

FCC Application for Radio Service Authorization
Wireless Telecommunications Bureau; Public
November 2020
Safety and Homeland Security Bureau

3060-0798

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 April 23, 2020, the Commission Adopted a Report and Order and Further Notice of Proposed Rulemaking in ET Docket 18-295, FCC 20-51, that requires temporary fixed microwave licensees to register temporary fixed links in the ULS database in order to receive protection from unlicensed devices operating in the 6GHz band, a summary of which was published at 85 FR 31390 (May 26, 2020).¹ Automated frequency coordination (AFC) administrators will use this information to determine where unlicensed devices can operate. Temporary fixed licensees were not previously required to file applications with the Commission when they commenced operation, so this is a new filing requirement. In addition to creating this new filing requirement, two new data fields will be required to describe when the temporary fixed links will be operational, so that the AFCs will know when to protect the temporary fixed links. For this purpose a "start date" and "end date" will be added to the Form 601, Schedule I.

¹ The 6 GHz rule section associated with FCC Form 601 is Section 101.31(a).

On May 13, 2020, the FCC adopted a Report and Order, FCC 20-67, in WT Docket No. 17-200, modified by an erratum released July 1, 2020, that establishes rules for broadband license operations in the 897.5-900.5/936.5-939.5 MHz segment of the 900 MHz band (896-901/935-940 MHz), a summary of which was published at 85 FR 43124 (July 16, 2020). The Commission seeks approval from OMB for the information collection requirements contained in the Report and Order, FCC 20-67. The requirements in sections 27.1503(b)(1), 27.1503(b)(2), 27.1503(b)(3), 27.1503(c)(1), 27.1505(a), and 27.1505(b) constitute revised information collections pursuant to the Paperwork Reduction Act (PRA).

Section 27.1503(b)(1) requires an applicant to file an application for a 900 MHz broadband license in accordance with part 1, subpart F of the Commission's rules. The 900 MHz broadband service is a new service governed under part 27 of the Commission's rules. The Commission requests OMB approval to revise FCC Form 601 to add a new radio service code, a new Schedule N for the 900 MHz broadband service, and two new attachment types for the Eligibility Certification and Transition Plan.

Schedule N would be a new supplementary schedule for 900 MHz broadband service applicants to apply for the required license authorization in conjunction with the FCC 601 Main Form. In Schedule N, 900 MHz broadband service applicants would identify the market(s) to which the filing pertains and certifications that the applicant has attached an Eligibility Certification and Transition Plan, that the applicant will return licensed 900 MHz spectrum to the Commission, and that it will remit an anti-windfall payment if applicable.

Section 27.1503(b)(2) requires an applicant to file an Eligibility Certification as part of its application for a 900 MHz broadband license. In its Eligibility Certification, an applicant must list the licenses the applicant holds in the 900 MHz band to demonstrate that it holds licenses for more than 50% of the total licensed 900 MHz spectrum for the county, including credit for spectrum included in an application to acquire or relocate any covered incumbents filed on or after March 14, 2019. The Eligibility Certification must also include a statement that the applicant's Transition Plan details how it holds spectrum in the broadband segment and/or has reached an agreement to clear through acquisition or relocation, or demonstrate how it will provide interference protection to, covered incumbent licensees collectively holding licenses in the broadband segment for at least 90% of the site-channels in the county, and within 70 miles of the county boundary and geographically licensed channels where the license area completely or partially overlaps the county.

