

**3.7 GHz Band Relocation Coordinator and Relocation
Payment Clearinghouse Real-Time Disclosure of Communications
Required by Sections 27.1413(c)(6) and 27.1414(b)(4)(i)**

SUPPORTING STATEMENT

New Collection Titled: 3.7 GHz Band Relocation Coordinator and Relocation Payment Clearinghouse Real-Time Disclosure of Communications Required by Sections 27.1413(c)(6) and 27.1414(b)(4)(i). This request is being submitted to obtain Office of Management and Budget (OMB) approval for a new information collection requirement necessary to implement the framework adopted by the Federal Communications Commission (Commission) for reforming the 3.7-4.2 GHz band, including the public auction of overlay licenses in the 3.7 GHz Service.

A. Justification:

1. *Circumstances that make this collection necessary.* 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 3.7-4.2 GHz band currently is allocated in the United States exclusively for non-Federal use on a primary basis for Fixed Satellite Service (FSS) and Fixed Service. Domestically, space station operators use the 3.7-4.2 GHz band to provide downlink signals of various bandwidths to licensed transmit-receive, registered receive-only, and unregistered receive-only earth stations throughout the United States. The *3.7 GHz Report and Order* calls for the relocation of existing FSS operations in the 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 in the 3.7 GHz Service 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.

The Commission concluded in the *3.7 GHz Report and Order* that a neutral, independent third-party Relocation Payment Clearinghouse (RPC) should be established to administer the cost-related aspects of

¹ See 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 transition in a fair, transparent manner, mitigate financial disputes among stakeholders, and collect and distribute payments in a timely manner to transition incumbent space station operators out of the 3.7-3.98 GHz band. The Commission also concluded that a Relocation Coordinator (RC) should be appointed to ensure that all incumbent space station operators are relocating in a timely manner, and to be responsible for receiving notice from earth station operators or other satellite customers of any disputes related to comparability of facilities, workmanship, or preservation of service during the transition and notify the Commission of disputes and recommendations for resolution.

To protect the fair and level playing field for applicants to participate in the Commission's auction for overlay licenses in the 3.7 GHz Service, the RPC and the RC are each required to make real-time, public disclosures of the content and timing of and the parties to communications, if any, from or to such applicants, as applicants are defined by the Commission's rule prohibiting certain auction-related communications, whenever that prohibition applies to competitive bidding for licenses in the 3.7 GHz Service.⁴ The Commission is seeking approval for a new information collection to permit the RPC and the RC to make the required real-time, public disclosure of any such communications, as necessary.

Statutory authority for this information collection is contained in sections 1, 2, 4(i), 4(j), 5(c), 201, 302, 303, 304, 307(e), and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 155(c), 201, 302, 303, 304, 307(e), 309.

This collection does not have any impacts under the Privacy Act.

2. *Use of Information.* The information that will be collected under this new information collection is designed to protect the fair and level playing field for applicants to participate in the 3.7 GHz Service auction by making public, in real time, all applicant communications to or from either the RPC or the RC during the time that the Commission's rule prohibiting certain auction-related communications applies to competitive bidding for licenses in the 3.7 GHz Service.

3. *Technological collection techniques.* Pursuant to the rules adopted in the *3.7 GHz Report and Order*, the RPC and the RC must each make real-time, public disclosures of the content and timing of and the parties to communications, if any, from or to applicants to participate in the auction for overlay licenses in the 3.7 GHz Service.⁵ The Commission has centralized the reporting of this information with the RPC and the RC to reduce both public and agency administrative burden. Because the RPC and RC must

⁴ See 47 CFR §§ 27.1413(c)(6), 27.1414(b)(4)(i), as adopted in the *3.7 GHz Report and Order*. Section 1.2105(c)(1) of the Commission's rules provides that, subject to specified exceptions, after the deadline for filing short-form applications to participate in an auction, all "applicants" are prohibited from cooperating or collaborating with respect to, communicating with or disclosing, to each other or any nationwide provider of communications services that is not an applicant, or, if the applicant is a nationwide provider, any non-nationwide provider that is not an applicant, in any manner the substance of their own, or each other's, or any other applicants' bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the post-auction deadline for making down payments. Section 1.2105(c)(5)(i) of the Commission's rules defines the term "applicant" to include all controlling interests in the entity submitting a short-form application to participate in an auction, as well as all holders of partnership and other ownership interests and any stock interest amounting to 10 percent or more of the entity, or outstanding stock, or outstanding voting stock of the entity submitting a short-form application, and all officers and directors of that entity.

⁵ See 47 CFR §§ 27.1413(c)(6), 27.1414(b)(4)(i).

make the required disclosures both publicly and in real time, the Commission expects that the RPC and the RC will make any required disclosures via electronic means.

