

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

March 20, 2020

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 new, one-time information collections entitled: 3060-XXXX, 3.7 GHz Band Space Station Operator Accelerated Relocation Elections and Transition Plans; 3.7 GHz Band Earth Station Lump Sum Payment Elections. We respectfully request OMB approval for this new information collection no later than 35 days after it is received at OMB.

On February 28, 2020, in furtherance of the goal of releasing more mid-band spectrum into the market to support and enable next-generation wireless networks, the Commission adopted a Report and Order, FCC 20-22, (*3.7 GHz Report and Order*) in which it reformed the use of the 3.7-4.2 GHz band, also known as the C-Band.¹ The *3.7 GHz Report and Order* calls for the relocation of existing Fixed Satellite Service (FSS) operations in the 3.7-4.2 GHz band into the upper 200 megahertz of the band (4.0-4.2 GHz) and making the lower 280 megahertz (3.7-3.98 GHz) available for flexible-use throughout the contiguous United States through a Commission-administered public auction of overlay licenses that is scheduled to occur later this year.² The Commission adopted a robust transition schedule to achieve an expeditious relocation of FSS operations and ensure that a significant amount of spectrum is made available quickly for next-generation wireless deployments, while also ensuring effective accommodation of relocated incumbent users. The *3.7 GHz Report and Order* establishes a deadline of December 5, 2025, for full relocation to ensure that all FSS operations are cleared in a timely manner, but provides an opportunity for accelerated clearing of the band by allowing incumbent space station operators³ to commit to voluntarily relocate on a two-phased accelerated schedule (with additional obligations and incentives for such operators), with a Phase I deadline of December 5, 2021, and a Phase II deadline of December 5, 2023.

¹ See *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, FCC 20-22 (rel. Mar. 2, 2020) (*3.7 GHz Report and Order*). See also MOBILE NOW Act, Pub. L. No. 115-141, Division P, Title VI, § 601 *et seq.* (2018) (requiring the Commission to evaluate “the feasibility of allowing commercial wireless services, licensed or unlicensed, to use or share use of the frequencies between 3700 megahertz and 4200 megahertz”).

² The 20 megahertz from 3.98-4.0 GHz is being reserved as a guard band.

³ The *3.7 GHz Report and Order* defines “incumbent space station operators” to include all C-band space station operators authorized to provide service to any part of the contiguous United States pursuant to an FCC-issued license or grant of market access as of June 21, 2018.

The Commission concluded in the *3.7 GHz Report and Order* that, before the public auction of overlay licenses commences, it is appropriate for potential bidders to know when they will get access to the spectrum in the 3.7-3.98 GHz band that is currently occupied by incumbent FSS space station operators and earth stations,⁴ and to have an estimate of how much they may be required to pay for incumbent relocation costs and accelerated relocation payments should they become overlay licensees.⁵ To facilitate providing this information to potential auction bidders, the Commission is seeking approval for a new information collection to permit it to collect the following information from incumbents as adopted in the *3.7 GHz Report and Order*:

- (1) *Accelerated Relocation Elections*. Because commitments to early clearing will be crucial components of potential bidders' decisions to compete for a particular license at auction, the Commission is requiring eligible space station operators⁶ to commit to early clearing well in advance of the auction to allow the Commission to determine whether there are sufficient accelerated relocation elections to trigger early relocation and, in turn, provide bidders with adequate certainty regarding the clearing date and payment obligations associated with each license. An eligible space station operator choosing to commit to clear on the accelerated schedule in exchange for accelerated relocation payments must submit a written, public, irrevocable accelerated relocation election to the Commission no later than May 29, 2020.
- (2) *Transition Plans*. Each eligible space station operator must by June 12, 2020, and make available for public review, a detailed transition plan that describes the necessary steps and estimated costs for the eligible space station operator to complete the transition of existing operations in the lower portion of the 3.7-4.2 GHz band to the upper 200 megahertz of the band and its individual timeline for doing so consistent with the regular relocation deadline or by the accelerated relocation deadlines, as applicable.⁷
- (3) *Incumbent Earth Station Lump Sum Payment Elections*. An incumbent earth station operator has the option of either accepting reimbursement payments for its reasonable relocation costs for the

⁴ The *3.7 GHz Report and Order* defines "incumbent earth stations" to be protected from interference from flexible-use licensees to include FSS earth stations that: (1) were operational as of April 19, 2018; (2) are licensed or registered (or had a pending application for license or registration) in the Commission's International Bureau Filing System (IBFS) database as of November 7, 2018; and (3) have timely certified, to the extent required by the Order adopted in FCC 18-91 (to include certain renewal applications and license and registration applications filed in the IBFS database through November 7, 2018), the accuracy of information on file with the Commission.

