

SUPPORTING STATMENT

47 C.F.R. Sections 2.106, 27.14(w), 27.1603, 27.1605, and 27.1607
Facilitating Shared Use in the 3100-3550 MHz BandA. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

On March 17, 2021, the Federal Communications Commission (“Commission” or “FCC”) adopted a Second Report and Order, FCC 21-32, GN Docket No. WT-19-348 (Second Report and Order) that establishes rules for flexible-use wireless access to the 100 megahertz in the 3450-3550 MHz (3.45 GHz) band, creating the new 3.45 GHz Service. The rules will create additional capacity for wireless broadband allowing full-power operations across the band in the entire contiguous United States, while also ensuring full protection of incumbent Federal operations remaining in particular locations. As part of this process, the Commission also adopted rules related to the relocation of incumbent non-Federal radiolocation operations, and reimbursement of expenses related to such relocation.

The 3.45-3.55 GHz band was previously allocated solely for Federal operations on a primary basis; non-Federal operations (both amateur and radiolocation) had previously been permitted on a secondary status, but this allocation was deleted in a prior action in this proceeding. Those secondary non-Federal operations will terminate at dates to be determined by the close of the auction for the new 3.45 GHz Service. In the Second Report and Order, the Commission allocated the band to commercial wireless operations on a co-primary basis with Federal operations.

As a result of the co-primary status of flexible-use wireless operations in the 3.45 GHz Service and Federal incumbents, the rules adopted in the Second Report and Order will require licensees in the 3.45 GHz Service to coordinate with Federal agencies, including those in the Department of Defense, in their deployment of networks in particular geographic areas called Cooperative Planning Areas and Periodic Use Areas. This coordination will require information be provided to those agencies. This information may include locations and technical characteristics of proposed deployments, as well as other information that will enable incumbent Federal operators to ensure these deployments will not interfere with Federal operations, and vice versa.

In order to promote access to spectrum and the provision of service, the Second Report and Order adopted revised performance requirements for 3.45 GHz Service licensees, including the use of interim and end-of-term benchmarks. The Second Report and Order imposed interim reporting requirements on licensees to provide the Commission with information concerning the status of licensees’ efforts to meet performance requirements and the manner in which their

spectrum is being utilized.

In addition to coordination with Federal incumbents, licensees in the 3.45 GHz Service may also be required to provide information to operators in the adjacent Citizens Broadband Radio Service. This information would be for the purpose of enabling synchronization between the relevant systems.

Finally, incumbent secondary, non-Federal radiolocation operators being relocated out of the 3.45 GHz band to alternate spectrum will be required to submit information related to their relocation expenses to an independent clearinghouse to be named at a later date. The clearinghouse will be selected by a search committee of third-party stakeholders identified by the Commission's Wireless Telecommunications Bureau. The clearinghouse will enable verification of the relocation expenses and repayment of those costs.

Information Collection Requirements

Coordination with Federal Incumbents (47 C.F.R. §§ 2.106 and 27.1603)

- Licensees in the 3.45 GHz Service which hold licenses that overlap with a Cooperative Planning Area or Periodic Use Area will be required to successfully coordinate their operations in these areas prior to operation. This coordination may take the form of a mutually acceptable operator-to-operator coordination agreement between the licensee and the relevant Federal agency. In the absence of such an agreement, this coordination will include a formal request for access through a Department of Defense online portal, which will include the submission of information related to the technical characteristics of the base stations and associated mobile units to be used in the covered area. This requirement is contained both in 47 C.F.R. §27.1603 and in footnote US431B to the Table of Allocations, contained in 47 C.F.R. § 2.106.

Service Coverage Performance Requirements (47 C.F.R. § 27.14)

In order to promote access to spectrum and the provision of service, the Second Report and Order adopted revised performance requirements for 3.45 GHz Service licensees, including the use of interim and end-of-term benchmarks. The Second Report and Order imposed interim reporting requirements on licensees to provide the Commission with information concerning the status of licensees' efforts to meet performance requirements and the manner in which their spectrum is being utilized (mobile or point-to-multipoint, point-to-point, or Internet of Things).

The licensee must file a description of the areas for which it is providing service and, where they do not provide service to an entire license area, they must provide a map that accurately depicts the boundaries of the area or areas within each license area where service is not being provided.

a) On the fourth anniversary of initial license grant. Licensees must certify and demonstrate that they are providing reliable signal coverage and offering service as required by their service type:

1. Mobile/Point-to-Multipoint Service: at least 45% of the population in its license area.
2. Point-to-Point Service: Four (4) links, either for internal use or to provide service to customers, for license areas with a population of 268,000 or smaller, or one link per 67,000 for license areas greater than 268,000.
3. Internet of Things Service: 35% of the license area.

b) On the eighth anniversary of the initial license grant.¹ Licensees must certify and demonstrate that they are providing reliable signal coverage and offering service as required for their service type:

1. Mobile/Point-to-Multipoint Service: at least 80% of the population in its license area.
2. Point-to-Point Service: Eight (8) links, either for internal use or to provide service to customers, for license areas with a population of 268,000 or smaller, or two links per 67,000 for license areas greater than 268,000.
3. Internet of Things Service: 65% of the license area.

