

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (FCC) adopted the Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions Report and Order, FCC 14-50, on May 15, 2014, published at 79 FR 48442 (Aug. 15, 2014). In the Report and Order, the Commission adopts rules to implement the broadcast television spectrum incentive auction. Our central objective in designing this incentive auction is to harness the economics of demand for spectrum in order to allow market forces to determine its highest and best use, which will benefit consumers of telecommunications services. The FCC seeks approval from the Office of Management and Budget (OMB) for some of the information collection requirements that are contained in the Report and Order, FCC 14-50, with this submission to OMB.

Statutory authority for these collections are contained in 47 U.S.C. §§ 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 325(b), 332, 336(f), 338, 339, 340, 399b, 403, 534, 535, 1404, 1452, and 1454.

The information collections do not affect individuals or households; thus, there is no impact under the Privacy Act.

The following is a description of each rule section which contains information collection requirements for which the Commission seeks OMB approval:

- (a) **Section 27.14(k)** requires 600 MHz licensees to demonstrate compliance with performance requirements by filing a construction notification with the Commission, within 15 days of the applicable benchmark.
- (b) **Section 27.14(t)(6)** requires 600 MHz licensees to make a renewal showing as a condition of each renewal. The showing must include a detailed description of the applicant's provision of service during the entire license period and address: (i) the level and quality of service provided by the applicant (including the population served, the area served, the number of subscribers, the services offered); (ii) the date service commenced, whether service was ever interrupted, and the duration of any interruption or outage; (iii) the extent to which service is provided to rural areas; (iv) the extent to which service is provided to qualifying tribal land as defined in 47 C.F.R. § 1.2110(f)(3)(i); and (v) any other factors associated with the level of service to the public.
- (c) **Section 27.17(c)** requires 600 MHz licensees to notify the Commission within 10 days of discontinuance if they permanently discontinue service by filing FCC Form 601 or 605 and requesting license cancellation.
- (d) **Section 27.19(b)** requires 600 MHz licensees with base and fixed stations in the 600 MHz downlink band within 25 kilometers of Very Long Baseline Array (VLBA)

observatories to coordinate with the National Science Foundation (NSF) prior to commencing operations.

- (e) **Section 27.19(c)** requires 600 MHz licensees that intend to operate base and fixed stations in the 600 MHz downlink band in locations near the Radio Astronomy Observatory site located in Green Bank, Pocahontas County, West Virginia, or near the Arecibo Observatory in Puerto Rico, to comply with the provisions in 47 C.F.R § 1.924.¹
- (f) **Section 74.602(h)(5)(ii)** requires 600 MHz licensees to notify the licensee of a studio-transmitter link (TV STL), TV relay station, or TV translator relay station of their intent to commence wireless operations and the likelihood of harmful interference from the TV STL, TV relay station, or TV translator relay station to those operations within the wireless licensee's licensed geographic service area. The notification is to be in the form of a letter, via certified mail, return receipt requested and must be sent not less than 30 days in advance of approximate date of commencement of operations.
- (g) **Section 74.602(h)(5)(iii)** requires all TV STL, TV relay station and TV translator relay station licensees to modify or cancel their authorizations and vacate the 600 MHz band no later than the end of the post-auction transition period as defined in 47 C.F.R § 27.4.

2. The Commission will use the information to ensure compliance with required filings of notifications, certifications, license renewals, license cancelations, and license modifications. Also, such information will be used to minimize interference and to determine compliance with Commission's rules.

3. Before finalizing rulemakings, the Commission conducts 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.

4. The Commission does not impose a similar information collection on the respondents. There is no similar data available. Therefore, the Report and Order does not require duplicative information to be collected.

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

¹ The information collection requirements of 47 C.F.R. § 1.924 require licensees to notify the Director, National Radio Astronomy Observatory of the technical details of the proposed operations within the area bounded by N 39°15'0.4" on the north, W 78°29'59.0" on the east, N 37°30'0.4" on the south, and W 80°29'59.2" on the west (near the Radio Astronomy Observatory site located in Green Bank, Pocahontas County, West Virginia). In addition, licensees must notify the Arecibo Observatory of the technical parameters of any planned operations that may cause interference to the operations of the Arecibo Observatory.

limited the information requirements to those absolutely necessary for evaluating compliance with Commission rules.

