

January 25, 2024

FEDERAL COMMUNICATIONS COMMISSION

OMB Control Number: 3060-1058

FCC Form 608

Requested Action: Non-substantive change/non-material change request

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The Federal Communications Commission submits this non-substantive change request to the Office of Management and Budget (OMB) for approval of non-substantive/non-material changes to FCC Form 608 (OMB Control Number 3060-1058). FCC Form 608 is a multipurpose form. It is used to provide notification or request approval of any spectrum leasing arrangement (Lease) entered into between an existing FCC licensee 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. Additionally, the form is used to notify the Commission or request Commission approval for the transfer of control of a lessee/sublessee. 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 adopted the Partition, Disaggregation and Leasing of Spectrum Report and Order and Second Further Notice of Proposed Rulemaking that modifies partitioning, disaggregation, and leasing rules to provide specific incentives for small carriers and Tribal Nations, and entities in rural areas, to voluntarily participate in the Enhanced Competition Incentive Program (ECIP) (ECIP Report and Order in WT Docket No. 19-38, FCC 22-53). The ECIP proceeding 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.

The Commission submits to OMB for approval the following non-substantive change to the FCC Form 608 to implement licensing administration and spectrum policies that have been published in the above-referenced ECIP Report and Order:

The inclusion of a certification via attachment to FCC Form 608 for the purpose of certifying compliance with § 1.60002 of the Commission's rules, which requires simply a check box or yes that the applicant certifies it: (1) is not barred from ECIP; (2) has not previously received benefits under the ECIP; (3) has entered into ECIP in good faith with a bona fide intent to meet the program's obligations; (4) did not confer any benefit as consideration for ECIP; and (5) any ECIP lease arrangement will have a minimum term of five (5) years.

There are no physical changes to Form 608 as a result of request, as OMB already approved the substantive changes related to §§ 1.60003, 1.60004, and 1.60006 of the Commission's rules under ICR reference number: 202311-3060-006.