

## 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.<sup>1</sup> We are adjusting estimates of the currently approved information collection to reflect the issuance of the *AWS-4 Report and Order*, which would slightly increase the number of respondents, responses, hourly burden, and annual costs associated with an additional spectrum band.

### **A. Justification:**

1. The Commission in the revisions proposed in the *AWS-4 NPRM*, FCC 12-32, which was submitted to OMB for approval, proposed terrestrial service, technical, assignment, and licensing rules for the 2000-2020 MHz and 2180-2200 MHz spectrum bands. These proposed rules were 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* proposed 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* included 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* referred to these spectrum bands as "AWS-4" or "AWS-4 spectrum." The *AWS-4 NPRM* proposed to expand spectrum available for AWS, which the Commission first adopted in the *AWS-1 Report and Order*.

For this revision, subject to OMB approval, the Commission in the *AWS-4 Report and Order*, FCC 12-151, adopts flexible use rules for 40 megahertz of spectrum in the 2 GHz band (2000-2020 MHz and 2180-2200 MHz) that would increase the nation's supply of spectrum for mobile broadband. We adopt AWS-4 terrestrial service, technical, and licensing rules that generally follow the Commission's Part 27 flexible use rules, modified as necessary to account for issues unique to the AWS-4 bands. First, we establish 2000-2020 MHz paired with 2180-2200 MHz as the AWS-4 band plan. Second, we adopt appropriate technical rules for operations in the AWS-4 band. This includes rules governing the relationship of the AWS-4 band to other bands. Third, mindful that AWS-4 spectrum is now allocated on a co-primary basis for Mobile Satellite and for terrestrial Fixed and Mobile services and that MSS licensees already have authorizations to provide service in the band, we determine that the AWS-4 rules must provide for the protection of 2 GHz MSS systems from harmful interference caused by AWS-4 systems. Fourth, consistent with our determination below to grant AWS-4 terrestrial operating authority to the incumbent 2 GHz MSS licensees, we propose to assign terrestrial rights by modifying the MSS operators' licenses pursuant to Section 316 of the Communications Act. Fifth, we adopt performance requirements for the AWS-4 spectrum. Specifically, licensees of AWS-4 operating authority will be subject to build-out requirements that require a licensee to provide terrestrial signal coverage and offer terrestrial service to at least 40 percent of its total terrestrial license areas' population within four years,

<sup>1</sup> 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 in the Report and Order, FCC 12-151, seeking (OMB) approval except 47 CFR §§ 1.949, 27.14, 27.17, 27.1131, 27.1134, 27.1136, 27.1166, 27.1168, 21.1170, 101.69, and 101.73(d) which require OMB approval.

and to at least 70 percent of the population in each of its license areas within seven years, and to appropriate penalties if these benchmarks are not met. Sixth, we adopt a variety of regulatory, licensing, operating, and relocation and cost sharing requirements for licensees of AWS-4 operating authority. Seventh, we eliminate the ATC rules for the 2 GHz MSS band and propose to modify the 2 GHz MSS operators' licenses to eliminate their ATC authority. In so doing, the *AWS-4 Report and Order* would carry out a recommendation in the National Broadband Plan that the Commission enables the provision of stand-alone terrestrial services in the 2 GHz Mobile Satellite Service (MSS) spectrum band, thus dramatically increasing the value of this spectrum to the public. The *AWS-4 Report and Order* would remove regulatory barriers to mobile broadband use of this spectrum; would adopt service, technical, and licensing rules that would encourage innovation and investment in mobile broadband; and would provide certainty and a stable regulatory regime for the rapid deployment of wireless broadband.

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 any time 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.

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).

The following is a description of the information collection requirements that are contained in the following rule sections:

**Section 1.949** - sets forth the renewal criteria showing at the time of license renewal of a geographic-area authorization in the 2000-2020 MHz and 2180-2200 MHz service bands, independent of its performance requirements, as a condition of renewal. The showing must include a detailed description of the applicant's provision of service during the entire license period and address: (1) The level and quality of service provided by the applicant (e.g., the population served, the area served, the number of subscribers, the services offered); (2) The date service commenced, whether service was ever interrupted, and the duration of any interruption or outage; (3) The extent to which service is provided to rural areas; (4) The extent to which service is provided to qualifying tribal land as defined in § 1.2110(f)(3)(i); and (5) Any other factors associated with the level of service to the public

