



# PUBLIC NOTICE

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## THE WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES FCC FORM 609-T AND FCC FORM 611-T ARE AVAILABLE FOR FILING DESIGNATED ENTITY REPORTABLE ELIGIBILITY EVENTS AND ANNUAL REPORTS

In this public notice, the Wireless Telecommunications Bureau (Bureau) announces that FCC Form 609-T, Wireless Telecommunications Bureau Application To Report Eligibility Event (Form 609-T), and FCC Form 611-T, Wireless Telecommunications Bureau Annual Report Related To Eligibility for Designated Entity Benefits (Form 611-T), are available for filing as of today and provides guidance on the filing process via the Commission's Universal Licensing System (ULS).

### Background

On April 25, 2006, the Commission released a *Second Report and Order* that, among other things, adopted rules that require designated entities to use new FCC Form 609, Wireless Telecommunications Bureau Application To Report Eligibility Event, to seek advance Commission approval of "reportable eligibility events," as defined in section 1.2114 of the Commission's rules.<sup>1</sup> In addition, the adopted rules require designated entities to report certain information annually on the anniversary of the date of grant of licenses awarded with designated entity benefits as defined in section 1.2110(n) of the Commission's rules.<sup>2</sup>

To implement the application and annual reporting requirements of sections 1.2114 and 1.2110(n), the Commission must receive approval from the Office of Management and Budget (OMB), under the Paperwork Reduction Act (PRA) of 1995,<sup>3</sup> for the new FCC Form 609 and the collection of information

<sup>1</sup> Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, WT Docket No. 05-211, *Second Report and Order and Second Further Notice of Proposed Rule Making*, 21 FCC Rcd 4753 (2006) ("*Second Report and Order*"), *Erratum and Notice of Office of Management and Budget Approval of Information Collections*, DA 06-1280 (rel. June 16, 2006), *Order on Reconsideration of the Second Report and Order*, 21 FCC Rcd 6703 (2006) ("*Order on Reconsideration*"). A summary of the *Second Report and Order* was published in the Federal Register on May 4, 2006. See 72 Fed. Reg. 26245 (May 4, 2006). A summary of the *Erratum and Notice of Office of Management and Budget Approval of Information Collections* was published in the Federal Register on July 13, 2006. See 72 Fed. Reg. 39592. A summary of the *Order on Reconsideration* was published in the Federal Register on June 14, 2006. See 72 Fed. Reg. 34272 (June 14, 2006). See 47 C.F.R. § 1.2114.

<sup>2</sup> See *Second Report and Order* at ¶ 47; 47 C.F.R. § 1.2110(n).

<sup>3</sup> See Public Law 104-13.

in the annual reports. In addition, the Commission must obtain OMB PRA approval to implement the section 1.919(b)(5) requirement to file or update FCC Form 602 when an applicant or licensee submits FCC Form 609 reporting an eligibility event. The Commission also must implement extensive changes to ULS. The Commission delegated authority to the Bureau to prescribe procedures for the implementation of the FCC Form 609 application and to determine the content of, and filing procedures for, the annual reports, as well as to modify ULS and create new forms if necessary.<sup>4</sup>

On June 16, 2006, the Bureau released a *Memorandum Opinion and Order* that clarified how the application and reporting requirements for reportable eligibility events and annual reports would be implemented.<sup>5</sup> Specifically, the Bureau stated that in order to permit designated entity licensees to seek advance Commission approval for reportable eligibility events and to file annual reports, on an interim basis, the Commission would submit a temporary FCC Form 609-T (Wireless Telecommunications Bureau Application To Report Eligibility Event) and a temporary FCC Form 611-T (Wireless Telecommunications Bureau Annual Report Related To Eligibility for Designated Entity Benefits) to OMB for approval.<sup>6</sup> The Bureau also stated that the Commission would seek OMB approval to modify the FCC Form 602 instructions to implement the section 1.919(b)(5) requirement to file or update FCC Form 602 when an applicant or licensee submits FCC Form 609 (or, in the interim, FCC Form 609-T) to report an eligibility event as defined in section 1.2114.<sup>7</sup>

The Bureau stated that the interim filing process will permit parties to satisfy their obligations under the Commission's newly adopted rules, while enabling the Bureau to design the FCC Form 609, finalize the annual reporting requirements, and implement necessary changes to ULS.<sup>8</sup> The Bureau found that instituting an interim process serves the public interest by facilitating compliance with the application and reporting requirements adopted by the Commission in the *Second Report and Order* at the earliest possible date.<sup>9</sup> Finally, the Bureau stated that it would advise the public when the interim filing procedures become available.<sup>10</sup>

On July 26, 2006, the Commission received approval from OMB under the PRA for the new FCC Form 609-T and FCC Form 611-T. The OMB control number for both these forms is 3060-1092. In addition, on July 18, 2006, the Commission received approval from OMB under the PRA for the requirement that entities filing a FCC Form 609-T also file or have on a file an updated FCC Form 602. Finally, ULS has now been modified to accommodate the interim filing process described in this public notice.

