

Qualified 4G LTE Coverage Data Collection for Mobility Fund Phase IISUPPORTING STATEMENT

The Federal Communications Commission (Commission) requests an extension from the Office of Management and Budget (OMB) approval for a currently approved information collection under OMB Control Number 3060-1242.

A. Justification:

1. *Circumstances that make this collection necessary.* Under this 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.¹ 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.² This effort culminated in the Commission's February 2017 *Mobility Fund II Report and Order and Further Notice of Proposed Rulemaking (MF-II Report and Order and/or FNPRM)*, which

¹ 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.

² 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, 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).

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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) (“*MF-II Challenge Process Order*”). 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.

In August 2017, the Commission sought approval from OMB under its Paperwork Reduction Act (PRA) emergency processing provisions, 5 U.S.C. § 1320.13, to permit the collection of information 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. On September 27, 2017, the Commission received emergency approval from OMB for the information collection under OMB Control Number 3060-1242. The information collection requirements under OMB Control Number 3060-1242 have not changed since the Commission’s emergency PRA request was approved by OMB on September 27, 2017. The Commission is requesting continued OMB approval for the information collection requirements that were approved in the Commission’s August 2017 emergency submission.

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

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 one-time data collection is designed to ensure that the Commission’s limited MF-II funds are directed

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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 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. In addition, the Commission's Wireless Telecommunications Bureau (WTB) and Wireline Competition Bureau (WCB) issued a public notice in advance of the start of period within which providers must make their filings under this information collection with instructions and guidance 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 (see DA 17-926).

4. *Efforts to identify duplication.* There will be no duplicative information collected. This information collection is a 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 issued a public notice in advance of the start of period within which providers must make their filings under this information collection with 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 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 the data collected under this information collection, 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.* This information collection as currently approved 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.* Pursuant to 5 C.F.R. § 1320.8, the Commission published a 60-day notice in the Federal Register regarding the extension of the information collection requirements under OMB Control Number 3060-1242 prior to its submitting its extension request to OMB.³ Competitive Carrier Association (CCA) filed comments in response to this notice.⁴ In its comments, CCA states that the Commission’s time and resource estimates for this information collection do not reflect a realistic understanding of the burdens associated with this data collection and should be adjusted before they are submitted to OMB.⁵ CCA also advocates for an extension of the deadline for submitting the data required under this information collection to account for the PRA procedural review timeframe.⁶ We decline to adjust the estimated burden hours and cost estimates for this collection and decline to extend the deadline for responding to this information collection.

As required by the PRA and OMB’s rules, the Commission published a 30-day notice in the Federal Register soliciting comment on its request for emergency approval of this information collection,⁷ and concurrently submitted to OMB a supporting statement that contained information regarding the estimated hours burden and the associated internal and external costs for the collection. The Commission received comments from ATN International, Inc. (ATN), Buffalo-Lake Erie Wireless (Blue Wireless), and CTIA in response to the 30-day Federal Register notice.⁸ ATN and Blue Wireless are service providers to which this information collection applies. CTIA is a wireless industry association composed of service providers that are potential respondents to this information collection. None of these commenters voiced concerns about the collection or the burden and cost estimates associated with it. On the contrary, ATN, Blue Wireless, and CTIA expressed unqualified support for approval of the collection.⁹

³ See 82 FR 47735 (Oct. 13, 2017).

⁴ Comments of Competitive Carriers Association, WT Docket 10-208, OMB Control Number 3060-1242, submitted December 12, 2017 (CCA PRA Comments).

⁵ See CCA PRA Comments at 2-3.

⁶ See CCA PRA Comments at 6.

⁷ See *Information Collection Being Submitted to the Office of Management and Budget for Emergency Review and Approval*, 82 FR 39425 (Aug. 18, 2017).