6. Without the notification, certification and licensing requirements, it would be difficult for the Commission to ensure that licensees are in compliance with FCC rules and policies. For example, the construction notification allows the Commission to determine if 600 MHz licensees are complying with the applicable performance requirements by filing a construction notification. In addition, without the notification requirements, the Commission could not effectively minimize interference in the 600 MHz Band. Therefore, the Commission could not collect the information any less frequently than it proposes to do.

7. There are no special circumstances that exist for this information collection that would make the collection of the information inconsistent with 5 C.F.R § 1320.

8. Pursuant to 5 C.F.R § 1320.5(d), the Commission published a 60-day notice in the Federal Register on May 1, 2015 (80 FR 24919) seeking comments from the public on the information collection requirements contained in this collection. There were no comments received from the public.

9. Respondents will not receive any payments in connection with this collection.

10. There is no need for confidentiality with this collection of information.

11. The requirements contained in this collection do not address any private matters of a sensitive nature.

12. **Respondent Burden:** For purposes of this supporting statement, the Commission estimates that the maximum amount of spectrum (144 MHz) is repurposed and that all licensees will comply with all applicable rules.

Please see the charts below for the number of respondents, frequency of response, time per response and total annual burden hours for this collection during each year of the three-year approval period. Our explanation of the estimates for each item follows the charts.

Year 1

12 -	Burden on Respondents	Estimated Number of Respondents	Estimated Frequency of Responses	Total Number of Responses	Time per Response (Hours)	Total Annual Burden Hours
a.	§ 27.14(k) Performance Requirements	0	2 (within 12 years of license grant)	0	2	0
b.	§ Section 27.14(t)(6) License Renewal	0	1 (12 years after license grant)	0	2	0
c.	§ 27.17(c) Discontinuance of Service	0	On occasion	0	.5	0
d.	§ 27.19(b) VLBA Observatory Notification	0	1 in Year 3	0	2	0
e.	§ 27.19(c) Radio Astronomy Notification	0	1 in Year 3	0	2	0
f.	§ 74.602(h)(5)(ii) TV STL, TV Relay Station, or TV Translator Relay Station Notification	0	1 in Year 3	0	2	0
g.	§ 74.602(h)(5)(iii) TV STL, TV Relay Station, or TV Translator Relay Station License Modification or Cancellation	0	1 in Year 3	0	.5	0
	Totals:	0		0	.5 – 2 hours	0 Hours

Year 2

12 -	Burden on Respondents	Estimated Number of Respondents	Estimated Frequency of Responses	Total Number of Responses	Time per Response (Hours)	Total Annual Burden Hours
a.	§ 27.14(k) Performance Requirements	0	2 (within 12 years of license grant)	0	2	0
b.	§ Section 27.14(t)(6) License Renewal	0	1 (12 years after license grant)	0	2	0
c.	§ 27.17(c) Discontinuance of Service	0	On occasion	0	.5	0
d.	§ 27.19(b) VLBA Observatory Notification	0	1 in Year 3	0	2	0
e.	§ 27.19(c) Radio Astronomy Notification	0	1 in Year 3	0	2	0
f.	§ 74.602(h)(5)(ii) TV STL, TV Relay Station, or TV Translator Relay Station Notification	0	1 in Year 3	0	2	0
g.	§ 74.602(h)(5)(iii) TV STL, TV Relay Station, or TV Translator Relay Station License Modification or Cancellation	0	1 in Year 3	0	.5	0
	Totals:	0		0	.5 – 2 hours	0 Hours

Year 3

12 -	Burden on Respondents	Number of Respondents²	Frequency of Responses	Total Number of Responses	Time per Response (Hours)	Total Annual Burden Hours
a.	§ 27.14(k) Performance Requirements	0	2 (within 12 years of license grant)	0	2	0
b.	§ Section 27.14(t)(6) License Renewal	0	1 (12 years after license grant)	0	2	0
c.	§ 27.17(c) Discontinuance of Service	0	On occasion	0	.5	0
d.	§ 27.19(b) VLBA Observatory Notification	120	1 in Year 3	120	2	240
e.	§ 27.19(c) Radio Astronomy Notification	24	1 in Year 3	24	2	48
f.	§ 74.602(h)(5)(ii) TV STL, TV Relay Station, or TV Translator Relay Station Notification	117	1 in Year 3	117	2	234
g.	§ 74.602(h)(5)(iii) TV STL, TV Relay Station, or TV Translator Relay Station License Modification or Cancellation	117	1 in Year 3	117	.5	58.5
	Totals:	378		378	.5 – 2 hours	580.5 Hours

² For purposes of determining the number of respondents, we are assuming that each winning bidder will be different. This will allow us to accurately reflect the estimated respondent burden.

