

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 608 is a multi-purpose form. It is used to provide notification or request approval for any spectrum leasing arrangement (“Lease”) entered into between an existing licensee in certain Wireless and/or Public Safety Radio Services and a spectrum lessee. This form also is required to notify or request approval for any spectrum subleasing arrangement (“Sublease”). The data collected on the form is used by the FCC to determine whether the public interest would be served by the Lease or Sublease. The form is also used to provide notification for any Private Commons Arrangement entered into between a licensee, lessee, or sublessee and a class of third-party users (as defined in Section 1.9080 of the Commission’s Rules).

On July 18, 2022, the Commission released a Report and Order and Second Further Notice of Proposed Rulemaking, Partitioning, Disaggregation, and Leasing of Spectrum, WT Docket No. 19-38, FCC 22-53, in which the Commission established the Enhanced Competition Incentive Program (ECIP) to establish incentives for wireless radio service licensees to make underutilized spectrum available to small carriers, Tribal Nations, and entities serving rural areas (ECIP Report and Order in WT Docket No. 19-38, FCC 22-53). In the Report and Order, the Commission adopted a program under which any covered geographic area licensee may offer spectrum to an unaffiliated eligible entity through a partition and/or disaggregation, and any covered geographic area licensee eligible to lease in an included service may offer spectrum to an unaffiliated eligible entity through a long-term leasing arrangement. If the FCC finds that approval of an ECIP eligible assignment or lease is in the public interest, the agency will consent to the transaction and confer benefits, including five-year license term extensions, one year construction extensions, and substituted alternative construction requirements for rural-focused transactions. The Commission also established rules to permit reaggregation of geographic licenses.

The FCC 22-53 proceeding also is in response to Congressional direction in the Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act (MOBILE NOW Act) to consider steps to increase the diversity of spectrum access and the availability of advanced telecommunications services in rural areas. The ECIP will promote greater competition in the provision of wireless services, facilitate increased availability of advanced wireless services in rural areas, facilitate new opportunities for small carriers and Tribal Nations to increase access to spectrum, and bring more advanced wireless service including 5G to underserved communities.

Specifically, in the ECIP Report and Order, the Commission revised its rules to allow any covered geographic licenses in included services to be leased to eligible entities through a long-term leasing arrangement, to designate a Qualifying Transaction identified in the application as seeking consideration under the ECIP. Two new questions are being added to the FCC Form 608 as a result. Respondents are required to indicate by yes or no answer whether the application is seeking consideration under ECIP. Respondents are also required to

select the applicable ECIP prong to its Qualifying Transaction, pursuant to either § 1.60003 or § 1.60004. Finally, a new Schedule J is being added to FCC Form 608 and will be used by Spectrum Manager Lessors (i.e., the Licensee) to file either the Initial Operation Requirement Notifications (IORN) or the Final Operation Requirement Notifications (FORN), as required by 47 CFR 1.60004, 1.60006, on behalf of the Lessee.

The Commission seeks approval for a revision to its currently approved information collection to revise FCC Form 608 accordingly. In this information collection request, the Commission has increased the number of estimated respondents by 25, and accordingly the estimated total burden hours and cost are impacted. We anticipate that these revisions with new Schedule J will have an additional burden of 1 hour to complete FCC Form 608.

Statutory authority for this collection of information is contained in 47 U.S.C. sections 154, 155, 158, 161, 301, 303(r), 308, 309, 310 and 332.

Records may include information about individuals or households, e.g., personally identifiable information or PII, and the use(s) and disclosure of this information will be governed by the requirements of a system of records notice or 'SORN', FCC/WTB-1, "Wireless Services Licensing Records." Updating the SORN to include FCC Form 608 is currently underway. There are no additional impacts under the Privacy Act.

2. The required notifications and applications will provide the Commission with useful information about spectrum usage and help to ensure that licensees and lessees are complying with Commission interference and non-interference related policies and rules. Similar information and verification requirements have been used in the past for licensees operating under authorizations, and such requirements will serve to minimize interference, verify that lessees are legally and technically qualified to hold licenses, and ensure compliance with Commission rules.
3. The Commission requires the use of electronic filing and estimates Electronic filing is mandatory for all categories of respondents specified in section 1.913 of the Commission's rules, 47 C.F.R. §1.913.

For leasing arrangements in the wireless radio services, the Commission requires licensees and spectrum lessees to file the requested information (in the notifications or applications) electronically in ULS, and in ECFS for certain sublease applications. FCC Form 608 is an electronic form that will be filed via ULS. The Commission will provide a file format to allow respondents to complete the form electronically.

For the new light touch leasing procedure for Part 96 PALs, Spectrum Access System (SAS) Administrators will be filing an electronic report of the leasing notifications on a daily basis via an API.

4. The Commission 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 burdens on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary for evaluating licensee compliance

with Commission rules and to deter against possible abuses of the Commission's processes. The Commission will continue to examine alternatives in the future with the objective of eliminating unnecessary regulations and minimizing burdens on small businesses.