Section 27.1503(b)(3) requires an applicant to file a Transition Plan as part of its application for a 900 MHz broadband license. In its Transition Plan, an applicant must demonstrate one or more of the following for at least 90% of the site-channels in the county and within 70 miles of the county boundary, and geographically licensed channels where the license area completely or partially overlaps the county: (1) agreement by covered incumbents to relocate from the broadband segment; (2) protection of site-based covered incumbents through compliance with minimum spacing criteria; (3) protection of site-based covered incumbents through new or existing letters of concurrence agreeing to lesser base station separations; (4) protection of geographically-based covered

incumbents through private contractual agreements; and/or (5) evidence that it holds licenses for the site channels in the county and within 70 miles of the county boundary and geographically licensed channels where the license area completely or partially overlaps the county. The Transition Plan must describe in detail: (1) descriptions of the agreements reached with covered incumbents to relocate and the applications that the parties to the agreements will file for spectrum in the narrowband segment in order to relocate or repack licensees; (2) descriptions of how the applicant will provide interference protection to, and/or acquire or relocate from the broadband segment, covered incumbents collectively holding licenses for at least 90% of the site-channels in the county and within 70 miles of the county boundary, and geographically licensed channels where the license area completely or partially overlaps the county, and/or evidence that it holds licenses for the site-channels and/or geographically licensed channels; (3) any rule waivers or other actions necessary to implement an agreement with a covered incumbent; and (4) such additional information as may be required. The Commission requires the applicant to include in the Transition Plan a certification from a frequency coordinator that the Transition Plan can be implemented consistent with the Commission's rules. The Commission allows an applicant seeking to transition multiple counties simultaneously to file a single Transition Plan that covers all of its county-based applications.

Section 27.1503(c)(1) requires an applicant to cancel its 900 MHz Specialized Mobile Radio and Business/Industrial/Land Transportation licenses, up to six megahertz, conditioned upon Commission grant of its license. An applicant would file FCC Form 601 to cancel existing licenses, but this information collection does not involve a revision of FCC Form 601.

Section 27.1505 requires a 900 MHz broadband licensee to meet performance requirements. Section 27.1505(a) requires an applicant to file a construction notification in accordance with section 1.946(d) of the Commission's rules. An applicant would file FCC Form 601 to file the construction notification, and this information collection would encompass adding a new radio service code for the 900 MHz broadband service. Pursuant to section 27.1505(b), licensees can satisfy performance requirement through population or geographic coverage. Under the population metric, a 900 MHz broadband licensee would be required to provide reliable signal coverage and offer broadband service to at least 45% of the population in its license area within six years of license grant and to at least 80% of the population in its license area within twelve years of license grant. Under the geographic coverage metric, a 900 MHz broadband licensee would be required to provide reliable signal coverage and offer broadband service to at least 25% of the geographic license area within six years of license grant and to at least 50% of the geographic license area within twelve years of license grant. To meet the broadband service obligation, the Commission expects licensees to deploy technologies that make intensive use of the entire 3/3 megahertz band segment and yield high uplink and downlink data rates and minimal latency sufficient to provide for real-time, two-way communications. The 900 MHz broadband licensees would demonstrate its compliance with section 27.1505(b) by filing an attachment to their FCC Form 601 construction notification filings.

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 the new 900 MHz broadband service applications and construction notifications and (2) temporary fixed microwave license registration of temporary fixed links in ULS to receive protection from unlicensed devices operating in the 6 GHz band.

We anticipate that these revisions will have a slight impact on the hourly burden to complete FCC Form 601. For the 6 GHz changes, we estimate that 70 respondents, will file 1,050 responses per year (15 per licensee), with an estimated time burden of 525 hours (30 minutes per filing). For the first three years of this collection for the 900 MHz service, we estimate that 30 respondents will file 60 responses per year (two per licensee), with an estimated time burden of 1,830 hours (30.5 hours per filing: 30 hours to produce required supporting documentation and 30 minutes to file the application and documentation). We estimate that 30 respondents will file 60 responses (once at the six-year mark, and once at the 12-year mark of the 900 MHz broadband license term), with an estimate time burden of 1,830 hours in each of those two years (30.5 hours per filing: 30 hours to produce required supporting documentation and 30 minutes to file the application and documentation). As such, we anticipate the total annual hourly burden will increase.

