3060-0600 **March 2025**
Application to Participate in an FCC Auction,
FCC Form 175

SUPPORTING STATEMENT

The Federal Communications Commission (Commission) requests approval from the Office of Management and Budget (OMB) for an extension without change of a currently approved collection on FCC Form 175 under OMB Control Number 3060-0600 for a period of three years.

A. Justification:

1. *Circumstances that make this collection necessary.* FCC Form 175 is used by the public to apply to participate in auctions for Commission licenses and permits. The information collection requirements reported under this collection implement the Commission's competitive bidding authority under the Communications Act of 1934, as amended (Communications Act), and the Commission's competitive bidding rules.

The information collection requirements on FCC Form 175 currently approved under OMB Control Number 3060-0600 have not changed since they were last approved by OMB on May 16, 2022. The Commission is requesting an extension of OMB's approval for the information collection requirements on FCC Form 175 under OMB Control Number 3060-0600 as currently approved.

Statutory authority for this information collection is contained in Sections 154(i) and 309(j)(5) of the Communications Act, as amended, and sections 1.2105, 1.2110, 1.2112 of the Commission's rules, as amended. *See* 47 U.S.C. §§ 4(i), 309(j)(5), 47 C.F.R. §§ 1.2105, 1.2110, 1.2112.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. *Use of information.* The Commission's auction rules and related requirements are designed to ensure that the competitive bidding process is limited to serious qualified applicants, deter possible abuse of the bidding and licensing processes, and enhance the use of competitive bidding to assign Commission licenses and permits in furtherance of the public interest. The information collected on FCC Form 175 is used by the Commission to determine if an applicant is legally, technically, and financially qualified to participate in an auction for Commission licenses or permits. Additionally, if an applicant applies for status as a particular type of auction participant pursuant to Commission rules, the Commission uses information collected on FCC Form 175 to determine whether the applicant is eligible for the status requested. Commission staff reviews the information collected on FCC Form 175 for a particular auction as part of the pre-auction process, prior to the auction being held. Staff determines whether each applicant satisfies the Commission's requirements to participate in the auction and, if an applicant claims status as a particular type of auction participant, whether that applicant is eligible for the status claimed. The Commission plans to continue to use the Form 175 for its upcoming auctions for Commission licenses and permits, including the forward auction component of any incentive auction, collecting only the information necessary for each particular auction.

3. *Technological collection techniques.* Pursuant to the Commission's rules, an auction applicant is required to complete and submit its FCC Form 175 electronically through the FCC Auction

System. The Commission developed a centralized electronic system for collecting the information 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. Moreover, the information collected under this collection implements statutory requirements.

5. *Impact on small entities.* In conformance with the Paperwork Reduction Act of 1995, the Commission has made an effort to minimize the burden on all respondents regardless of size by limiting the information collected on Form 175 to that which is necessary to evaluate and process the application, deter possible abuse of the processes, and confirm applicants' compliance with various applicable regulatory and statutory spectrum auction requirements. In addition, the Commission makes available tutorials and related information to assist respondents, including small entities, in understanding what information should be submitted on FCC Form 175.

Decisions regarding whether to submit an application to participate in a given auction rest exclusively with the respondents. Thus, the frequency of filing is determined by the respondent. Filing information to support an applicant's qualification as a designated entity and eligibility for a small business bidding credit or a rural service provider bidding credit, either generally or with respect to specific licenses, is also determined by the respondent/applicant. Small business ownership and gross revenues information/calculations and rural service provider ownership and subscriber information must be updated when changes occur, and the need to make filings to reflect such changes are generally determined by the respondent/applicant.

6. *Consequences if information is not collected.* The Commission's auction program could not function in its current form without the collection of information on FCC Form 175. Licensing access to the public spectrum resource and recovery for the public of a portion of the value of the public spectrum resource depends in large part on the information collected on FCC Form 175. Without the information collected on FCC Form 175, the Commission would not be able to determine if an applicant is legally, technically, and financially qualified to participate in a Commission auction and has complied with the various applicable regulatory and statutory spectrum auction requirements.

7. *Special circumstances.* FCC Form 175 as currently approved does not have any of the characteristics that would have required separate justification under 5 C.F.R. § 1320.5(d)(2).

8. *Federal Register notice; efforts to consult with persons outside the Commission.* Pursuant to 5 C.F.R. § 1320.8, the Commission published a 60-day notice in the Federal Register regarding the extension of the information collection requirements on FCC Form 175 under OMB Control Number 3060-0600, *see* 90 FR 8026, January 23, 2025.

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

10. *Assurances of confidentiality.* Information collected on FCC Form 175 is made available for public inspection, and the Commission is not requesting that respondents submit confidential information to the Commission as part of the pre-auction application process. However, to the extent that a respondent seeks to have certain information collected on FCC Form 175 withheld from public inspection, the respondent may request confidential treatment pursuant to section 0.459 of the Commission's rules for such information. *See* 47 C.F.R. § 0.459.

11. *Questions of a sensitive nature.* The information collection requirements do not ask questions of a sensitive nature.

12. *Estimate of the time burden of this collection on respondents.* Auctions occur on an irregular schedule. The Commission estimates that up to 500 respondents/applicants may submit a FCC Form 175 each year, depending on the number and nature of the auctions in any given year. Respondents/applicants determine whether to apply to participate in a Commission auction and, therefore, applicants determine the frequency of filing. The Commission estimates that it will require up to 90 minutes for respondents/applicants to report the information requested on FCC Form 175 under the currently approved collection.

a. *Number of estimated annual applicants/respondents*: 500 applicants/respondents.

b. *Total number of responses:* 500.

c. *Frequency of response*: On-occasion.

d. *Total estimated annual burden hours*: 1.5 hours per applicant/respondent for an estimated 500 annual responses. The total estimated annual hour burden is calculated as follows:

500 estimated annual responses x 1.5 hours per response = 750 total estimated annual burden hours.

e. *Total estimate of annualized "in-house" cost to respondents for the hour burden*: $34,455.

f. *Explanation of calculation*: The Commission expects that FCC Form 175 will typically be prepared by the respondent using existing in-house staff (e.g., paralegal or other legal staff member) at a rate equivalent to the hourly rate of a GS-11, Step 5 government staff member ($45.94/hour). Therefore, the in-house cost is as follows:

500 estimated annual responses x 1.5 hours per response x $45.94/hour = $34,455.

13. *Estimate of the cost burden of this collection to respondents.* There is no external cost burden to the respondents. Respondents should not incur capital and start-up costs or operation and maintenance costs for purchase of services in connection with responding to the information collection on FCC Form 175. The information collected on FCC Form 175 should be collected and maintained as part of the customary and usual business or private practice of the respondent.

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

14. *Estimate of the annual cost burden of this collection to the Commission.* The Commission estimates that, on average, staff review of the information collected on FCC Form 175, including time spent by staff attorneys, will take 30 minutes 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: 500 applications x 0.50 hours x $77.38/hour (Attorney, GS-14, Step 5) = **$19,345.**

TOTAL ANNUAL COST TO THE GOVERNMENT: $19,345.

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

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

17. *Display of expiration date for OMB approval of information collection.* The Commission seeks a continued exemption from the requirement to display the OMB expiration date on FCC Form 175 for this information collection. A continued exemption from this requirement will prevent the Commission from having to constantly update the expiration date on the electronic form whenever a revision or three-year extension of this collection is submitted to OMB for review and approval. The Commission will continue to use an edition date on FCC Form 175 in lieu 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.