

FCC Application for Radio Service Authorization
Wireless Telecommunications Bureau; Public
June 2020

3060-0798

Safety and Homeland Security Bureau

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 601 is a consolidated, multi-part application form that is used for market-based and site-based licensing for wireless telecommunications services, including public safety, which are filed through the Commission's Universal Licensing System (ULS) or any other electronic filing interface the Commission develops. FCC Form 601 is composed of a main form that contains administrative information and a series of schedules used for filing technical and other information. This form is used to apply for a new license, to amend or withdraw a pending application, to modify or renew an existing license, cancel a license, request a duplicate license, submit required notifications, request an extension of time to satisfy construction requirements, request an administrative update to an existing license (such as mailing address change), or request a Special Temporary Authority License. Respondents are encouraged to submit FCC Form 601 electronically and are required to do when applying for an authorization for which the applicant was the winning bidder in a spectrum auction.

The data collected on FCC Form 601 includes the FCC Registration Number (FRN), which serves as a "common link" for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 requires entities filing with the Commission to use an FRN.

Records such as Form 601 may include information about individuals or households, *e.g.*, personally identifiable information or PII, and the use(s) and disclosure of this information are governed by the requirements of a system of records notice or "SORN", FCC/WTB-1, "Wireless Services Licensing Records." There are no additional impacts under the Privacy Act.

On August 3, 2017, the Commission released the WRS Reform Second Report and Order in which it consolidated the hodgepodge of service-specific renewal and permanent discontinuance rules into consolidated Part 1 rules, 1.949 and 1.953, respectively (See Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, Second Report and Order and Further Notice of Proposed Rulemaking, FCC 17-105 (WRS Reform Second Report and Order))¹. Of relevance to the information collection at issue here, the Commission established a consistent standard for renewing wireless licenses and set forth safe harbors providing expedited renewal for licensees that meet their initial term construction requirement and remain operating at or above that level. In addition, the Commission adopted consistent service continuity rules, which provide for automatic termination of any license on which a licensee permanently discontinues service or operation.

¹ The rule sections that are associated with FCC Form 601 in FCC 17-105 are Sections 1.949 and 1.953.

The Commission now seeks approval for revisions to its currently approved collection of information under OMB Control Number 3060-0798 to permit (1) the collection of renewal-related information for Wireless Radio Service (WRS) licenses, and (2) the filing of requests to extend a permanent discontinuance period for good cause. Regarding renewal of WRS licenses, § 1.949(d) of the Commission's rules requires an applicant for renewal of certain WRS licenses to meet the Renewal Standard, i.e., the applicant must demonstrate that over the course of the license term, the licensee provided and continues to provide service to the public, or operated and continues to operate the license to meet the licensee(s)' private, internal communications needs. A renewal applicant can meet the Renewal Standard by certifying compliance with one of the safe harbors enumerated in § 1.949(e) of the Commission's rules, or, if the applicant cannot satisfy the requirements of one of the safe harbors, the applicant must make a Renewal Showing consistent with § 1.949(f). In addition, a renewal applicant must make a Regulatory Compliance Certification certifying that it has substantially complied with all applicable FCC rules, policies, and the Communications Act of 1934, as amended. If an applicant is unable to make this substantial compliance certification, it will need to provide an explanation of the circumstances preventing such a certification and why renewal of the subject license should still be granted.

We do not anticipate that these revisions will have any impact on the burden to complete FCC Form 601. The renewal process remains virtually unchanged for site-based licensees, which will continue to have streamlined processes for renewal under the safe harbors adopted in the WRS Reform Second Report and Order. For licensees that had to make renewal showings under the Commission's prior, service-specific renewal rules, including 700 MHz Commercial Services, 600 MHz Service, H-Block Service, AWS-3, AWS-4, and 218-219 MHz Service, the rules now provide for streamlined renewal processes under the safe harbor provisions in § 1.949(e), which minimize the burdens on such licensees. The Commission expects that most licensees will be able to avail themselves of the streamlined safe harbor process.