6. The information that is contained in this collection is intended to aid the Commission in finding ways to remove unnecessary regulatory barriers to the development of more robust secondary markets in radio spectrum usage rights in the wireless radio services. The collection of information and the form 608 are essential to ensuring that the Communications Act and the Commission's rules and policies are obeyed and that the Commission can maintain its responsibility to protect spectrum users from harmful interference. Without these reporting requirements, it would be difficult for the Commission to ensure compliance.
7. The special circumstances in this information collection are in our notification requirements. In those requirements, licensees are required to notify the Commission within 14 days of execution and at least 21 days in advance of operation. This requirement is requiring respondents to report information to the Commission in fewer than 30 days. Due to the precertification of lessees involved in the Part 96 light touch leasing regime, operations can begin immediately after the SAS confirms compliance. Therefore, through the light touch leasing API, the SAS Administrator will be notifying the Commission of a lease that may already have begun and/or be complete prior to the Form 608 API filing.
8. The Commission published a 60-day public notice which appeared in the *Federal Register* on September 8, 2023 (88 FR 62082) on seeking comments from the public on the information collection requirements contained in this collection. No comments were received as a result of this notice.
9. Respondents will not receive any payments.
10. Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR § 0.459 of the FCC rules. Records may include information about individuals or households, e.g., personally identifiable information or PII, and the use(s) and disclosure of this information will be 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.
11. This collection does not address private matters of a sensitive nature. The PII will be covered by the system of records notice FCC/WTB-1, "Wireless Services Licensing Records."
12. **Hour burden estimates.** The Commission estimates that of the total number of licensees in most services who may participate in the option to enter into the types of spectrum leasing arrangements 10% will be lessors, and 5% lessees. We estimate that 85% of licensees in most services will be non-participants. In addition, the Commission estimates that approximately 50 non-licensees per year will enter into spectrum leasing arrangements as lessees. The Commission predicts that all of the entities will use outside staff attorneys to prepare the notifications or applications. We estimate that it will take an in-house secretary approximately 1 hour @ the GS-11 Step 5 level (equivalent), earning \$42.68/hr. to update and maintain copies of the files associated with the leasing arrangements, and file the appropriate forms with the Commission.

Of the estimated 1,116 respondents, we estimate approximately 25 are ECIP participants, and that the average burden associated with answering two new questions indicating whether or not the application is part of ECIP, is roughly 3 minutes (0.05 hours).

We estimate approximately 10 Cellular Service applicants will incur an additional in-house burden of 30 minutes (0.5 hours) to prepare the required map submissions. We also estimate approximately 25 ECIP applicants will incur an additional in-house burden of 30 minutes (0.5 hours) to prepare the required notification(s) on Schedule J. We estimate these will be prepared by an in-house professional or engineer @ the GS-13 Step 5 level (equivalent), earning \$60.83/hr.

Total Number of Respondents: 1,116

Total Number of Annual Responses: 1,116

1,116 responses x 1 hr./response (clerical) = **1,116 hours**
10 responses x 0.5 hr/response (engineer) = **5 hours**
25 responses x 0.5 hr/response (engineer) = **12.5 hours**
25 responses x 0.05 = **1.25 hours**

Total Annual Burden Hours: 1,134.75 rounded to 1,135 hours

Annual In-House Cost:

1,116 responses x 1 hour/response x \$42.68/hr. = \$47,630.88
25 responses x 0.05 hour x \$42.68 /hr. = \$53.35
10 x 0.5 hr/response (engineer) x \$60.83/hr = \$304.15
25 response x 0.5 hr/response (engineer) x \$60.83 = \$760.38
Total Annual In-House Cost: \$48,748.76

13. Cost to the Respondent:

- a. Total annualized capital/start-up costs: \$0.00.
- b. Total annualized cost requested to prepare FCC 608 are:

There is no cost to file the application electronically with the FCC other than the cost of Internet access.

FCC application filing fees:

We estimate that approximately 75% of 1,116 various applications filed require an application fee of \$70 - \$435 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 broadcast, 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:

1,116 total responses @ 75% (feeable) = 837 feeable filings.

837 filings @ \$125 average fee = \$104,625.00

Consulting costs (attorney):

The Commission predicts that all of the entities will use outside staff attorneys to prepare the notifications or applications.

1,116 responses x 4 hours/response @ \$300.00 per hour (attorney fees) = \$1,339,200.

Total annual cost burden: \$104,625.00 + \$1,339,200 = \$1,443,825.

14. Cost to Federal Government:

FCC Form 608 applications estimated to be filed: 1,116.

1,116 applications x 1 hour = \$47,630.88
@ \$42.68 per hour (GS-11, Step 5) for an
Industry Analyst

The total annual estimate of government cost is: \$47,630.88

15. The Commission has program changes to this collection as a result of the information collection adopted in FCC 22-53. Therefore, the number of respondents increased by 25, the annual number of responses increased by 25, the annual burden hours increased by 39 and the annual cost increased by \$32,375.
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 608. 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 posted on OMB's website. This section includes the OMB control number, title of the collection, and the OMB expiration date.
18. There are no exceptions to the "Certification Statement."

B. Collections of Information Employing Statistical Methods:

This information collection does not use any statistical methods.