Reimbursement of Relocation Expenses for Secondary, Non-Federal Incumbents (47 C.F.R. § 27.1605)

In order to provide for the fair reimbursement of non-Federal, secondary radiolocation operations which are relocating from the 3.45 GHz band to alternate spectrum to clear the band for new flexible-use wireless operations, the Commission will enable the selection of a clearinghouse to approve expenses and handle the reimbursement payments. The Commission's Wireless Telecommunications Bureau will identify a search committee of third-party stakeholders which will select a clearinghouse. The search committee will require certain information to be provided by entities seeking to be selected as the clearinghouse.

The funds to cover reimbursement payments and the costs of the clearinghouse will come from new 3.45 GHz Service licensees on a *pro rata* basis determined by the number of licenses in the

¹ Licensees which fail to meet their initial performance benchmark will be required to file the second benchmark after seven (7) years, rather than eight (8) years.

new service they hold. The Commission will require certain information be provided by incumbent operators to the clearinghouse as part of this process.

Information Sharing for Time Division Duplex Synchronization (47 C.F.R. § 27.1607):

Because the new 3.45 GHz Service is adjacent to the existing Citizens Broadband Radio Service, the Commission will require information sharing in order to enable inter-service network synchronization. In response to a request by a Citizens Broadband Radio Service operator, a 3.45 GHz Service licensee must provide information to enable Time Division Duplex synchronization. The exact nature of the information to be provided will be determined by a negotiation between the two entities, conducted on a good faith basis. The 3.45 GHz Service licensee must keep the information current as its network operations change.

Statutory authority for these collections are contained in 47 U.S.C. 151, 152, 154, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535, and 554 of the Communications Act of 1934.

There are no impacts under the Privacy Act.

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

3.45 GHz Service licensees will submit information to Federal agencies, including the Department of Defense, to enable coordination analyses to avoid harmful interference between Federal and non-Federal systems operating in Cooperative Planning Areas and Periodic Use Areas.

The information acquired through the filing of performance reports is used by the Commission to determine the progress made by licensees to meet specific performance requirements, and the manner in which their spectrum is being utilized. The Commission will also use the information to evaluate whether further assessment of the rules or other actions are necessary in the event spectrum is being stockpiled or warehoused, or if it is otherwise not being made available despite existing demand. Further, the information filed by licensees in support of their reports will be used to determine whether licensees have complied with the Commission's performance benchmarks.

3.45 GHz Service licensees will submit information to Citizens Broadband Radio Service operators in order to enable Citizens Broadband Radio Service operators to synchronize their networks with those of the relevant 3.45 GHz Service licensees.

Entities interested in becoming the clearinghouse will submit information to the search committee, which will enable the search committee to select a clearinghouse.

Non-Federal radiolocation incumbents will submit information related to their expenses incurred in relocating from the 3.45 GHz band to a third-party clearinghouse in order to enable the verification of these expenses and the fair reimbursement of qualifying relocation costs.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Information being submitted to the Department of Defense for purposes of coordination operations in the Cooperative Planning Areas and Periodic Use Areas will be submitted through an online portal.

The Commission's Wireless Telecommunications Bureau conducts an analysis to ensure that improved information technology may 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.

3.45 GHz Service and Citizens Broadband Radio Service licensees will be permitted to coordinate amongst themselves on the most efficient means of sharing the information requires for synchronization efforts.

The clearinghouse search committee will establish procedures for the submission of required information. The Commission will work with the clearinghouse search committee to maximize the electronic submission of information.

The clearinghouse selected for the management of the reimbursement process will establish procedures for the submission of required information. The Commission will work with the clearinghouse to maximize the electronic submission of information.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

All associated information collection requirements are new, and all information being collected either relates to new deployments or to the ongoing relocation of existing deployments. Therefore, there is no similar data available and this is no duplication of effort by the FCC or any other agency.

5. If the collection of information impacts small businesses or other small entities, describe

any methods used to minimize burden.