**Section 27.14** - sets forth construction requirements and renewal criteria for AWS and WCS licensees. AWS and WCS licensees, must, satisfy band specific performance requirements. Licensees of AWS-4 operating authority must provide terrestrial signal coverage and offer terrestrial service within four (4) years from the date of the license to at least forty (40) percent of the total population in the aggregate service areas that it has licensed in the 2000-2020 MHz and 2180-2200 MHz bands; must provide terrestrial signal coverage and offer terrestrial service within seven (7) years from the date of the license to at least to at least seventy (70) percent of the population in each of its license areas in the 2000-2020 MHz and 2180-2200 MHz bands; Licensees of AWS-4 operating authority must demonstrate compliance with performance requirements by filing a construction notification with the Commission, within 15 days of the expiration of the applicable benchmark;

**Section 27.17 – (new requirement)** sets forth the terms in which an AWS licensee's authorization in the 2000-2020 MHz and 2180-2200 MHz bands will automatically terminate if it permanently discontinues its services, after meeting the AWS-4 final buildout requirement; that a licensee of the 2000-2020 MHz and 2180-2200 MHz bands that permanently discontinues service must notify the Commission of the discontinuance within 10 days by filing FCC Form 601 or 605 requesting license cancellation; and an authorization will automatically terminate, without specific Commission action, if service is permanently discontinued, even if a licensee fails to file the required form requesting license cancellation.

**Section 27.1131** - All AWS licensees, prior to initiating operations from any base or fixed station, must coordinate their frequency usage with co-channel and adjacent channel incumbent, Part 101 fixed-point-to-point microwave licensees operating in the 2110–2155 MHz and 2180-2200 MHz bands.

**Section 27.1134(e)(1)** - AWS-4 operations in the 2180-2200 MHz band must comply with default out-of-band emissions limits. For these AWS-4 operations, the power of any emissions on all frequencies between 2200 MHz and 2290 MHz shall not exceed an EIRP of -100.6 dBW/4 kHz. Additionally, no AWS-4 base station operating in the 2180-2200 MHz band shall be located less than 820 meters from a U.S. Earth Station facility operating in the 2200-2290 MHz band.

**Section 27.1134 (e)(2)** – The out-of-band emissions limits in paragraph (e)(1) may be modified by the private contractual agreement of licensees of AWS-4 operating authority and Federal government entities operating in the 2200-2290 MHz band. A licensee of AWS-4 operating authority who is a party

to such an agreement must maintain a copy of the agreement in its station files and disclose it, upon request, to prospective AWS-4 assignees, transferees, or spectrum lessees, to Federal operators, and to the Commission.

**Section 27.1136** - The Commission requires AWS-4 licensees of the 2000-2020 MHz and 2180-2200 MHz bands to protect Mobile Satellite Service (MSS) operations in these bands from harmful interference and to accept interference received from duly authorized MSS operations in these bands.

**Section 27.1166** - An AWS relocater must submit documentation of the relocation agreement to the clearinghouse within 30 calendar days of the date a relocation agreement is signed with an incumbent to obtain reimbursement under the cost-sharing plan itemizing the amount spent for items, as well as, any reimbursable items that are directly attributable to actual relocation costs. Specifically, the AWS relocater, or the voluntarily relocating microwave incumbent must submit, in the first instance, only the uniform cost data requested by the clearinghouse along with a copy, without redaction, of either the relocation agreement, if any, or the third party appraisal, if relocation was undertaken by the microwave incumbent. AWS relocators and voluntarily relocating microwave incumbents must maintain documentation of cost-related issues until the applicable sunset date and provide such documentation upon request, to the clearinghouse, the Commission, or entrants that trigger a cost-sharing obligation. If an AWS relocater pays a microwave incumbent a monetary sum to relocate its own facilities, the AWS relocater must estimate the costs associated with relocating the incumbent by itemizing the anticipated cost. If the sum paid to the incumbent cannot be accounted for, the remaining amount is not eligible for reimbursement. Also, the AWS relocater or the voluntarily relocating microwave incumbent must identify the particular link associated with appropriate expenses. Where the AWS relocater or voluntarily relocating microwave incumbent relocates both paths of a paired channel microwave link (e.g., 2110–2130 MHz with 2160–2180 MHz and 2130–2150 MHz with 2180–2200 MHz), the AWS relocater or voluntarily relocating microwave incumbent must identify the expenses associated with each paired microwave link. Additionally, where a voluntarily relocating microwave incumbent relocates a paired microwave link with paths in the 2130–2150 MHz and 2180–2200 MHz bands, it may not seek reimbursement from MSS operators, but is entitled to reimbursement from the first AWS beneficiary for its actual costs for relocating the paired link, subject to the reimbursement cap. An AWS licensee who is obligated to reimburse relocation costs under this rule is entitled to obtain reimbursement from other AWS beneficiaries.