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

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 6 GHz and 900 MHz requirements 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.
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 6 GHz and 900 MHz FCC Form 601 requirements that appeared in the Federal Register on July 27, 2020, 85 FR 45213, 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 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.

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 255,552 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 255,552 respondents (127,776) 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:

127,776 responses x 1.25 hours = 159,720 hours

127,776 responses x .50 hours = 63,888 hours

Total Annual burden: 159,720 hours + 63,888 hours = 223,608 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

The Commission also estimates that thirty (30) 900 MHz entities will hire a consultant, such as a law or engineering firm, to produce documentation and exhibits to support their FCC Form 601 applications. The Commission estimates that the 30 respondents will each annually file supporting documents for two applications with an average burden of 30 hours to produce such documents.

The estimated annual burden is:

60 responses x 30 hours = 1,800 hours

TOTAL ANNUAL BURDEN HOURS: 223,608 + 400 + 1,800 = 225,808

TOTAL NUMBER OF RESPONDENTS: 255,552

TOTAL NUMBER OF RESPONSES: 255,552

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 .

$$127,776 \text{ applications} \times \$69.69 \text{ per filing} = \$8,904,709.44$$

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.

$$127,776 \text{ applications} \times \$27.88 \text{ per filing} = \$3,562,394.88$$

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 @ 1.25 hours per filing. The cost per filing = $\$55.75 \times 1.25 = \69.69 .

$$200 \text{ responses} \times \$69.69 \text{ per response} = \$13,938$$

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 @ 0.75 hours per filing. The cost per filing = $\$55.75 \times 0.75 = \41.81 .

$$200 \text{ responses} \times \$41.81 \text{ per response} = \$8,362$$

TOTAL IN-HOUSE COST:²

$$\mathbf{\$8,904,709.44 + \$3,562,394.88 + \$13,938 + \$8,362 = \$12,489,404.30}$$

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 255,552 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:

$$255,552 \text{ total respondents} \times 75\% \text{ (feeable)} = 191,664 \text{ feeable filings}$$

$$191,664 \text{ filings} \times \$125 \text{ average fee} = \$23,958,000$$

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.

$$127,776 \text{ applications} \times 1.25 \text{ hours} \times \$300/\text{hour} = \$47,916,000$$

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

² In-house costs associated with coordinating with an attorney or engineering firm regarding the preparation and filing of the application and supporting documents are already reflected in the 50% of applicants that use in-house personnel to coordinate with outside consultants.

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 applications x 1 hour x \$300 hour = \$60,000

Regarding 900 MHz respondents submitting documentation and exhibits in support of their applications:

We estimate that 30 respondents will use an attorney or engineering firm at a cost of \$300 per hour to prepare the documentation and exhibits supporting 60 applications (two per respondent). Preparation of the supporting documents is estimated to take 30 hours per application.

60 applications x 30 hours x \$300 = \$540,000

TOTAL ESTIMATED RESPONDENT COST: \$23,958,000 + \$47,916,000 + \$60,000 + \$540,000 = \$72,474,000

14. Cost to the Federal Government:

FCC Form 601 Applications estimated to be filed: 255,552

127,776 applications x 30 mins. (0.50 hrs)
@ \$26.43 per hour (GS-7 Step 5) for an Industry Analyst = \$1,688,559.84
(Processing)

127,776 applications x 10 mins. (0.166 hrs)
@ \$26.43 per hour (GS-7 Step 5) for an Industry Analyst = \$560,601.87
(Processing)

Total = \$2,249,161.71

15. There are program changes/increases to this collection as follows: 100 to the number of respondents, 100 to the number of annual responses, 1,887 to the annual burden hours and \$568,000 to the annual cost. There are no 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. There are exceptions to the “Certification Statement.” The Commission published 60-day notice on July 27, 2020 (85 FR 45213). The Commission had additions to its figures under question 12. Therefore, the figures which changed are the annual burden hours which now is 225,808 hours and the annual cost which now is \$72,474,000. 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.