

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

September 22, 2016

Mr. Alexander Hunt
Chief, Information Policy Branch
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, N.W.
Washington, D. C. 20503

Dear Mr. Hunt:

The Federal Communications Commission (Commission) requests Office of Management and Budget (OMB) approval to submit the revised information collection described herein under the “emergency processing” provisions of the Paperwork Reduction Act (PRA) of 1995 (5 C.F.R. § 1320.13). The Commission is requesting clearance for a revision to a currently approved information collection to implement new collection requirements resulting from the Commission’s adoption of new and modified rules for existing wireless broadband licensees in the 3650-3700 MHz band, authorized under Part 96, subpart Z of the Commission’s rules (Grandfathered Wireless Broadband Licensees), and, in order to receive interference protection for registered stations, these licensees must notify the Commission that these stations were constructed, in service, and fully compliant with the relevant operating rules as of April 17, 2016. We respectfully request OMB approval for this revised information collection no later than 26 days after it is received at OMB.

On April 17, 2015, the Commission adopted a *Report and Order and Second Further Notice of Proposed Rulemaking (3.5 GHz Order)* that established a new Citizens Broadband Radio Service in the 3550-3700 MHz band (3.5 GHz Band).¹ In the *3.5 GHz Order*, the Commission adopted rules to protect existing licensees’ registered base stations in the 3650-3700 MHz band from harmful interference from Citizens Broadband Radio Service users for a fixed transition period. During the transition period, existing licensees will receive protection for operations that are within their Grandfathered Wireless Protection Zone, provided that: (1) the stations were registered in the Commission’s Universal Licensing System (ULS) on or before April 17, 2015; and (2) as of April 17, 2016 the stations were constructed, in service, and fully compliant with the relevant operating rules.

The *3.5 GHz Order* established rules for commercial use of 150 megahertz in the 3.5 GHz Band and creates a new Citizens Broadband Radio Service. The rules create additional capacity for wireless broadband by adopting a new approach to spectrum management to facilitate more intensive spectrum sharing between commercial and federal users and among multiple tiers of commercial users. Freeing additional spectrum is one of the Commission’s core spectrum policy goals and the President’s Council of Advisors on Science and Technology recommended that this band would be particularly well suited for spectrum sharing.

¹ See Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band, GN Docket No. 12-354, *Report and Order and Second Further Notice of Proposed Rulemaking*, 30 FCC Rcd 3959 (2015) (*3.5 GHz Order*).

Before the release of the *3.5 GHz Order*, the band segment was currently reserved for use by Department of Defense (DoD) radar systems and commercial fixed satellite service (FSS) earth stations (in the 3600-3650 MHz portion of the band), as well as Grandfathered Wireless Broadband Radio Services. The *3.5 GHz Order* established a roadmap for making the entirety of the 3.5 GHz band available for commercial use in a phased manner. This sharing arrangement is part of a broader three-tiered sharing framework enabled by a Spectrum Access System (SAS). The SAS incorporates a dynamic spectrum database and serves as an advanced, highly automated frequency coordinator across the band.

Incumbent users represent the highest tier in this framework and receive interference protection from Citizens Broadband Radio Service users. Protected incumbents include the federal operations and FSS earth stations described above and, for a finite period, Grandfathered Wireless Broadband Licensees. Non-federal incumbents must register the parameters of their operations with the Commission and/or an SAS to receive protection from Citizens Broadband Radio Service users.

On August 19, 2016, the Wireless Telecommunications Bureau (WTB) and Office of Engineering and Technology released a Public Notice adopting the final methodology for determining Grandfathered Wireless Protection Zones for existing licensees in the 3650-3700 MHz band, establishing a baseline contour used to protect these areas.² The Public Notice reiterated that licensees are required to certify which of their base stations were constructed, in service, and in full compliance with the rules by April 17, 2016. At the same time that licensees certify to the above they must identify whether or not that base station has unregistered Customer Premises Equipment (CPE) and the distance to the furthest registered CPE for each sector.

As stated in the Public Notice, the Commission is currently in the process of modernizing its Universal Licensing System (ULS) so that it will have the functionality to collect all the necessary data. When the mechanism is in place, WTB will communicate to the licensees the process by which they must submit this additional information. Then the existing registration data in ULS, along with the supplementary information provided by licensees, will determine the Grandfathered Wireless Protection Zone. The Grandfathered Wireless Protection Zones will then be communicated to the SASs.

Implementing the Grandfathered Wireless Protection Zones will be a one-time event. The zone for each station will remain unchanged unless a base station is taken out of service. If a base station is taken out of service the licensee will be required to delete the registration, the FCC will communicate to the SAS that the base station is no longer in service and that station's Grandfathered Wireless Protection Zone will no longer be protected.

The Commission seeks emergency approval for a revision to its existing approved collection of information under OMB Control Number 3060-1211 to permit the aforementioned collection of construction data as required by sections 96.21(a)(1) and (2) of the Commission's rules.

The Commission's rules establishing registration and construction requirement for Grandfathered Wireless Broadband Licensees are intended to distinguish between "real" networks that have received substantial investment and provide socially productive service from "paper networks" whose only effect is to restrict spectrum accessible by the Citizens Broadband Radio Service. The revised information collection under sections 96.21(a) and (b) will help the Commission and the SAS's protect these existing networks from interference during the transition period while promoting spectral access and

² See 47 C.F.R. § 96.3 (Grandfathered Wireless Protection Zone). See *Wireless Telecommunications Bureau and Office of Engineering and Technology Announce Methodology for Determining the Protected Contours for Grandfathered 3650-3700 MHz Licensees*, GN Docket No. 12-354, Public Notice, FCC 16-946 (Aug. 19, 2016).

efficiency by new users in the band and is an important step in making this band available for commercial use.

As noted above, WTB is in the processing of modernizing ULS and the timeline for the project was not finalized when the Commission adopted the *3.5 GHz Order*. Therefore, the Commission did not know if it would be able to use this system to collect information at this time. However, it is expected that the database will be ready to collect the construction information by November 15, 2016. This information is imperative to commence commercial services in this band, as a SAS will not be able to adequately protect incumbents or assign spectrum to new users without this information.

If the Commission were to wait 120 days to formally notify the public and potential interested parties of its intent to collect this information, the Commission's ability to begin collecting construction information would be substantially delayed, and would in turn substantially delay the ability to launch commercial services in this band. Further, due to the emergency nature of this request, the Commission is requesting a waiver of the requirement to publish a 60-day notice in the Federal Register. However, the Commission will publish a 21-day notice in the Federal Register concerning the new information collection under the emergency processing procedures to give the public an opportunity to comment on this emergency submission. The Commission will conduct all the necessary regular submission requirements under the PRA after approval of this emergency request.

The Commission's staff can provide any additional information needed to ensure OMB's approval of this emergency request for this revised information collection no later than 26 days after it is received at OMB. Please have your PRA Desk Officer contact Cathy Williams at (202) 418-2918 or cathy.williams@fcc.gov, if there are any questions or if any additional information is required.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. J. Ginsburg', followed by a long horizontal flourish line extending to the right.

Mindy J. Ginsburg
Deputy Managing Director
Federal Communications Commission