**Section 27.1168 (new requirement)** - requires that the clearinghouse will apply the Proximity Threshold Test to determine when an AWS entity has triggered a reimbursement obligation under the cost-sharing obligation and therefore must pay an AWS relocater, MSS relocater, or a voluntarily relocating microwave incumbent in accordance with the cost-sharing formula. Once a reimbursement obligation is triggered, the AWS entity may not avoid paying its cost-sharing obligation by deconstructing or modifying its facilities.

**Section 27.1170 (new requirement)** – requires an AWS entity to file a notice containing site-specific data with the clearinghouse, prior to initiating operations for a newly constructed site or modified existing site. The notice regarding the new or modified site must provide a detailed description of the proposed site’s spectral frequency use and geographic location, including but not limited to the applicant’s name and address, the name of the transmitting base station, the geographic coordinates corresponding to that base station, the frequencies and polarizations to be added, changed or deleted, and the emission designator. If a prior coordination notice (PCN) under §101.103(d), AWS entities can satisfy the site-data filing requirement by submitting a copy of their PCN to the clearinghouse. AWS entities that file either a notice or a PCN have a continuing duty to maintain the accuracy of the site-specific data on file with the clearinghouse. Utilizing the site-specific data, the clearinghouse will determine if any reimbursement obligation exists and notify the AWS entity in writing of its repayment obligation, if any. In compliance with payment issues, when the AWS entity receives a written copy of such obligation, it must pay directly to the relocater the amount owed within 30 calendar days.

**Section 101.69** – requires that relocation of Fixed Microwave Service (FMS) licensees by Mobile-Satellite Service (MSS) licensees will be subject to mandatory negotiations only.

**Section 101.73** – requires that a mandatory negotiation period be initiated at the option of the ET licensee; but relocation of Fixed Microwave Service (FMS) licensees by Mobile Satellite Service (MSS) operators and AWS licensees in the 2110–2150 MHz and 2160–2200 MHz bands will be subject to mandatory negotiations only. A separate mandatory negotiation period will commence for each FMS licensee when an ET licensee informs that FMS licensee in writing of its desire to negotiate. Without this information, the Commission would not be able to carry out its statutory responsibilities.

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 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 a 60 day notice which appeared in the Federal Register on February 25, 2013 (78 FR 12750). 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.

1 2 -	<b>Burden on Respondents</b>	<b>Number of Respondents</b>	<b>Number of Responses</b>	<b>Time per Response (Hours)</b>	<b>Total Annual Burden Hours</b>
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)  § 27.14 (performance requirements for AWS-4 operators) 3-year aggregate  § 27.14 (Construction requirements; renewal criteria) (AWS-4 R&O) 7-year per license (placeholder – FCC use only)  § 1.949 10-year renewal (placeholder – FCC use only)  § 1.949 (Application for renewal of license) (AWS-4 R&O)	0   2   0  0	0   1   0  0	0   2   0  0	0   4   0  0
c.	§ 27.1131 (Protection of Part 101 operations)  § 27.1131 (Protection of Part 101 operations) (AWS-4 R&O)  § 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)  § 27.1134 (e)(Protection of Federal Government operations in the 2200-2290 MHz band) (AWS-4 R&O)	200	200 (On occasion)	0.25	10,000

1 2 -	Burden on Respondents	Number of Respondents	Number of Responses	Time per Response (Hours)	Total Annual Burden Hours
d.	§§ 101.69, 101.73(d), 101.75(a) (disclosures related to negotiation and relocation of FS links)  § 101.69 (Transition of the 1850-19990 MHz, 2110-2150 MHz, and 2160-2200 MHz bands from the fixed microwave services to personal communications services and emerging technologies) (AWS-4 R&O)  §101.73(d) (Mandatory negotiations) (AWS-4 R&O)	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  10	0.75 (On occasion)  2 (On occasion)	2  5	300  100
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  200	18.6 (On occasion)  0.1 (On occasion)	1  3	4,501  60
h.	§§ 27.1166(b), 27.1182(b) (additional reporting and disclosures of documentation to FCC, clearinghouse, or other licensee(s))  §§ 27.1166(a)(1), 27.1166 (b)(2) and (f), 27.1166 (Reimbursement under the cost-sharing plan) (AWS-4 R&O)	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)).  § 27.1170 (Payment issues) (AWS-4 R&O)	202	99	0.25	5000



