

New collection titled: Sections 1.946, 1.949, 1.2105(a), etc. – Service Rules for the Advanced Wireless Services H Block—Implementing Section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915-1920 MHz and 1995-2000 MHz Bands – NPRM, FCC 12-152.

SUPPORTING STATEMENT

A. Justification:

1. The FCC adopted the Service Rules for the Advanced Wireless Services H Block—Implementing Section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915-1920 MHz and 1995-2000 MHz Bands Notice of Proposed Rulemaking (NPRM), FCC 12-152, WT Docket No. 12-357, on December 11, 2012. In the NPRM, the FCC proposes service rules for the 1915-1920 MHz and 1995-2000 MHz Bands (hereinafter the “H Block”) that would make available 10 MHz of spectrum for flexible use in accordance with the Middle Class Tax Relief and Job Creation Act of 2012.¹ 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 15 U.S.C. 79 et seq.; 47 U.S.C. §§ 151, 154(i), 154(j), 155, 157, 225, 227, 303(r), 309, 1404, and 1451.

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 H Block licensees to file a construction notification and certify that they have met the applicable performance benchmarks.
- (b) **Section 1.949** requires H Block licensees to file license renewal applications. Included in the application should be a detailed description of: (1) the level and quality of service provided by the applicant; (2) the date service commenced; (3) whether service was ever interrupted; (4) the duration of any interruption or outage; (5) the extent to which service is provided to rural areas; (6) the extent to which service is provided to qualifying Tribal lands; and (7) any other factors associated with the level of service to the public.
- (c) **New Section 1.2105(a)** requires H Block applicants to certify that they have not been barred for reasons of national security by any federal government agency from bidding on a contract, participating in an auction, or receiving a grant.
- (d) **Section 27.10(d)** requires an H Block licensee to notify the Commission within 30 days if it changes, or adds to, the carrier status on its license.
- (e) **Section 27.12** requires H Block licensees to comply with certain foreign ownership reporting requirements.

¹ See Pub. L. No. 112-96, 125 Stat. 156.

(f) **Section 27.17** requires H Block licensees to notify the Commission within ten days if they permanently discontinue service by filing FCC Form 601 or 605 and requesting license cancellation.

2. The Commission will use the information to ensure H Block licensees’ compliance with required filings of notifications, certifications, regulatory status changes, and applicable performance benchmarks. Also, such information will be used to verify whether H Block applicants are legally and technically qualified to hold licenses; and to determine compliance with Commission rules. Any submissions made through the Universal Licensing System must be filed electronically.

3. Even though these rule sections affect other information collections as they relate to auctions, 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.

4. In conformance with the Paperwork Reduction Act of 1995 (“PRA”), 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.

5. The information collected will only be required to apply to license the H Block and when an H Block licensee 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/licensee. Renewal applications must be filed once every ten years.

6. No special circumstances exist for this collection.

7. Pursuant to 5 C.F.R. § 1320.11, the FCC published the NPRM in the Federal Register on January 8, 2013 (78 FR 1166). At the time of submission to OMB, no PRA comments have been received.

8. Respondents will not receive any payments.

9. There is no need for confidentiality.

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

11. **Respondent Burden:** For purposes of this supporting statement, the Commission estimates that there will be 50 applicants and 10 licensees for the H Block licenses.

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) HB NPRM H Block Licensee Construction Notification, Certification, or Cancellation (Form 601 or Form 605)	0	0	0	0

12 -	Burden on Respondents	Number of Respondents	Frequency of Responses	Time per Response (Hours)	Total Annual Burden Hours
b.	§ 1.949 HB NPRM H Block ten-year license renewal	0	1 (every 10 years)	0	0
c.	§ 1.2105(a) HB NPRM H Block Applicant National Security Certification	50	1	.25	12.50
d.	§ 27.10(d) HB NPRM H Block Licensee Change in Regulatory Status	1	On occasion	.25	.25
e.	§ 27.12 HB NPRM Foreign Ownership Compliance pursuant to § 310 (b)	1	On occasion	.5	.5
f.	§ 27.17 HB NPRM H Block Licensee Notification of changes resulting in discontinuance, reduction, or impairment	0	0	0	0
	Totals:	50		1.0 Hours	13.25 Hours (rounded to 14 hours)

12-a. *Reporting- Compliance with performance requirement for H Block licensees pursuant to 47 C.F.R. § 1.946(d).* The Commission proposes adopting performance requirements for the H Block that require H Block licensees to provide signal coverage and offer service to 40 percent of the license area’s population within four years and 70 percent within ten years, along with accompanying reporting requirements. However, the Commission has not 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 H Block licensees must renew their H Block licenses every ten years by filing a license renewal application. Because the license renewal application will not be filed until ten 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 National Security Certification pursuant to 47 C.F.R. § 27.10(d).* H Block bidders must certify that they have not been barred by any federal government agency from bidding on a contract, participating in an auction or receiving a grant, for reasons of national security. The Commission estimates that it would take about .25 hours to complete this filing and that perhaps 50 H Block applicants would make this 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.

50 respondents x .25 hours per response = **12.5 hours.**

Cost per response = \$14.60 Internal cost = \$730.00

12-d. *Reporting- Compliance with Change in Regulatory Status for H Block licensees pursuant to 47 C.F.R. § 27.10(d).* An H Block licensee must notify the Commission within 30 days if it changes, or adds to, the carrier status on its license. We estimate that one H Block licensee 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.

1 respondent x 1 response x .25 hrs. = **.25 hours.**

Cost per H Block response = \$ 14.60 Internal cost = \$ 14.60-

12-e. *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 one H Block licensee 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.

1 respondent x 0.5 hours per response = **.5 hours.**

Cost per response = \$29.20 Internal cost = \$29.20

12-f. *Reporting- Compliance with Licensee Notification of Permanently Discontinuing Service pursuant to 47 C.F.R. § 27.17.* H Block licensees must notify the Commission within ten 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.)

TOTAL ANNUAL BURDEN: 12.5 + .25 + .5 = 13.25 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 that 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 proposed 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 H Block licensees pursuant to 47 C.F.R. § 1.946(d).* The Commission has proposed to require H Block licensees to provide signal coverage and offer service to 40 percent of the license area's population within four years and 70 percent within ten years, but it has not 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 ten 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. *Compliance with National Security Certification pursuant to 47 C.F.R. § 27.10(d).* We estimate that the cost to the Commission for a GS 7 legal instrument examiner at \$19 (rounded off) per hour to take .25 hrs. to review the estimated 50 certifications stating that the applicants have not been barred for reasons of national security by any federal government agency from bidding on a contract, participating in an auction or receiving a grant is \$237.50.

14-d. *Change in Regulatory Status for H Block licensees pursuant to 47 C.F.R. § 27.10(d).* We estimate that the cost to the Commission for a GS 7 legal instrument examiner at \$19 (rounded off) per hour to take .25 hrs. to review the one change in regulatory status that might be filed is \$4.75.

14-e. *Foreign Ownership Notifications pursuant to 47 C.F.R. § 27.12.* We estimate that the cost to the Commission for a GS 7 legal instrument examiner at \$19 (rounded off) per hour to take .25 hrs. to review the one foreign ownership change submission that might be filed is \$4.75.

14-f. *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.

Total cost to the government: $\$237.50 + \$4.75 + \$4.75 = \$247.00.$

15. This is a new information collection resulting in a program change increase of 14 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 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.