



PUBLIC NOTICE

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MOBILITY FUND PHASE II CHALLENGE PROCESS HANDSETS AND ACCESS PROCEDURES FOR THE CHALLENGE PROCESS PORTAL

WC Docket No. 10-90
WT Docket No. 10-208

1. The Rural Broadband Auctions Task Force (Task Force), in conjunction with the Wireline Competition Bureau and the Wireless Telecommunications Bureau (Bureaus), today provides further requirements for the handsets that mobile wireless providers in the Mobility Fund Phase II (MF-II) challenge process must designate for challengers to use when conducting speed tests in areas deemed presumptively ineligible for MF-II support.¹ In addition, we adopt procedures for challengers to request access to the Universal Service Administrative Company (USAC) challenge process portal.²

I. HANDSET REQUIREMENTS

2. Under the *MF-II Challenge Process Order*, the MF-II challenge process will begin with a new, one-time collection of current, standardized coverage data on qualified 4G LTE service, which the Commission will use to establish the map of areas presumptively eligible for MF-II support.³ After the release of this map, interested parties will have an opportunity to challenge areas initially deemed presumptively ineligible by “submit[ting] detailed proof of lack of unsubsidized, qualified 4G LTE coverage.”⁴ Although this proof must take the form of actual outdoor speed test data,⁵ the Commission will allow challengers the flexibility to collect this data using hardware- or software-based drive tests or application-based tests.⁶

3. For any type of speed test, the Commission previously has made clear that a challenger must use a pre-approved handset to collect the data. In particular, the Commission requires that speed test data “be collected using the latest devices specifically authorized by the providers that submitted [the] 4G

¹ *Connect America Fund; Universal Service Reform – Mobility Fund*, Order on Reconsideration and Second Report and Order, 32 FCC Rcd 6282, 6302, 6308, paras. 39 & n.109, 50 & n.148 (2017) (*MF-II Challenge Process Order*).

² *Id.* at 6297, 6311-12, paras. 29 & n.84, 59.

³ *Id.* at 6296, para. 28. We proposed to generate the map of presumptively eligible areas for each state by merging the maps of unsubsidized coverage for all providers (the ineligible areas) and removing the ineligible areas from the state’s boundary to produce the eligible areas. *Comment Sought on Mobility Fund Phase II Challenge Process Procedures and Technical Implementation*, Public Notice, 32 FCC Rcd 7596, 7597-98, paras. 3-4 (WCB/WTB 2017) (*MF-II Challenge Process Comment Public Notice*).

⁴ *MF-II Challenge Process Order*, 32 FCC Rcd at 6306, para. 47; *see id.* at 6296-97, 6308, paras. 29, 50.

⁵ *Id.* at 6297, 6306, paras. 29, 47.

⁶ *Id.* at 6307, para. 49.

LTE coverage data . . . (i.e., provider-specified handsets).”⁷ As part of the new, one-time data collection, each mobile wireless provider with qualified 4G LTE coverage is required to identify at least three readily-available handset models appropriate for testing its coverage,⁸ at least one of which must be compatible with industry-standard drive test software.⁹ The Commission also directed the Bureaus to “propose and adopt further guidance on the types of devices that may be used for speed tests.”¹⁰

4. After release of the *MF-II Challenge Process Order*, the Task Force, in conjunction with the Bureaus, released instructions for submitting the new 4G LTE coverage data, including the handset list,¹¹ and announced a deadline of January 4, 2018, to submit the required coverage information.¹² Pursuant to the Commission’s direction, the Bureaus subsequently sought comment on proposed requirements to ensure that at least one designated handset is compatible with industry-standard drive test software.¹³ The Bureaus also sought comment on whether this proposal “is sufficient to allow challengers to conduct drive tests efficiently and effectively.”¹⁴

5. After consideration of these comments, we now provide further requirements for the types of devices that may be used for speed tests.¹⁵ First, in order to ensure that at least one device is compatible with industry-standard drive test software, we require each provider to identify in its filing at least one device that is either: (a) officially supported by the latest versions of industry-standard drive test software, such as JDSU, ZK-SAM, Rohde & Schwartz, or TEMS; or (b) engineering-capable and able to be unlocked and put into diagnostic mode to interface with drive test software.¹⁶ Second, in light of the

