

# ANNEX O

## RELOCATION OR SHARING BY FEDERAL GOVERNMENT STATIONS IN SUPPORT OF REALLOCATION

### O.1 INTRODUCTION

1. Sections 113(g)-(j) and 118 of the National Telecommunications and Information Administration Organization Act (NTIA Organization Act), as amended (47 U.S.C. §§ 923(g)-(j), 928), provide incentives and financial assistance through a Spectrum Relocation Fund (SRF) to facilitate efforts associated with the relocation of or sharing by eligible federal entities from or in frequency bands that the Federal Communications Commission (FCC) reallocates and auctions.<sup>1</sup> The Office of Management and Budget (OMB) administers the SRF and approves funding levels, timelines, and transfers associated with spectrum relocation and sharing activities.

2. The statute includes provisions addressing the content and format of federal entity transition plans as well as the review of such plans by a newly established Technical Panel. Other provisions establish a dispute resolution process, including dispute resolution boards, and ensure the protection of classified and other sensitive information.

#### O.1.1 Purpose

1. The purpose of this Annex is to provide guidance to, and establish regulations and requirements for, federal entities that operate authorized Federal Government stations in eligible frequencies that incur relocation or sharing costs because of planning for an auction or transitioning such frequencies from federal use to exclusive non-federal use or to shared use. Section 113(g)(6) of the NTIA Organization Act, as amended (47 U.S.C. § 923(g)(6)), requires NTIA to “take such actions as necessary to ensure the timely relocation of federal entities’ spectrum-related operations from [eligible] frequencies . . . to frequencies or facilities of comparable capability and to ensure the timely implementation of arrangements for the sharing of [eligible] frequencies.” This Annex contains information, policies, and procedures applicable to only federal entities and implements the above-referenced statutory provisions with regard to such entities.

2. Other provisions of this Manual, NTIA Reports, OMB guidance, and FCC regulations are relevant and should be consulted by the federal entities.<sup>2</sup> In addition, rules and regulations that implement particular provisions or concern NTIA actions primarily affecting non-federal spectrum users, including regulations governing the workings of the Technical Panel and dispute resolution boards are contained in Section 301 of Title 47 of the Code of Federal Regulations (CFR).<sup>3</sup>

#### O.1.2 Organization of Annex; Updates and Supplements

1. This Annex contains seven sections and one appendix addressing the following topics and subtopics:
  - a. O.1: Introduction

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<sup>1</sup> 47 U.S.C. §§ 923, 928. Congress originally established the SRF through its 2004 enactment of the Commercial Spectrum Enhancement Act (CSEA). Pub. L. No. 108-494, Title II, 118 Stat. 3991 (Dec. 23, 2004). In February 2012, Congress amended these provisions of the NTIA Organization Act in the Middle Class Tax Relief and Job Creation Act of 2012 (Tax Relief Act) to, among other things, expand the types of costs for which federal agencies can be reimbursed from the SRF. Pub. L. No. 112-96, Title VI, Subtitle G, 126 Stat. 245 (Feb. 22, 2012). Statutory references hereinafter will refer to sections of the NTIA Organization Act, as amended, also referred to generally as “the statute,” unless otherwise indicated.

<sup>2</sup> See, e.g., Section 2.3.13, Special Conditions for Department of Defense Use of the Spectrum; NTIA, “An Assessment of the Viability of Accommodating Wireless Broadband in the 1755-1850 MHz Band” (Mar. 2012); OMB, “Guidance for Agencies on Transfers from the Spectrum Relocation Fund for Certain Pre-Auction Costs,” M-13-01 (Nov. 20, 2012), *available at* <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2013/m-13-01.pdf>; 47 CFR § 1.2104(c).

<sup>3</sup> See Relocation of and Spectrum Sharing by Federal Government Stations – Technical Panel and Dispute Resolution Boards, *Final Rule*, 78 Fed. Reg. 5310 (Jan. 25, 2013) (to be codified at 47 C.F.R. Part. 301), *available at* <http://www.ntia.doc.gov/federal-register-notice/2013/spectrum-relocation-final-rule-technical-panel-and-dispute-resolution-b>.

- b. O.2: Definitions
- c. O.3: Transition Plan Preparation and Procedures
- d. O.4: Transition Plan Contents and Common Format
- e. O.5: Transition Plan Implementation
- f. O.6: Transfers from Spectrum Relocation Fund
- g. O.7: Classified and Other Sensitive Information
- h. Appendix: Common Format for Transition Plans

2. NTIA may update or supplement this Annex, including the common format and associated templates for transition plans, to reflect band- or service-specific information and guidance for purposes of implementing the NTIA Organization Act, as amended, in connection with subsequent reallocation decisions affecting particular eligible frequencies.

## O.2 DEFINITIONS

This part provides applicable definitions and related terminology used in this Annex and for purposes of the provisions herein. Additional definitions may be found in Chapter 6 of this Manual. A definition followed by a statutory or regulatory reference generally indicates that the definition is set forth in or derived from such reference.

**a. Accelerated Implementation Payments:** Payments from the Spectrum Relocation Fund to eligible federal entities for relocation or sharing costs associated with the implementation of a transition plan and in order to encourage such entities to complete the implementation more quickly, thereby encouraging timely access to the eligible frequencies that are being reallocated for exclusive non-federal use or shared use. (47 U.S.C. § 928(f)(2))

**b. Accelerated Replacement Costs:** The costs associated with the accelerated replacement of systems or equipment if the acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or geographic location or the timely accommodation of sharing of spectrum with federal users. (47 U.S.C. § 923(g)(3)(A)(v))

**c. Auction:** The competitive bidding process through which licenses are assigned to non-federal users by the FCC under Section 309(j) of the Communications Act of 1934, as amended. (47 U.S.C. § 309(j))

**d. Auction Start Date:** The date specified by the FCC on which an auction of eligible frequencies will commence pursuant to the FCC's notification to NTIA under Section 113 of the NTIA Organization Act, as amended (47 U.S.C. § 923(g)(4)(A)).