Although some licensees will be required to make a renewal showing, on balance, we believe there will be no increase in the overall annual burden to complete the form. Further, the Commission's experience with requests to extend the discontinuance period for licensees in the cellular service leads us to anticipate few, if any, such requests will be filed under our new rules. Specifically, we are unaware of any requests to extend a cellular discontinuance period. Thus, we believe there will be a negligible, if any, impact on the annual burden to complete the form.

The Commission therefore seeks approval for a revision to its currently approved information collection on FCC Form 601 to revise FCC Form 601 accordingly.

In addition, on August 10, 2015, the Commission released a Report and Order in Amendment of Sections 90.20(d) and 90.265 of the Commission's Rules to Facilitate the Use of Vehicular Repeater Units, FCC 15-103, in which it decided to adopt certain changes to the rules governing six remote control and telemetry channels in the VHF band. The Commission decided to allow the licensing and operation of vehicular repeater systems (VRS) and other mobile repeaters on these channels. In addition, the Commission revises and updated the technical rules for these channels to allow greater

use of VRS systems while providing protection for incumbent telemetry users who rely on these frequencies for control of critical infrastructure systems. Of significance for this collection, the Commission also decided that the only way to accommodate both telemetry and VRS on these frequencies is through frequency coordination to both ensure geographic separation as well as minimizing the risk of commingling voice and data operations. In particular, the Commission adopted new section 90.175(b)(4), which prescribes the obligations of frequency coordinators and the ability of applicants to submit written concurrences from potentially affected incumbent licensees as part of the Form 601 filing. On December 11, 2015, the Commission adopted a Clarification Order in this docket, but that order made two changes to the requirements of section 90.175(b)(4).

Sections 90.35, 90.20, and 90.175(b)(4) require third party disclosures by applicants proposing to operate vehicular repeater units on designated frequencies. They are required to obtain written concurrence of a frequency coordinator. This information will be used by Commission personnel in evaluating the applicant's need for such frequencies and to minimize the interference potential to other stations operating on the proposed frequencies.

Statutory authority for this information collection is contained in 47 U.S.C. §§ 151, 152, 154, 154(i), 155(c), 157, 161, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535, and 554.

2. The Commission, in accordance with its statutory responsibilities under the Communications Act of 1934, as amended, uses the information provided by applicants on FCC Form 601 to update its licensing database and to determine if the applicant is legally, technically, and financially qualified to provide licensed services and make proper use of the frequency spectrum. The section 90.175(b)(4) requirement will be used by Commission personnel in evaluating the applicant's need for such frequencies and to minimize the interference potential to other stations operating on the proposed frequencies.

For third party disclosure requirements, approximately 40% of the PLMRS respondents are required to comply with frequency coordination requirements. There is no additional time burden placed on the respondent for this third-party requirement. Again, information about individuals or households, and the use(s) and disclosure of this information is governed by the requirements of system of records, FCC/WTB-1. All information collected is publicly available.

3. Electronic filing is mandatory for certain categories of respondents specified in 47 CFR §1.913 and others have the choice of filing manually or electronically. Approximately 98% of all filings are submitted electronically. Prior to finalizing rulemakings, the Commission conducts an analysis to ensure that improved information technology cannot be used to reduce the burden on the public. This analysis considers the possibility of obtaining and/or computer-generating the required data from existing data bases in the Commission or other federal agencies.
4. This agency does not impose a similar information collection on the respondents. There are no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary for evaluating and processing each application and to deter possible abuses of the processes.
6. Generally, the frequency of filing FCC Form 601 is determined by the applicant and/or licensee and the frequency of response can be on occasion or periodic.
7. This collection of information is consistent with the guidelines in 5 CFR § 1320.
8. The Commission published a 60-day notice for the WRS renewal and discontinuance requirements that appeared in the Federal Register on February 6, 2020, 85 FR 6948, seeking comment from the public on the information collection requirements contained in this aspect of the collection. Sensus USA, Inc., and its wholly-owned subsidiary, Sensus Spectrum LLC (collectively, Sensus), and American Messaging Services, LLC (American Messaging) filed separate comments on April 6, 2020, both essentially arguing that the Commission has understated or not adequately assessed the burden associated with preparing a Form 601 license renewal application under the revised WRS renewal rules, and offering what they claim to be a less burdensome alternative that would satisfy the Commission's needs. The Sensus and American Messaging pleadings largely reiterate arguments they made in pending petitions for reconsideration of the Commission's 2017 WRS Reform Second Report and Order regarding a regulatory structure they propose to substitute for the one the Commission adopted in 2017. In that order, the Commission made clear that it sought to ensure, consistent with its obligations under the Communications Act of 1934, that once licensed and constructed, licensed wireless spectrum is used consistently over a license term. The Commission specifically concluded that the renewal paradigm it adopted was in the public interest and that the benefits of this paradigm outweighed any likely costs, such as those cited by Sensus and American Messaging in their comments on the proposed information collection. The burdens to which Sensus and American Messaging are objecting are obligations imposed by the Commission's rules and policies regarding the grant, holding, and operation under wireless licenses and the usage of scarce wireless spectrum. These burdens do not stem from the Form 601 revisions. As previously noted, the Commission expects that the vast majority of licensees will be able to submit renewal applications that only involve making certain required certifications.