12-a. *Reporting – Compliance with Performance Requirements pursuant to 47 C.F.R. § 27.14(k).* The Commission sets forth criteria that 600 MHz licensees shall demonstrate compliance with their performance requirements by filing a construction notification with the Commission twice within twelve years of the initial license grant (or 10 years if the period is shortened under the Commission’s rules). We estimate 2 hours per response. Because the first notification will not be filed until 6 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-b. *Reporting – Compliance with License Renewal pursuant to 47 C.F.R. § 27.14(t)(6).* The Commission sets forth criteria for 600 MHz licensees to be able to renew their 600 MHz licenses. The first renewal period is 12 years (or 10 years if the license is shortened under the Commission’s rules) after the initial license is granted (thereafter every 10 years). Licensees seeking license renewal must file a license renewal application. We estimate 2 hours per response. Because the first license renewal application will not be filed until 12 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 Licensee Notification of Permanently Discontinuing Service pursuant to 47 C.F.R. § 27.17(c).* 600 MHz licensees must notify the Commission within 10 days of discontinuance if they permanently discontinue service by filing FCC Form 601 or 605 and requesting license cancellation. We estimate .5 hours per response. 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-d. *Reporting - Compliance with VLBA Observatory Coordination pursuant to 47 C.F.R. § 27.19(b).* 600 MHz licensees with base and fixed stations in the 600 MHz downlink band that are within 25 kilometers of VLBA observatories must coordinate with the National Science Foundation prior to commencing operations. The Commission estimates that 120 600 MHz licenses will be affected by these coordination requirements during the third year of the three-year approval period. The Commission believes that complying with this provision will take 2 hours and be done by a licensee’s existing in-house staff attorney. The staff attorney is estimated to be paid an hourly rate of approximately \$62.93 per hour, which is the average hourly rate for an in-house attorney according to the Bureau of Labor Statistics.

120 respondents x 1 response each x 2 hours of internal attorney time per response = **240 hours.**

In-House Cost: 120 respondents x 1 response each x 2 hours of internal attorney time per response x \$62.93/hour = **\$15,103.20.**

12-e. *Reporting - Compliance with Radio Astronomy Notification pursuant to 47 C.F.R. § 27.19(c).* 600 MHz licensees that intend to operate base and fixed stations in the 600 MHz downlink band in locations near the Radio Astronomy Observatory site located in Green Bank, Pocahontas County, West Virginia, or near the Arecibo Observatory in Puerto Rico, must comply with the provisions in 47 C.F.R § 1.924. The Commission estimates that 24 600 MHz licenses will be affected by these requirements over the next three years. The Commission believes that complying with this provision will take 2 hours and be done by a licensee's existing in-house staff attorney. The staff attorney is estimated to be paid an hourly rate of approximately \$62.93 per hour, which is the average hourly rate for an in-house attorney according to the Bureau of Labor Statistics.

24 respondents x 1 response each x 2 hours of internal attorney time per response = **48 hours.**

In-House Cost: 24 respondents x 1 response each x 2 hours of internal attorney time per response x \$62.93/hour = **\$3,020.64.**

12-f. *Reporting - Compliance with TV STL, TV Relay Station, or TV Translator Relay Station Notification pursuant to 47 C.F.R. § 74.602(h)(5)(ii).* 600 MHz licensees must notify the licensee of a TV STL, TV relay station, or TV translator relay station of its intent to commence wireless operations and the likelihood of harmful interference from the TV STL, TV relay station, or TV translator relay station to those operations within the wireless licensee's licensed geographic service area. The Commission estimates that 117 600 MHz licenses will be affected by these notification requirements over the next three years. The Commission believes that complying with this provision will take 2 hours and be done by a licensee's existing in-house staff attorney. The staff attorney is estimated to be paid an hourly rate of approximately \$62.93 per hour, which is the average hourly rate for an in-house attorney according to the Bureau of Labor Statistics.