**e. Classified Assignment:** Authorization to use a radio frequency and information related to that authorization that a U.S. Government agency has determined pursuant to Executive Order 13526, or any predecessor or successor executive order, requires protection against unauthorized disclosure and that is marked as "confidential," "secret" or "top secret" to indicate its classified status when in documentary form.

**f. Classified Information:** Information which is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination or distribution. (18 U.S.C. § 798(b); 47 U.S.C. § 923(h)(7))

**g. Deployment-Related Costs:** Relocation or sharing costs associated with engineering, site acquisition, field-testing, construction, and deploying equipment and facilities. They include: (1) costs of other equipment and software not otherwise specified in the definition of equipment-related costs; (2) legitimate and prudent transaction expenses; (3) costs associated with hiring term-limited federal civil servant and contractor staff necessary to carry out relocation or sharing activities; (4) increased recurring costs associated with the replacement of facilities or the utilization of an alternative technology; (5) costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with managing a relocation or sharing arrangement (including spectrum coordination with auction winners) not otherwise included in the definition of pre-auction planning costs; and (6) reasonable additional costs attributable to relocation or sharing not otherwise included in other relocation or sharing cost categories defined herein. (47 U.S.C. §§ 923(g)(3)(A)(ii) and (iii)(III), 923(g)(3)(B)(i), 923(h)(2)(G)(ii)-(iv))

**h. Dispute Resolution Board:** A board established, pursuant to Section 113(i) of the NTIA Organization Act, as amended (47 U.S.C. § 923(i)) and governed by Subpart C of Section 301 of Title 47, CFR, to resolve disputes that may arise between federal entities and non-federal users regarding the execution, timing, or cost of transition plans submitted by federal entities.

**i. Eligible Federal Entity:** A federal entity that operates a U.S. Government station authorized to use a band of eligible frequencies and that incurs relocation or sharing costs because of planning for an auction of

spectrum frequencies or the reallocation of spectrum frequencies from federal use to exclusive non-federal use or to shared use. (47 U.S.C. § 923(g)(1))

**j. Eligible Frequencies:** Any band of frequencies reallocated from federal use to non-federal use or to shared use after January 1, 2003, that is assigned by auction. (47 U.S.C. § 923(g)(2)(B))

**k. Equipment-Related Costs:** Relocation or sharing costs associated with any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training or compliance with regulations that are attributable to relocation or sharing. Such term includes: (1) the costs of procuring new equipment, including accelerated implementation costs, as defined herein; (2) costs related to any expansion of capabilities or incidental increases in functionality; and (3) the one-time costs of any modification of equipment reasonably necessary to accommodate non-federal use of shared frequencies or to accommodate, during the transition period, non-federal use of frequencies reallocated to exclusive non-federal use. (47 U.S.C. §§ 923(g)(3)(A)(i) and (iv), 923(g)(3)(B)(ii), 923(h)(2)(G)(ii) and (4)(A))

**l. FCC:** The Federal Communications Commission

**m. Federal Entity:** Any department, agency, or other instrumentality of the U.S. Government that utilizes a government station assignment obtained under Section 305 of the Communications Act of 1934, as amended. (47 U.S.C. §§ 305, 923(l))

**n. Non-Federal User:** Any FCC licensee authorized to use eligible frequencies or a winning bidder in a FCC auction for eligible frequencies that has fulfilled the FCC's requirements for filing a long-form license application and remitting its final payment. (47 CFR § 301.20)

**o. NTIA:** The National Telecommunications and Information Administration, Department of Commerce. Such term includes the Assistant Secretary of Commerce for Communications and Information.

**p. OMB:** The Office of the Management and Budget, Executive Office of the President.

**q. Pre-Auction Planning Costs:** Relocation or sharing costs associated with research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with: (1) calculating estimated relocation or sharing costs; (2) determining the technical or operational feasibility of relocation to one or more potential relocation bands; or (3) planning for a relocation or sharing arrangement. (47 U.S.C. § 923(g)(3)(A)(iii))

**r. Relocation or Sharing Costs:** The costs incurred by a federal entity in connection with the auction of spectrum frequencies previously assigned to such entity or the sharing of spectrum frequencies assigned to such entity (including the auction or a planned auction of the rights to use spectrum frequencies on a shared basis with such entity) in order to achieve comparable capability of systems as before the relocation or sharing arrangement. Such term includes, with respect to relocation or sharing, as the case may be: (1) equipment-related costs, as defined herein; (2) deployment-related costs, as defined herein; (3) pre-auction costs, as defined herein; and (4) accelerated replacement costs, as defined herein. (47 U.S.C. § 923(g)(3)(A))

**s. Sensitive Information:** For purposes of implementing Section 119 of the NTIA Organization Act, as amended (47 U.S.C. § 929), non-classified information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety, or would jeopardize a law enforcement investigation.

**t. Technical Panel:** The panel established by Section 113(h)(3)(A) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(3)(A)) and governed by Subpart B of Section 301 of Title 47, CFR, to review the sufficiency of transition plans.

**u. Transition Plan:** The plan submitted by a federal entity to implement the relocation or sharing arrangement pursuant to Section 113(h)(1) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(1)), and this Annex.

### **O.3 TRANSITION PLAN PREPARATION AND PROCEDURES**

Section O.3 of this Annex outlines the processes related to preparing, submitting, reviewing, and publishing a federal entity's transition plan. The next Section, O.4, specifies the contents of each transition plan and describes the tools and templates a federal entity must use to prepare each plan following a common format. Section O.7 below sets forth regulations to ensure that publicly released transition plans do not contain classified information or other sensitive information.

