

NON-SUBSTANTIVE CHANGE REQUEST JUSTIFICATION

OMB Control No. 3060-0798

FCC Forms 601

The Commission submits to OMB for approval the following non-substantive changes to the FCC Form 601 approved under OMB Control Number 3060-0798.

Item 7 of the FCC Form 601 is being clarified to instruct filers submitting a renewal/modification application, to only consider the modification portion of the application when determining if the application is a major modification.

The current instruction text for item 7 is:

Item 7 This question applies only to site-specific (other than Part 101 Microwave) and Cellular authorizations. If the application is a request for a Modification, Renewal/Modification, or Amendment (of a currently pending New or Modification) of any site-specific authorization, or a New filing for a site-specific Land Mobile (Part 90) authorization, you must indicate whether the request is a "major" action as defined in 47 CFR § 1.929 when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules. If the rules for your particular radio service do not define a coverage area, service area, or interference contour enter 'N'.

The revised text adds the bold text below:

Item 7 This question applies only to site-specific (other than Part 101 Microwave) and Cellular authorizations. If the application is a request for a Modification, Renewal/Modification, or Amendment (of a currently pending New or Modification) of any site-specific authorization, or a New filing for a site-specific Land Mobile (Part 90) authorization, you must indicate whether the request is a "major" action as defined in 47 CFR § 1.929 when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules. If the rules for your particular radio service do not define a coverage area, service area, or interference contour enter 'N'. **While 47 CFR § 1.929(a)(3) considers an application for Renewal of authorization a major filing, Renewal/Modification combination applications may have an associated modification portion that can either be minor or major, with different corresponding fees that depend on the classification. Initial Renewal/Modification applications and any amendments thereto should answer this question based solely on whether the modification portion of the application is a major or minor filing. Do not consider the renewal portion of this application when answering this question.**

The current text for Item 7 is:

7) Is this application "major" as defined in § 1.929 of the Commission's Rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of § 1.929).	() <u>Yes</u> <u>No</u>
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The revised text for Item 7 is:

7) Is this application "major" as defined in § 1.929 of the Commission's Rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules? If this application is a renewal modification, consider only the modification portion of the application and not the renewal portion for major determination purposes.	() <u>Yes</u> <u>No</u>
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We are also seeing approval to clarify the FCC Form 601 instructions for items 49-51 and items 57-59. The instructions for items 49-51 are being corrected to clarify that renewal applicants are required to respond to questions 49-15. The approval for this change was received in June of 2020 and the ULS electronic system was updated accordingly at that time. Not clarifying this change in the instructions was an oversight that we are now seeking to correct.

The current instruction text for items 49-51 is:

Basic Qualification Questions

Items 49-51 These items enable the FCC to determine whether an Applicant is eligible under §§ 310(d) and 308(b) of the Communications Act of 1934, as amended, to hold or have ownership interest in a station license. Applicants are required to answer these questions only if 1) they are filing FCC Form 601 for one of the following purposes indicated in Item 2: New, Amendment, Modification, or Renewal/Modification; and 2) the answers have changed from those previously provided. Applicants using FCC Form 601 for any other purpose are not required to answer these questions. If the answer to any one or more of Items 49-51 is 'Y', attach as an exhibit a statement explaining the circumstances and a statement giving the reasons why the Applicant believes that grant of the application would be in the public interest notwithstanding the actual or alleged misconduct. If the Applicant responds 'Y' to any question and has previously provided a statement and explanation regarding the circumstances as an attachment to a prior application filed in ULS, and the facts and circumstances are unchanged, the Applicant may refer to the previous application by identifying the application file number and indicating the disposition of the prior application.

The revised instruction text for items 49-51 is:

Basic Qualification Questions

Items 49-51 These items enable the FCC to determine whether an Applicant is eligible under §§ 310(d) and 308(b) of the Communications Act of 1934, as amended, to hold or have ownership interest in a station license. Applicants are required to answer these questions only if 1) they are filing FCC Form 601 for one of the following purposes indicated in Item 2: New, Amendment, **Renewal**, Modification, or Renewal/Modification; and 2) the answers have changed from those previously provided. Applicants using FCC Form 601 for any other purpose are not required to answer these questions. If the answer to any one or more of Items 49-51 is 'Y', attach as an exhibit a statement explaining the circumstances and a statement giving the reasons why the Applicant believes that grant of the application would be in the public interest notwithstanding the actual or alleged misconduct. If the Applicant responds 'Y' to any question and has previously provided a statement and explanation regarding the circumstances as an attachment to a prior application filed in ULS, and the facts and circumstances are unchanged, the Applicant may refer to the previous application by identifying the application file number and indicating the disposition of the prior application.