117 respondents x 1 response each x 2 hours of internal attorney time per response = **234 hours.**

In-House Cost: 117 respondents x 1 response each x 2 hours of internal attorney time per response x \$62.93/hour = **\$14,725.62.**

12-g. *Reporting - Compliance with TV STL, TV Relay Station, or TV Translator Relay Station License Modification or Cancellation pursuant to 47 C.F.R. § 74.602(h)(5)(iii).* All TV STL, TV relay station and TV translator relay station licensees must modify or cancel their authorizations and vacate the 600 MHz band no later than the end of the post-auction transition period as defined in 47 C.F.R. § 27.4. The Commission estimates that 117 600 MHz licenses will be affected by these notification requirements over the next three years. The Commission believes that complying with this provision will take half an hour and be done by a licensee's existing in-house staff attorney. The staff attorney is estimated to be paid an hourly rate of approximately \$62.93 per hour, which is the average hourly rate for an in-house attorney according to the Bureau of Labor Statistics.

117 respondents x 1 responses each x .5 hour per response = **58.5 hours.**

In-House Cost: 117 respondents x 1 responses each x .5 hour per response x \$62.93 = **\$3,681.41.**

TOTAL 3RD YEAR BURDEN: 240 + 48 + 234 + 58.5 = 580.5 hours (581 hours rounded)

TOTAL 3RD YEAR IN-HOUSE COST: \$15,103.20 + \$3,020.64 + \$14,725.62 + \$3,681.41 = \$36,530.87

13. Annual Costs to the Respondent:

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

TOTAL CAPITAL AND START-UP COSTS and/or OPERATION AND MAINTENANCE (O&M COSTS): None.

14. Government Costs:

14-a. *Compliance with Performance Requirements pursuant to 47 C.F.R. § 27.14(k).* The first notification need not be filed until 6 years after the initial license is granted. Thus we do not anticipate any burden hours to the Commission for this collection during the next three-year approval period.

14-b. *Compliance with License Renewal pursuant to 47 C.F.R. § 27.14(t)(6).* The first license renewal application will not be filed until 12 years after the initial license grant so we do not anticipate any license renewal applications being filed during the next three-year approval period. Thus we do not anticipate any burden hours to the Commission for this collection during the next three-year approval period.

14-c. *Compliance with Licensee Notification of Permanently Discontinuing Service pursuant to 47 C.F.R. § 27.17(c).* We do not anticipate any notifications being filed for this collection during the next three-year approval period. Thus, we do not anticipate any burden hours to the Commission for this collection during the next three-year approval period.

14-d. *Compliance with VLBA Observatory Coordination pursuant to 47 C.F.R. § 27.19(b).* We do not anticipate any cost to the Commission for this requirement during the next three-year approval period.

14-e. *Compliance with Radio Astronomy Notification pursuant to 47 C.F.R. § 27.19(c).* We do not anticipate any cost to the Commission for this requirement during the next three-year approval period.

14-f. *Compliance with TV STL, TV Relay Station, or TV Translator Relay Station Notification pursuant to 47 C.F.R. § 74.602(h)(5)(ii).* We do not anticipate any cost to the Commission for this requirement during the next three-year approval period.

14-g. *Compliance with TV STL, TV Relay Station, or TV Translator Relay Station License Modification or Cancellation pursuant to 47 C.F.R. § 74.602(h)(5)(iii).* We estimate that the Commission will use a legal instrument examiner at a rate of \$23.38 per hour and it will take roughly 0.5 hours to review each of the 117 modification or cancellation notices that might be filed. Thus, the total estimated cost is calculated as follows:

117 modification or cancellation notices x 0.5 hours/review x \$23.38/hour = \$1,367.73.

Total cost to the government: \$1,367.73

15. The Commission had program changes to the following items in this collection as a result of some of the information collection requirements that were adopted in FCC 14-50: 378 to the number of respondents, 378 to the number of annual responses, 581 to the annual burden hours and \$0 to the annual cost burden.

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 to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.