⁷ *Id.* at 6306, para. 47; *accord id.* at 6308, para. 49 (“We will require that all speed tests be conducted pursuant to standard parameters using Commission-approved testing methods on pre-approved handsets.” (emphasis added)). Even though the Commission subsequently reiterated that challengers must use provider-specified handsets for application-based tests and software-based drive tests, *id.* at 6308, para. 50, this statement does not alter the Commission’s original conclusion that all speed tests must be conducted using such handsets.

⁸ *MF-II Challenge Process Order*, 32 FCC Rcd at 6302, 6308, paras. 39, 50.

⁹ *Id.* at 6302, 6308, paras. 39 & n.109, 50 & n.148.

¹⁰ *Id.* at 6308, para. 50 n.148; *see id.* at 6302, para. 39 n.109 (“As discussed below, the Bureaus will issue further guidance or requirements on the handsets that may be used for speed tests in a subsequent public notice.”).

¹¹ *Instructions for Filing 4G LTE Coverage Data to Determine Areas Presumptively Eligible for Mobility Fund II Support*, Public Notice, 32 FCC Rcd 7023, 7024-28 (WCB/WTB 2017) (*4G LTE Collection Instructions Public Notice*). Filers must collect and submit the coverage data no later than 90 days after the Commission published, in the Federal Register, a notice of approval by the Office of Management and Budget (OMB) of the one-time information collection request. *Id.* at 7023, 7027. The Commission published notice of OMB’s approval in the Federal Register on October 5, 2017. 82 Fed. Reg. 46494 (Oct. 5, 2017).

¹² *Responses to the Mobility Fund Phase II 4G LTE Data Collection Are Due by January 4, 2018*, Public Notice, 32 FCC Rcd 7431, 7431 (WCB/WTB 2017).

¹³ *MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7600, para. 8 (“[W]e propose to require providers to identify at least one device that is either: (a) officially supported by the latest versions of drive test software, such as JDSU, ZK-SAM, Rohde & Schwartz, TEMS, or Ookla; or (b) engineering-capable and able to be unlocked and put into diagnostic mode in order to interface with drive test software.”); *see also MF-II Challenge Process Order*, 32 FCC Rcd at 6308, para. 50 n.148; *4G LTE Collection Instructions Public Notice*, 32 FCC Rcd at 7026.

¹⁴ *MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7600, para. 8.

¹⁵ Some commenters argue that the provider-approved handsets should not be subject to any network management practices. *See* NTCA Comments at 3; NTCA Reply at 3-4; Verizon Comments at 4; U.S. Cellular Reply at 8-9. Because network management practices generally implicate service plans rather than handset models, *see MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7602, para. 14, we will address the issue of network management practices and the challenge process in a subsequent public notice.

¹⁶ *See MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7600, para. 8. Mosaik “encourage[s] the FCC to avoid any implicit bias in favor of (or against) any particular application-based testing or software-based

(continued...)

concerns raised by some commenters that specifying only Apple iOS devices could limit the data challengers are able to collect and prevent challengers from efficiently and effectively conducting drive tests, we conclude that at least one of the three specified devices must run the Android operating system.¹⁷ This device can be the same device as the one that meets the requirements in the proposal adopted above for compatibility with drive-test software, but it need not be. Because the coverage data submitted by affiliated entities will be consolidated when made available to challengers through the USAC portal,¹⁸ we will consolidate the submitted provider handset data for such entities to the extent that the lists of handsets differ.¹⁹

6. Some commenters, concerned that providers will specify only the most expensive devices and that this will unduly burden challengers, urge us to limit the cost of approved handsets to reduce barriers to participation²⁰ and to ensure that the challenge process accounts for the diversity of consumer handset choices.²¹ We have determined, however, that handset acquisition costs are likely to be relatively small when compared to the total cost of testing and submitting challenges. In addition, the record lacks evidence that handset acquisition costs will reduce challenger participation. Accordingly, we are not convinced that handset cost will materially affect a challenger's willingness or ability to raise a challenge. Further, we seek to ensure that the speed test data is collected in a manner consistent with the Commission's requirements mandating use of the latest devices and accurately reflects current consumer

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drive testing platform" and "to clarify that the examples of drive testing software provided in the *MF-II Challenge Process Public Notice* are just that—examples." Mosaik Comments at 4; *see also* U.S. Cellular Reply at 6. The Commission has no stated preference for, or bias in favor of or against, any particular drive test platform. *See MF-II Challenge Process Order*, 32 FCC Rcd at 6308, para. 50 n.148.

