



Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

May 21, 2021

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 a revision to an existing information collection on FCC Form 175, Application to Participate in an FCC Auction, which is approved under OMB 3060-0600. We respectfully request OMB approval for this revision no later than 26 days after it is received at OMB.

The Beat CHINA for 5G Act of 2020, which was included in the Consolidated Appropriations Act, 2021, requires the Commission to begin an auction to grant new initial licenses for the use of a portion or all of the 3.45-3.55 GHz band no later than December 31, 2021.¹ To begin the process of implementing this Congressional mandate, on March 17, 2021, the Commission adopted the *3.45 GHz Second Report and Order* (FCC 21-32), in which it established a new 3.45 GHz service and adopted rules to make licenses in the 3.45-3.55 GHz band available for flexible use wireless services throughout the contiguous United States. The Commission contemporaneously adopted the *Auction 110 Comment Public Notice* (FCC 21-33) in which it announced that an auction for licenses in the 3.45-3.55 GHz band will begin in early October 2021 and requested comment on proposed procedures for the auction. Among other things, the Public Notice proposed that, in addition to making the certifications already required by the Commission’s rules in its FCC Form 175, each Auction 110 applicant also certify that it has read the public notice adopting procedures for the auction and that it has familiarized itself both with the auction procedures and with the requirements for obtaining a license and operating facilities in the 3.45-3.55 GHz band. On May 19, 2021, the Commission’s Office of Economics and Analytics and Wireless Telecommunications Bureau released a Public Notice (DA 21-567) adopting the proposed additional certification requirement for applicants seeking to participate in Auction 110. Accordingly, the Commission seeks OMB approval for a revision to its currently approved information collection to include this additional certification on FCC Form 175.

The Commission’s auction rules and requirements are designed to ensure that the competitive bidding process is limited to serious qualified applicants, deter possible abuse of the bidding and licensing process, and enhance the use of competitive bidding to assign Commission licenses in furtherance of the public interest. The information collected on Form 175 is used by the Commission to determine if an applicant is legally, technically, and financially qualified to participate in a Commission auction.

¹ See Consolidated Appropriations Act, 2021, Beat CHINA for 5G Act of 2020, Pub. L. 116-260, § 905(d)(1)(B).

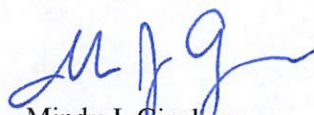
Additionally, if an applicant applies for status as a particular type of auction participant pursuant to Commission rules, the Commission uses information collected on FCC Form 175 to determine whether the applicant is eligible for the status requested. The revised collection will enable the Commission to confirm that an auction applicant has read the public notice adopting procedures for the auction and has familiarized itself both with the auction procedures and with the requirements for obtaining a license and operating facilities in the 3.45-3.55 GHz band through the applicant's certification to that effect.

As noted above, Congress has directed the Commission to begin an auction for licenses in the 3.45-3.55 GHz band no later than December 31, 2021. To comply with directive, the Commission has scheduled Auction 110 to begin in early October 2021. The Commission's established pre-auction process for evaluating applications and identifying qualified bidders requires a substantial amount of review by Commission staff. In order to conduct Auction 110 according to the announced schedule, the Commission will need to receive applications to participate in the auction two to three months prior to the start of bidding in the auction. Auction applicants are required to complete and electronically file FCC Form 175 using the Commission's auction application system. Thus, any necessary revisions to the auction application system to add the new certification to FCC Form 175 must be completed sufficiently in advance of date on which the Commission expects to begin accepting applications for the auction. Because the amount of time between when the Commission expects to adopt the final procedures for the auction and the anticipated date on which applicants may begin submitting their auction applications is fewer than three months, emergency approval is required. Accordingly, the Commission is requesting emergency processing and approval of the revision to its currently approved information collection to include the additional certification on FCC Form 175.

If the Commission were to wait 120 days to formally notify the public and potential interested parties of its intent to collect the additional certification on FCC Form 175, the Commission's ability to begin accepting applications to participate in Auction 110 would be substantially delayed, and would in turn substantially delay both the start of the auction and the Commission's ability to meet its statutory directive. Further, 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 21-day notice in the Federal Register concerning the revised information collection under the emergency processing procedures to give the public an opportunity to comment on this emergency submission. The Commission will conduct all of 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 ensure OMB's approval of this emergency request for the revision to this information collection no later than 26 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,



Mindy J. Ginsburg
Deputy Managing Director
Office of Managing Director
Federal Communications Commission