American Messaging Services, LLC (American Messaging), and Sensus USA, Inc., and its wholly-owned subsidiary, Sensus Spectrum LLC (collectively, Sensus), filed Joint Comments on May 20, 2020, in response to the 30-day notice for the WRS renewal and discontinuance requirements that appeared in the Federal Register on April 17, 2020, 85 FR 21432. The Joint Comments mostly repeat the assertions made by American Messaging and Sensus in their respective individual comments in response to the 60-day notice.

When the Commission adopted the Second Report and Order in this proceeding in August 2017, it observed that it was replacing a patchwork of inconsistent service-specific renewal rules with a set of clear and consistent rules for the covered wireless radio service licenses. The Commission

adopted this framework as part of the regulatory scheme to ensure that licensees, authorized to hold a limited but critical communications resource, would initially construct their networks consistent with service-specific rules, and subsequently continue to use the spectrum over the entire license term. The Commission sought to achieve these important public interest goals while rationalizing and simplifying the regulatory process for licensees. It did so by extending a set of requirements first adopted in 2007 for 700 MHz licensed operations to ensure that licensees were using their facilities to provide service, including providing at least the initially-required level of service through the end of any license terms subsequent to the initial license term. The Commission concluded that extending this same basic policy across the board to most WRS licenses is in the public interest and the benefits would outweigh “any likely costs” (which is not a finding, as claimed by American Messaging in its 60-day notice comments at 3, that the Commission found that the adopted renewal requirements would “likely” impose additional costs and burdens on licensees).

Prior to the adoption of the WRS renewal rules involved here, WRS licensees in some services were required to make an extensive renewal showing in order to obtain renewal of their licenses. During the course of the rulemaking proceeding, numerous wireless licensees or their representatives urged the Commission to apply a certification process for all licensees, both site-based and geographic area licensees. The Commission decided to establish safe harbors, supported by licensee certifications, that would significantly reduce the burden on wireless licensees and, at the same time, allow the Commission to devote its limited resources to those renewal situations requiring closer staff scrutiny. The Commission also provided the ability for wireless licensees that could not make the necessary certifications to support processing under one of the safe harbors to submit a more detailed renewal showing—as many wireless carriers and other wireless licensees previously had to do for all licenses in certain services—to support favorable action by the Commission on a renewal request. American Messaging and Sensus object to the certification regarding the renewal applicant’s ongoing provision of service and/or operations consistent with the Commission’s objective of ensuring that licensees holding valuable spectrum are in fact making use of that spectrum consistent with applicable rules.

Interestingly, the safe harbor and certification approach adopted by the Commission was based on proposals made by a number of wireless licensees in response to the Commission’s initial proposal to require a more extensive renewal showing for each and every wireless license. The adopted certifications are subject only to the condition on all FCC application forms that willful false statements made on the form or in any attachments are punishable by fine and/or imprisonment and/or revocation of any station license or construction permit. The Commission made clear that applicants making the three required certifications *in good faith* would see their renewal applications processed on a routine basis without requiring any further detailed renewal showing in support of the application. The Commission also made clear that it anticipated the vast majority of licensees would be able readily to make these certifications in support of license renewal.