¹⁷ *See, e.g.*, Mosaik Comments at 3 (arguing that "[l]imiting device-based testing to iOS-run equipment will drastically reduce the amount of information that challenging parties may be able to collect" because iOS "is a notoriously closed operating system," and urging the Commission to "ensure that at least one of the three testing devices uses the Android operating system"); RWA Comments at 8 ("Limiting challengers to devices with iOS operating systems will . . . reduce additional benefits a challenger may receive from performing drive or application-based tests."); CCA Reply at 4 (noting that "coverage and service results may differ based upon the operating system in use on particular handsets"); U.S. Cellular Reply at 5; NTCA Reply at 2-3. *But see* Verizon Reply at 5 (arguing that "unsubsidized carriers should be permitted to specify the three readily-available devices that will most reliably measure coverage" and that the Bureaus should not impose a constraint on the device's operating system). Verizon has provided no basis to conclude that the Android operating system will not reliably measure coverage.

¹⁸ Consistent with the Commission's past practice in releasing Form 477 coverage data, we will consolidate data from any attributable entities that file separately to a common provider name when generating provider-specific maps to be used in the challenge process. *See MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7597, 7618, para. 3 n.8, Appx. C.

¹⁹ *See MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7600, para. 7 n.23.

²⁰ *See, e.g.*, Mosaik Comments at 4 ("[The Commission] can reduce barriers to testing challenges by setting an upper limit on the per-device cost of a readily available handset model, regardless of operating system."); RWA Comments at 8-9 (arguing that providers "could place undue financial burdens on potential challengers by stipulating that only highest-cost devices compatible with drive test equipment be used," and suggesting the Commission "require service providers to identify at least one low-cost device"); U.S. Cellular Reply at 5 (urging the Commission to "lessen cost burdens faced by smaller rural carriers who seek to lodge challenges against coverage claims made by incumbent service providers"); NTCA Reply at 3.

²¹ *See, e.g.*, Mosaik Comments at 2 ("The MF-II challenge process will only be successful if it accounts for the diverse portfolio of devices consumers are purchasing today."); RWA Comments at 8 (urging the Commission to "place limits on how expensive the devices are, regardless of operating system," reasoning that "subscribers are now paying for their own handsets, and often purchase the most inexpensive device available"); NTCA Reply at 3 ("[A]ssuming the goal of the challenge process is to more accurately reflect the consumers' experience in the field, the FCC should specify that devices in a range of price points should be identified for the devices to be used in testing coverage.").

experience.²² Limiting the cost of a handset could preclude use of some of the most recent handset models that support the most recent spectrum deployments and technologies.²³ Such a limitation, therefore, could reduce the accuracy of data collected and increase the burden on challengers by limiting the number of handsets compatible with the latest versions of drive test software and mobile network technologies.²⁴ Therefore, we will not impose a requirement related to the cost of a handset. Overall, our approach strikes an appropriate balance between providing challengers with sufficient flexibility to choose a device that fits their needs and budgets,²⁵ and ensuring that providers' coverage can be tested efficiently and accurately.²⁶

II. ACCESSING THE USAC PORTAL

7. Participants in the MF-II challenge process must use the USAC portal to file a challenge and/or respond to a challenge, as well as to access certain information that is pertinent to a challenge.²⁷ The Commission directed the Bureaus to detail the process by which an interested party may request a USAC account to access the portal.²⁸ Accordingly, the Bureaus sought comment on their proposal to automatically create user accounts for all mobile service providers using contact information submitted in the June 30, 2017 Form 477 filing, and to require any service provider that wished to use a different contact to email the required contact information to the Commission.²⁹ The Bureaus further proposed to require any entity seeking to participate by waiver to provide the required contact information as part of its petition for waiver.³⁰

