

SUPPORTING STATEMENT

**A. Justification:**

1. FCC Form 608 is a multi purpose form. It is used to provide notification or request approval for any spectrum leasing arrangement (“Lease”) entered into between an existing licensee in certain Wireless and/or Public Safety Radio Services and a spectrum lessee. This form also is required to notify or request approval for any spectrum subleasing arrangement (“Sublease”). The data collected on the form is used by the FCC to determine whether the public interest would be served by the Lease or Sublease. The form is also used to provide notification for any Private Commons Arrangement entered into between a licensee, lessee, or sublessee and a class of third-party users (as defined in Section 1.9080 of the Commission’s Rules).

On February 15, 2012, Federal Communications Commission (“Commission”) adopted and released a *Notice of Proposed Rulemaking* (“NPRM”) in WT Docket No. 12-40, FCC 12-20, to amend Parts 1 and 22 of the Commission’s rules to change the licensing model for the 800 MHz Cellular Radiotelephone (“Cellular”) Service from site-based to geographic-based, and to delete obsolete provisions associated with the legacy site-based regime. Subsequently, on November 7, 2014, the Commission adopted a *Report and Order* (“R&O”) in that same proceeding (WT Docket No. 12-40; FCC 14-181). In addition to rule revisions that do not affect this information collection, in connection with changing to geographic-based licensing, the Commission adopted a revised rule Section 22.948(d), which governs Cellular Service providers that seek to lease all or a portion of their licensed area. Specifically, the revised rule adopted in the R&O requires the electronic submission of maps (in GIS format and PDF) when the Cellular applicant submits Form 608.

The Commission is now seeking Office of Management and Budget (OMB) approval for a revision of the collection because the map requirement for Cellular licensees very slightly increases the total annual burden hours. FCC Form 608 itself is not being revised.

Statutory authority for this collection of information is contained in 47 U.S.C. sections 151, 154(i), 154(j), 155, 158, 161, 301, 303(r), 308, 309, 310, 332 and 503.

This collection of information does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The required notifications and applications will provide the Commission with useful information about spectrum usage and help to ensure that licensees and lessees are complying with Commission interference and non-interference related policies and rules. Similar information and verification requirements have been used in the past for licensees operating under authorizations, and such requirements will serve to minimize interference, verify that lessees are legally and technically qualified to hold licenses, and ensure compliance with Commission rules.

3. The Commission encourages the use of electronic filing and estimates that currently. With the advent of ULS, 98% of all applications and notifications submitted to the FCC are now being filed electronically. Electronic filing is mandatory for certain categories of respondents specified in section 1.913 of the Commission's rules, 47 C.F.R. §1.913 and others have the choice of filing manually or electronically.

For leasing arrangements in many of the wireless radio services, the Commission requires licensees and spectrum lessees to file the requested information (in the notifications or applications) electronically in ULS, while it encourages the parties to file electronically in all other situations in which the regulations permit such electronic filing. FCC Form 608 is an electronic form that will be filed via ULS. The Commission will provide a file format to allow respondents to complete the form electronically.

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 licensee compliance with Commission rules and to deter against possible abuses of the Commission's processes. The Commission will continue to examine alternatives in the future with the objective of eliminating unnecessary regulations and minimizing burdens on small businesses.
6. The information that is contained in this collection is intended to aid the Commission in finding ways to remove unnecessary regulatory barriers to the development of more robust secondary markets in radio spectrum usage rights in the wireless radio services. The collection of information and the form 608 are essential to ensuring that the Communications Act and the Commission's rules and policies are obeyed and that the Commission can maintain its responsibility to protect spectrum users from harmful interference. Without these reporting requirements, it would be difficult for the Commission to ensure compliance.
7. The special circumstances in this information collection are in our notification requirements. In those requirements, licensees are required to notify the Commission within 14 days of execution and at least 21 days in advance of operation. This requirement is requiring respondents to report information to the Commission in fewer than 30 days.
8. The Commission published a 60-day public notice which appeared in the *Federal Register* (79 FR 72173) on December 5, 2014 seeking comments from the public on the information collection requirements contained in this collection. No comments were received as a result of this notice.
9. Respondents will not receive any payments.
10. Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR § 0.459 of the FCC rules.
11. This collection does not address private matters of a sensitive nature.

