

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Amendment of Parts 1, 22, 24, 27, 74, 80, 90,	)	WT Docket No. 10-112
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	)	

Re: Proposed Revisions to FCC Form 601  
OMB Control No. 3060-0798

Attn: Cathy Williams

**COMMENTS**

Sensus USA Inc. and its wholly-owned subsidiary, Sensus Spectrum LLC<sup>1</sup> (collectively “Sensus”) submit the following comments in response to the Commission’s proposed changes to the FCC Form 601.<sup>2</sup> These changes are intended to implement requirements of the FCC’s new license renewal standard.<sup>3</sup> As Sensus indicated in its October 2, 2017 Petition for Reconsideration (which is still pending before the Commission), the new license renewal rules impose significant new information collection requirements on licensees with no concomitant public interest benefit. These new requirements, moreover, will be extraordinarily burdensome for licensees, like Sensus, that have extensive FCC license holdings. While Sensus appreciates that the Commission has

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<sup>1</sup> Sensus USA Inc. and Sensus Spectrum LLC are wholly-owned subsidiaries of Xylem Inc., a leading global water technology company.

<sup>2</sup> Information Collections Being Reviewed by the Federal Communications Commission, 85 Fed. Reg. 6948 (Feb. 6, 2020) (“FR Notice”).

<sup>3</sup> 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*, Second Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 8874 (2017)(“*WRS Second R&O*”).

a legitimate interest in considering a licensee's past performance when reviewing a license renewal application, a less burdensome alternative is available that will satisfy this objective. In no event, however, should the Commission move forward with its proposed new information collection requirements until it fulfills its obligations under the Paperwork Reduction Act to provide a meaningful assessment of the burdens it seeks to impose.

**I. THE PROPOSED NEW FORM 601 INFORMATION COLLECTION IS SIGNIFICANT AND THE COMMISSION'S BURDEN ESTIMATE IS INACCURATE**

The Commission's Federal Register Notice seeking comment on the proposed changes to the Form 601 concludes that the proposed new revised information collection and disclosure requirements "*will not have any impact on the burden to complete the Form 601.*"<sup>4</sup> This assessment is simply not correct. The proposed revisions to the Form 601 will require license renewal applicants to either make new certifications supported by expansive new recordkeeping requirements, or to submit highly detailed, license-specific showings. In either event, completing the revised Form 601 will involve new burdens that the Commission has not quantified.

As background, the new rules require Form 601 license renewal applicants to either: 1) make new certifications necessary to claim a license renewal safe harbor, or 2) prepare and submit a highly-detailed license renewal showing. Both of these alternatives impose new burdens. A market-based licensee seeking to claim a license renewal safe harbor, for example, must certify that during its previous license term it: 1) did not permanently discontinue operations; 2) substantially complied with all Commission rules and regulations; and 3) did not reduce the level of coverage needed to satisfy its previous performance requirement for more

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<sup>4</sup> FR Notice at 6950 (emphasis supplied).

than 180 days during its previous license term. Each of these certification requirements involves new recordkeeping requirements that add to the burden of preparing the Form 601. The third certification, in particular, adds significant new burdens. Specifically, for a licensee to determine that it maintained a minimum amount of coverage during its previous license term, it will need to monitor and measure the extent of its license area coverage throughout its license term, particularly whenever network changes occur (*e.g.*, installation or removal of equipment; changes in transmission technology; site modifications, *etc.*). Preparing a coverage analysis, which involves plotting and tabulating coverage on a site-by-site basis, is a significant undertaking. Making this determination even once for a single license can take dozens of hours; making this determination periodically, over the course of a ten-year license term, can amount to hundreds of hours of additional work. For licensees with expansive license portfolios, this new requirement is a substantial new burden that the Commission's burden estimate does not take into account.

Licensees unable to make a safe harbor certification must instead submit a renewal showing which imposes even more laborious requirements. Specifically, the licensee must prepare a license-specific showing detailing how the license has been used during the prior license term, including: the level and quality of the service provided; the date service commenced, whether service was ever interrupted and, if so, the duration of the interruption or outage; the extent to which service is provided to rural areas; the extent to which service is provided to qualifying tribal land; and any other factors associated with the level of service being provided. Moreover, since these license renewal showings will be evaluated on a case-by-case basis with no standard for review, there is no discernable limit and thus no minimum (or maximum) amount of time that will be needed to prepare an acceptable license renewal showing.

Again, however, the Commission is of the view that its new license renewal requirements will not have any impact on the burden needed to complete the Form 601. This assessment is lacking and is not correct.

The paperwork burdens imposed by the new certification and showing requirements alone constitute perhaps the most significant new burdens ever imposed on wireless license renewal applicants, and thus warrant a more thoughtful burden assessment than the one provided in the proposed information collection. For a licensee like Sensus, who holds well over 650 market-based licenses, these new requirements directly translate into many thousands of hours of new regulatory burdens, all of which introduces increased costs and regulatory uncertainty into the license renewal process. Until such time as the Commission analyzes and justifies the scope of the new burdens it seeks to impose on licensees, it should withhold taking any action to revise the Form 601 as proposed.

## **II. A LESS BURDENSOME CERTIFICATION REQUIREMENT WOULD SATISFY THE COMMISSION'S OBJECTIVES**

The proposed revisions to the FCC Form 601 represent the culmination of a decade long undertaking initiated under the Genachowski administration to adopt a uniform license renewal standard. As indicated above, these proposed revisions created significant new burdens for licensees. These burdens are also excessive and unnecessary since the Commission can achieve its objective by incorporating a much simpler certification into the Form 601. Specifically, the Commission should more simply require renewal applicants to certify that they have: 1) satisfied all applicable initial and final performance requirements, (2) provided coverage and service in their license area during the license term, and 3) not permanently discontinued service at any time during the license term.

This simpler certification requirement, moreover, is consistent with the Commission's new license renewal standard, which simply provides that:

To qualify for renewal, each WRS licensee must demonstrate that over the course of its license term, the licensee either: (1) provided and continues to provide service to the public, taking into account the periods of time the applicable service-specific rules give licensees to construct facilities and meet performance benchmarks, or (2) operated and continues to operate over the course of the license term to address the licensee's private, internal communications needs, again taking into account the periods of time the applicable service-specific rules give licensees to construct facilities and meet performance benchmarks.<sup>5</sup>

The proposed, simpler certification requirement does not needlessly impose burdensome new recordkeeping requirements on licensees, and also provides the Commission with assurances that a license is being used to provide service. Put differently, the proposed new information collection is excessive, and is not necessary to implement the Commission's new license renewal standard which can be achieved with a simpler, less burdensome alternative.

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<sup>5</sup> *WRS Second R&O*, 32 FCC Rcd 8874, at 8877.

### III. CONCLUSION

For the above reasons, the Commission should revise the Form 601 to impose a simpler license renewal certification requirement. To aid in this undertaking, Sensus encourages the Commission to take action on the petitions for reconsideration pending in this proceeding. In no event, however, should the Commission take further action to implement the proposed information collection until it provides a more accurate burden estimate and otherwise fulfills its obligations under the Paperwork Reduction Act. Accordingly, the proposed information collection is not justified.

Respectfully submitted,

By: /s/ David Alban

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