8. We adopt a modified version of the process proposed in the *MF-II Challenge Process Comment Public Notice* for interested parties and challenged providers to request access to the USAC portal.³¹ In order to ensure that the correct contacts are provided access to the USAC portal, rather than creating certain user accounts automatically, we will require any eligible service provider wishing to participate in the challenge process to provide to the Commission, via web-based form, the legal name of

²² *MF-II Challenge Process Order*, 32 FCC Rcd at 6306, para. 47.

²³ See generally, e.g., Letter from Michael A. Lewis, Senior Engineering Advisor, DLA Piper LLP, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-306, GN Docket No. 12-268 (filed on June 1, 2017) (detailing 4G LTE expansion planned in 2017 using 600 MHz spectrum); Monica Allevan, *T-Mobile Fires Up LTE-A in 920 Markets, Gigabit LTE in 430 markets*, FierceWireless (Nov. 9, 2017, 1:13 PM), <https://www.fiercewireless.com/wireless/t-mobile-fires-up-lte-a-920-markets-gigabit-lte-430-markets> (describing launch of LTE Advanced and Gigabit LTE using Qualcomm chips).

²⁴ See *MF-II Challenge Process Order*, 32 FCC Rcd at 6306, para. 47 (requiring that “speed test data . . . be collected using the latest devices specifically authorized by the providers” in order to “simulate consumers’ actual experience”).

²⁵ See, e.g., Mosaik Comments at 3 (“Apple devices running iOS are typically more expensive than devices that use the Android operating system.”); RWA Comments at 8 (“[P]rocurring iOS devices is materially more expensive than procuring Android devices and would place an additional financial burden on challengers.”); U.S. Cellular Reply at 5 (“Forcing challengers to use iOS-based devices would drive up costs faced by challengers (which would be particularly burdensome for smaller rural carriers)”); NTCA Reply Comments at 3 (arguing that the iPhone X is “unaffordable to many consumers who will depend upon access to the coverage claimed”).

²⁶ Parties may file the foregoing handset information with their January 4, 2018 filings, or they may elect to supplement those filings with that handset information no later than thirty days following the publication of this Public Notice in the Federal Register.

²⁷ *MF-II Challenge Process Order*, 32 FCC Rcd at 6297, 6311-12, paras. 29 & n.84, 59.

²⁸ *Id.* at 6304, para. 42 n.115.

²⁹ See *MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7605, para. 25.

³⁰ See *id.* The Bureaus did not receive any comments on these proposals.

³¹ See *id.*

the entity, its FCC Registration Number (FRN), and the name(s) and email address(es) of the user(s) (up to a maximum of three users) that should be granted access to the portal. Any government entity (i.e., a local, state, or Tribal government entity) that wishes to participate in the challenge process also must provide the legal name of the entity, its legal jurisdiction, and the name(s) and email address(es) of the user(s) (up to a maximum of three users) that should be granted access to the portal. We will use a web-based form to collect this information instead of requiring the transmission of contact information via email. This modified approach will better ensure that user accounts are processed securely and efficiently.³² The web page address and date by which to submit this contact information will be announced in a subsequent public notice.

9. We encourage parties that may have an interest in participating in the challenge process to provide this contact information as soon as the form is available, so that they will be able to access the USAC portal promptly when the challenge window opens. Providing this contact information does not represent a commitment or obligation to participate in the challenge process.

10. For a party that files a waiver petition with the Commission seeking to participate in the MF-II challenge process as a challenger (because it is not a service provider or a government entity),³³ we proposed to require such a party to submit the first and last name of the user(s) that should have access to the portal on its behalf, and the email address(es) of the user(s), up to a maximum of three users, as part of its petition for waiver.³⁴ In the absence of any comments on this proposal, we adopt it without modification. We also change the email address for the submission of waiver petitions to mf2challengeprocess@fcc.gov in order to consolidate challenge process-related communications.