### O.3.1 General

1. Pursuant to Section 113(g)(4)(A) of the NTIA Organization Act, as amended (47 U.S.C. § 923(g)(4)(A)), the FCC must notify NTIA at least 18 months prior to auction start date, as defined in Section O.2 of this Annex.<sup>4</sup> NTIA, “on behalf of the Federal entities and after review by the Office of Management and Budget,” must notify the FCC of the estimated costs and timelines for such frequencies at least six months prior to the auction start date. The FCC uses the estimated cost data to establish a reserve price for the auction of eligible frequencies.<sup>5</sup> Pursuant to Section 113(g)(5) of the NTIA Organization Act, as amended (47 U.S.C. § 923(g)(5)), NTIA must, on the same date it provides the initial estimated costs and timelines to the FCC (*i.e.*, at least six months prior to the auction start date), submit “for approval” a copy of the estimates and timelines to the following: (1) the Committee on Appropriations of the House of Representatives; (2) the Committee on Appropriations of the Senate; (3) the Committee on Energy and Commerce of the House of Representatives; and (4) the Committee on Commerce, Science, and Transportation of the Senate. In addition, NTIA must provide a copy to the Comptroller General, U.S. Government Accountability Office (GAO). “Unless disapproved within 30 days, the estimate shall be approved. If disapproved, the NTIA may resubmit a revised initial estimate.”<sup>6</sup>

2. In order to receive transfers from the SRF, each eligible federal entity must submit to NTIA and the Technical Panel “a transition plan for the implementation by such entity of the relocation or sharing arrangement.”<sup>7</sup> Any transfer from the SRF to an eligible federal entity is also conditioned by the statute on the approval of the transition plan by the Technical Panel and the publication of the plan, with the exception of classified or other sensitive information, on NTIA’s website.

3. In addition to the 18-month and six-month pre-auction deadlines mentioned above, the statute imposes additional deadlines upon federal entities anticipating transfers from the SRF, on NTIA, and on the new Technical Panel. These include the following:

a. a federal entity must submit a transition plan “for the implementation by such entity of the relocation or sharing arrangement” to NTIA and the Technical Panel not later than (NLT) 240 days (*i.e.*, approximately eight months) prior to the auction start date;

b. the Technical Panel must submit to NTIA and to the federal entity a report on the sufficiency of the transition plan NLT 30 days after the submission of the plan (*i.e.*, approximately seven months, or 210 days, prior to the auction start date); and

c. NTIA must make the transition plans, with the exception of classified or other sensitive information, publicly available on its website NLT 120 days (*i.e.*, approximately four months) before the auction start date.

4. If the Technical Panel finds that a federal entity’s plan is “insufficient,” the Technical Panel informs the affected federal entity and such entity must submit a revised plan to the Technical Panel within 90 days (*i.e.*, approximately three months). The Technical Panel would then have another 30 days during which to determine whether the revised plan is sufficient. Figure 1 provides an overview of the transition plan process leading up to the implementation phase that follows the issuance of new licenses by the FCC.

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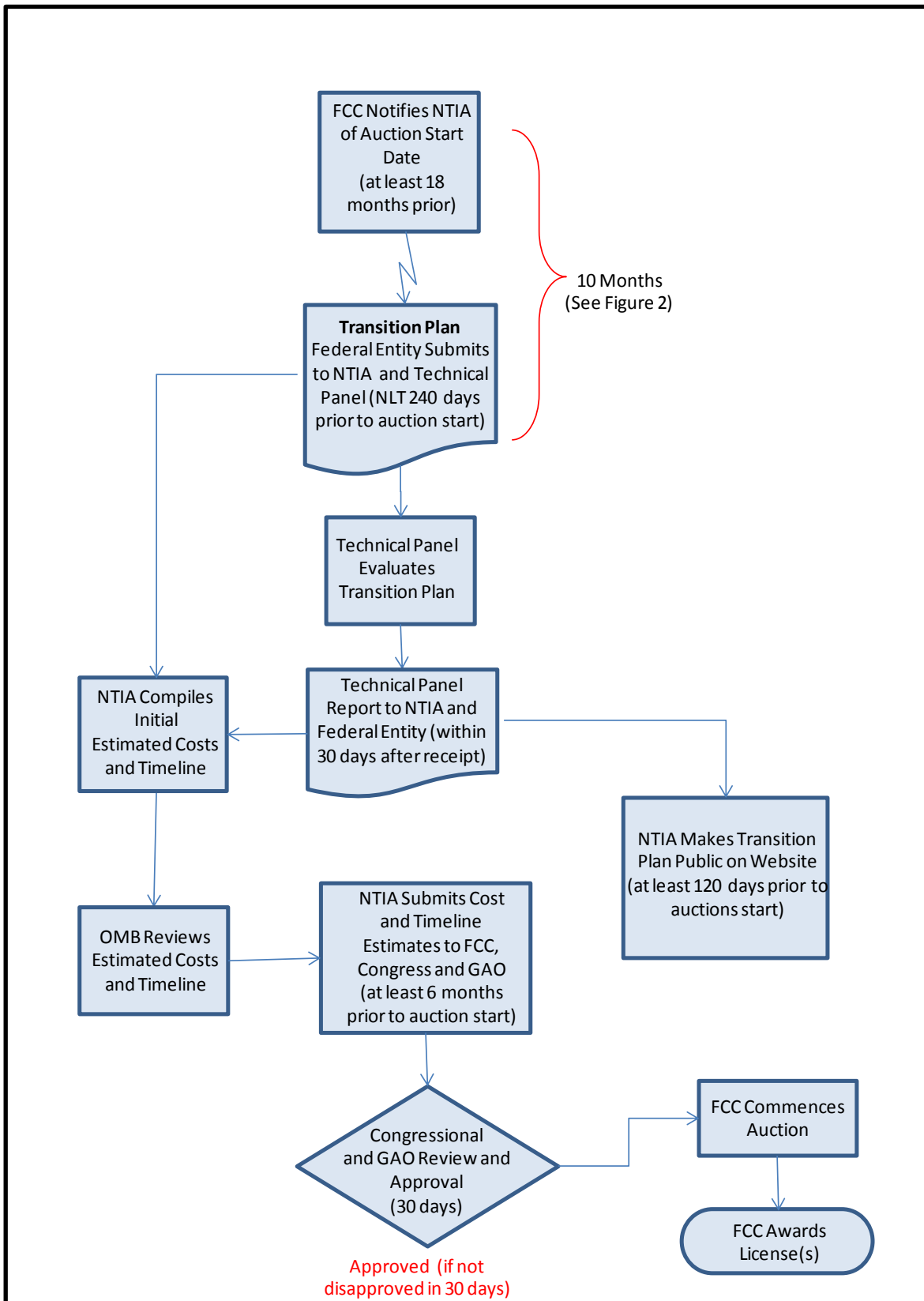
<sup>4</sup> See Section O.2; see FCC, “About Auctions”, available at [http://wireless.fcc.gov/auctions/default.htm?job=about\\_auctions](http://wireless.fcc.gov/auctions/default.htm?job=about_auctions).