⁸ See Comments of ATN International, Inc. and Buffalo-Lake Erie Wireless on Qualified 4G LTE Coverage Data Collection for Mobility Fund Phase II, FCC Request for Emergency Processing - Information Collection, submitted September 18, 2017 (ATN-Blue Wireless Joint PRA Comments); Comments of CTIA on Qualified 4G LTE Coverage Data Collection for Mobility Fund Phase II, OMB 3060-XXXX, Document No. 2017-17439, submitted September 18, 2017 (CTIA PRA Comments).

⁹ See ATN-Blue Wireless Joint PRA Comments at 2 (supporting the request for emergency processing of the information collection so the Commission can move forward with the MF-II auction as quickly as possible); CTIA PRA Comments at 1, 5 (urging OMB to “move expeditiously to approve the Commission’s one-time collection of new wireless coverage data on an expedited basis” to enable the Commission to successfully conduct an auction for MF-II support).

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The estimated burden hours to respondents for this information collection (including the associated estimated “in-house” cost) and the estimated annual cost burden for this collection (which reflects the external cost to respondents) contained in the Commission’s 30-day Federal Register notice and August 2017 supporting statement related to the emergency PRA request are *identical* to those contained in the 60-day Federal Register notice published by the Commission in October 2017 and the instant supporting statement concerning the Commission’s request for an extension of this information collection.¹⁰ Since neither the estimated burden hours and associated “in house cost” nor the estimated external costs for this collection have changed since the Commission’s emergency PRA request was reviewed and approved by OMB, and since this collection has been underway without issue since the Commission published notice of OMB’s approval of its emergency request in October 2017, the Commission concludes that no adjustments to the burden estimates are necessary or warranted in connection with its request for an extension (without change) of this information collection.

CCA claims, based on a review of the Commission’s 60-day Federal Register notice, that the Commission has estimated a 64-hour per response burden to respondents for this information collection but has estimated a total cost for preparing a response to be zero without any justification for arriving at this estimate.¹¹ However, CCA’s statement that the Commission has assigned a zero-cost estimate to this information collection is incorrect because it conflates the Commission’s estimate of the *external* costs to respondents (which is zero) with the “*in-house*” cost associated with the Commission’s estimated burden hours for this collection (which is \$130,128). Thus, CCA’s claim that Commission is “misguided” in rationalizing that that time spent complying with this collection would cost nothing in either direct or third-party costs¹² is itself misguided because the Commission has clearly assigned a direct (i.e., in-house) cost to the 64-hour per response burden estimate for this collection.

As noted in the Commission’s August 2017 supporting statement, and as reiterated in Item 1 above, the Commission initially stated it would use FCC Form 477 data as the basis for determining the map of areas presumptively eligible for MF-II support, but reconsidered that decision based on petitions for reconsideration from affected parties regarding the use of that data for MF-II purposes. Instead, the Commission adopted in large part 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 4G LTE.¹³ To reduce the burden on service providers that do not offer 4G LTE service at or above the applicable speed benchmark and from which new data will not affect the number of eligible areas, the Commission limited the scope of respondents required to respond to this collection to only those providers that previously reported 4G LTE coverage on FCC Form 477 and have qualified 4G LTE coverage based on the data specifications described in the *MF-II Challenge*

¹⁰ It is worth noting that CCA did not comment on the Commission’s burden estimates for this information collection when the collection was submitted to OMB for emergency approval.

¹¹ See CCA PRA Comments at 2-3.

¹² See CCA PRA Comments at 5.

¹³ This industry consensus proposal was spearheaded by CTIA, and CCA was among the parties that filed comments in support of the proposal. See CCA Mobility Fund II FNPRM Reply Comments filed with the Commission on May 11, 2017 at 3 (supporting the proposals in Stage I of Option C offered by CTIA to require provider data to be submitted using consistent settings and assumptions that are tailored to facilitate identification of unserved rural areas for MF-II purposes).