III. PROCEDURAL MATTERS

A. Paperwork Reduction Act Analysis

11. This Public Notice implements the information collection requirements adopted in the *MF-II Challenge Process Order* and does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, 44 U.S.C. 3501-3520. The Commission sought and received PRA approval from the Office of Management and Budget (OMB) under its emergency processing procedures³⁵ for the information collection requirements associated with the qualified 4G LTE coverage data collection, as adopted in the *MF-II Challenge Process Order* and further explained in this Public Notice.³⁶ The Commission is currently seeking PRA approval for the information collection requirements related to the challenge process itself, as adopted in

³² See generally FCC, Privacy Act Manual, <https://www.fcc.gov/sites/default/files/fcc-privacy-act-manual.pdf>.

³³ If a consumer, organization, or business believes that its interests cannot be met through its state, local, or Tribal government entity and wishes to participate in the process as a challenger, the individual or entity may file a petition with the Commission requesting a waiver for good cause shown. *MF-II Challenge Process Order*, 32 FCC Rcd at 6304, para. 43 n.119 (citing 47 CFR § 1.3). Waivers may be submitted by email to mf2challengeprocess@fcc.gov or delivered in hard copy to Margaret W. Wiener, Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, FCC, 445 12th Street, S.W., Room 6-C217, Washington, D.C. 20554. See *id.* We strongly encourage any interested party to file a waiver petition as soon as practicable to allow sufficient time for the Commission to process the waiver and, if granted, for USAC to create the user account. The Commission anticipates granting waivers in cases in which an individual, organization, or business demonstrates a bona fide interest in the challenge process and a plausible ability to submit a valid challenge. *Id.* at 6304, para. 43 n.119.

³⁴ *MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7605-06, para. 25.

³⁵ 5 CFR § 1320.13.

³⁶ See 82 Fed. Reg. 46494 (Oct. 5, 2017) (providing notice of OMB's approval of the information collection requirements for the qualified 4G LTE coverage data collection). The OMB control number for this collection is OMB 3060-1242. The Commission is in the process of seeking a full three-year clearance for this collection from OMB under its regular PRA processing procedures pursuant to 5 CFR § 1320.10. See 82 Fed. Reg. 47735 (Oct. 13, 2017).

the *MF-II Challenge Process Order* and further explained in this Public Notice.³⁷ Because this Public Notice does not adopt any additional information collection requirements beyond those adopted in the *MF-II Challenge Process Order*, this Public Notice does not implicate the PRA or the Small Business Paperwork Relief Act of 2002, Public Law 107-198.³⁸

B. Supplemental Final Regulatory Flexibility Analysis

12. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),³⁹ the Commission prepared Initial Regulatory Flexibility Analyses (IRFAs) in connection with the *USF/ICC Transformation FNPRM*, the *2014 CAF FNPRM*, and the *MF-II FNPRM* (collectively, *MF-II FNPRMs*).⁴⁰ A Supplemental Initial Regulatory Flexibility Analysis (SIRFA) was also filed in the *MF-II Challenge Process Comment Public Notice* in this proceeding.⁴¹ The Commission sought written public comment on the proposals in *MF-II FNPRMs* and in the *MF-II Challenge Process Comment Public Notice*, including comments on the IRFAs and SIRFA. The Commission received three comments in response to the *MF-II FNPRM* IRFA. No comments were filed addressing the *USF/ICC Transformation FNPRM* IRFA, the *2014 CAF FNPRM* IRFA, or the *MF-II Challenge Process Comment Public Notice* SIRFA. The Commission included Final Regulatory Flexibility Analyses (FRFAs) in connection with the *2014 CAF Order*, the *MF-II Order*, and the *MF-II Challenge Process Order* (collectively, the *MF-II Orders*).⁴² This Supplemental Final Regulatory Flexibility Analysis (SFRFA) supplements the FRFAs in the *MF-II Orders* to reflect the actions taken in this Public Notice and conforms to the RFA.⁴³

1. Need for, and Objectives of, This Public Notice

13. This Public Notice provides further requirements on the handsets that mobile wireless providers in the MF-II challenge process can designate for challengers to use when conducting speed tests in areas deemed presumptively ineligible for MF-II support. In addition, this Public Notice adopts procedures for challengers to request access to the USAC challenge process portal.