⁵ Overlay licensees are required to pay for the reasonable relocation costs of incumbent space station and incumbent earth station operators that are required to clear the lower portion of the band.

⁶ An "eligible space station operator" is as an incumbent space station operator that has demonstrated as of February 1, 2020, that it has an existing relationship to provide service via C-band satellite transmission to one or more incumbent earth stations in the contiguous United States. An eligible space station operator may receive reimbursement for relocation costs incurred as a result of transitioning to the upper portion of the 3.7-4.2 GHz band. An eligible space station operator that commits to clear on the accelerated schedule in exchange for an accelerated relocation payment is committing to not only relocate its own services by the applicable accelerated relocation deadlines but also to take responsibility for relocating its associated incumbent earth stations by those same deadlines.

⁷ An eligible space station operator that elects to receive accelerated relocation payments is responsible for relocating all of its associated incumbent earth stations and must outline the details of such relocation in the transition plan (unless an incumbent earth station owner elects to receive a lump sum payment and assumes responsibility for transitioning its own earth stations). Similarly, an incumbent space station operator that does not elect to receive accelerated relocation payments but nevertheless plans to assume responsibility for relocating its own associated incumbent earth stations must make that clear in its transition plan.

transition, or opting out of the formal relocation process and accepting a lump sum reimbursement payment for all of its incumbent earth stations based on the average, estimated costs of relocating all of their incumbent earth stations in lieu of actual relocation costs. An incumbent earth station operator that wish to opt out of the formal relocation process and accept a lump sum reimbursement payment for all of its incumbent earth stations in the contiguous United States in lieu of actual relocation costs must file and incumbent earth station lump sum payment election no later than 30 days after announcement of the lump sum that will be available per incumbent earth station.

The information reported under this new information collection is necessary to implement the framework adopted by the Commission for reforming the 3.7-4.2 GHz band, and will serve as the starting point for planning and managing the process and timeline for efficiently and expeditiously clearing existing operations in the lower portion of the 3.7-4.2 GHz band, so that this spectrum can be auctioned for flexible-use service licenses. The information collected will be used by the Commission to determine when, how, and at what cost existing operations in the lower portion of the band will be relocated to the upper portion of the band.

The Commission expects bidding for overlay licenses in the lower portion of the band to commence on December 8, 2020.⁸ The aggressive schedule for collecting the above-described information is necessary to ensure the Commission will be able to obtain, process, and provide information to potential auction bidders regarding when they will get access to the spectrum being vacated by incumbent space station and earth station operators and how much they may be required to pay for incumbent relocation costs and accelerated relocation payments should they become overlay licensees sufficiently in advance of the time they must decide whether to apply to participate in the auction, and ensure that the auction can commence as scheduled. Because the dates by which respondents must submit their responses to this information collection are fewer than four months away, the Commission is requesting emergency processing and approval of this new information collection.

Requiring the Commission to seek OMB's approval for this new collection under the regular PRA processing procedures would significantly delay implementation of the framework for reforming the 3.7-4.2 GHz band adopted by the Commission. If the Commission were to wait 120 days to formally notify the public and potential interested parties of its intent to collect the above-described information under this collection, the Commission's ability to obtain, process, and provide the necessary information to potential auction bidders sufficiently in advance of the time they must decide to apply to participate in the auction would be substantially delayed, which could in turn delay commencing the auction as scheduled, resulting in a corresponding delay in issuing overlay licenses to auction winning bidders and, ultimately, making next-generation wireless services available to the American public using this mid-band spectrum.

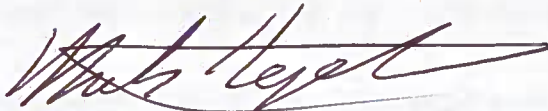
Due to the emergency nature of this request, the Commission is requesting a waiver of the requirement to publish a 60-day notice in the Federal Register. The Commission will publish a 30-day notice in the Federal Register concerning this new information collection under the emergency processing procedures 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 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 these new

⁸ See *Auction for Flexible-Use Service Licenses in the 3.7-3.98 GHz Band for Next-Generation Wireless Services; Comment Sought on Competitive Bidding Procedures for Auction 107*, Public Notice, FCC 20-23, at 2, para. 1 (rel. Mar. 3, 2020).

information collections 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 dark ink, appearing to read "Mark Stephens", with a stylized flourish at the end.

Mark Stephens
Managing Director
Office of Managing Director
Federal Communications Commission