

SUPPORTING STATEMENT

**A. Justification:**

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

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 March 15, 2024, the Commission released a Report and Order and Further Notice of Proposed Rulemaking in GN Docket No. 23-65 and IB Docket No. 22-271, FCC 24-28, (*Report and Order*), which adopted a regulatory framework for the provision of supplemental coverage from space (SCS). This proceeding will enable collaborations between satellite service providers and terrestrial service providers to offer ubiquitous connectivity directly to consumer handsets using spectrum that was previously allocated only to terrestrial service. The Commission anticipates that SCS will enable consumers in areas not covered by terrestrial networks to be connected using their existing devices via satellite-based communications. SCS is a crucial component of the Commission’s vision for a “single network future,” in which satellite and terrestrial networks work seamlessly together to provide coverage that neither network can achieve on its own.

The *Report and Order* adopts new part 1 rules that require spectrum lessees to provide certain information in existing FCC Form 608. Namely, under new section 1.9047, such parties must provide: (1) a certification that the parties are entering into the leasing arrangement for the purpose of fulfilling the part 25 entry criteria; (2) a description of which method, single or multiple terrestrial licensee, the parties are utilizing to meet the part 25 entry criteria; and (3) if the parties are utilizing the multiple terrestrial licensee method, the parties should: (a) describe the nature of the leasing arrangement(s); and (b) demonstrate how the entirety of the geographically independent area (GIA) is covered by the lease arrangement(s). This process utilizes the Commission’s current application approval and notification processing procedures, which will remove unnecessary delay by employing the procedures that are already in place.

Entities completing FCC Form 608 for the purposes of providing SCS must notify the Commission that the application is related to SCS. To properly comply, entities will indicate that the application is for SCS by so indicating in a new checkbox on Form 608. This process utilizes an existing Commission form, which will remove confusion by employing the procedures that are already in place.

The Commission will use this information to assess applicants' legal, technical, and other qualifications to provide SCS, and to conclude whether, and under what conditions, grant of an authorization will serve the public interest. Further, this information collection will enable the Commission to monitor and enforce the entry criteria for SCS providers that the *Report and Order* imposed; these criteria are designed to minimize the possibility of interference between co-channel operators and geographically adjacent markets.

In order to ensure that prospective SCS providers will be able to comply with the applicable rules, that the public interest will be served by granting their applications, and that harmful interference will be avoided to the greatest extent possible thereafter, the regulations below constitute the information collection described in this statement:

**Section 1.9047(d)(2)** – The spectrum lessee or sublessee seeking to engage in spectrum leasing under this section must provide within FCC Form 608:

- (i) a certification that the parties are entering into the leasing arrangement for the purpose of fulfilling the part 25 Entry Criteria;
- (ii) a description of which method, single or multiple terrestrial licensee, the parties are utilizing to meet the part 25 Entry Criteria; and
- (iii) if the parties are utilizing the spectrum leasing arrangement outlined in paragraph (d)(1)(ii) of this section, the parties must:
  - (A) describe the nature of the leasing arrangement(s); and
  - (B) demonstrate how the entirety of the GIA is covered by the lease arrangement(s).

This information collection will be done using the existing FCC Form 608.

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.

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 conservatively estimated that the number of responses will increase by 581, and accordingly the estimated total burden hours and cost are impacted. We anticipate that these revisions will create an additional burden of 3 hours to complete FCC Form 608.

Statutory authority for this information collection is contained in 47 U.S.C. §§ 1, 4(i), 157, 301, 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended.

**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.**

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.

Additionally, prospective SCS spectrum lessees will electronically file FCC Form 608 into the Commission's Universal Licensing System (ULS) and indicate that this application is related to the provision of SCS. Commission staff will review the information in FCC Form 608 to approve applications for the entities seeking to enter a leasing arrangement for the purpose of providing SCS. As

noted above, this information collection will be critical for the Commission to review and track leasing arrangements that will result in entities providing SCS, as the information in Form 608 will be used to ensure that SCS lease agreements and the related part 25 licensing applications comply with the requirements adopted in the *Report and Order*.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological 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.**

For this information collection, applicants are required to provide the necessary information by submitting it electronically via FCC Form 608 in the Universal Licensing System (ULS). The Commission will provide a file format to allow applicants to complete the form electronically.

**4. Describe efforts to identify duplication.**

No other federal agency requires or collects the information described here. The Commission does not impose a similar information collection on the respondents. There are no similar data available.

**5. If the collection of information will have significant economic impacts on small businesses, organizations or other small entities, describe any methods used to minimize the burden on these entities.**

In conformance with the Paperwork Reduction Act of 1995, the Commission makes an effort to minimize the burden of information collection on all its applicants regardless of size. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. § 3506(c)(4), the Commission previously sought specific comment in the record proceeding on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. As it relates to the new requirement for applicants seeking SCS leases un the *Report and Order*, the Commission assessed the effects of adopting part 1 rules and part 25 license entry criteria and requirements for SCS operations. To that end, the Commission found that these rules will have a small impact on small business concerns because, due to the significant costs involved in SCS development and deployment, few entities impacted by this rulemaking will likely qualify as small businesses.