14. Following the release of the *MF-II Orders*, the Commission released the *MF-II Challenge Process Comment Public Notice*.⁴⁴ The *MF-II Challenge Process Comment Public Notice* proposed and sought comment on specific parameters and procedures to implement the MF-II challenge process, including requirements for the provider-approved handsets that prospective challengers will use to conduct speed tests, and the process by which challengers and respondents can request access to the USAC portal.⁴⁵ The *MF-II Challenge Process Comment Public Notice* did not change matters adopted in

³⁷ See 82 Fed. Reg. 46809 (Oct. 6, 2017).

³⁸ See 44 U.S.C. § 3506(c)(4).

³⁹ 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public L. No. 104-121, Title II, 110 Stat. 857 (1996).

⁴⁰ *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 18364-95, Appx. P, Initial Regulatory Flexibility Analysis (2011) (*USF/ICC Transformation FNPRM*); *Connect America Fund et al.*, Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order on Reconsideration, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 7051, 7216-44, Appx. D, Initial Regulatory Flexibility Analysis (2014) (*2014 CAF Order* or *2014 CAF FNPRM*); *Connect America Fund*; *Universal Service Reform – Mobility Fund II*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 2152, 2269-73, Appx. C, Initial Regulatory Flexibility Analysis (2017) (*MF-II Order* or *MF-II FNPRM*).

⁴¹ *MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7596-610, paras. 1-42.

⁴² *2014 CAF Order*, 29 FCC Rcd at 7190-215, Appx. C, Final Regulatory Flexibility Analysis; *MF-II Order*, 32 FCC Rcd at 2258-68, Appx. B, Final Regulatory Flexibility Analysis; *MF-II Challenge Process Order*, 32 FCC Rcd at 6317-25, Appx. A, Final Regulatory Flexibility Analysis.

⁴³ See 5 U.S.C. § 604.

⁴⁴ *MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7596-610, paras. 1-42.

⁴⁵ *Id.* at 7596-97, para. 1.

the *MF-II Orders* and requested comment on how the proposals in the *MF-II Challenge Process Comment Public Notice* might affect the previous regulatory flexibility analyses in this proceeding.

15. This Public Notice establishes procedures for providers to identify at least three readily available handset models appropriate for testing those providers' coverage, and establishes that we will consolidate submitted provider handset data for affiliated entities to the extent that the lists of handsets differ. In addition, providers are required to specify at least one handset running on the Android operating system, and at least one handset that is either compatible with the latest versions of drive test software, or is capable of being unlocked and configured to run the latest versions of drive test software.

16. The procedures also require all eligible service providers wishing to participate in the challenge process to provide to the Commission the legal name of the entity, its FRN, and the name(s) and email address(es) of the user(s) (up to a maximum of three users) that should be granted access to the portal. Any government entity (i.e., a local, state, or Tribal government entity) that wishes to participate in the challenge process also must provide the legal name of the entity, its legal jurisdiction, and the name(s) and email address(es) of the user(s) (up to a maximum of three users) that should be granted access to the portal. A web-based form will be used to collect this information. A party that files a waiver petition with the Commission seeking to participate in the MF-II challenge process as a challenger (because it is not a service provider or a government entity), must submit the first and last name of the user(s) that should have access to the portal on its behalf, and the email address(es) of the user(s), up to a maximum of three users, as part of its petition for waiver.

17. Finally, the requirements established in this Public Notice are designed to anticipate the challenges faced by small entities (e.g., governmental entities or small service providers) in complying with our implementation of the Commission's rules and our proposals. For example, the requirement that providers specify a minimum of three devices, at least one of which must be running on the Android operating system, is intended to provide small entities with sufficient flexibility to choose a device that fits their needs and budgets.

18. Accordingly, the handset requirements and portal access procedures established in this Public Notice are consistent with the *MF-II Orders* and the prior regulatory flexibility analyses set forth in this proceeding, and no changes to our earlier analyses are required.