While American Messaging and Sensus claim that making the required certifications will require them to take all kinds of action that they apparently would not otherwise take in operating pursuant to their licenses, as noted previously, the burdens to which Sensus and American Messaging are objecting are obligations imposed by the Commission’s rules and policies regarding the grant,

holding, and operation under wireless licenses and the usage of scarce wireless spectrum.

The Joint Comments purport to set forth the extensive burden imposed in connection with the renewal of a site-based license.² With a site-based license, however, either the most recently filed construction notification or the authorization itself describes the operation authorized by the Commission. Either the licensee is operating legally consistent with the information in the construction notification or the authorization itself, or it is not, in which case the licensee is operating illegally. This is status information that a responsible licensee should maintain to ensure that it is complying with the applicable licensing requirements. This is little different than is the case currently for renewal of site-based licenses. In addition, the Commission explicitly built some flexibility into this certification requirement, explicitly stating that a site-based licensee that temporarily reduced its operations for fewer than 180 days would be able to take advantage of this safe harbor and make the necessary certification. Similarly, regarding the second certification, given that the Commission clearly articulated a consistent standard for permanent discontinuance for all site-based services, it is reasonable to expect a licensee to know, for any given site-based operation, when and for how long a site-based facility is out of service, regardless of what it means for any renewal application. Finally, the substantial regulatory compliance certification supports the Commission's obligation to ensure that its licensees substantially comply with all Commission rules and policies and the Communications Act. Licensees bear this compliance obligation by virtue of being a licensee. The burdens about which American Messaging and Sensus mention in fact are obligations and requirements related to their decisions to apply for and hold Commission licenses consistent with the requirements of the Communications Act and the Commission's rules.

The Joint Comments take a similar approach in attempting to show how burdensome and extensive the new certification requirements are for geographic area licensees. As explained above, the certification/safe harbor approach was adopted by the Commission in response to suggestions and comments made in the rulemaking proceeding, with the twin goals of ensuring that licensees are continuing to make use of licensed spectrum in accordance with applicable rules and standards while also reducing the filing burdens on licensees when seeking to renew their licenses. American Messaging and Sensus nonetheless claim that for a geographic area licensee to make the applicable certification regarding the level of service being provided in a particular license area (whether the licensee is using the spectrum to provide service or for private, internal purposes), it will be necessary for the licensee to undertake extensive analyses. Interestingly, out of all the geographic area licensees that participated in this proceeding directly or through their associations, only these two filers have raised this concern. The Commission requires only that American Messaging and Sensus, like all other geographic area licensees, make their certifications in good faith. As with site-based licensees and recognizing the nature of operating radio systems, the Commission provided real world flexibility so that if a geographic area licensee temporarily drops below the applicable construction benchmark for fewer than 180 days, that licensee could still make the necessary certification about operation and avail itself of the renewal safe harbor.

American Messaging and Sensus next mention about the renewal showing that a renewal applicant

² Joint Comments at 3.

must submit if it is unable to take advantage of one of the four defined renewal safe harbors. The Commission made clear that it expects that most licensees will be able to make the necessary certifications to take advantage of one of the safe harbors. It was necessary for the Commission to provide some other renewal application filing process for those licensees unable to satisfy one of the safe harbors that would achieve the Commission's goals and objectives in streamlining and conforming its WRS renewal rules and policies. The Commission recognized that such licenses may well warrant renewal. Rather than leave it up to such licensees to guess at what information and factors would be useful to the Commission in assessing whether to renew a license that could not meet one of the safe harbors, the Commission provided guidance. The factors set out by the Commission are both consistent with its objective in this proceeding of ensuring service or operation over the license term and previously in place in part or in whole for renewals in a number of wireless radio services. This option is an opportunity for a licensee to still make the case for renewal of a license even if the licensee's operation under that license otherwise fails to meet any of the safe harbors that would merit renewal of the license. Because licensees seeking renewal in a number of services already must provide this information, and thus any burden is already included in the Form 601 burden calculations, and because the Commission anticipates most licensees will not need to take advantage of this option (and thus these filings would represent a small proportion of the total number of renewal and other Form 601 filings each year), the Commission concluded that the burden calculations did not need to be adjusted for this particular aspect of the collection. The Commission notes that American Messaging and Sensus provide no basis for their statement that the Commission will review these renewal showings "with no standard for review."³ To the contrary, as is the case for many case-by-case filings, the Commission will be guided by its public interest and statutory obligations, including, in this context, the objectives and policies established in this proceeding regarding the renewal of spectrum licenses.

