

SUPPORTING STATEMENT

**A. Justification:**

1. The Commission is seeking to obtain OMB approval for revision of a currently approved collection (no change in burden estimates). No change in the FCC Form 175 at this time.

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.

On February 22, 2012, Congress authorized the Commission to conduct incentive auctions. As part of this new authorization, Congress adopted a prohibition on participation in specified auctions by specified parties. Spectrum Act, Section 6004. A copy of the statute is attached. The Commission recently adopted a Notice of Proposed Rulemaking (NPRM), FCC 12-118, GN Docket No. 12-268, which would, among other things, require that a party participating in a specified auction must certify that is not a party specified by the prohibition. The Commission therefore seeks approval of a modification to its previously approved collection of information from parties seeking to participate in Commission spectrum license auctions in order to include this certification.

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. Pursuant to 5 CFR 1320.11, the Commission is soliciting comment on the proposed information collection as part of the Notice of Proposed Rulemaking. The NPRM was published on November 21, 2012 (77 FR 69934). At the time of submission to the OMB, no PRA comments have been received.

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. The Commission estimates that the additional certification addressed by the current request will not add a measurable amount of time to the time to complete the application.

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

**TOTAL ANNUAL BURDEN = 750 HOURS.**

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. The Commission estimates that the additional certification addressed by the current request will not add a measurable amount of time to the time to review the application.

Total Estimated Annual Cost to the Federal Government: 500 applications x 0.50 hours x \$57.13 (Attorney, GS-14/5) = \$14,282.50

**TOTAL ANNUAL COST TO THE GOVERNMENT: \$14,282.50. NO CHANGE.**

15. The Commission is reporting no change in burden. The Commission estimates that the additional certification addressed by the current request will not add a measurable amount of time to the time for respondents to complete or the Commission staff to review the application.

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 OMB 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.