<sup>5</sup> See 47 U.S.C. § 309(j)(3)(F) and (16)(A)-(B) and 47 CFR § 1.2104(c).

<sup>6</sup> 47 U.S.C. § 923(g)(5).

<sup>7</sup> 47 U.S.C. §§ 923(h)(1), 928(d)(2)(A).

**Figure 1. Transition Planning Process**



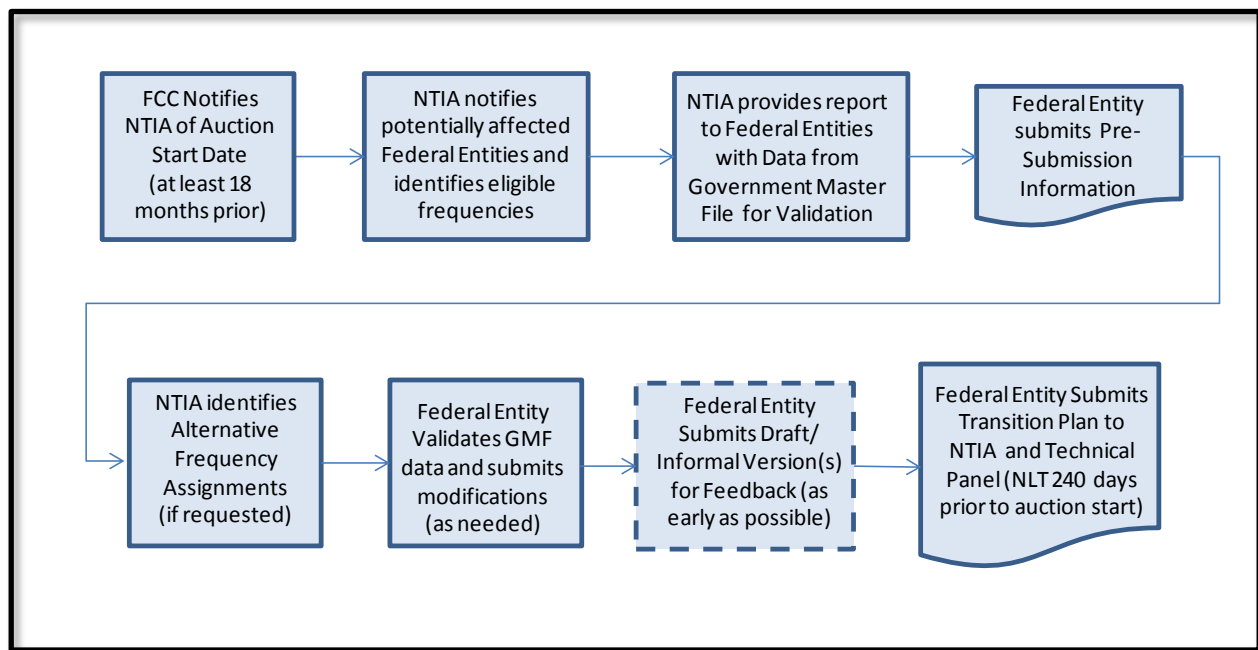
## O.3.2 Preparation of Transition Plans

The following information sets forth general guidance for the preparation of transition plans. NTIA will also provide specific guidelines for each auction and related eligible frequencies with more detail and instruction, as applicable and necessary.

### O.3.2.1 General Statutory Requirements

Pursuant to the statutory timeframes summarized above, federal entities will have at least ten months to prepare their transition plans for eligible frequencies. During this time, NTIA will take additional steps, as indicated in Figure 2 and outlined below, to help ensure that each initial plan is complete and the federal entities have the information needed to develop timelines and estimated relocation or sharing costs. For example, as required by Section 113(g)(4)(B) of the NTIA Organization Act, as amended (47 U.S.C. § 923(g)(4)(B)), NTIA will provide requesting federal entities with information regarding alternative frequency assignments from bands previously identified to which the entities' operations could be relocated. In addition, as set forth in the Appendix to this Annex O, NTIA has developed a common format for all federal entities to follow in preparing transition plans pursuant to the statute and under this Annex.

**Figure 2. Additional Steps During Transition Plan Preparation Period**



#### O.3.2.2 NTIA Notification to Federal Entities; Federal Entity Pre-Submission Information

Upon receipt of the FCC's auction start date notification, NTIA will notify all affected federal entities and the Technical Panel of the auction start date, the deadline for submitting transition plans (*i.e.*, 240 days prior to the auction start date), and the eligible frequencies. This notification will request that any affected federal entity provide to NTIA, within 15 days, certain pre-submission information, including the following: (1) the point of contact information requested in Section O.4.3.1 of this Annex; (2) whether any of the information required to be included in the transition plan is anticipated to be marked as classified information or sensitive information in accordance with Section O.7 of this Annex; (3) whether the federal entity, in its transition plan, intends to seek reimbursement from the SRF for pre-auction planning costs; and (4) whether the federal entity will request pre-auction transfers to cover pre-auction planning costs. This information will allow NTIA, the Technical Panel, and OMB to better plan for the receipt and review of such plans and, if necessary, provide supplemental guidance to assist federal entities with preparing their transition plans.

### **O.3.2.3 Assignment Data Validation; Alternative Assignments**

1. Together with or subsequent to the notification provided under Section O.3.2.2 above, NTIA will provide each affected federal entity select unclassified data for the entity's current assignments in the eligible frequencies as contained in the Government Master File (GMF) as of the date it is prepared by NTIA. To the extent that any of the GMF data related to the federal entity's assignments are classified or sensitive, such data will be handled pursuant to Section O.7 of this Annex.