American Messaging and Sensus assert that the Commission should replace the certifications adopted in this rulemaking proceeding with a "less burdensome" certification that a renewal applicant has: 1) satisfied all applicable initial and final performance requirements; 2) provided coverage and service in its license area during the license term; and 3) not permanently discontinued service at any time during the license term. They have also advocated for this position in separate petitions for reconsideration of the Commission's August 2017 decision (note that American Messaging did not participate in this proceeding until it filed a petition for reconsideration), which the Commission will consider in due course. Because the parties have raised this alternative set of certifications in pending petitions for reconsideration in the rulemaking, we are limited in addressing the merits of this proposal so as to not prejudice whatever action the Commission might take in addressing the pending petitions for reconsideration. The alternate certification does not implement the rules and policies described in the Commission's Second Report and Order. It falls short in that a license's certification that it has provided coverage and service in its license area during the license term does not include either a temporal or a scope of geographic coverage element. As explained previously, one of the Commission's goals in this proceeding was to ensure intensive, continuous use of spectrum. Under the American Messaging and Sensus alternative, a licensee could certify that it met its performance requirement, for example, of providing coverage of 70 percent of the geographic

³ Joint Comments at 5.

area under a license. Because the licensee would also have to certify only that it “provided coverage and service in its license area during the license term,” after meeting its coverage requirement, it could drop the 70 percent coverage to some significantly lesser amount, and still receive a license renewal grant.

The filers claim that their alternative set of certifications would meet the Commission’s new license renewal standard, quoting language from paragraph 9 of the Commission’s August 2017 order.⁴ American Messaging and Sensus conveniently omit the sentences immediately following the quoted language, which state (emphasis added):

More specifically, for renewal at the end of an initial license term, the licensee must demonstrate that it timely constructed to any level(s) required by the service-specific rules and, thereafter, consistent with our permanent discontinuance rules, *continuously provided service or operated at or above the required level(s) for the remainder of the license term*. For subsequent renewals, the licensee must demonstrate that, over the license term at issue, *it continuously provided service to the public or operated under the license to meet the licensee’s private, internal communications needs, at or above the level required to meet the final construction requirement during the initial term of the license*. In all events, the licensee also must certify that its service or operations are continuing.

American Messaging and Sensus likewise ignore the clear language of the Commission’s rule, 47 CFR §1.949, regarding the certifications required to support the renewal safe harbors.

The proposed replacement set of certifications also apparently omits the regulatory compliance certification. As previously explained above, this certification supports the Commission’s obligation to ensure that its licensees substantially comply with all Commission rules and policies and the Communications Act.

As previously stated, the claims made by Sensus and American Messaging in their comments on the Form 601 information collection address the fundamental policy decisions made by the Commission in the 2017 WRS Report Second Report and Order. These issues are not appropriately addressed in the information collection review process, but will be addressed by the Commission as part of the rulemaking process.

The Commission published a 60-day notice in connection with the frequency coordination requirements, which appeared in the Federal Register on May 10, 2018, 83 FR 21773, seeking comment from the public, seeking comment from the public on the information collection requirements contained in this aspect of the collection. No comments were received on the Paperwork Reduction Act (PRA) as a result of the May 10, 2018, notice.

9. Respondents will not receive any payments.

10. Respondents may request that materials or information submitted to the Commission be withheld from public inspection under 47 CFR §0.459 of the FCC rules.

⁴ Joint Comments at 5-6.