**6. Describe the consequences 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 the burden.**

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.

The *Report and Order* established a new regulatory framework to provide SCS. That framework will enable consumers in areas not covered by terrestrial networks to be connected using their existing devices via satellite-based communications. These operations are complex, and interference among co-channel

licensees and those in geographically adjacent markets is among the Commission's primary concerns. To that end, this information collection will ensure that satellite operators—whether as newly-authorized operators providing SCS or applicants seeking modification of existing authority to do so—are entering lease agreements with their terrestrial partners that are in compliance with the rules that the Commission adopted in the *Report and Order*, and that granting them authority to provide SCS is in the public interest. If the Commission does not undertake this collection, it will have significantly increased difficulty tracking who seeks to provide SCS and the leasing arrangements into which they plan to enter. Where multiple entities together hold all co-channel licenses in a particular band throughout a GIA and wish to deploy a leasing agreement with a satellite operator to provide SCS, they must satisfy one of the scenarios described in section 1.9047(d)(1)(ii)(A)-(B). In particular, the Commission must be able to confirm that the leases associated with a given part 25 license application for SCS in fact cover the entirety of the GIA in question. The *Report and Order* imposes this requirement in order to fulfill its obligation to minimize the risk of potential interference to geographically-adjacent, co-channel license areas. Not collecting this information, or collecting it less frequently, would jeopardize the safe and seamless operation of a novel regulatory framework that has been crafted to provide reliable service to many areas that do not currently enjoy it.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB's guidelines, which are stated in 5 C.F.R. § 1320.5(d)(2).**

This information collection will be conducted in a manner that is consistent with the guidelines in 5 CFR § 1320.5.

**8. Identify the date and page number of publication in the Federal Register of the agency's Paperwork Reduction Act (PRA) 60-day notice, required by 5 C.F.R. § 1320.8(d), soliciting comments on the information collection requirement(s) prior to submission to OMB.**

The Commission initiated a 60-day public comment period which was published in the Federal Register on July 9, 2024 (89 FR 56375). No comments were received as a result of the Notice. A copy of the Federal Register Notice is referenced in this submission to the OMB.

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

Respondents will not receive any payments.

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

There is no need for confidentiality pertaining to these information collection requirements.

Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR §0.459 of the FCC rules.

Pursuant to § 208(b) of the E-Government Act of 2002, 44 U.S.C.A. § 3501, in conformance with the Privacy Act of 1974, 5 U.S.C. § 552(a), the Commission instructs applicants to use the FCC's ULS, Antenna Structure Registration (ASR), Commission Registrations System (CORES) and related systems

and subsystems to submit information.<sup>1</sup> CORES is used to receive an FCC Registration Number (FRN) and password, after which one must register all current call sign and ASR numbers associated with a FRN within the Commission's system of records (ULS database). Although ULS stores all information pertaining to the individual license via the FRN, confidential information is accessible only by persons or entities that hold the password for each account, and Commission staff. By requesting an FRN, the individual applicant/licensee consents to make publicly available, via the ULS database, all information that is not confidential in nature.

Personally identifiable information (PII) such as names, addresses, phone numbers, email addresses, or citizenship, ownership, or financial information that is relevant to a filing will be collected and maintained in accordance with either (1) the FCC/IB-1, International Bureau Filing System,<sup>2</sup> system of records notice (SORN) or (2) the FCC/WTB-1, Wireless Services Licensing Records, SORN. A Privacy Impact Assessment (PIA) has also been performed for both of these systems. The SORN and the PIA are both posted at <https://www.fcc.gov/managing-director/privacy-transparency/privacy-act-information>.

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

This information collection does not include any questions of a private or sensitive nature.

Nonetheless, in instances where applicants or licensees provide PII, the Commission has the FCC/IB-1, International Communications Filing System, SORN, and the FCC/WTB-1, Wireless Services Licensing Records, SORN.

**12. Provide estimates of the burden hours for the collection of information.**

***Existing Burden:***

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 \$44.94/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 Enhanced Competition Incentive Program (ECIP) participants, and that the average burden associated with answering two 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

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<sup>1</sup> These instructions have been approved by the Office of Management and Budget (OMB) under Control Number 3060-1042.

<sup>2</sup> The system of records ("IB-1, International Bureau Filing System") refers to ICFS by its former name.

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 \$64.06/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 \$44.94/hr. = \$50,153.04  
25 responses x 0.05 hour x \$44.944 /hr. = \$56.18  
10 x 0.5 hr/response (engineer) x \$64.06/hr = \$320.30  
25 response x 0.5 hr/response (engineer) x \$64.06 = \$800.75  
**Total Annual In-House Cost: \$51,330.23**

**New Burden:**

For the new information collection related to SCS, the Commission is overestimating the number of respondents and their time and cost burdens at this early stage, and we will have a better sense of the number of applicants seeking SCS arrangements once the initial filings come into the docket.

