

SUPPORTING STATEMENT

A. Justification:

The Federal Communications Commission (Commission) requests approval from the Office of Management and Budget (OMB) for an extension without change of a currently approved information collection under OMB Control Number 3060-1168 for a period of three years.

1. *Circumstances that make the collection necessary.* On November 18, 2011, the Commission released an order comprehensively reforming and modernizing the universal service and intercarrier compensation systems to ensure that robust, affordable voice and broadband service, both fixed and mobile, are available to Americans throughout the nation. *Connect America Fund et al.*, Order and Further Notice of Proposed Rulemaking, FCC 11-161 (*USF/ICC Transformation Order*). In the *USF/ICC Transformation Order*, the Commission, among other things, created the Mobility Fund to ensure the availability of mobile broadband networks in areas where a private-sector business case is lacking. The Commission provided up to \$300 million in one-time support to be awarded in Phase I of the Mobility Fund through a nationwide reverse auction for the deployment of networks for mobile voice and broadband services in unserved areas, and established a separate and complementary Tribal Mobility Fund Phase I to award up to \$50 million in additional one-time universal service funding to Tribal lands to accelerate mobile voice and broadband availability in these remote and underserved areas.

The Commission adopted rules to implement the reforms it adopted in the *USF/ICC Transformation Order*, including the rules in sections 1.21004(a), 54.1004, 54.1005, 54.1006, 54.1007, and 54.1008 which contain information collection requirements used to determine whether a winning bidder of Mobility Fund Phase I support and Tribal Mobility Fund Phase I support is qualified to receive such support. Section 1.21004(a) of the Commission's rules requires all winning bidders in an auction for universal service support to apply for the support they won by the applicable deadline. Sections 54.1005(b) and 54.1006 require a winning bidder to submit, using FCC Form 680, ownership information, proof of its status as an Eligible Telecommunications Carrier, a description of its spectrum access, a detailed project description, any guarantee of performance that the Commission may require, and various certifications. Sections 54.1004(d)(3) and 54.1008(d) require a winning bidder to certify in its application that it has substantively engaged appropriate Tribal officials. In addition, sections 54.1007(a) and (b) require a winning bidder to obtain and submit to the Commission an irrevocable standby letter of credit, which the winning bidder must maintain until at least 120 days after the winning bidder receives its final distribution of support.

OMB initially approved the information collection requirements under OMB control number 3060-1168 in April 2012, and has subsequently approved extensions of the approved information collection requirements.

On September 27, 2012, the Commission conducted its Mobility Fund Phase I auction in which 33 winning bidders were deemed eligible to receive up to \$299,998,632.25 in support to provide 3G or better mobile voice and broadband services covering more than 83,000 U.S. road miles. On February 25, 2014, the Commission conducted its Tribal Mobility Fund Phase I auction in which five winning bidders were deemed eligible to receive up to \$49,806,874 in support to provide 3G or better mobile voice and broadband services covering a population of 56,932 in 80

biddable Tribal land areas. While most of the Mobility Fund Phase I support and Tribal Mobility Fund Phase I support has been awarded and disbursed to the winning bidders, disbursements to some winning bidders remain pending. The Commission therefore continues to need the information collected under this information collection to determine whether a winning bidder is qualified to receive Mobility Fund Phase I and Tribal Mobility Fund Phase I support. Accordingly, the Commission is requesting OMB approval for an extension of the information collection requirements under OMB Control Number 3060-1168. The information collection requirements under OMB Control Number 3060-1168 have not changed since they were initially approved by OMB in April 2012.

Statutory authority for this information collection is contained in 47 U.S.C. 154, 254 and 303(r).

There are no impacts under the Privacy Act because individuals are not respondents to this collection of information.