Information on the FCC Form 601 is maintained in the Commission's system of records notice or 'SORN', FCC/WTB-1, "Wireless Services Licensing Records." These licensee records are publicly available and routinely used in accordance with subsection b. of the Privacy Act, 5 U.S.C. 552a(b), as amended.

The Commission has in place the following policy and procedures for records retention and disposal: Records will be actively maintained as long as the authorization is valid. Paper records will be archived after being keyed or scanned into the database and destroyed when 12 years old. Electronic records will be backed up and deleted twelve years after the authorization is no longer valid.

11. This collection does not address private matters of a sensitive nature, and the PII is covered by the system of records notice or 'SORN', FCC/WTB-1, "Wireless Services Licensing Records."

12. The Commission estimates that 255,452 respondents (applicants/licensees) will file FCC Form 601 applications annually and that the *average* burden per response is 1.25 hours.

The Commission estimates that 50% of the 255,452 respondents (127,726) will complete the application themselves with no additional assistance and the remaining 50% (127,726) will contract out the completion of the form to a law firm or application preparation service.

The Commission estimates the average burden per response to be approximately 1.25 hours for those respondents completing the forms themselves. For those respondents hiring a consultant, we estimate a burden of approximately 30 minutes (0.5 hours) to coordinate with the consultant.

The estimated annual burden is:

127,726 responses x 1.25 hours = 159,658 hours

127,726 responses x .50 hours = 63,863 hours

Total Annual burden: 159,658 hours + 63,863 hours = 223,521 hours.

The Commission also estimates that between zero and 400 entities will annually file FCC Form 601 applications regarding eligibility for designated entity benefits. We therefore estimate that there will be 400 such entities.

The Commission estimates that 50% of these 400 respondents (200) will complete the application themselves with no additional assistance and the remaining 50% (200) will contract out the completion of the form to a law firm or application preparation service.

The Commission estimates the average burden per response to be approximately 1.25 hours for those respondents completing the form themselves. For those respondents hiring a consultant, we estimate a burden of approximately 45 minutes (0.75 hours) to coordinate with the consultant.

The estimated annual burden is:

200 responses x 1.25 hour = 250 hours

200 responses x 0.75 hours = 150 hours

Annual burden hours: 250 + 150 = 400

TOTAL ANNUAL BURDEN HOURS: 223,521 + 400 = 223,921

TOTAL NUMBER OF RESPONDENTS: 255,452

TOTAL NUMBER OF RESPONSES: 255,452

Commission Rules require that certain applicants obtain frequency coordination prior to submitting their application to the FCC. We estimate that approximately 40% of the total respondents (102,181 respondents) are required to comply with frequency coordination requirements. There is no additional time burden placed on the respondent for this third-party disclosure requirement, however, it adds an extra “step” to the application filing requirements. Applicants forward their applications via the non-profit private sector frequency coordinators designated by type of radio service to the FCC. The frequency coordinator then forwards the application and application remittance to the FCC. The frequency coordinator must file electronically.

“In-House Cost”:

Assuming that 50% of the respondents use personnel comparable in pay to a mid-to-senior level federal employee (GS-13, Step 5) to prepare the collection, we estimate the cost to be about \$55.75 per hour @ 1.25 hours per filing. The cost per filing: $\$55.75 \times 1.25 = \69.69 .

127,726 applications x \$69.69 per filing = \$8,901,224.94

The Commission estimates that 50% will contract out the completion of the form to a law firm or application preparation service and will spend approximately 30 minutes (0.5 hours) coordinating this information. Assuming they use personnel comparable in pay to a mid-to-senior level federal employee (GS-13, Step 5) to coordinate this submission we estimate the cost to be approximately \$55.75 per hour @ 0.5 hours per filing. The cost per filing = \$27.88.

