

July 28, 2020

FEDERAL COMMUNICATIONS COMMISSION

OMB Control Number: 3060-0600

Requested Action: Non-substantive change/non-material change request

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The Federal Communications Commission submits this non-substantive change request to the Office of Management and Budget (OMB) for approval of non-substantive/non-material changes to FCC Form 175, Application to Participate in an FCC Auction.

FCC Form 175 is used by the public to apply to participate in Commission auctions for wireless licenses or broadcast permits. An applicant is required to disclose on FCC Form 175, among other things, ownership information concerning the applicant, its disclosable interest holders (DIHs), its FCC regulated businesses (FRBs), and the FRBs of the applicant's DIHs. In wireless auctions in which bidding credits are available, an applicant requesting a "small business bidding credit" must also disclose on FCC Form 175 information about its affiliates and gross revenue information for the applicant, its DIHs, and its affiliates. To date, an applicant seeking status as a small business or a very small business (as those terms are defined in the Commission's service-specific rules) for purposes of requesting a "small business bidding credit" has been required to disclose on FCC Form 175 gross revenues for itself, its DIHs, and its affiliates for each of the preceding three years. However, in December 2018, Congress revised the standard set out in the Small Business Act for categorizing a business concern as a "small business concern" by providing as a general matter that a Federal agency cannot propose to categorize a business concern as a "small business concern" for Small Business Act purposes unless the size of the concern is based on its annual average gross receipts "over a period of not less than 5 years." *See* 15 U.S.C. § 632(a)(2)(C)(ii)(II), amended by Small Business Runway Extension Act of 2018, Pub. L. 115-324, 132 Stat. 4444 (2018). In December 2019, the Small Business Administration (SBA) adopted new rules implementing the requirements of the Small Business Runway Extension Act and modifying its method for calculation of average annual receipts used to prescribe size standards for small businesses from a three-year to a five-year average period. *See* Small Business Administration, Small Business Size Standards: Calculation of Annual Average Receipts, 84 Fed. Reg. 66561 (Dec. 5, 2019).

Consistent with this statutory requirement and the SBA's new rules, in future auctions of wireless licenses in services for which the Commission adopted small business definitions after the December 2018 legislation, an applicant requesting a "small business bidding credit" will be required to disclose gross revenue information for the applicant, its DIHs, and its affiliates for each of the previous five years. Accordingly, the Commission has modified FCC Form 175 to accommodate the collection of gross revenue information from an applicant requesting a "small business bidding credit" for the applicant, its DIHs, and its affiliates for either the preceding three years or the preceding five years, based on the small business definitions in the Commission's service-specific rules applicable for a given auction.

The Commission has included screenshots of the new/additional screens of FCC Form 175 as part of this non-substantive change request.

There is no change to the estimated burden hours or costs to respondents associated with this non-substantive change. Similarly, there is no change to Commission's estimated burden hours or costs associated with this non-substantive change.