2. *Use of information.* The information collection requirements ensure that a winning bidder submits an application for universal service support it won, and the Commission uses the information submitted in the application to determine whether the winning bidder is legally, technically, and financially qualified to receive such support. The requirement that a winning bidder obtain, submit, and maintain a letter of credit will secure a return of universal service funds from a winning bidder that defaults on its obligations and will protect the integrity of the universal service programs. Without such information, the Commission could not determine whether to disburse universal service support to a winning bidder or protect the government's interest in the funds allocated for Mobility Fund Phase I and Tribal Mobility Fund Phase I.
3. *Technological collection techniques.* The Commission is committed to meeting the requirements of the E-Government Act, which requires Government agencies to provide the general public the option of submitting information or transacting business electronically to the maximum extent possible. FCC Form 680 is required to be submitted electronically, and the Commission developed a centralized electronic system for collecting the information reported on FCC Form 680 to reduce both public and agency administrative burden.
4. *Efforts to identify duplication.* There will be no duplicative information collected. The information sought is unique to each respondent and is not already available because the Commission does not impose a separate similar information collection on the respondents. Thus, there is no similar data available under another information collection.
5. *Impact on small entities.* This information collection may affect small entities as well as large entities. 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 requirement to that which is necessary for evaluating and processing a winning bidder's application for universal service support and to deter possible abuses of the Commission's processes.
6. *Consequences if information is not collected.* The Commission uses the information collected to ensure applications for support are timely submitted and to determine whether applicants are legally, technically, and financially qualified to receive Mobility Fund Phase I and Tribal Mobility Fund Phase I support. Without the requested information, the Commission would be unable to determine whether the winning bidder is eligible to receive the support or protect the integrity of the universal service funds disbursed to the recipient. Thus, the information is being collected to meet the objectives of the universal service programs.

7. *Special circumstances.* There are no special circumstances associated with this collection of information.

8. *Federal Register notice; efforts to consult with persons outside the Commission.* The Commission published a 60-day notice regarding the extension of the information collection requirements on FCC Form 680 on October 10, 2023 (88 FR 69925). No PRA comments were received in response to this notice.

9. *Payments or gifts to respondents.* Respondents will not receive any payments or gifts.

10. *Assurance of confidentiality.* Information collected on FCC Form 680 will be made available for public inspection, and the Commission is not requesting that respondents submit confidential information to the Commission on FCC Form 680. However, to the extent that a respondent seeks to have certain information collected on FCC Form 680 withheld from public inspection, the respondent may request confidential treatment pursuant to 47 CFR § 0.459 of the Commission's rules.

11. *Questions of a sensitive nature.* This information collection does not ask any questions of a sensitive nature.

12. *Estimates of the time burden of the collection on respondents.*

(a) *Number of respondents:* Approximately 10 respondents annually.

(b) *Total number of annual responses:* 10 responses.

(c) *Frequency of response:* On occasion reporting requirement.

(d) *Total estimated annual burden hours:* Up to 1.5 hours per response for an estimated 10 responses x 1.5 hours/response = 15 hours. Therefore, the total annual hour burden is calculated as follows:

10 estimated annual responses x 1.5 hours per response = 15 total estimated annual burden hours.

(e) *Total estimate of annualized "in-house" cost to respondents for the hour burden:* **\$1,078.20.**

(f) *Explanation of calculation:* The Commission estimates that respondents will use existing in-house staff (e.g., a paralegal or other legal staff member) at a rate equivalent to hourly rate of a GS-14/Step 5 (\$71.88/hour) Federal government employee to complete and submit the application.

10 estimated annual responses x 1.5 hours per response x \$71.88/hour = \$1,078.20.

13. *Estimates of the cost burden of the collection to respondents.* There is no external cost burden to the respondents. Applicants should not incur capital and start-up costs or operation and maintenance of purchase of services in connection with responding to the information collection on FCC Form 680. The information collected on FCC Form 680 should be collected and maintained as part of the customary and usual business or private practice of the applicant.

TOTAL CAPITAL AND START-UP COSTS OR OPERATION AND MAINTENANCE (O&M) = \$0.

14. *Estimates of the cost burden to the Commission.* The Commission estimates that, on average, staff review of the information collected on FCC Form 680, including time spent by staff attorneys, will take 1.5 hours per application, including time to identify any deficiencies in an initial application, review resubmitted applications as necessary, and identify the nature of any legal issues requiring policy review.

Total Estimated Annual Cost to the Federal Government: 10 applications x 1.5 hour/application x \$71.88 (Attorney, GS-14/Step 5) = \$1,078.20.

TOTAL ANNUAL COST TO THE GOVERNMENT: \$1,078.20.

15. *Program changes or adjustment.* The Commission is reporting no change in annual burden for this collection. Therefore, there are no program changes or adjustments to this collection.

16. *Collections of information whose results will be published.* The information will not be published for statistical use.

17. *Display of expiration date for OMB approval of information collection.* The Commission seeks continued approval to not display the OMB expiration date on FCC Form 680. This will prevent the Commission from having to change the expiration date whenever it resubmits this information collection for approval. The Commission will continue to use an edition date on FCC Form 680 instead of the OMB expiration date.

18. *Exceptions to certification statement for Paperwork Reduction Act submissions.* There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ statistical methods, and the use of such methods would not reduce the burden or improve accuracy of results.