



PUBLIC NOTICE

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DA 15-60
January 15, 2015

COMMENT SOUGHT WITH RESPECT TO REGULATORY FLEXIBILITY ACT AND PAPERWORK REDUCTION ACT IN CONNECTION WITH COMPETITIVE BIDDING PROCEDURES FOR BROADCAST INCENTIVE AUCTION 1000, INCLUDING AUCTIONS 1001 AND 1002

AU Docket No. 14-252
GN Docket No. 12-268

Regulatory Flexibility Act Comment Date: February 13, 2015
Regulatory Flexibility Act Reply Comment Date: March 13, 2015
Paperwork Reduction Act Comment Date: [60 days after date of publication in the Federal Register]

I. INTRODUCTION

1. On December 17, 2014, the Commission released the *Incentive Auction Comment Public Notice*,¹ seeking comment on detailed proposals for conducting the broadcast television spectrum incentive auction, including proposed procedures for the forward auction, the reverse auction, and integration of the forward and reverse auctions. The final detailed procedures will implement rules previously proposed in the *Incentive Auction NPRM*² and adopted in the *Incentive Auction R&O*.³ Comments addressing those proposals are due on or before February 13, 2015, and reply comments are due on or before March 13, 2015.⁴

II. REGULATORY FLEXIBILITY ACT ANALYSIS

2. As required by the Regulatory Flexibility Act of 1980 (RFA)⁵, the Commission prepared an Initial Regulatory Flexibility Analysis (IRFA) in connection with the *Incentive Auction NPRM*⁶ and a

¹ *Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002*, GN Docket No. 12-268, Public Notice, FCC 14-191 (rel. Dec. 17, 2014) (*Incentive Auction Comment Public Notice*).

² *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Notice of Proposed Rulemaking, 27 FCC Rcd 12357 (2012) (*Incentive Auction NPRM*).

³ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567 (2014) (*Incentive Auction R&O*).

⁴ The deadlines for responding to the *Incentive Auction Comment Public Notice* were extended to the dates above in *Expanding the Economic and Innovation Opportunities of Spectrum Through incentive Auctions; Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction, Including Auctions 1001 and 1002*, GN Docket No. 12-268, Order, DA 15-24 (rel. Jan. 7, 2015).

⁵ See 5 U.S.C. § 603.

⁶ *Incentive Auction NPRM*, 27 FCC Rcd at 15253 (Appendix B, Initial Regulatory Flexibility Analysis).

Final Regulatory Flexibility Analysis (FRFA) in connection with the *Incentive Auction R&O*.⁷ While no commenter directly responded to the IRFA, the FRFA addressed concerns about the impact on small business of various auction design issues. We seek comment on how the proposals in the *Incentive Auction Comment Public Notice* could affect either the IRFA or the FRFA. Such comments must be filed in accordance with the same filing deadlines for responses to the *Incentive Auction Comment Public Notice* and have a separate and distinct heading designating them as responses to the IRFA and FRFA.

3. The IRFA and FRFA set forth the need for and objectives of the Commission's rules for the broadcast spectrum incentive auction; the legal basis for those rules, a description and estimate of the number of small entities to which the rules apply; a description of projected reporting, recordkeeping, and other compliance requirements for small entities; steps taken to minimize the significant economic impact on small entities and significant alternatives considered; and a statement that there are no federal rules that may duplicate, overlap, or conflict with the rules.⁸ The proposals in the *Incentive Auction Comment Public Notice* do not change any of those descriptions.

4. The *Incentive Auction Comment Public Notice* does, however, detail proposed procedures implementing those rules. As noted above, here we seek comment on how the proposals in the *Incentive Auction Comment Public Notice* could affect either the IRFA or the FRFA. These proposals include procedures for setting the initial broadcast spectrum clearing target, determining whether the final stage rule is satisfied and the steps triggered by that determination, determining how much market variation will be accommodated, and a process of moving from one stage of the auction to any subsequent stage(s), if necessary.⁹ The *Incentive Auction Comment Public Notice* also addresses detailed proposals for setting opening prices, applying to participate in the reverse or forward auction, establishing bidding procedures for each auction, optimizing the final television assignment channel plan, providing information to forward auction bidders, grouping license blocks into categories for bidding, implementing the market-based spectrum reserve, repacking broadcasting stations in conjunction with the reverse auction, and assigning licenses with specific frequencies in the forward auction.¹⁰

III. PAPERWORK REDUCTION ACT ANALYSIS

5. The *Incentive Auction Comment Public Notice* also provides greater detail with respect to information collection requirements relating to the incentive auction. For example, the *Incentive Auction Comment Public Notice* details a certification reverse auction applicants must make as part of their application to participate in the reverse auction.¹¹ Similarly, the proposal for establishing the initial spectrum clearing target describes information that reverse auction participants will provide in order to commit to an initial spectrum relinquishment option.¹² The information collections contained in the proposed incentive auction application ultimately will be reflected in the forms and instructions to be promulgated at a later date. We are inviting comment on the information collections in the *Incentive Auction Comment Public Notice* as part of our efforts to ensure the public has full opportunity to comment on more specific proposed information collections in this proceeding at the earliest possible time. As part of the Commission's continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements detailed in the *Incentive Auction Comment Public Notice*, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief

⁷ *Incentive Auction R&O*, 29 FCC Rcd at 6947 (Appendix B, Final Regulatory Flexibility Analysis).

⁸ *Incentive Auction NPRM*, 27 FCC Rcd at 15253 (Appendix B, Initial Regulatory Flexibility Analysis); *Incentive Auction R&O*, 29 FCC Rcd at 6947 (Appendix B, Final Regulatory Flexibility Analysis).

⁹ See *Incentive Auction Comment Public Notice* at paras. 24-71.

¹⁰ See *Incentive Auction Comment Public Notice* at paras. 72-209.

¹¹ *Incentive Auction Comment Public Notice* at para. 87.

¹² *Incentive Auction Comment Public Notice* at paras 88-91.

Act of 2002, Public Law 107-198, we seek specific comment on how the Commission might “further reduce the information collection burden for small business concerns with fewer than 25 employees.” Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before 60 days after the date this Public Notice is published in the Federal Register.

IV. ORDERING CLAUSES

6. This Public Notice is adopted by the Chief, Wireless Telecommunications Bureau, pursuant to the authority delegated in Sections 0.131 and 0.331 of the Commission’s rules, 47 C.F.R. §§ 0.131, 0.331.

7. IT IS FURTHER ORDERED that a copy of this Public Notice, including the IRFA and FRFA, along with a copy of *Incentive Auction Public Notice*, shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

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