

**Qualified 4G LTE Coverage Data Collection for Mobility Fund Phase II**SUPPORTING STATEMENT

*New Collection Titled:* Qualified 4G LTE Coverage Data Collection for Mobility Fund Phase II. This new request is being submitted to obtain Office of Management and Budget (OMB) approval for a new, one-time information collection requirement necessary to implement the framework adopted by the Federal Communications Commission (Commission) for Phase II of the Mobility Fund (MF-II), as explained below.

**A. Justification:**

1. *Circumstances that make this collection necessary.* The Commission seeks emergency processing under the Paperwork Reduction Act (PRA), 5 C.F.R. § 1320.13. The Commission is requesting approval from OMB for this new information collection no later than thirty-five (35) days after it is received at OMB.

Under this new, one-time data collection, the Commission will collect information from a limited number of providers that will be used by the Commission to determine what areas are covered by qualified 4G LTE for purposes of compiling the map of areas presumptively eligible for MF-II support. The map will be the starting point for the MF-II challenge process through which interested parties may challenge the eligibility status of an area.

In November, 2011, the Commission adopted the *USF/ICC Transformation Order*, which reformed and modernized the universal service and intercarrier compensation systems to ensure that robust, affordable voice and broadband service, both fixed and mobile, are available to Americans throughout the nation. 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*). Among other things, the *USF/ICC Transformation Order* established the Mobility Fund to ensure the availability of mobile voice and broadband services in areas where a private-sector business case was lacking. The Mobility Fund consists of two phases. Mobility Fund Phase I (MF-I) provided one-time universal service support payments to immediately accelerate deployment of networks for mobile broadband in unserved areas.<sup>1</sup> MF-II will use a reverse auction to provide ongoing universal service support – 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.<sup>2</sup>

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<sup>1</sup> The Commission also established a separate and complementary one-time Tribal Mobility Fund Phase I to award additional universal service funding to Tribal lands to accelerate mobile voice and broadband availability in these remote and underserved areas. On September 27, 2012, the Commission completed a nationwide reverse auction for MF-I support, with 33 winning bidders deemed eligible to receive a total of \$299,998,632.25 in one-time support. On September 25, 2014, the Commission completed a reverse auction for Tribal Mobility Fund Phase I support, with five winning bidders deemed eligible to receive a total of \$49,806,874 in support.

<sup>2</sup> See *Further Inquiry Into Issues Related to Mobility Fund Phase II*, Public Notice, 27 FCC Rcd 14798 (WTB/WCB 2012); *Connect America Fund et al.*, Report and Order, Declaratory Ruling,

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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. See *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*). 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 (together with high-cost disbursement data available from the Universal Service Administrative Company (USAC)) 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.

The Commission received several petitions for reconsideration of the *MF-II Report and Order*. One such petition asked the Commission to reconsider its decision to use existing FCC Form 477 data as the basis for determining the map of areas presumptively eligible for MF-II support, and offered 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. See *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 decided it would instead conduct a new, one-time data collection of 4G LTE coverage data that will be used (together with high-cost disbursement data available from USAC) for this purpose, concluding that for purposes of implementing MF-II expeditiously, this approach will provide the Commission and interested parties with the best available starting point for the challenge process and should result in fewer and more narrowly-focused challenges regarding representations of coverage.

Statutory authority for this information collection is contained in 47 U.S.C. §§ 154, 254, 303(r).

***New information collection requirements for this collection:*****Qualified 4G LTE Coverage Data Collection for Mobility Fund Phase II**

The Commission is seeking approval for a new, one-time collection of information with specified data parameters tailored to MF-II to determine the areas in which there is deployment of qualified LTE (defined by download speeds of 5 Mbps at the cell edge with 80 percent probability and a 30 percent loading factor). Only those providers that previously reported 4G LTE coverage in their FCC Form 477 filings and have qualified 4G LTE coverage for purposes of MF-II will be required to submit data. The Commission estimates that 50 providers will be required to respond to this new, one-time data collection.

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Order, Memorandum Opinion and Order, Seventh Order on Reconsideration, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 7051 (2014); FCC, Wireless Telecommunications Bureau, *Working Toward Mobility Fund II: Mobile Broadband Coverage Data and Analysis*, Docket No. 10-208 (WTB 2016) (*Mobile Broadband Coverage Data and Analysis*) (available at [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-341539A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-341539A1.pdf)).

