

Federal Communications Commission

Explanation of Non-Substantive Changes to OMB Control Number: 3060-0798:

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 3060-0798. This submission seeks to update FCC Form 601 to clarify the information that is requested pursuant to 47 CFR 1.2110(c)(2)(ii)(J).¹ None of these changes affects the Commission’s previous burden estimates, the reporting requirements, or costs to this collection.

Summary of the Changes

- **Instructions in Schedule B for “Agreements Regarding Designated Entities (e.g., Small Businesses and Rural Service Providers) and Closed Bidding”:** The paragraph previously read: “Answer this item ‘Y’ if the Applicant has any agreements, whether oral or written, which could affect its overall eligibility for designated entity benefits, including, where applicable, its eligibility to participate in closed bidding or its eligibility for the award of designated entity benefits for any particular license for which the Applicant claimed a bidding credit (e.g., small business or rural service provider bidding credit). Such agreements include, but are not limited to, partnerships, shareholder agreements, management agreements, spectrum leasing agreements, spectrum use agreements, spectrum resale (including wholesale) arrangements, and all agreements or arrangements establishing de facto/de jure control of the Applicant or of the subject licenses. If answering ‘Y’, enter the agreement information in item 16, including the unique identifying name of the agreement, the parties to the agreement, and the FCC Registration Number (FRN) of the party(ies) to the agreement. Attach an exhibit summarizing the agreements (with appropriate references to specific provisions in the text of such agreements and instruments and the date(s) on which the applicant entered into the agreements) and provide copies of the agreements. In addition, if the agreement

¹ 47 CFR 1.2110(c)(2)(ii)(J) states that:

In addition to the provisions of paragraphs (b)(1)(i) and (f)(4)(i)(C) of this section, for purposes of determining an applicant’s or licensee’s eligibility for bidding credits for designated entity benefits, the gross revenues (or, in the case of a rural service provider under paragraph (f)(4) of this section, the subscribers) of any disclosable interest holder of an applicant or licensee are also attributable to the applicant or licensee, on a license-by-license basis, if the disclosable interest holder uses, or has an agreement to use, more than 25 percent of the spectrum capacity of a license awarded with bidding credits. For purposes of this provision, a disclosable interest holder in a designated entity applicant or licensee is defined as any individual or entity holding a ten percent or greater interest of any kind in the designated entity, including but not limited to, a ten percent or greater interest in any class of stock, warrants, options or debt securities in the applicant or licensee. This rule, however, shall not cause a disclosable interest holder, which is not otherwise a controlling interest, affiliate, or an affiliate of a controlling interest of a rural service provider to have the disclosable interest holder’s subscribers become attributable to the rural service provider applicant or licensee when the disclosable interest holder has a spectrum use agreement to use more than 25 percent of the spectrum capacity of a license awarded with a rural service provider bidding credit, so long as

- (1) The disclosable interest holder is independently eligible for a rural service provider bidding credit, and;
- (2) The disclosable interest holder’s spectrum use and any spectrum use agreements are otherwise permissible under the Commission’s rules.

allows a disclosable interest holder that holds a ten percent or greater interest (e.g., any class of stock, warrants, options or debt securities) in the Applicant to use more than 25% of the spectrum capacity (as measured in megahertz) of any license awarded with bidding credits, specify what percentage of spectrum capacity the disclosable interest holder uses or has an agreement to use for each license. Otherwise, enter 'N'."

The paragraph was updated to read: "Answer this item 'Y' if the Applicant has any agreements, whether oral or written, which could affect its overall eligibility for designated entity benefits, including, where applicable, its eligibility to participate in closed bidding or its eligibility for the award of designated entity benefits for any particular license for which the Applicant claimed a bidding credit (e.g., small business or rural service provider (RSP) bidding credit). Such agreements include, but are not limited to, partnerships, shareholder agreements, management agreements, spectrum leasing agreements, spectrum use agreements, spectrum resale (including wholesale) arrangements, and all agreements or arrangements establishing de facto/de jure control of the Applicant or of the subject licenses. If answering 'Y', enter the agreement information in item 16, including the unique identifying name of the agreement, the parties to the agreement, and the FCC Registration Number (FRN) of the party(ies) to the agreement. Attach an exhibit summarizing the agreements (with appropriate references to specific provisions in the text of such agreements and instruments and the date(s) on which the applicant entered into the agreements) and provide copies of the agreements. In addition, if the agreement allows a disclosable interest holder (DIH) that holds a ten percent or greater interest of any kind in the Applicant to use more than 25% of the spectrum capacity (as measured in megahertz) of any license subject to this application, provide in an exhibit: (1) the DIH's name, FRN and its relationship to the Applicant; (2) the names and FRNs of the DIH's Affiliates; (3) the percentage of spectrum capacity that the DIH uses or has an agreement to use for each license; (4) the gross revenues for each of the last three reportable years for the DIH and its Affiliates (for a small business credit); (5) the combined number, if any, of commercial communications services subscribers to wireless, wireline, broadband, and cable services that the DIH and each of its Affiliates serve (along with the Federal Information Processing Standard (FIPS) numbers of each county where each entity has at least one subscriber) (for a RSP bidding credit); and (6) whether the Applicant asserts that the DIH is independently eligible for the RSP bidding credit. Otherwise, enter 'N'."

