

June 14, 2016

## Federal Communications Commission

### OMB Control Number 3060-1211

#### Explanation of Non-Substantive Changes to OMB Control Number: 3060-1211:

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**Purpose of this Submission:** This submission is being made to an existing information collection pursuant to 44 U.S.C. § 3507 for a non-substantive change to this collection.<sup>1</sup> On May 2, 2016, the Federal Communications Commission (Commission or FCC) released an Order on Reconsideration and Second Report and Order,<sup>2</sup> which alters rules previously proposed by the Commission,<sup>3</sup> establishing rules for commercial use of 150 megahertz in the 3550-3700 MHz (3.5 GHz) band and creating a new Citizens Broadband Radio Service.

The band is currently used by Department of Defense (DoD) radar systems, commercial fixed satellite service (FSS) earth stations, and commercial wireless radio services. The Commission has established a framework for making the entirety of the band available for commercial use in a phased manner and creates a three-tiered sharing framework enabled by a Spectrum Access System (SAS).

The *First Report and Order* established a process for FSS earth stations to register annually with the Commission in order to gain protection from interference from new Citizens Broadband Radio Service users. The *Second Report and Order* includes an additional information requirement that FSS earth stations will need to submit pursuant to this framework. FSS earth stations operating within the 3700-4200 MHz band will be required to disclose if they provide satellite telemetry, tracking, and control, along with the information collection already approved by OMB as a part of the registration process.<sup>4</sup>

The *Second Report and Order* also adds provisions allowing the FSS earth stations to request additional protections through SAS Administrators. SAS Administrators are responsible for establishing a process to manage these requests and process information submitted by the FSS earth stations, as part of their responsibilities addressing interference concerns.<sup>5</sup> This rule change does not require licensees to provide information directly to the Commission.<sup>6</sup>

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<sup>1</sup> 44 U.S.C. § 3507.

<sup>2</sup> *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Order on Reconsideration and Second Report and Order, FCC 16-55 (2016) (*Second Report and Order*).

<sup>3</sup> *See Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Report and Order and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 3959 (2015) (*First Report and Order*).

<sup>4</sup> *Second Report and Order*, FCC 16-55 at 98, 96.17(d)(1)(vi). The registration process was accounted for previously as a part of existing clearance (OMB Control No. 3060-1211), and the cost estimates will not be impacted by the proposed change.

<sup>5</sup> *Second Report and Order*, FCC 16-55 at 98, 96.17(f).

**Rule:**

**96.17 - Protection of Existing FSS Earth Stations in the 3600-3700 MHz Band and 3700-4200 MHz Band**

(d)\*\*\*\*

(vi) whether the earth station is used for satellite telemetry, tracking, and control (for earth stations in the 3700-4200 MHz band).

(f) FSS earth station licensees in the 3600-3700 and 3700-4200 MHz bands may request additional protection from SAS Administrators to prevent harmful interference into their systems. SAS Administrators must establish a process to receive and address such requests, consistent with section 96.53(o) and 96.63 and shall make good faith efforts to address interference concerns, consistent with their other responsibilities under this Part. In addressing such requests, SASs shall assume that 3700-4200 MHz earth stations are utilizing filters with the characteristics described in sections 96.17(a)(3) or (b)(2) as appropriate for the 3600-3700 or 3700-4200 MHz band.

There are no changes in the burden hours or cost for this collection as a result of this non-substantive change submission to the Office of Management and Budget (OMB) for approval.

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<sup>6</sup> See generally 44 U.S.C. § 3507 (establishing information collection requirements with respect to information provided directly to agencies).