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Providers required to submit information under this collection will be required to file propagation maps and model details indicating their current 4G LTE coverage, as defined by download speeds of 5 Mbps at the cell edge with 80 percent probability and a 30 percent cell loading factor. Specifically, these providers will be required to:

- (1) Report an outdoor level of coverage with coverage boundaries having a resolution of 100 meters (approximately three arc-seconds) or better;
- (2) Use an appropriate clutter factor and terrain model with a resolution of 100 meters or better;
- (3) Use the optimized radiofrequency (RF) propagation models and parameters used in their normal course of business, as well as any other propagation model details and parameters the Commission's Wireless Telecommunications Bureau (WTB) and Wireline Competition Bureau (WCB) specifies by public notice must be filed alongside such propagation maps;
- (4) Report the signal strength (RSRP) and clutter factor categories used to generate their coverage maps (as well as any regional variations);
- (5) Report the loss value associated with each clutter factor category used in their coverage maps;
- (6) Submit a list of at least three readily-available handsets that challengers can use to conduct speed tests; and
- (7) Submit a certification, under penalty of perjury, by a qualified engineer that the propagation maps and model details reflect the filer's coverage as of the generation date of the map in accordance with all other parameters.

The WTB and WCB will issue a public notice providing instructions to these providers about how to file their data submissions, including a data specification, formatting information, and any other technical parameters that may be necessary for such filings.

2. *Use of Information.* In identifying the specific areas of the country without 4G LTE coverage to determine the areas that may require ongoing support and in examining the current distribution of high-cost support to assess the efficacy of that support, the Commission found that a significant amount of support being distributed to mobile providers is being directed to areas where it is not needed, while areas that either lack 4G LTE or are being served only by subsidized 4G LTE providers are not receiving necessary support. The information that will be collected under this new, one-time data collection is designed to ensure that the Commission's limited MF-II funds are directed toward expanding and maintaining mobile broadband service in 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. Using the information collected under this new, one-time data collection to create the map of areas presumptively eligible for MF-II support will provide the Commission and interested parties with the best available starting point for the challenge process, thereby furthering the Commission's goal of targeting MF-II support to areas that lack adequate mobile voice and broadband coverage absent subsidies.

3. *Technological collection techniques.* Providers required to submit information under this new, one-time data collection will file the required information electronically. This collection mechanism is being used to reduce the technological burden on the public and the Commission. The WTB and WCB will issue a public notice in advance of the start of period within which providers must make their filings under this information collection that provides instructions and guidance to these

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providers about how to file their data submissions, including a data specification, formatting information, and any other technical parameters that may be necessary for such filings.

4. *Efforts to identify duplication.* There will be no duplicative information collected. This information collection is a new, one-time data collection with specified data parameters tailored to MF-II. Thus, the information being collected under this collection is not already available.

5. *Impact on small entities.* In conformance with the Paperwork Reduction Act of 1995, the Commission has made an effort to minimize the burden on all respondents regardless of size by limiting the information collected under this collection to that which is necessary to obtain the data needed to create the map of areas presumptively eligible for MF-II support. Moreover, the requirement to submit information under this collection is limited to only those providers that previously reported 4G LTE coverage in their FCC Form 477 filings and have qualified 4G LTE coverage. In addition, the WTB and WCB will issue a public notice in advance of the start of period within which providers must make their filings under this information collection to provide instructions and guidance to such providers about how to file their data submissions, thereby further minimizing the burden on all respondents, including small entities, related to this new, one-time data collection.

6. *Consequences if information is not collected.* As the Commission noted in the *Order on Reconsideration and Second Report and Order*, while the mobile deployment data collected on FCC Form 477 represent an improvement over the deployment data previously available on a national scale, the various uses of the FCC Form 477 broadband deployment data identified by the Commission to date do not include determining areas eligible for MF-II. This concern prompted the filing of the petition for reconsideration of the Commission's decision to use FCC Form 477 data as the basis for determining areas presumptively eligible for MF-II support and the industry consensus proposal asking the Commission to undertake a new, one-time data collection with specified data parameters tailored to MF-II to be used for that purpose. Creating the map of areas presumptively eligible for MF-II support using data specifically tailored to MF-II under this information collection will provide the Commission and interested parties with the best available starting point for the challenge process, resulting in fewer and more narrowly-focused challenges regarding representations of coverage. Without this new data, the challenge process will be significantly longer and less efficient, which would substantially delay 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.

