

Federal Communications Commission

Explanation of Non-Substantive Changes to OMB Control Number: 3060-1092:

Purpose of this Submission: This submission is being made for non-substantive changes to an existing information collection pursuant to 44 U.S.C. § 3507 for OMB control number 3060-1092. This submission seeks to update FCC Form 611-T and implement the filings procedures for the form pursuant to 47 CFR 1.2110(n).¹ None of these changes affects the Commission’s previous burden estimates, the reporting requirements, or costs to this collection.

Summary of the Changes

- **General Instructions for “Who Must File and What Must be Filed”:** The paragraph previously read: “Each designated entity licensee must file with the Commission an annual report no later than, and up to five business days before, the anniversary of each of the designated entity’s license grant date(s). Licensees may file one report for all designated entity licenses in the same service that were granted on the same day.”

The paragraph was updated to read: “Each designated entity licensee must file with the Commission an annual report no later than September 30 of each year for each individual

¹ See *Updating Part 1 Competitive Bidding Rules; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Petition of DIRECTV Group, Inc. and EchoStar LLC for Expedited Rulemaking to Amend Section 1.2105(a)(2)(xi) and 1.2106(a) of the Commission’s Rules and/or for Interim Conditional Waiver; Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission’s Competitive Bidding Rules and Procedures*, Report and Order, Order on Reconsideration of the First Report and Order, Third Order on Reconsideration of the Second Report and Order, and Third Report and Order, FCC 15-80, 30 FCC Rcd 7493 (2015), modified by Erratum, 30 FCC Rcd 8518 (2015) (*Part 1 R&O*).

The updated FCC Form 611-T will be filed as an annual report. 47 CFR 1.2110(n) states that:

(1) Each designated entity licensee must file with the Commission an annual report no later than September 30 of each year for each license it holds that was acquired using designated entity benefits and that, as of August 31 of the year in which the report is due (the “cut-off date”), remains subject to designated entity unjust enrichment requirements (a “designated entity license”). The annual report must provide the information described in paragraph (n)(2) of this section for the year ending on the cut-off date (the “reporting year”). If, during the reporting year, a designated entity has assigned or transferred a designated entity license to another designated entity, the designated entity that holds the designated entity license on September 30 of the year in which the application for the transaction is filed is responsible for filing the annual report.

(2) The annual report shall include, at a minimum, a list and summaries of all agreements and arrangements (including proposed agreements and arrangements) that relate to eligibility for designated entity benefits. In addition to a summary of each agreement or arrangement, this list must include the parties (including affiliates, controlling interests, and affiliates of controlling interests) to each agreement or arrangement, as well as the dates on which the parties entered into each agreement or arrangement.

(3) A designated entity need not list and summarize on its annual report the agreements and arrangements otherwise required to be included under paragraphs (n)(1) and (n)(2) of this section if it has already filed that information with the Commission, and the information on file remains current. In such a situation, the designated entity must instead include in its annual report both the ULS file number of the report or application containing the current information and the date on which that information was filed.

license it holds that was acquired using designated entity benefits and that, as of August 31 of the year in which the report is due, remains subject to designated entity unjust enrichment requirements (a “designated entity license”). If, during the reporting year, a designated entity has assigned or transferred a designated entity license to another designated entity, the designated entity that holds the designated entity license on September 30 of the year in which the application for the transaction is filed is responsible for filing the annual report.”

- **General Instructions for “Annual Report”:** A paragraph has been added to inform Licensees that “A designated entity need not list and summarize on its annual report the agreements and arrangements otherwise required to be included if it has already filed that information with the Commission, and the information on file remains current. In such a situation, the designated entity must instead include in its annual report both the ULS file number of the report or application containing the current information and the date on which that information was filed.”

- **Instructions for “Licensee Certification Statements”:** The paragraph previously read: “By signing this form, the Licensee certifies that the statements listed in this section are true, complete, correct, and made in good faith.”

The paragraph was updated to read: “By signing this form, the Licensee certifies that the statements listed in this section are true, complete, correct, and made in good faith. General Certification (4) is required for licenses for spectrum that is required by Sections 6103, 6401-6403 of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. §§ 309, 1413, 1451-1452, to be assigned by a system of competitive bidding under 47 U.S.C. § 309(j) (e.g. radio service AH (AWS-H Block at 1915-1920 MHz and 1995-2000 MHz), radio service AT (AWS-3, 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz), and radio service WT (600 MHz Band)). For purposes of this certification, the term “reasons of national security” means matters relating to the national defense and foreign relations of the United States.”

- **Question 3, “Entity”:** This entry was changed so that the Licensee can no longer choose consortium.
- **“Licensee Certification Statements”:** This entry was changed to add a certification that reads: “The Licensee certifies that the Licensee and all of the related individuals and entities required to be disclosed on FCC Form 602 (FCC Ownership Disclosure Information for the Wireless Telecommunications Services) are not person(s) who have been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant. This certification applies only to licenses for spectrum that is required by Sections 6103, 6401-6403 of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. §§ 309, 1413, 1451-1452, to be assigned by a system of competitive bidding under 47 U.S.C. § 309(j).”
- In addition, we are seeking approval to change the word “applicant” to “licensee” in a few instances for consistency to FCC Form 611-T and to update the contact information.