127,726 applications x \$27.88 per filing = \$3,561,000.88

Assuming that 50% of the respondents filing the 601 annually for designated entity benefits use personnel comparable in pay to a mid-to-senior level federal employee (GS-

13, Step 5) to prepare the collection, we estimate the cost to be about \$55.75 per hour @ 1 hour per filing. The cost per filing = \$55.75

$$200 \text{ responses} \times \$55.75 \text{ per response} = \$11,150$$

The Commission estimates that 50% will contract out the completion of the form to a law firm or application preparation service and will spend approximately 30 minutes (0.5 hours) coordinating this information. Assuming they use personnel comparable in pay to a mid-to-senior level federal employee (GS-13, Step 5) to coordinate this submission we estimate the cost to be approximately \$55.75 per hour @ 0.5 hours per filing. The cost per filing = \$27.88.

$$200 \text{ responses} \times \$27.88 \text{ per response} = \$5,576$$

TOTAL IN-HOUSE COST:

$$\mathbf{\$8,901,224.94 + \$3,561,000.88 + \$11,150 + \$5,576 = \$12,478,951.80}$$

13. Cost to the Respondent:

- a. Total annualized capital/start-up costs: \$0.00
- b. Total annualized cost requested to prepare FCC 601 are:

There is no cost to file the application electronically with the FCC.

FCC application filing fees:

We estimate that approximately 75% of 255,452 various applications filed require an application fee of \$65-\$430 each. (The balance of the respondents would be exempt from filing fees due to type of entity, i.e. public safety, governmental entities, non-commercial educational broadcasters, or because the purpose for which they are filing does not require a fee.)

For purposes of this submission, we estimate the total application fees using an average of \$125 per filing:

$$255,452 \text{ total respondents} \times 75\% \text{ (feeable)} = 191,590 \text{ feeable filings}$$

$$191,590 \text{ filings} \times \$125 \text{ average fee} = \$23,948,750$$

We estimate that 50% of the respondents will contract out the completion of the form and would use an attorney or application preparation service at a cost of \$300/hour to prepare the FCC 601 and take the consultant 1.25 hours to complete each form.

$$127,726 \text{ applications} \times 1.25 \text{ hours} \times \$300/\text{hour} = \$47,897,250$$

Regarding respondents eligible for designated entity benefits, there is no application fee because the services involved are subject to auctions.

We estimate that 50% of the respondents will contract out the completion of the form and would use an attorney or application preparation service at a cost of \$300 per hour to prepare in 1 hour the FCC Form 601.

$$200 \text{ applications} \times 1 \text{ hour} \times \$300 \text{ hour} = \$60,000$$

**TOTAL ESTIMATED RESPONDENT COST: \$23,948,750 +
\$47,897,250 + \$60,000 = \$71,906,000**

14. Cost to the Federal Government:

FCC Form 601 Applications estimated to be filed: 255,352

$$\begin{aligned} &127,726 \text{ applications} \times 30 \text{ mins. (0.50 hrs)} \\ &\text{@ } \$26.43 \text{ per hour (GS-7 Step 5) for an} &= & \$1,687,899.09 \\ &\text{(Processing)} \\ &\text{Industry Analyst} \end{aligned}$$

$$\begin{aligned} &127,726 \text{ applications} \times 10 \text{ mins. (0.166 hrs)} &= & \$560,382.50 \\ &\text{(Processing)} \\ &\text{@ } \$26.43 \text{ per hour (GS-7 Step 5) for an} \\ &\text{Industry Analyst} \end{aligned}$$

$$\textbf{Total} \qquad \qquad \qquad = \qquad \qquad \qquad \textbf{\$2,248,281.59}$$

15. There are no program changes or adjustments to this collection.

16. The data will not be published for statistical use.

17. The Commission is requesting a continued waiver from displaying the OMB expiration date on FCC Form 601. Granting this waiver will prevent the Commission from destroying excess

forms, having to update computer versions and thus reduce waste. All OMB-approved information collections are published in 47 CFR 0.408. This section includes the OMB control number, title of the collection and the OMB expiration date.

18. The Commission published 60-day notices in the Federal Register seeking comments on the information collection requirements contained in this collection (85 FR 6948) on February 6, 2020 and on May 10, 2018 (83 FR 21773). Since these notices were published, the Commission had a revision to collection 3060-0798. Therefore, the number of responses, burden hours and annual cost changed for the collection. There are no other exceptions to the “Certification Statement.”

B. Collections of Information Employing Statistical Methods:

This information collection does not use any statistical methods.