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*Process Order.*¹⁴ Given the limited scope of respondents to which this collection applies, the affected service providers and the nature of their respective business operations are generally known to the Commission in other contexts (e.g., FCC Form 477 filings, etc.). In addition, because this information collection involves the submission of qualified 4G LTE of data that is similar to data that the service providers subject to this information collection are separately required to submit on FCC Form 477, the respondents are familiar with the type of data that must be submitted in response to this collection. We therefore believe that the service providers to which this collection applies have sufficient in-house expertise and resources to prepare and submit responses to this collection, and that the information needed to comply should be generally available and maintained as part of the customary and usual business or private practice of the respondent. The Commission took the above-described information into account in arriving at the estimated hours burden for this collection, and maintains that 64 hours is sufficient to allow the average service provider required to respond to this collection to provide, in the specified format, the required data based on their familiarity with the type of data that must be provided.¹⁵

Because this is an extension (without change) of a currently approved collection, we conclude there are no procedural considerations that warrant or necessitate extending the response deadline. Indeed, the record regarding this collection supports just the opposite conclusion, so as not to delay administering an efficient and effective challenge process and in turn conducting an auction to award MF-II support.¹⁶

¹⁴ CCA claims that service providers that may not fall within the scope of providers subject to this information collection may nonetheless attempt to submit data in response to this collection and that the Commission must “recognize this dynamic and account for these ‘voluntary’ filings in [its] burden estimates as well by increasing the number of respondents, the estimated total annual burden and associated costs.” See CCA PRA Comments at 3, n. 9. However, as stated in the Public Notice providing instructions and guidance to providers subject to this information collection, “[w]ithin 15 days of the Commission’s publication of notice of OMB approval of this information collection request in the Federal Register, subject entities must submit contact information for this collection using a template that will be posted at www.fcc.gov/MF2-LTE-Collection. For each filing entity, based on the entity’s Form 477 FRN, Commission staff will establish a unique, secure, password-protected folder on box.com. The Commission staff will then grant write privileges and send login credentials for the folder to the email address associated with the filer’s data contact.” See *Instructions for Filing 4G LTE Coverage Data to Determine Areas Presumptively Eligible for Mobility Fund II Support*, Public Notice, 32 FCC Rcd 7023, 7024-28 (WCB/WTB 2017) (*4G LTE Collection Instructions Public Notice*). The aforementioned procedures for requesting and submitting data in response to this collection and internal Commission controls for granting login credentials and privileges to submit data are designed to ensure that only the service providers that should be responding to this collection are permitted to do so and thereby prevent any “voluntary” filers from submitting data. Because the Commission has mechanisms in place that will not permit voluntary filings to be made, no adjustments to the total number of respondents, estimated hours burden, and/or the associated internal or external costs are necessary.

¹⁵ As with all PRA burden estimates, the Commission’s hours burden is an estimate of the average amount of time it will take to respond to this collection across all respondents. We recognize that the amount of time it takes for a particular respondent to comply may be less or greater than the Commission’s estimate depending on the service provider involved and the area(s) for which it is submitting qualified 4G LTE coverage data.

¹⁶ See CTIA PRA Comments at 7 (“delaying approval would cause public harm . . . OMB thus should move quickly to grant the Commission’s request which will ultimately enable providers to put MF-II support to work and deliver 4G LTE to unserved areas”); ATN-Blue Wireless Joint PRA Comments at 2 (“[e]very day that the Commission further delays the implementation of MF-II, millions of rural Americans continue to be denied the public safety and economic benefits of new mobile services that MF-II will bring).

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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 this information collection:

- 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 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: \$130,128.
- 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 one-time information collection. The information collected should be available and maintained as part of the customary and usual business or private practice of the respondent.

TOTAL CAPITAL AND START-UP COSTS: \$0.

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14. *Estimates of the annual cost burden to the Commission.* This 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.* The Commission is reporting no change in burden for the collection. Therefore, there are no program changes or adjustments to this collection.
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 continued approval not 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 continue to 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 information collection will not employ statistical methods, and the use of such methods would not reduce the burden or improve accuracy of results.