MHz licensee x .25 hours per response = **25.25 hours.**  
Cost per response = \$ 14.60                      Internal cost = \$1,474.60.

**TOTAL ANNUAL BURDEN: 1.25 + 4.5 + 25.25 = 31 hours.**

**13. Annual Costs to the Respondent:**

This is a proposed rule and no outside contracting costs are being estimated at this time. The Commission will consider public comments regarding annual costs. There may be in-house costs which are being reported in item 12 of this supporting statement.

Applicants should not incur outside capital and start-up costs or operation and maintenance of purchase or services in connection with this information collection.

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

None proposed at this time.

**14. Government Costs:**

**14-a.** *Performance Requirement for 600 MHz licensees pursuant to 47 C.F.R. § 1.946(d).* The Commission has not proposed a specific performance requirement nor has it proposed any deadlines associated with the performance requirements over the next three years. Thus we do not anticipate any burden hours for this collection during the next three-year approval period.

**14-b.** *Compliance with License Renewal pursuant to 47 C.F.R. § 1.949.* The license renewal application will not be filed until 10 years after the initial license is granted so we do not anticipate any license renewal applications being filed during the next three-year approval period.

**14-c.** *Change in Regulatory Status for 600 MHz licensees pursuant to 47 C.F.R. § 27.10(d).* We estimate that the cost to the Commission is for a GS 7 legal instrument examiner at \$19 (rounded off) per hour to take .25 hrs. to review each of the five change in regulatory status that might be filed is \$23.75.

**14-d.** *Foreign ownership notifications pursuant to 47 C.F.R. § 27.12.* We estimate that the cost to the Commission is for a GS 7 legal instrument examiner at \$19 (rounded off) per hour to take .25 hrs. to review each of the nine foreign ownership change submissions that might be filed is \$42.75

**14-e.** *Licensee Notification of Permanently Discontinuing Service pursuant to 47 C.F.R. § 27.17.* We do not anticipate any notifications being filed for this collection during the next three-year approval period.

**14-f.** *30-day coordination requirement pursuant.* We estimate that the cost to the Commission is for a GS 7 legal instrument examiner at \$19 (rounded off) per hour to take .25 hrs. to review each of the 101 30 day coordination notifications that might be filed is \$479.75

**Total cost to the government:**  $\$23.75 + \$42.75 + \$479.75 = \$546.25.$

**15.** This is a new information collection resulting in a program change increase of 31 total annual burden hours.

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

**17.** We do not request OMB approval to not display the OMB expiration date for OMB approval of the information collection. 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 OMB expiration date.

**18.** There are no exceptions.

**B. Collections of Information Employing Statistical Methods:**

No statistical methods are employed.