12. **Hour burden estimates.** The Commission estimates that of the total number of licensees in most services who may participate in the option to enter into the types of spectrum leasing arrangements 10% will be lessors, and 5% lessees. We estimate that 85% of licensees in most services will be non-participants. In addition, the Commission estimates that approximately 50 non-licensees per year will enter into spectrum leasing arrangements as lessees.

The Commission predicts that all of the entities will use outside staff attorneys to prepare the notifications or applications.

We estimate that it will take an in-house secretary approximately 1 hour @ the GS-8 Step 5 level (equivalent), earning \$25.90/hr, to update and maintain copies of the files associated with the leasing arrangements.

We estimate approximately 10 Cellular Service applicants will incur an additional in house burden of 30 minutes (0.5 hours) to prepare the required map submissions which are inclusive of the overall 991 responses (therefore, the total number of responses are not increasing). We estimate these will be prepared by an in-house professional or engineer @ the GS-13 Step 5 level (equivalent), earning \$49.32/hr.

**Total Number of Respondents: 991.**

**Total Number of Annual Responses: 991.**

**Total Annual Burden Hours:**

991 responses x 1 hr./response (clerical) + 10 responses x 0.5 hr/response (engineer) = **996 hours.**<sup>1</sup>

**Total Annual In-House Cost:** 991 responses x 1 hour/response x \$25.90/hr.+ 10 x 0.5 hr/response (engineer) x \$49.32/hr = **\$25,913.50**

13. Cost to the Respondent:

- a. Total annualized capital/start-up costs: \$0.00.
- b. Total annualized cost requested to prepare FCC 608 are:

**There is no cost to file the application electronically with the FCC other than the cost of a long distance phone call and/or Internet access.**

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<sup>1</sup> The Commission estimates that the overall average time per response remains 1 hour. This is due to only 10 applicants being subjected to the map submission requirement. These 10 respondents and responses are inclusive of the total 991 respondents and responses to this collection. Therefore, an increase in the total number of respondents and responses did not occur because of the map submission requirement.

**FCC application filing fees:**

We estimate that approximately 75% of 991 various applications filed require an application fee of \$60 - \$385 each. (The balance of the respondents would be exempt from filing fees due to type of entity, i.e., public safety, governmental entities, non-commercial educational broadcast, or because the purpose for which they are filing does not require a fee.)

For purposes of this submission, we estimate the total application fees using an average of \$125 per filing:

991 total responses @ 75% (feeable) = 743 feeable filings.

743 filings @ \$125 average fee = \$92,875.

**Consulting costs (attorney):**

The Commission predicts that all of the entities will use outside staff attorneys to prepare the notifications or applications.

991 responses x 4 hours/response @ \$300.00 per hour (attorney fees) = \$1,189,200.

**Total annual cost burden: \$92,875 + \$1,189,200 = \$1,282,075.**

14. Cost to Federal Government:

FCC Form 608 applications estimated to be filed: 991.

991 applications x 1 hour = \$34,288.60  
@ \$34.60 per hour (GS-11, Step 5) for an  
Industry Analyst

**The total annual estimate of government cost is: \$34,288.60.**

15. There is a program change increase of 5 hours for the Cellular Service applicants to provide the required map submissions which was adopted in FCC 14-181.
16. The data will not be published for statistical use.
17. The Commission is requesting a continued waiver from displaying the OMB expiration date on FCC Form 608. Granting this waiver will prevent the Commission from destroying excess forms, having to update computer versions and thus reduce waste. All OMB-approved information collections are published in 47 CFR § 0.408. This section includes the OMB control number, title of the collection and the OMB expiration date.

18. There are no exceptions to the “Certification Statement.”

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

This information collection does not use any statistical methods.