



Federal Communications Commission
Washington, D.C. 20554

August 15, 2017

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 information collection described herein under the “emergency processing” provisions of the Paperwork Reduction Act (PRA) of 1995 (5 CFR 1320.13). The Commission is requesting clearance for a new, one-time information collection entitled: 3060-XXXX, Qualified 4G LTE Coverage Data Collection for Mobility Fund Phase II. We respectfully request OMB approval for this new information collection no later than 35 days after it is received at OMB.

The requirements reported under this new, one-time information collection are necessary to implement the framework adopted by the Commission for Phase II of the Mobility Fund (MF-II). The information collected will be used by the Commission to determine what areas are covered by qualified 4G LTE for purposes of compiling a map of areas that are presumptively eligible for MF-II support.

In its November 2011 *USF/ICC Transformation Order*, the Commission established the Mobility Fund, which consists of two phases.¹ Mobility Fund Phase I (MF-I) provided one-time universal service support payments to immediately accelerate deployment of mobile broadband services in unserved areas. Mobility Fund Phase II (MF-II) will use a reverse auction to provide ongoing universal service support payments – including support to Tribal lands – to continue to advance deployment of such services.

The Commission adopted the rules and framework for MF-I in the *USF/ICC Transformation Order*, and sought comment in the accompanying *USF/ICC Transformation FNPRM* on the proposed framework for MF-II. Since then, the Commission has worked to develop a comprehensive, robust record on various issues related to the award of MF-II support—including how and where to target funding in terms of the level of service to be provided and the geographic areas eligible for support. This effort culminated in the Commission’s February 2017 *Mobility Fund II Report and Order (MF-II Report and Order)*, which established the rules and framework for moving forward expeditiously with the MF-II auction to award up to \$4.53 billion over the next ten years to advance the deployment of 4G Long Term Evolution (LTE) service to areas so costly that private sector has not yet deployed there and to preserve such service where it might not otherwise exist absent a subsidy.² Among other things, the Commission stated in the *MF-II Report and Order* that, prior to the MF-II auction, it would use the most recently available FCC Form 477 mobile wireless coverage data to compile a map of areas presumptively eligible for MF-II support, and that it would provide a limited timeframe for parties to challenge those initial determinations during the pre-auction process.

¹ See *Connect America Fund et al.*, Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order and/or FNPRM*).

² *Connect America Fund; Universal Service Reform—Mobility Fund II*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 2152 (2017) (*MF-II Report and Order and/or FNPRM*).

In a response to a petition for reconsideration of the *MF-II Report and Order* and an industry consensus proposal asking the Commission to undertake a new, one-time data collection with specified data parameters tailored to MF-II to determine the areas in which there is deployment of qualified LTE, on August 4, 2017, the Commission released an *Order on Reconsideration and Second Report and Order* in which it, among other things, reconsidered its earlier decision to use FCC Form 477 data to compile the map of areas presumptively eligible for MF-II support.³ The Commission decided it would instead conduct a new, one-time data collection of 4G LTE coverage data that will be used for this purpose.

The Commission stated in the *MF-II Report and Order* that it expected to conclude the challenge process by January 31, 2018, and expected to start the MF-II auction shortly thereafter. However, in order to provide respondents ample time to generate the data required by the new data collection based on the specified parameters, the Commission committed to setting the deadline for data submission at least 90 days after the release of a public notice instructing respondents how and when to make their submissions. Because creating the map of areas presumptively eligible for MF-II support is the first step toward starting the challenge process, the Commission will need to begin receiving 4G LTE coverage data from respondents under this collection no later than the end of September, so it can in turn create the map of presumptively eligible areas and commence the challenge process, with the goal of completing the challenge process as close as possible to the Commission's original targeted conclusion date and starting the auction process as soon as practicable thereafter. Because the date on which respondents will need to begin submitting their data is fewer than two months away, the Commission is requesting emergency processing and approval of this new, one-time information collection.

Requiring the Commission to seek OMB's approval for this new collection under the regular PRA processing procedures would significantly delay the auction and in turn the distribution of MF-II universal service support. If the Commission were to wait 120 days to formally notify the public and potential interested parties of its intent to collect the information under this collection, the Commission's ability to establish the map of presumptively eligible areas for use in the challenge process would be substantially delayed, which would in turn substantially delay conducting and completing the challenge process, establishing the final map of areas eligible for MF-II support and, ultimately, the start of the MF-II auction process—resulting in a corresponding delay in the distribution of MF-II support and harm to the program and the public. Emergency approval avoids a delay in distributing the universal service support needed to deploy the broadband service on which consumers rely for access to jobs, education, and the other opportunities.

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 30-day notice in the Federal Register concerning this new, one-time 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.

³ *Connect America Fund; Universal Service Reform—Mobility Fund II*, Order on Reconsideration and Second Report and Order, WC Docket No. 10-90, WT Docket No. 10-208, FCC 17-102 (rel. Aug. 4, 2017).

The Commission's staff is ready to work with your PRA Desk Officer to immediately provide any additional information needed to facilitate OMB's approval of this emergency request for this new information collection no later than 35 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 requires any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stephens", written over a horizontal line.

Mark Stephens
Managing Director
Office of Managing Director
Federal Communications Commission