2. NTIA will seek to confirm and validate the GMF data elements listed below for all current assignments within the eligible frequency band or bands identified in the NTIA notification. These GMF data elements, which are described in Section 9.8.2 of this Manual, include the following field codes, where applicable:

- SER: Applicant Serial Number
- FRQ/\*FRB: Frequency/Frequency Band Data
- STC: Station Class
- EMS: Emission Designator
- PWR: Power
- EXD: Expiration Date
- BUR: Bureau
- XSC: Transmitter State/Country
- XAL: Transmitter Antenna Location
- XLA/XLG: Transmitter Antenna Latitude/Transmitter Antenna Longitude
- XAD: Transmitter Antenna Dimension (Gain – Only 1<sup>st</sup> two characters of XAD)
- \*EQT/\*EQR: Transmitter/Receiver Nomenclature
- RSC: Receiver State/Country
- RAL: Receiver Antenna Location
- RLA/RLG: Receiver Antenna Latitude/Receiver Antenna Longitude
- \*RAD: Authorized Area of Operation
- \*MFI: Major Function Identifier

3. NTIA will also provide information and instructions for validating, correcting or modifying GMF assignment data. Within 30 days of receiving the data, information and instructions, each affected federal entity must identify any required corrections to GMF data and initiate appropriate actions to correct the assignment(s) in the GMF via normal processes and procedures.

4. In addition to the pre-submission information provided under Section O.3.2.2 above and the corrections identified under this section, each affected federal entity may, pursuant to Section 113(g)(4)(B) of the NTIA Organization Act (47 U.S.C. § 923(g)(4)(B)), also include a request for information regarding alternative frequency assignments, specifying the frequency band(s), to which their radio communications operations can be relocated for purposes of calculating the estimated relocation or sharing costs and timelines. Such a request shall be considered "timely" under the statute if it is made to NTIA during the timeframe between notification of the auction start date and 30 days after receiving the GMF data under this section. Ideally, the request should be made at the same time as the pre-submission information is provided.

5. Upon receipt of a federal entity's timely request under the previous paragraph, NTIA will assess the request for alternative assignments and, pursuant to Section 113(g)(4)(C) of the NTIA Organization Act (47 U.S.C. § 923(g)(4)(C)), NTIA will, to the extent practicable and consistent with national security considerations, provide such information based on the geographic location of the federal entities' facilities or systems and the frequency bands used by such facilities or systems. In addition, to assist in the preparation of the agency's draft transition plan, NTIA will create a frequency assignment record with a special note under Section A.6 of Annex A of this Manual to indicate that the alternative assignment or assignments is/are for planning purposes only. As transition plans are finalized, NTIA will work collaboratively with the federal entities to assign permanent relocation frequencies. Once the planning assignment is "activated," or a different alternative frequency is requested and assigned, the special note will be deleted.

### **O.3.3 Submission of Initial Transition Plan to NTIA and Technical Panel**

1. Federal entities preparing transition plans may submit draft or informal versions of their transition plans to NTIA and the Technical Panel as early as possible to allow for a more adequate and informal review of such plans by the Technical Panel. As noted above, the Technical Panel's report on each transition plan must be submitted to

NTIA and the federal entity NLT 30 days from when the plan is formally submitted. This 30-day time frame affords a relatively short period for the Technical Panel to conduct its assessment of the plan and therefore, in addition to requesting draft plans and providing feedback on those that are substantially complete, NTIA may implement other mechanisms (*e.g.*, memoranda, guidance, workshops, a “help desk”) to facilitate the timely and successful review of the plan that is formally submitted by each federal entity. An informal review opportunity will assist in the preparation of the transition plan and avoid the potential procedural dilemma presented if and when the Technical Panel concludes that an initial plan is not sufficient.

2. Whether or not a federal entity chooses to seek additional guidance through the submission of its draft plan, its initial transition plan must be submitted NLT the deadline specified by the statute and NTIA. NTIA will provide specific instructions for each auction and related eligible frequencies as to the formal submission of initial transition plans.

3. To the extent that initial transition plans contain classified or other sensitive information, such information will be handled pursuant to Section O.7 of this Annex.

### **O.3.4 Review of Initial Transition Plan**

Pursuant to Section 113(h)(3)(D) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(3)(D)), NTIA has adopted regulations that govern the operation of the Technical Panel established by the Tax Relief Act. The Technical Panel will assess the sufficiency of the plan and reasonableness of the proposed timelines and estimated relocation or sharing costs, including the costs of any proposed expansion of the capabilities of a federal system in connection with relocation or sharing. In accordance with Section 113(h)(4)(A) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(4)(A), as implemented in 47 CFR § 301.120), the Technical Panel shall, within 30 days of the receipt of a federal entity’s Transition Plan, submit to NTIA and to the federal entity the Technical Panel’s report on the sufficiency of the Transition Plan. This report must include: (1) a finding as to whether the federal entity’s Transition Plan includes the information required by the applicable provisions set forth in this Annex O; (2) an assessment of the reasonableness of the proposed timelines contained in the federal entity’s Transition Plan; (3) an assessment of the reasonableness of the estimated relocation or sharing costs itemized in the federal entity’s Transition Plan, including the costs identified by such plan for any proposed expansion of the capabilities of the federal entity’s system; and (4) a conclusion, based on the aforementioned finding and assessments, as to the sufficiency of the Transition Plan.