1 2 -	Burden on Respondents	Number of Respondents	Number of Responses	Time per Response (Hours)	Total Annual Burden Hours
j.	§§ 27.1168, 27.1170, 27.1184 (recordkeeping; disclosures from clearinghouses to licensees) §§ 27.1168 (a), (a)(2),(a), (a)(3)(ii), and (b) (triggering a reimbursement obligation) (AWS-4 R&O)	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 R&O)	2	1 (one time)	.5	1
o.	§ 27.1136 (AWS-4 protection of MSS) (AWS-4 R&O)	2	1 (on occasion)	.5	1
p.	§ 27.53(h)(4)(iii) (An AWS licensee who is a party to a private agreement must maintain a copy of the agreement in its station files and disclose it, upon request, to prospective AWS assignees, transferees, or spectrum lessees and to the Commission. ) (AWS-4 R&O)	2	1 (on occasion)	.5	1
	<b>Totals:</b>	<b>979*</b>	<b>1,625</b>	<b>1.6 Hours (Average)</b>	<b>32,386 Hours (Total)</b>

**12-a. Reporting- Compliance with foreign ownership filing requirements for AWS-1 and AWS-4 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 any time 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 – 7 year buildout.* Under the proposed revisions, AWS-4 licensees would be required to file 7-year aggregate performance data with the FCC, as shown in the table above.

2 respondents x 1 response x 2 hours per response = **4 hours** during the next 7-year buildout period (this entry is on the statement to act as a place holder for this requirement.)

**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 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 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 cannot do so unless they register their reimbursement rights with a clearinghouse. We are assuming that all AWS relocations (4250 paired links + 20 BRS systems) will be registered with a clearinghouse by 202 AWS 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 (202 AWS + 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 202 AWS 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 (202 + 40) respondents x 18.6 responses @ 1 hr. = **4,501 hours**, 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 (202 AWS, & 40 FS self-relocators), which works out to an average of 4.8 responses per respondent.

242 (202 +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 site-specific data (prior to initiating new or modified operations).* See 47 C.F.R. §§ 27.1170, 27.1186. We assume that 202 AWS licensees 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 (202 AWS), 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.

**12-n.** *Discontinuance of service in the 2000-2020 MHz and 2180-2200 MHz bands.* AWS-4 licensees must notify the Commission should they permanently discontinue service. We anticipate this to be a one-time cost that only applies in the event of the licensee permanently discontinuing AWS-4 service. The Commission believes that one filing will be prepared by a licensee's existing staff attorneys ("in-house") at approx. \$58.39 per hour and that this notification will take an average of .50 hours. (placeholder)

2 respondent x 1 response x .5 hrs = **1 hour.**

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

**12-o.** *Protection of Mobile Satellite Services in the 2000-2020 MHz and 2180-2200 MHz bands.* (placeholder)

2 respondent x 1 response x .5 hrs = **1 hour.**

Cost per response: \$0 Internal cost = \$0.

**12-p.** *Private Agreements.* (placeholder)

2 respondent x 1 response x .5 hrs = **1 hour.**

Cost per response: \$0 Internal cost = \$0

**TOTAL ANNUAL BURDEN: (5 + 4 + 10,000 + 2,318 + 400 + 2,263 + 4,561 + 1,162 + 5,000 + 500 + 40 + 130 + 6,000 + 1 + 1 + 1 = 32,386 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 respondents x 0.1 responses x \$840 per response = **\$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 respondents x 10 responses x \$ 2000 per response = **\$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 respondents x 6 responses x \$600 per response = **\$ 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:  $\$19 \times .25 \text{ hrs} \times 10 \text{ foreign ownership change submissions} = \$47.50$  (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:  $\$33 \times 2 \text{ hrs. per review} \times 200 \text{ showings} = \$13,200$ .

**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.** 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 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 AWS-4 operators and 2 clearinghouses.) We are reporting a 7 hour increase adjustment due to a recalculation of the burden estimates.

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

**17.** We are not requesting OMB approval to not display the OMB expiration date as the requirements are contained in FCC rules.

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 exceptions to item 19 of the Certification. When the Commission published the 60 day notice, we published incorrect the total burden estimates of 32,384 hours. However, during the comment period, we recalculated the estimates and found a minor discrepancy. With the publication of the 30 day notice, we are submitting more accurate estimates to the OMB.

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

No statistical methods are employed.