7. *Special circumstances.* The new collection does not have any of the characteristics that would require separate justification under 5 C.F.R. § 1320.5(d)(2).

8. *Federal Register notice; efforts to consult with persons outside the Commission.* Emergency approval is being sought for the above-described information collection requirements, and the Commission seeks waiver of the 60-day notice requirement due to the emergency nature of this request under 5 C.F.R. § 1320.8(d). However, the Commission has published a 30-day emergency PRA notice in the Federal Register announcing submission of this emergency request and seeking public comment on the new information collection (see 82 FR 39425) (Aug. 18, 2017).

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The Commission will conduct all the regular OMB clearance processes and procedures for the new information collection upon approval of the emergency request, and will publish the necessary notices in the *Federal Register* when seeking regular OMB approval.

9. *Payments or gifts to respondents.* The Commission does not anticipate providing any payment or gifts to respondents.

10. *Assurance of confidentiality.* The information collected under this collection is confidential and will not be made publicly available.

11. *Questions of a sensitive nature.* The information collection requirements do not ask questions of a sensitive nature.

12. *Estimates of the hour burden of the collection to respondents.* The following represents the hour burden for the proposed new collection of information:

a. Number of estimated annual respondents: Approximately 50. Only those providers that have previously reported 4G LTE coverage in their FCC Form 477 filings and have qualified 4G LTE coverage will be required to submit information under this new, one-time data collection.

b. Frequency of response: One-time. A respondent will submit data once.

c. Total estimated annual burden: 64 hours per respondent for approximately 50 respondents filing once. Total estimated annual hours burden is calculated as follows:

**50 estimated responses x 64 hours per response = 3,200 total estimated burden hours.**

d. Total estimate of annual in-house cost to respondents for the hours burden: \$114,816.

e. Explanation of calculation: The Commission estimates that the data required to be submitted under this collection will typically be prepared by respondents using existing in-house technical/engineering staff. The Commission estimates that it will take four in-house engineers approximately 16 hours each to prepare the required data, with two of these engineers at a rate equivalent to the hourly rate of a GS-9, Step 5 government staff member (\$29.85/hour) and two at a rate equivalent to the hourly rate of a GS-13, Step 5 government staff member (\$51.48/hour). Therefore, the estimated annual in-house cost is as follows:

2 engineers at \$29.85/hour each x 16 hours per engineer per response x 50 estimated respondents/responses = \$47,760

2 engineers at \$51.48/hour each x 16 hours per engineer per response x 50 estimated respondents/responses = \$82,368

**Total Cost: \$47,760 + \$82,368 = \$130,128.**

13. *Estimates of the annual cost burden of the collection to respondents.* There is no external cost to respondents. Also, respondents should not incur capital and start-up costs or operation and maintenance of purchase of services in connection with responding to this new, one-time information

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collection. The information collected should be available and maintained as part of the customary and usual business or private practice of the respondent.

**Total Cost: \$0.**

**TOTAL CAPITAL AND START-UP COSTS OR OPERATION AND MAINTENANCE (O&M): \$0.**

14. *Estimates of the annual cost burden to the Commission.* This new, one-time data collection will be administered by economists, GIS experts, analysts, and support specialists at several GS levels with the assistance of senior managers and attorneys. Based on its extensive experience managing similar data collections, including the data collection on FCC Form 477, the Commission estimates that administering this one-time collection will cost it \$50,000. The program does not envision other costs, e.g., personnel or other resources from other government agencies or from the private sector.
15. *Program changes or adjustment.* This is a new information collection resulting in a program change increase of 50 respondents, 50 responses and 3,200 total estimated burden hours.
16. *Collections of information whose results will be published.* The information collection will not be published for statistical use.
17. *Display of expiration date for OMB approval of information collection.* The Commission seeks an exemption from the requirement to display the OMB expiration date for this information collection. The Commission publishes a list of all OMB-approved information collections and their corresponding expiration dates in 47 C.F.R. 0.408 of the Commission's rules, 47 C.F.R. § 0.408, and will publish the OMB control number and OMB expiration date for this collection in the list contained in section 0.408 of its rules.
18. *Exception to certification statement for Paperwork Reduction Act submissions.* There are no exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods:**

The Commission does not anticipate that this new collection of information will employ statistical methods, and the use of such methods would not reduce the burden or improve accuracy of results.