### **O.3.5 Submission and Review of Revised Transition Plan**

1. In the event the Technical Panel’s initial report concludes that the federal entity’s Transition Plan is insufficient, the report shall also include a description of the specific information or modifications that are necessary for the federal entity to include in a revised Transition Plan. If the Technical Panel finds the initial plan insufficient, the federal entity shall submit a revised plan not later than 90 days after the submission of the report by the Technical Panel. Not later than 30 days after the receipt of a federal entity’s revised Transition Plan submitted after an initial or revised plan was found by the Technical Panel to be insufficient, the Technical Panel must submit to NTIA and to the federal entity the Panel’s supplemental report on the sufficiency of the revised Transition Plan. The Technical Panel’s supplemental report on the revised Transition Plan shall include: (1) a finding as to whether the federal entity’s revised Transition Plan includes the necessary information or modifications identified in the Technical Panel’s initial report; (2) a reassessment, if required, of the reasonableness of the proposed timelines contained in the federal entity’s revised Transition Plan; (3) a reassessment, if required, of the reasonableness of the estimated relocation or sharing costs itemized in the federal entity’s revised Transition Plan; and (4) a conclusion, based on the aforementioned finding and reassessments, as to the sufficiency of the revised Transition Plan.

2. In the event the Technical Panel’s report concludes that the federal entity’s revised Transition Plan is insufficient, further submissions and reviews shall follow the process and timelines for revised Transition Plans outlined above.

### **O.3.6 Compilation and Notification of Estimated Costs and Timelines**

1. Concurrent with the review of the initial transition plans by the Technical Panel, NTIA will compile and consolidate the estimated relocation or sharing costs and timelines set forth therein. Even though one of the members of the Technical Panel is appointed by the Director of OMB, Section 113(g)(4)(A) of the NTIA



Organization Act (47 U.S.C. § 923(g)(4)(A)) requires that OMB review the estimated costs and timelines before NTIA, on behalf of the federal entities, notifies the FCC, GAO, and Congress of the estimated costs and timelines.

2. If the Technical Panel finds that an initial transition plan is sufficient, NTIA will provide the necessary and timely information and notifications, after OMB review, to the FCC, GAO, and Congress. If the Technical Panel finds a plan insufficient, NTIA must wait until the Technical Panel finds the revised plan sufficient before providing the required notifications. NTIA will compile an aggregate of estimated costs and timelines as plans are found sufficient by the Technical Panel and may provide notifications, as needed, at any time.

### **O.3.7 Publication of Transition Plans**

Pursuant to Section 113(h)(5) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(5)), “NTIA shall make the transition plan publicly available on its website” ([www.ntia.doc.gov](http://www.ntia.doc.gov)) NLT 120 days before the auction start date. However, in accordance with Section O.7 of this Annex, classified and other sensitive information will be excluded from any plan or other information that is publicly released. In addition, NTIA will only publish those transition plans that have been found to be sufficient by the Technical Panel as well as any updates in accordance with Section O.3.8. NTIA will publish transition plans in file formats that will be determined for each auction.<sup>8</sup>

### **O.3.8 Modification and Updates to Transition Plans**

1. Pursuant to Section 113(h)(6) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(6)), as each federal entity implements the transition plan, it shall periodically update the plan to reflect any changed circumstances, including changes in estimated relocation or sharing costs or the timeline for relocation or sharing. The modification or update must be submitted as an addendum to the original plan in accordance with the format provided in the Appendix to this Annex. Unless otherwise advised by NTIA, the federal entities should submit any modified or updated plans to NTIA NLT 30 days after the date on which the changed circumstances materially affecting the transition are discovered, determined or directed. NTIA will also make the updates available on its website ([www.ntia.doc.gov](http://www.ntia.doc.gov)), excluding any classified or other sensitive information in accordance with Section O.7 of this Annex.

2. In addition to other changed circumstances and subject to any guidance from OMB, an updated plan must also be submitted in order to specify requests for transfers associated with Accelerated Implementation Payments from the SRF, as such phrase is defined in Section O.2 of this Annex, as well as any subsequent transfers from the SRF in accordance with Section O.6 of this Annex.

## **O.4 TRANSITION PLAN CONTENTS AND COMMON FORMAT**

1. Pursuant to Section 113(h)(1) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(1)), the Appendix to this Annex specifies a “common format” for all federal entities to follow in preparing transition plans pursuant to the statute and under this Annex.<sup>9</sup> This section specifies the contents of federal entity transition plans and provides an overview of the tools and templates to be used to prepare each plan consistent with the common format. The previous section of this Annex described the process and procedures for the preparation, review, transmittal and publication of transition plans. Section O.7 below sets forth regulations to ensure that publicly released transition plans do not contain classified information or other sensitive information.

2. The information in the plan will first be used by the Technical Panel to assess “the reasonableness of the proposed timelines and estimated relocation or sharing costs, including the costs of any proposed expansion of the capabilities of a federal system.”<sup>10</sup> In addition to compiling estimated costs and timelines, NTIA expects that the

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<sup>8</sup> See President Barack Obama, *Memorandum on Transparency and Open Government* (Jan. 21, 2009), available at [http://www.whitehouse.gov/the\\_press\\_office/TransparencyandOpenGovernment](http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment); OMB, *Open Government Directive, M-10-06* (Dec. 8, 2009), available at [http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda\\_2010/m10-06.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf); NTIA, “Section 515 Standards: Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the National Telecommunications and Information Administration” (Oct. 2002), available at <http://www.ntia.doc.gov/page/2011/information-quality-guidelines>.

<sup>9</sup> This provision also requires NTIA to obtain public input on the common format. NTIA plans to seek public input on a common format substantially similar to the one set forth in the Appendix in anticipation of specific FCC auctions.