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<sup>4</sup> See *Second Report and Order* at ¶¶ 46, 48 & 105.

<sup>5</sup> Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, WT Docket No. 05-211, *Memorandum Opinion and Order*, DA 06-1281 (rel. June 16, 2006) ("*MO&O*").

<sup>6</sup> See *MO&O* at ¶ 5.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at ¶ 4.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at n.6.

## How to submit a new Form 609-T and Form 611-T<sup>11</sup>

New filings are submitted through the ULS License Manager. The following are the steps for completing and submitting a new filing.

- 1) Access the ULS homepage at <http://wireless.fcc.gov/uls> and click on **Log In**.
- 2) Enter the FCC Registration Number (FRN) and password of the licensee and click **Submit**.
- 3a) From the “My Licenses” screen, click on **File Designated Entity Reportable Event** (this is the Form 609-T) or **File Designated Entity Annual Report** (this is the Form 611-T) and go to step 4.
- 3b) From the “My Applications – Saved Applications” screen, click on the **My Licenses** link and go to step 3a.
- 4) Complete the information on the General Information screen and click **Continue**.
- 5) Select one or more licenses from the Select Licenses screen to be included in the filing and click **Continue**.
- 6) Complete the information on the Designated Entity Information screen.
- 7) Click on the **Attachments** button, upload one or more exhibits as required by the FCC rules and click **Return to Application** and then click **Continue**.
- 8) Complete the signature information on the Certification screen and click **Submit Application**.

Once the filing is submitted, a Confirmation screen will be displayed that includes the ULS file number and information regarding application fees, if any are required.

## How to submit amendments

At this time, amendments cannot be filed electronically via ULS. Amendments are required to be submitted via e-mail to [DEreports@fcc.gov](mailto:DEreports@fcc.gov). The following are the steps for submitting an amendment.

- 1) In the subject line of the e-mail, type “Amendment” and the 10-digit ULS file number associated with the original filing.
- 2) Attach the portions of the Form 609-T or 611-T that have been amended, including exhibits.
- 3) Attach the certification page of the Form 609-T or 611-T that includes the “signed” signature of an authorized party of the licensee. **Note:** For this purpose, “signed” can be a typed or printed signature.<sup>12</sup>

Bureau staff will attach amendments to the original filing that is available via ULS. **Note:** The Bureau will not review or respond to any e-mails submitted to [DEreports@fcc.gov](mailto:DEreports@fcc.gov) that are not amendments to a Form 609-T or Form 611-T.

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<sup>11</sup> Both forms are available at <http://www.fcc.gov/formpage.html> or through the FCC’s Fax Information System at (202) 418-0177.

<sup>12</sup> See 47 C.F.R. § 1.917(d).

## **How to view filings in ULS**

New Form 609-T and Form 611-T filings will be available in ULS Application Search on the same day that they are submitted. Two application purposes have been added to the Advanced Application Search and the Market Based Application Search: 1) AR – DE Annual Report (this is Form 611-T); and 2) RE – DE Reportable Event (this is Form 609-T).

During the interim process, the contents of the filings will be displayed on a single screen, unlike other ULS filings that are displayed on various tabs such as a “Main” tab and “Admin” tab. In addition, the filings will not include items such as the “History” and “Comments” that are found on the “Admin” tab of other ULS filings.

Form 609-T and Form 611-T filings will also be available in the ULS License Search under the “Applications” section of the “Admin” tab for each call sign included on a filing.

## **Processing Form 609-T and 611-T filings**

As outlined in section 1.2114(d) of the Commission’s rules, streamlined approval procedures (21-day processing) similar to that of certain assignments and transfers of licenses and spectrum leases apply to eligibility event applications submitted on Form 609-T.<sup>13</sup> The weekly accepted for filing and action public notices relating to assignments and transfers of licenses and spectrum leases have been revised to include eligibility event applications (which will appear on both the accepted for filing and action public notices) and annual reports (which will appear on the action public notice).

Form 609-T applications that are approved will be reflected in ULS and on a weekly action public notice with a status of “G – Granted.” Annual reports submitted on Form 611-T will be reviewed by the Bureau and reflected in ULS and on a weekly action public notice with a status of “Q – Accepted.”

## **Additional Information**

For additional information or assistance, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC Support Center at (877) 480-3201 (TTY 202-414-1255) and select Option #2, Forms or Licensing Assistance. Hours are from 8 a.m. to 7:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls are recorded.

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<sup>13</sup> 47 C.F.R. § 1.2114(d).