- **Instructions in Schedule B for "Rural Service Provider Bidding Credit Eligibility":**
The paragraph previously read: "If the Applicant is seeking a Rural Service Provider (RSP) bidding credit, provide in an exhibit the following information:
a) for the Applicant, submit the combined number of commercial communications service subscribers to wireless, wireline, broadband, and cable services that the Applicant serves and provide a list of the name(s) and the Federal Information Processing Standard (FIPS) number(s) for each county in which the Applicant has at least one commercial wireless, wireline, broadband, or cable subscriber;
b) for each of the Applicant's Affiliates, Controlling Interests, and the Affiliates of its Controlling Interests, submit the individual or entity's name, its FCC Registration Number (FRN), its relationship to the Applicant, and its combined number of commercial communications service subscribers to wireless, wireline, broadband, and cable services. For each of the Applicant's Affiliates, Controlling Interests, and the Affiliates of its Controlling Interests, also provide a list of the name(s) and the FIPS number(s) for each county in which it has at least one commercial wireless, wireline, broadband, or cable subscriber;

- c) for each Disclosable Interest Holder (DIH) in the Applicant that will use, or has an agreement to use, more than 25% of the spectrum capacity of any license(s) to be acquired with bidding credits, submit the individual or entity's name, its FRN, its relationship to the Applicant, the combined number, if any, of commercial communications services subscribers to wireless, wireline, broadband, and cable services that the DIH serves and whether the Applicant asserts that the DIH is independently eligible for the RSP bidding credit;
- d) if neither the Applicant, nor any of its Affiliates, its Controlling Interests, or the Affiliates of its Controlling Interests have at least one wireless, wireline, broadband, or cable subscriber in a market for which the Applicant is applying for a license, list the market(s) in which the Applicant, its Affiliates, its Controlling Interests, and the Affiliates of its Controlling Interests have no such subscribers;
- e) a detailed explanation demonstrating that: (i) the Applicant is in the business of providing commercial communications services; (ii) the Applicant serves predominantly rural areas; and (iii) the primary focus of the Applicant's business activity is the provision of services to rural areas (defined as counties with a population density of 100 or fewer persons per square mile); and
- f) if the Applicant is an existing rural partnership that was providing service as of July 16, 2015, provide a detailed explanation demonstrating that each member of the partnership is independently eligible for the RSP bidding credit by providing, with respect to each member of the partnership, the same information as is required in a-e above."

The paragraph was updated to read: "If the Applicant is seeking a Rural Service Provider (RSP) bidding credit, provide in an exhibit the following information:

- a) for the Applicant, submit the combined number of commercial communications service subscribers to wireless, wireline, broadband, and cable services that the Applicant serves and provide a list of the name(s) and the Federal Information Processing Standard (FIPS) number(s) for each county in which the Applicant has at least one commercial wireless, wireline, broadband, or cable subscriber;
- b) for each of the Applicant's Affiliates, Controlling Interests, and the Affiliates of its Controlling Interests, submit the individual or entity's name, its FCC Registration Number (FRN), its relationship to the Applicant, and its combined number of commercial communications service subscribers to wireless, wireline, broadband, and cable services. For each of the Applicant's Affiliates, Controlling Interests, and the Affiliates of its Controlling Interests, also provide a list of the name(s) and the FIPS number(s) for each county in which it has at least one commercial wireless, wireline, broadband, or cable subscriber;
- c) if neither the Applicant, nor any of its Affiliates, its Controlling Interests, or the Affiliates of its Controlling Interests have at least one wireless, wireline, broadband, or cable subscriber in a market for which the Applicant is applying for a license, list the market(s) in which the Applicant, its Affiliates, its Controlling Interests, and the Affiliates of its Controlling Interests have no such subscribers;
- d) a detailed explanation demonstrating that: (i) the Applicant is in the business of providing commercial communications services; (ii) the Applicant serves predominantly rural areas; and (iii) the primary focus of the Applicant's business activity is the provision of services to rural areas (defined as counties with a population density of 100 or fewer persons per square mile); and
- e) if the Applicant is an existing rural partnership that was providing service as of July 16, 2015, provide a detailed explanation demonstrating that each member of the partnership is independently eligible for the RSP bidding credit by providing, with

respect to each member of the partnership, the same information as is required in a-d above.