The information that will be submitted is necessary to minimize harmful interference between the new 3.45 GHz Service and incumbent operations, both Federal operations within the band and non-Federal operations adjacent to it, and to ensure the full and fair reimbursement of relocation expenses for non-Federal radiolocation operations. The reporting, recordkeeping, and other compliance requirements resulting from the Second Report and Order will apply to all entities in the same manner. The Commission does not believe that the costs and/or administrative burdens associated with the rules will unduly burden small entities. The Commission will work with the reimbursement clearinghouse search committee and the reimbursement clearinghouse to ensure that information is collected in the least burdensome manner to all businesses, both large and small.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Access to the 3.45 GHz band for flexible-use operations on a co-primary basis with Federal operations is premised on the ability to coordinate such operations with incumbent Federal uses in Cooperative Planning Areas and Periodic Use Areas. Without such coordination, the introduction of commercial wireless networks may cause harmful interference to critical Federal networks that will remain in the band. This coordination requires information sharing between Federal and non-Federal operators.

Information sharing between 3.45 GHz Service licensees and Citizens Broadband Radio Service operators to enable Time Division Duplex synchronization will reduce harmful interference between the two services and enable more efficient use of spectrum. Such synchronization cannot be enabled without information sharing.

If the information regarding coverage provided by 3.45 GHz Service licensees were not made available the Commission would not be able to determine whether spectrum is being used intensively. Less frequent collection of the information would inhibit the Commission's ability to ensure that licensees provide service to the majority of consumers in their license areas in a timely manner and to promote the provision of innovative services to the public.

To enable the search committee to select a clearinghouse, entities interested in becoming the clearinghouse will need to submit information to the search committee regarding their qualifications.

In order to reimburse expenses incurred by non-Federal radiolocation operators in clearing the 3.45 GHz band and enabling flexible-use wireless operations in this spectrum, a neutral entity must review the expenses in order to ensure they are valid and permitted under the Commission's rules. This review requires information about the expenses to be submitted to that

neutral entity, in this case, the third-party clearinghouse.

7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no such circumstances for these collections.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.

The Commission has met the notice requirements of 5 C.F.R. § 1320.8. The public has been given the opportunity to comment via publication of the Notice in the Federal Register on June 17, 2021 (86 FR 32263). No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

The respondents will not receive payments in connection with this collection of information.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

The Commission is not requesting respondents to submit confidential information. Some confidential information may be required as part of the coordination with Federal incumbents. The Department of Defense, which will manage the coordination efforts, has assured the Commission that these materials will be kept confidential.

11. Provide additional justification for any questions of a sensitive nature.

No sensitive information is required for this collection of information. Some sensitive information may be required as part of the coordination with Federal incumbents. The Department of Defense, which will manage the coordination efforts, has assured the Commission that these materials will be kept confidential.

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

- a. *Coordination with Federal Incumbents (47 C.F.R. §§ 2.106 and 27.1603).* It is estimated that approximately half of the approximately 50 3.45 GHz Service licensees will be required to engage in coordination with Federal agencies. We estimate that coordination efforts will take an average of 20 hours of work on behalf of each incumbent.

$$25 \text{ (3.45 GHz Service Licensees)} \times 20 \text{ hrs./coordination} = \mathbf{500 \text{ hours}}$$

- b. *Service Coverage Performance Requirements (47 C.F.R. § 27.14)* It is estimated that There will be 8,120 licenses available in the 3.45 GHz Service (10 licenses per Partial Economic Area and 812 such areas). Each licensee will be required to file an interim report after four (4) years and a final report after eight (8) years as a 3.45 GHz Service licensee. Therefore, the Commission anticipates that of the 8,120 licenses, those holding approximately 90 percent (7,308) of the licenses will employee in-house engineer resources. It will take the in-house engineer 15 hours to complete the task.

$$7,308 \text{ licenses} \times 15 \text{ hours (in-house engineers)} = \mathbf{109,620 \text{ hours}}$$

- c. *Selection of a Clearinghouse (47 C.F.R. § 27.1605).* It is estimated that 4 entities will submit information to seek to become the clearinghouse, which will take approximated 6 hours each.

$$4 \text{ (entities)} \times 6 \text{ hrs.} = \mathbf{24 \text{ hours}}$$

- d. *Reimbursement of Relocation Expenses for Secondary, Non-Federal Incumbents (47 C.F.R. § 27.1605).* It is estimated that 2 secondary, non-Federal incumbents will be required to produce reimbursement information, which will take approximately 5 hours each.

$$2 \text{ (incumbents)} \times 5 \text{ hrs.} = \mathbf{10 \text{ hours}}$$

- e. *Information Sharing for Time Division Duplex Synchronization (47 C.F.R. § 27.1607).* It is estimated that all 3.45 GHz Service licensees will be involved in information sharing related to inter-network Time Division Duplex synchronization with Citizens Broadband Radio Service operators. We estimate that information sharing efforts will require an average of 5 hours per licensee.

$$50 \text{ (3.45 GHz Service licensees)} \times 5 \text{ hrs./licensee (across multiple operators)} =$$