The Commission estimates that there are 581 Commercial Mobile Radio Service (CMRS) providers with more than 1,500 employees affected by the new rules, based on the 2023 Universal Service Monitoring Report published on March 14, 2024.<sup>3</sup> Thus, for the part 1 lease requirements, the Commission estimates that this information collection will have at most 581 unique respondents. Because SCS is a complex undertaking involving collaboration with a satellite operator, and because the Commission's rules currently only allow SCS where the relevant CMRS providers hold all the licenses for a given frequency block in the geographically independent area (e.g., CONUS, Alaska, Hawaii, Puerto Rico) which they intend to serve, we do not believe most small carriers will be in a position to offer SCS in the near future. However, in order to avoid underestimating the burden, we here assume all eligible carriers may eventually offer SCS and would need to undertake this collection.

We believe that checking a box on FCC Form 608 to indicate that a lease arrangement is for the provision of SCS will add no actual burden on top of the existing form.

**SCS Lease Disclosure Requirements**

**Total Number of Respondents: 581**

**Total Number of Annual Responses: 1 response per applicant x 581 applicants = 581 responses**

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<sup>3</sup> Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2023), <https://docs.fcc.gov/public/attachments/DOC-401168A1.pdf>.

**Frequency of Response:** The frequency of responses will vary because this collection is required only when parties enter into a new leasing agreement to provide SCS, or when an existing agreement changes sufficiently to require a new lease.

**Total Annual Burden Hours:** 581 applications x 3 hours/application = 1,743 hours. As with the frequency of parties' responses, the time burdens associated with this collection will vary depending on their circumstances. Where the underlying lease agreement to provide SCS is with a single terrestrial licensee that holds all of the licenses in a GIA, the collection will be simple and require a very small commitment of time. For providers who engage with multiple licensees that together hold all of the licenses in a GIA, this collection will likely be more time-intensive, depending upon the precise nature of the agreement. For these reasons, we anticipate that parties will spend, on average, three hours to complete the collection.

**Annual In-House Cost:** In-house staff who will be working on the information collection requirements described above are estimated to have an hourly salary of \$60/hour. The total estimated in-house cost to respondents is **\$104,580** (1,743 total burden hours x \$60/hour = \$104,580).

**Cumulative Totals:**

**Total Number of Respondents:** 1,116 + 581 = **1,697**

**Total Annual Number of Responses:** 1,116+581 = **1,697**

**Total Annual Burden Hours:** 1,135 +1,743 = **2,878 hours**

**Total "In-House" Cost:** \$51,330.23 + \$104,580 = **\$155,910.23**

**13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. Do not include the cost of any burden hours shown in items 12 and 14.**

Total annualized capital/start-up costs: \$0.00.

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 (attorneys and engineers):**

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.

For the disclosures related to SCS, respondents are assumed to use outside legal or engineering assistance to complete their filings with the Commission. This is because, in addition to their in-house legal and engineering staffs, space station and earth station operators often rely on outside attorneys and engineers to assist with some of the Commission's information collection requirements. We estimate that the hourly rates for outside legal and engineering assistance are \$300/hour and \$250/hour, respectively. These figures are based on a small survey of local firms in the Washington, D.C. area and are conservative estimates. Because outside attorneys and engineers are used in approximately equal proportions, we use an average rate of \$275/hour to arrive at the cost burden for outside assistance. The amount of hourly work performed by outside parties varies with the type and complexity of the application.

Based on our experience, we estimate that lessees will engage outside attorneys and engineers in preparing the 581 part 1 lease disclosures, with an average of 2 hours spent per response. Consequently, the total cost burden for outside assistance is **\$319,550** (581 responses x 2 hours per response = 1,162 burden hours. 1,162 burden hours x \$275/hour = \$319,550).

**Total annual cost burden: \$104,625.00 + \$1,339,200 + \$319,550 = \$1,763,375.**

**14. Provide estimates of annualized costs to the Federal government.**

There are no costs to the Commission beyond those that it considers to be part of its normal operating costs.

**15. Explain the reasons for any program changes or adjustments reported.**

This information collection will result in program change increases of 581 to the number of respondents, 581 to the annual number of responses, and 1,743 to the total estimated burden hours and \$319,550 in annual cost in order to complete the new SCS lease disclosures.

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

The Commission will not publish the collected information.

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

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. Explain any exceptions to the statement certifying compliance with 5 CFR § 1320.9 and the related provisions of 5 CFR § 1320.8(b)(3).**

There are no exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods:**

The Commission does not anticipate that this information collection of information will employ statistical methods, and the use of such methods would not reduce the burden or improve accuracy of results.