Additionally, the instructions for items 57, 58 and 59 of the main form are being clarified to state these questions must be answered by all licensees of Covered Site-based Licenses and Covered Geographic Licenses, as defined in 47 CFR § 1.907. These items enable the FCC to determine whether the Applicant has demonstrated compliance with the applicable requirements to warrant renewal of its license(s) pursuant to 47 CFR § 1.949.

The current instruction text for items 57, 58 and 59 is:

Renewal Applicants

Items 57, 58, and 59 These items enable the FCC to determine whether the Applicant has complied with the applicable requirements to warrant renewal of its license(s). Licensee compliance with these requirements will be measured from no earlier than [effective date], see Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, 32 FCC Red 8874, 8889, para. 35 (2017), unless directed otherwise in this form and its instructions.

These questions must be answered on renewal applications for 700 MHz, AWS-4, H Block, AWS-3, and/or 600 MHz licenses filed beginning [effective]. These questions must be answered on renewal applications for all geographic-area licenses identified in 47 CFR § 1.907 ("Covered Geographic Licenses") beginning January 1, 2023, with the exception of UMFUS licenses, but licensee compliance with these requirements will be measured from [effective date]. In advance of the January 1, 2023, date, licensees holding Covered Geographic Licenses other than 700 MHz, AWS-4, H Block, AWS-3, and/or 600 MHz licenses will not be required to answer these questions and will be required to comply with the service-specific renewal rules in effect as of August 3, 2017. Licensees holding UMFUS licenses will not be required to answer these questions until June 1, 2024.

These questions must be answered on renewal applications for Covered Site-Based licenses filed after 10/01/2020.

For Item 57, the licensee of a Covered Site-based License that has temporarily reduced operations under the license for fewer than 180 days during the term of the license, or the licensee of a Covered Geographic License (not including a partitioned or disaggregated license without a performance requirement) that has temporarily dropped below its construction benchmark associated with the license for fewer than 180 days during the term of the license, may make the applicable Operation/Performance Requirement Certification.

Also for Item 57, licensees of a partitioned or disaggregated Covered Geographic License without a performance requirement as of 10/01/2020 will not be required to make the applicable certification regarding use of its spectrum until the end of its second or subsequent license term after 10/01/2020.

For Item 58, if a licensee seeks to renew a license in a service that did not have an explicit definition of permanent discontinuance as of August 3, 2017, such a licensee has until January 1, 2019, to come into compliance with our new permanent discontinuance rules. If a licensee in such service is not providing service or is not operational on January 1, 2019, the discontinuance period would start as of that date.

For Item 59, if the Applicant was granted a waiver under applicable FCC rules and policies, and the Applicant has substantially complied with the terms of such waiver and the Communications Act of 1934, as amended, it may select 'Y' as the appropriate response.

The revised instruction text for items 57, 58, and 59 is:

Renewal Applicants

Items 57, 58, and 59. These items enable the FCC to determine whether the Applicant has demonstrated compliance with the applicable requirements to warrant renewal of its license(s) pursuant to 47 CFR § 1.949. These questions must be answered by all licensees of Covered Site-based Licenses and Covered Geographic Licenses, as defined in 47 CFR § 1.907.

For Item 57, Applicants should make a single selection of the listed options for operation/performance requirement certifications that applies to the license(s) included on the renewal application. If Applicant believes they are exempt from this requirement, or that the certifications are otherwise inapplicable, an attachment must be uploaded to the renewal application explaining the circumstances. In the event an Applicant is unable to meet the requirements of any of the enumerated safe harbors, it must attach a detailed renewal showing, demonstrating how the renewal standard has been met over the license term. The details of the showing should include:

- (1) the level and quality of service/operation provided by the applicant (e.g., for service—the population served, the area served, the number of subscribers, the services offered; for operation—the number of users (if applicable), the operating area, the type of operation);
- (2) the date service/operation commenced, whether service/operation was ever interrupted, and the duration of any interruption or outage;
- (3) the extent to which service/operation is provided to/in rural areas;
- (4) the extent to which service/operation is provided to/in tribal lands; and
- (5) any other factors associated with a licensee's level of service to the public/level of operation.

Also for Item 57, Licensees of a partitioned or disaggregated Covered Geographic License without a performance requirement as of 10/01/2020 will not be required to make the applicable certification regarding use of its spectrum until the end of its second or subsequent license term after 10/01/2020.

For Item 58, Applicants must certify compliance with the permanent discontinuance rules applicable to the license(s) included in the renewal application.

For Item 59, Applicants must certify compliance with all applicable FCC rules, policies and the Communications Act of 1934, as amended. If the Applicant was granted a waiver under applicable FCC rules and policies, and the Applicant has substantially complied with the terms of such waiver and the Communications Act of 1934, as amended, it may select 'Y' as the appropriate response.