250 hours

Burden to the Respondents over 12-year license period:

a. Coordination with Federal Incumbents	=	500 hours
b. Service Coverage Performance Requirements	=	109,620 hours
c. Selection of a Clearinghouse	=	24 hours
d. Reimbursement of Relocation Expenses for Secondary, Non-Federal Incumbents	=	10 hours
e. Information Sharing for TDD Synchronization	=	<u>250 hours</u>
		110,404 hours

Total Number of Respondents is: 56

Total Number of Responses: 8,201

Total Annual Hour Burden is: 9,200 hours

The Commission estimates the following **in-house costs** to respondents for each collection based on its knowledge of its respondents providing this information:

- a. Coordination with Federal Incumbents (47 C.F.R. §§ 2.106 and 27.1603): 25 (3.45 GHz Service licensees) x 20 hrs. x \$56.31/hr. (in-house attorney based on salary for GS-13, Step 5 federal government employee) = **\$28,155**
- b. Service Coverage Performance Requirements (47 C.F.R. § 27.14): 7,308 licenses x 15 hours (in-house engineers) x \$36/hr.= **\$3,946,320**
- c. Selection of a Clearinghouse (47 C.F.R. § 27.1605): 4 (Entities) x 6 hours x \$56.31/hr. (in-house attorney based on salary for GS-13, Step 5 federal government employee)=**\$1,351.44**
- d. Reimbursement of Relocation Expenses for Secondary, Non-Federal Incumbents (47 C.F.R. § 27.1605): 2 (Incumbents) x 5 hrs. x \$56.31/hr. (in-house attorney based on salary for GS-13, Step 5 federal government employee)= **\$563.10**
- e. Information Sharing for Time Division Duplex Synchronization (47 C.F.R. § 27.1607): 50 (3.45 GHz Service licensees) x 5 hrs. x \$56.31/hr. (in-house attorney based on salary for GS-13, Step 5 federal government employee)= **\$14,077.50**

Total “In-House” Annual Cost to Respondents = \$3,990,467.04

13. Provide estimates for the total cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).

Service Coverage Performance Requirements: The Commission anticipates that of the 8,120 licenses, those holding approximately 10 percent (812) of the licenses will contract out for engineering staff. All licensees will require legal review of their filings. It will take the consulting attorney 3 hours to review the filings.

812 licenses x 15 hours (contract engineers) x \$250/hr. = \$3,045,000

8,120 licenses x 3 hours (contract legal) x \$300/hr. = \$7,308,000

Total Annual External Costs (Contracting Costs): \$10,353,000

14. Provide estimates of costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff) and any other expenses that would not have been incurred without this collection of information.

- a. *Coordination with Federal Incumbents (47 C.F.R. §§ 2.106 and 27.1603).* 3.45 GHz Service licensees required to coordinate their operations in Cooperative Planning Areas and Periodic Use Areas with Federal agencies will submit that information to those agencies, at which point the agencies will review the information and determine how to proceed. We estimate this will create a burden of approximately 30 hours per 3.45 GHz Service licensee which is required to coordinate which will take a GS-12, Step 5, 30 hours to complete.

25 (3.45 GHz Service Licensees) x 30 hrs./coordination x \$47.35/hour =
\$35,512.50

- b. *Service Coverage Performance Requirements (47 C.F.R. § 27.14):* The government review time per response for this submission is estimated at 1 hour for a GS-12, Step 5 reviewer per application.

8,120 applications x 1 hour x 47.35/hr. = **\$384,482**

- c. *Selection of a Clearinghouse (47 C.F.R. § 27.1605).* A search committee composed of third parties will select the clearinghouse, which will not create any burden on the Federal government.

\$0

- d. *Reimbursement of Relocation Expenses for Secondary, Non-Federal Incumbents (47 C.F.R. § 27.1605).* Reimbursement information will be submitted to a third-party clearinghouse and will not create any burden on the Federal government.

\$0

- e. *Information Sharing for Time Division Duplex Synchronization (47 C.F.R. § 27.1607).* Information will be shared directly between 3.45 GHz Service licensees and Citizens Broadband Radio Service operators, and will not create any burden on the Federal government.

\$0

Total cost to the Federal Government is: \$419,994.50

15. Explain the reasons for any program changes or adjustments to this information collection.

This is a new information collection. The following burdens will be added to OMB's inventory as a result of the information collection requirements contained in FCC 21-32: 56 to the number of respondents, 8,201 to the number of responses, 9,200 hours to the annual burden hours and 10,353,000 to the annual burden costs.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The information and data will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The information will be collected as coordination, reimbursement, and data sharing requests. There will be no new form required.

18. Explain any exceptions to the Certification Statement.

This supporting statement includes a more detailed description of the information collection related to the selection of a third-party clearinghouse.

B. Collection of Information Employing Statistical Methods.

This collection of information does not employ statistical methods.