2. Summary of Significant Issues Raised by Public Comments in Response to the SIRFA

19. There were no comments filed that specifically addressed the proposed procedures presented in the SIRFA.

3. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

20. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rule(s) as a result of those comments.⁴⁶

21. The Chief Counsel did not file any comments in response to the proposed procedures in this proceeding.

4. Description and Estimate of the Number of Small Business Entities to Which the Procedures Will Apply

22. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted herein.⁴⁷ The RFA

⁴⁶ 5 U.S.C. § 604(a)(3).

⁴⁷ *Id.* § 603(a)(4).

generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁴⁸ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁴⁹ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁵⁰

23. As noted above, FRFAs were incorporated into the *MF-II Orders*. In those analyses, we described in detail the small entities that might be significantly affected. In this Public Notice, we hereby incorporate by reference the descriptions and estimates of the number of small entities from the previous FRFAs in the *MF-II Orders*.⁵¹

5. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

24. The data, information and document collection required by the *MF-II Orders* as described in the previous FRFAs and the SIRFA in the *MF-II Challenge Process Comment Public Notice* in this proceeding are hereby incorporated by reference.⁵²

6. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

25. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for small entities.”⁵³

26. The analysis of the Commission’s efforts to minimize the possible significant economic impact on small entities as described in the previous *MF-II Order* FRFAs are hereby incorporated by reference.⁵⁴ As discussed above, the requirements and procedures established in this Public Notice are intended to provide small entities with sufficient flexibility to choose a device that fits their needs and budgets thereby minimizing significant economic impact on small entities.

7. Report to Congress

27. The Commission will send a copy of this Public Notice, including this SFRFA, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a

⁴⁸ *Id.* § 601(6).

⁴⁹ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁵⁰ 15 U.S.C. § 632.

⁵¹ *2014 CAF Order*, 29 FCC Rcd at 7191-213, paras. 9-64; *MF-II Order*, 32 FCC Rcd at 2259-61, paras. 7-10; *MF-II Challenge Process Order*, 32 FCC Rcd at 6318-20, paras. 8-12.

⁵² *2014 CAF Order*, 29 FCC Rcd at 7213, paras. 65-66; *MF-II Order*, 32 FCC Rcd at 2261-65, paras. 11-28; *MF-II Challenge Process Order*, 32 FCC Rcd at 6320-23, paras. 13-22; *MF-II Challenge Process Comment Public Notice*, 32 FCC Rcd at 7607-09, paras. 32-34.

⁵³ 5 U.S.C. § 603(c)(1)-(4).

⁵⁴ *2014 CAF Order*, 29 FCC Rcd at 7213-15, paras. 67-72; *MF-II Order*, 32 FCC Rcd at 2265-68, paras. 29-39; *MF-II Challenge Process Order*, 32 FCC Rcd at 6323-25, paras. 23-34.

copy of this Public Notice, including this SFRFA, to the Chief Counsel for Advocacy of the SBA. A copy of this Public Notice, and SFRFA (or summaries thereof) will also be published in the *Federal Register*.⁵⁵

IV. CONTACT INFORMATION

28. For information on the one-time 4G LTE coverage data collection, see *4G LTE Collection Instructions Public Notice*,⁵⁶ or consult the Commission's MF-II 4G LTE Data Collection webpage at www.fcc.gov/MF2-LTE-Collection. Please note that responses to the MF-II 4G LTE data collection are due by January 4, 2018.⁵⁷ Parties with questions about the collection should email ltdedata@fcc.gov or contact Ken Lynch at (202) 418-7356 or Ben Freeman at (202) 418-0628.

29. For further information concerning the *MF-II Challenge Process Comment Public Notice*, contact Jonathan McCormack, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, at (202) 418-0660.

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⁵⁵ See 5 U.S.C. § 604(b).

⁵⁶ *4G LTE Collection Instructions Public Notice*, 32 FCC Rcd at 7023.

⁵⁷ *Responses to the Mobility Fund Phase II 4G LTE Data Collection Are Due by January 4, 2018*, 32 FCC Rcd at 7431.