<sup>10</sup> 47 U.S.C. § 923(h)(4)(A).

transition plans' contents will provide valuable information to prospective bidders preparing for an auction and to winning bidders planning for their system deployments or leasing strategies. The contents will also be used by NTIA in making its findings related to "comparable capability" under Section 113(g)(6) of the statute, and by OMB in determining the "appropriateness" of the costs and timelines pursuant to Section 118(d)(2)(B) of the statute.<sup>11</sup>

## **O.4.1 General**

1. Each transition plan must include the information called for by paragraph (h)(2) of Section 113 of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(2)), as well as other related provisions. In particular, each plan must contain basic operational and technical data, including: (1) the current use by the federal entity of the eligible frequencies to be auctioned; (2) the geographic location or area where the federal entity's facilities or systems are located; and (3) the frequency bands used by such facilities or systems.<sup>12</sup> The plan must also set forth the "steps to be taken by the federal entity to relocate its spectrum use from such frequencies or to share such frequencies, including timelines for specific geographic locations in sufficient detail to indicate when use of such frequencies at such locations will be discontinued by the federal entity or shared between the federal entity and non-federal users."<sup>13</sup>

2. In addition, each transition plan must describe the federal entity's specific plans and timelines for using the amounts from the SRF for procuring, testing, and deploying new equipment and for covering the broad range of other allowable relocation or sharing costs to be incurred to achieve "comparable capability of systems as before the relocation or sharing arrangement."<sup>14</sup> The plan must also identify any factors that could "hinder fulfillment of the transition plan," such as the extent to which any classified information will affect "the implementation of the relocation or sharing arrangement."<sup>15</sup>

3. For any federal entity seeking payments for certain pre-auction costs, its transition plan must, to the fullest extent possible, also provide for sharing, coordination, and reasonable accommodations for the use of eligible frequencies by non-federal users during the transition period. A plan identifying pre-auction costs must also provide that: (1) the eligible federal entity will, during the transition period, make itself available for negotiation and discussion with non-federal users; and (2) the eligible federal entity will assist the non-federal user during the transition period by making available relevant classified information to those with appropriate security clearances on a need-to-know basis.<sup>16</sup>

## **O.4.2 Specific Contents**

This subsection describes the specific information that must be contained in federal entity transition plans as required by the statute. Section O.4.3 outlines the templates that federal entities shall use to provide such information in a common format.

### **O.4.2.1 Operational and Technical Data**

1. Section 113(h)(2)(A)-(C) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(2)(A)-(C)) requires each transition plan to include the following information: (1) the current use by the federal entity of the eligible frequencies to be auctioned; (2) the geographic location of the federal entity's facilities or systems; and (3) the frequency bands used by such facilities or systems.

2. As noted above in Section O.3.2.3, NTIA will provide the federal entity the GMF data for its current assignments in the eligible band or bands of frequencies.

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<sup>11</sup> See 47 U.S.C. §§ 923(g)(6), 928(d)(2)(B).

<sup>12</sup> See 47 U.S.C. § 923(h)(2)(A)-(C).

<sup>13</sup> 47 U.S.C. § 923(h)(2)(D).

<sup>14</sup> 47 U.S.C. § 923(g)(3)(A).

<sup>15</sup> See 47 U.S.C. § 923(h)(2)(H), (h)(7)(A)(ii).

<sup>16</sup> See 47 U.S.C. § 928(d)(3)(B)(ii).

#### **O.4.2.2 Estimated Costs; Comparable Capability of Systems**

1. Section 113(g)(3)(A) of the NTIA Organization Act, as amended (47 U.S.C. § 923(g)(3)(A)), defines a broad range of relocation or sharing costs. For purposes of the development of transition plans in accordance with this Annex, the various types of costs have generally been broken down into the following categories, each of which is derived from the statutory language and defined in Section O.2 of this Annex: (1) equipment-related costs; (2) deployment-related costs; and (3) pre-auction costs. Subject to further guidance or instructions from NTIA or OMB, for each existing assignment and/or group of system assignments, the federal entity's transition plan must identify the estimated costs in these three categories that have or will be incurred by a federal entity in order to achieve "comparable capability of systems" as before the relocation or sharing arrangement.

2. Pursuant to Section 113(g)(3)(B) of the NTIA Organization Act, as amended (47 U.S.C. § 923(g)(3)(B)), and for purposes of this Annex, "comparable capability of systems" may be achieved by relocating a Federal Government station to a new frequency assignment, by relocating a Federal Government station to a different geographic location, by modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography, or time, and thereby permitting spectrum sharing (including sharing among relocated federal entities and incumbents to make spectrum available for non-federal use) or relocation, or by utilizing an alternative technology. Such capability includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality.

3. Certain subcategories of costs specifically identified in the statute must also be identified in the transition plan including the following: (1) costs of any proposed expansion of the capabilities of a federal system that must be assessed by the Technical Panel; (2) equipment-related costs associated with procuring new equipment and related to the plans and timelines required by the statute; (3) deployment-related costs associated with field-testing, deploying new equipment, hiring additional personnel or contractor staff and related to the plans and timelines required by the statute; and (4) pre-auction planning costs incurred after June 28, 2010, but before February 22, 2012 and/or subject to a request for pre-auction transfer.

#### **O.4.2.3 Timelines**

1. Two types of timelines are contemplated by the statute. First, pursuant to Section 113(h)(2)(D) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(2)(D)), each transition plan must set forth the "steps to be taken by the federal entity to relocate its spectrum use from such frequencies or to share such frequencies, including timelines for specific geographic locations in sufficient detail to indicate when use of such frequencies at such locations will be discontinued by the federal entity or shared between the federal entity and non-federal users." For purposes of developing transition plans pursuant to this Annex, this timeline is referred to as the "Transition Timeline" and is based on the number of months following the start of the transition period. NTIA will define the start of the transition period reference date in the notification per Section O.3.2.2 or in subsequent guidance. The award of licenses by the FCC is the default reference event to use when determining transition timelines; however, NTIA may also specify an alternate event (*e.g.*, release of SRF funds), if necessary. The specific geographic locations must be related to the specific service areas to be auctioned by the FCC.

2. Second, under Section 113(h)(2)(G), the transition plan must also describe the federal entity's specific plans and timelines for using the amounts from the SRF for procuring, testing, and deploying new equipment and for covering the broad range of other allowable relocation or sharing costs to be incurred to achieve "comparable capability of systems as before the relocation or sharing arrangement." These timelines are collectively referred to as the "Timeline for Funds" in the plan and must identify the number of months following transfer of SRF funds during which the funds will be used.