- **Question 15a in Schedule B for “Agreements Regarding Designated Entities (e.g., Small Businesses and Rural Service Providers) and Closed Bidding”:** The question previously read: “Has the Applicant entered into any agreements or arrangements, written or oral, which could affect its overall eligibility for designated entity benefits, including, where applicable, its eligibility to participate in closed bidding or its eligibility for the award of designated entity benefits for any particular license for which it claimed a bidding credit? If answering ‘Y’, proceed to item 16, check ‘Add’ for the Action Requested, select ‘Designated Entity’ and/or ‘Closed Bidding’ as the type of agreement, enter the unique identifying name of the agreement, and check the appropriate block of the party(ies) to agreement for either Entity Name or Individual Name. If filing is for an entity, enter the legal entity name. If filing is for an individual, enter the first name, middle initial, last name and suffix of the individual. Provide the FCC Registration Number of the party(ies) to the agreement. Attach an exhibit summarizing the agreements (with appropriate references to specific provisions in the text of such agreements and instruments and the date(s) on which the Applicant entered into the agreements) and provide copies of the agreements. If it is an agreement for the use of any spectrum capacity of the license(s) subject to this application, list in the exhibit any Disclosable Interest Holders (DIH) that hold a ten percent or greater interest in the Applicant and that use or have an agreement to use, on a license-by-license basis, more than 25% of the spectrum capacity of any license(s) awarded with bidding credits. Indicate what percentage of spectrum capacity (as measured in megahertz) the DIH uses or has an agreement to use for each license.”

The question was updated to read: “Has the Applicant entered into any agreements or arrangements, written or oral, which could affect its overall eligibility for designated entity benefits, including, where applicable, its eligibility to participate in closed bidding or its eligibility for the award of designated entity benefits for any particular license for which it claimed a bidding credit? If answering ‘Y’, proceed to item 16, check ‘Add’ for the Action Requested, select ‘Designated Entity’ and/or ‘Closed Bidding’ as the type of agreement, enter the unique identifying name of the agreement, and check the appropriate block of the party(ies) to agreement for either Entity Name or Individual Name. If filing is for an entity, enter the legal entity name. If filing is for an individual, enter the first name, middle initial, last name and suffix of the individual. Provide the FCC Registration Number (FRN) of the party(ies) to the agreement. Attach an exhibit summarizing the agreements (with appropriate references to specific provisions in the text of such agreements and instruments and the date(s) on which the Applicant entered into the agreements) and provide copies of the agreements. If the agreement allows a disclosable interest holder (DIH) that holds a ten percent or greater interest of any kind in the Applicant to use more than 25% of the spectrum capacity (as measured in megahertz) of any license subject to this application, provide in an exhibit: (1) the DIH’s name, FRN and its relationship to the Applicant; (2) the names and FRNs of the DIH’s Affiliates; (3) the percentage of spectrum capacity that the DIH uses or has an agreement to use for each license; (4) the gross revenues for each of the last three reportable years for the DIH and its Affiliates (for a small business bidding credit); (5) the combined number, if any, of commercial communications services subscribers to wireless, wireline, broadband, and cable services that the DIH and each of its Affiliates serve (along with the Federal Information Processing Standard (FIPS) numbers of each county where each entity has at

least one subscriber) (for a RSP bidding credit); and (6) whether the Applicant asserts that the DIH is independently eligible for the RSP bidding credit.”