4. *Efforts to identify duplication.* There will be no duplicative information collected. This information collection contains a new requirement recently adopted by the Commission in the *3.7 GHz Report and Order* that is applicable only to the auction for overlay licenses in the 3.7 GHz Service. 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 information required by the rules adopted in the *3.7 GHz Report and Order*. To that end, there are only two entities required to respond information collection – the RPC and the RC – and the requirement to respond places a *de minimis* reporting burden on only these two entities, thereby further minimizing the burden on small entities. The Commission therefore does not believe that the costs or administrative burdens associated with the reporting requirements will unduly burden small entities.

6. *Consequences if information is not collected.* The information that will be collected under this new information collection is critical to protecting the fair and level playing field for applicants to participate in the auction for overlay licenses in the 3.7 GHz Service. The real-time, public disclosure requirement acts as a deterrent to would-be disseminators of information that could allow some applicants/bidders to gain an advantage over others and thereby enhances the competitiveness and fairness of the auction. The disclosure requirement benefits all applicants/bidders, including small businesses, by enhancing the competitiveness and fairness of the auction process and increasing general confidence in the integrity of the Commission's auctions. Without this information, there is potential for some applicants/bidders to gain an advantage over others. The disclosure requirement places a *de minimis* reporting burden on only the RPC and the RC. Moreover, the Commission believes that any burden associated with this disclosure requirement is outweighed by the advantages presented by a fair auction process and level playing field. The Commission therefore concludes that the public policy benefits substantially outweigh the *de minimis* impact of the disclosure requirement.

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

8. *Federal Register notice; efforts to consult with persons outside the Commission.* Pursuant to 5 CFR § 1320.8, the Commission published a 60-day notice in the Federal Register on May 14, 2020 (*see* 85 FR 44299) regarding this new information collection. No comments were received in response to this notice.

9. *Payments or gifts to respondents.* Respondents will not receive any payments or gifts.

10. *Assurance of confidentiality.* The information collected under this collection will 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.* As explained above, the real time disclosure requirement only arises when the RPC or the RC has a communication with a party that is

considered an “applicant” in the auction for overlay licenses in the 3.7 GHz Service during the period when the Commission’s rule prohibiting certain auction-related communications is in effect. The only two entities required to respond to this collection are the RPC and the RC. While it is difficult to estimate the number of responses, the Commission expects that the RPC and the RC may each have communications with up to four applicants once, and with up to two of these four applicants twice. The Commission therefore estimates there may be up to 12 responses to this information collection. The Commission estimates that it will take each respondent no more than 1 hour for respondents to make a required disclosure. Based on this, the following represents the Commission’s estimated hour burden for the proposed new collection of information:

- a. Number of estimated annual respondents: 2 respondents.
- b. Total number of annual responses: 12 responses.
- c. Frequency of response: On occasion reporting requirement.
- d. Total estimated annual burden: 12 hours, calculated as follows:

Up to 1 hour per respondent for up to 2 respondents each filing up to 6 responses. Total estimated annual hours burden is calculated as follows:

12 estimated responses x 1 hour per response = 12 total estimated burden hours.

- e. Total estimate of annual in-house cost to respondents for the estimated hours burden: \$469.44.
- f. Explanation of calculation of in-house costs to respondents for the estimated hours burden:

The Commission expect that respondents will use existing in-house staff to make the required disclosure at a rate equivalent to the hourly rate of a GS-11, Step 5 government staff member (\$39.12/hour). The Commission estimates that it will take one in-house staff person no more than 1 hour to make a required disclosure. Therefore, the estimated annual in-house cost is as follows:

1 staff person at \$39.12/hour x 1 hour per response x up to 12 estimated responses = \$469.44

Total In-House Cost: \$469.44.

13. *Estimates of the annual cost burden of the collection to respondents.* There is no external cost to respondents for making the required disclosure, and the respondents should not incur any other capital and start-up costs or operation and maintenance of purchase of services in connection with responding to this new information collection because they are the recipients of the communications that would trigger the need to make any required disclosure and, thus, the information collected under this information collection is readily available to the respondents in the normal course of business.

Total Capital and Start-Up Costs or Operation and Maintenance (O&M): \$0.

14. *Estimates of the annual cost burden to the Commission.* The disclosures required under this information collection will be made publicly available by the respondents in real time for the benefit of applicants to participate/bidders in the auction for overlay licenses in the 3.7 GHz Service. The Commission will neither receive nor review these disclosures. Accordingly, there is no annual cost burden to the Commission for this information collection.

Total Estimated Annual Cost to the Federal Government: \$0.

15. *Program changes or adjustment.* This is a new information collection resulting in a program change increase of 2 respondents, 12 responses, and 12 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.