- **Question 48 in Schedule B for “Rural Service Provider Bidding Credit”:** The question previously stated that if the Applicant is seeking a Rural Service Provider (RSP) bidding credit, the Applicant would have to provide the following information:
 - “a) for the Applicant, submit the combined number of commercial communications service subscribers to wireless, wireline, broadband, and cable services that the Applicant serves and provide a list of the name(s) and the Federal Information Processing Standard (FIPS) number(s) for each county in which the Applicant has at least one commercial wireless, wireline, broadband, or cable subscriber;
 - b) for each of the Applicant's Affiliates, Controlling Interests, and the Affiliates of its Controlling Interests, submit the individual or entity’s name, its FCC Registration Number (FRN), its relationship to the Applicant, and its combined number of commercial communications service subscribers to wireless, wireline, broadband, and cable services. For each of the Applicant's Affiliates, Controlling Interests, and the Affiliates of its Controlling Interests, also provide a list of the name(s) and the FIPS number(s) for each county in which it has at least one commercial wireless, wireline, broadband, or cable subscriber;
 - c) for each Disclosable Interest Holder (DIH) in the Applicant that will use, or has an agreement to use, more than 25% of the spectrum capacity of any license(s) to be acquired with bidding credits, submit the individual or entity’s name, its FRN, its relationship to the Applicant, the combined number, if any, of commercial communications services subscribers to wireless, wireline, broadband, and cable services that the DIH serves and whether the Applicant asserts that the DIH is independently eligible for the RSP bidding credit;
 - d) if neither the Applicant, nor any of its Affiliates, its Controlling Interests, or the Affiliates of its Controlling Interests have at least one wireless, wireline, broadband, or cable subscriber in a market for which the Applicant is applying for a license, list the market(s) in which the Applicant, its Affiliates, its Controlling Interests, and the Affiliates of its Controlling Interests have no such subscribers;
 - e) a detailed explanation demonstrating that: (i) the Applicant is in the business of providing commercial communications services; (ii) the Applicant serves predominantly rural areas; and (iii) the primary focus of the Applicant’s business activity is the provision of services to rural areas (defined as counties with a population density of 100 or fewer persons per square mile); and
 - f) If the Applicant is an existing rural partnership that was providing service as of July 16, 2015, provide a detailed explanation demonstrating that each member of the partnership is independently eligible for the RSP bidding credit by providing, with respect to each member of the partnership, the same information as is required in a-e above.”

The information requested was updated to read:

- “a) for the Applicant, submit the combined number of commercial communications service subscribers to wireless, wireline, broadband, and cable services that the Applicant serves and provide a list of the name(s) and the Federal Information Processing Standard (FIPS) number(s) for each county in which the Applicant has at least one commercial wireless, wireline, broadband, or cable subscriber;
- b) for each of the Applicant's Affiliates, Controlling Interests, and the Affiliates of its Controlling Interests, submit the individual or entity’s name, its FCC Registration Number (FRN), its relationship to the Applicant, and its combined number of commercial

communications service subscribers to wireless, wireline, broadband, and cable services. For each of the Applicant's Affiliates, Controlling Interests, and the Affiliates of its Controlling Interests, also provide a list of the name(s) and the FIPS number(s) for each county in which it has at least one commercial wireless, wireline, broadband, or cable subscriber;

c) if neither the Applicant, nor any of its Affiliates, its Controlling Interests, or the Affiliates of its Controlling Interests have at least one wireless, wireline, broadband, or cable subscriber in a market for which the Applicant is applying for a license, list the market(s) in which the Applicant, its Affiliates, its Controlling Interests, and the Affiliates of its Controlling Interests have no such subscribers;

d) a detailed explanation demonstrating that: (i) the Applicant is in the business of providing commercial communications services; (ii) the Applicant serves predominantly rural areas; and (iii) the primary focus of the Applicant's business activity is the provision of services to rural areas (defined as counties with a population density of 100 or fewer persons per square mile); and

e) If the Applicant is an existing rural partnership that was providing service as of July 16, 2015, provide a detailed explanation demonstrating that each member of the partnership is independently eligible for the RSP bidding credit by providing, with respect to each member of the partnership, the same information as is required in a-d above."

- **One Applicant Certification Statement in Schedule B for Applicants Claiming Eligibility as a Designated Entity:** The certification previously stated that the "Applicant certifies that it provided all agreements or arrangements that provide for the use by a Disclosable Interest Holder of more than 25% of the spectrum capacity (as measured in megahertz) of any license(s) that will be acquired with bidding credits."

The certification was updated to read: "Applicant certifies that it provided all agreements or arrangements that allow a Disclosable Interest Holder that holds a ten percent or greater interest of any kind to use more than 25% of the spectrum capacity of any license(s) that will be acquired with a bidding credit."

- **Edits for Editorial Consistency:** In addition, the Commission seeks approval for various other, non-substantive editorial/consistency edits and updates to FCC Form 601 that correct inconsistent capitalization of words and other typographical errors.