#### **O.4.2.4 Factors**

Pursuant to Section 113(h) of the NTIA Organization Act, as amended, each transition plan must also identify factors that could "hinder fulfillment of the transition plan by the Federal entity," including the extent to which any classified information will affect "the implementation of the relocation or sharing arrangement."<sup>17</sup> Other factors that could be included in a plan may include, but are not limited to the following: (a) events and circumstances that impact national security, law enforcement, or public safety functions of the current systems and facilities; (b)

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<sup>17</sup> 47 U.S.C. §§ 923(h)(2)(H), 923(h)(7)(A)(ii).

unanticipated costs and availability of equipment and personnel; (c) construction seasons, natural disasters and other weather-related issues; (d) considerations with respect to site selection and acquisition; (e) transfer and availability of alternate frequency assignments; or (f) *force majeure*, other extraordinary circumstances and unforeseen events.

### **O.4.3 Common Format; Templates**

Affected federal entities shall prepare their transition plans following the common format template substantially similar to the one set forth in the Appendix to this Annex. NTIA will provide standard spreadsheet files for completing the transition plans in preparation for any auction of eligible frequencies. NTIA may also offer a tool for on-line upload of data and submission of plans. This subsection describes each part of the generic transition plan templates. Specific instructions for determining and submitting the required data and information for each transition plan are also provided in the Appendix. NTIA may provide more specific instructions for each auction and related eligible frequencies as well as direction as to any auction-specific templates to be used and the process for the informal and formal submission of transition plans. The remainder of this section provides an overview of each part of the transition plan common format template.

#### **O.4.3.1 Title Page (Tab A)**

This first page of the Transition Plan includes the official name of the federal entity, along with contact information for its primary and alternate points of contact. These are the individuals that will be contacted in the event NTIA, the Technical Panel, or a dispute resolution board needs to convey or receive additional information regarding the transition plan process or contents.

#### **O.4.3.2 General Information (Tab B)**

Tab B provides information regarding pre-auction costs and indicates whether a separate annex has been prepared in accordance with Section O.7 of this Annex. Additionally, pursuant to the statute, each federal entity must provide the name of the officer or employee who is responsible for its relocation or sharing efforts and who is authorized to meet and negotiate with non-federal users. Although not required by the statute, a federal entity may voluntarily include the additional contact information for the named “Responsible Officer/Employee.” If contact information is provided, non-federal users may contact the federal entity through this individual or through the primary or alternate points of contact. Subject to OMB guidance, each federal entity may also be required to provide additional contacts in its budget office to OMB for purposes of review and approval of cost estimates and timelines.

#### **O.4.3.3 Abstract (Tab C)**

Tab C provides a high-level summary of the other sections of the transition plan. It includes basic operational and technical data regarding the assignments and systems currently using the eligible frequencies, along with the total cost and timeline projected for each assigned eligible frequency. Classified or sensitive information that is excluded will be indicated in the main, unclassified part of the plan by five asterisks (\*\*\*\*\*). For any classified assignment, only those data elements appropriately marked in the corresponding GMF data field may be excluded.

#### **O.4.3.4 Transition Timeline (Tab D)**

Tab D provides transition detail by geographic location for assigned eligible frequencies in sufficient detail to clearly indicate when use of such frequencies at such locations will be discontinued by the federal entity or available for shared access by non-federal users. As applicable, for each specific service area to be auctioned by the FCC, it identifies, by months after the start of the transition period when sharing can begin pursuant to the applicable arrangement, and/or when the entity expects the use of the frequency will be discontinued. NTIA will define the start of the transition period reference date in the notification per Section O.3.2.2 or in subsequent guidance. The award of licenses by the FCC is the default reference event to use when determining transition timelines; however, NTIA may also specify an alternate event (*e.g.*, release of SRF funds), if necessary.

#### **O.4.3.5 Timeline for Funds (Tab E)**

1. Tab E identifies information applicable to each system for which the federal entity will incur (or has incurred) authorized relocation or sharing costs and specifies its plans and timelines for using related amounts from the SRF. For each system, the federal entity must calculate the estimated (or previously incurred) costs. These amounts and timelines must be broken down according to the particular categories set forth in the statute and in the template. For each category, the federal entity will identify when it plans to begin expending the funds and when it expects to complete the applicable tasks and milestones for each system. Federal entities should try to provide this information in such a way as to avoid it being classified or sensitive; however, to the extent that any of this information is classified or sensitive, such data will be handled pursuant to Section O.7 of this Annex.

2. If any of the costs identified are associated with expanding the capabilities of a federal system in connection with relocation or sharing, the federal entity shall identify those costs and provide an explanation of the proposed increase in functionality and how this is incidental as a result of acquiring state-of-the-art replacement system(s) in order to meet the comparable operational scope.

#### **O.4.3.6 NTIA Interactions (Tab F)**

Tab F allows the federal entity to identify any specific interactions required between it and NTIA that are necessary to implement the transition plan. It should include the nature of the interaction and the approximate date proposed for such interaction. For example, interactions with NTIA will likely include coordination while verifying GMF data and interactions to determine the best option from various alternate frequency assignment choices.

#### **O.4.3.7 Excluded Information (Tab G)**

Tab G provides a description of any information which an entity excluded from the main, unclassified parts of transition plan in accordance with Section O.7 of this Annex and provides an explanation of the basis for its exclusion.

#### **O.4.3.8 Factors (Tab H)**

Tab H provides an opportunity for the federal entity to identify any factors that could hinder fulfillment of the transition plan. It should explain any potential risk factors that could delay implementation along with an explanation of how or why it may impede the relocation or implementation of the transition plan. If any information is to be excluded from the main, unclassified parts of the plan in accordance with Section O.7 of this Annex, this must be addressed as a factor in this tab.

#### **O.4.3.9 Additional Information (Tab I)**

To the extent that there is more space needed than afforded in the other parts of the plan's common format, this section is an optional free-form page for the federal entity to provide any additional information or explanation that it deems necessary to understanding the plan. Each additional or continued item must identify the Tab and item name to which it refers, as identified in the other parts of the plan. For example, an agency could explain that the timelines provided at Tabs D and E are necessary to ensure conformance to all agency and federal government procurement requirements, based on the time it takes to establish contract vehicles, and if required, acquire replacement equipment to maintain operational capabilities.

#### **O.4.3.10 Classified and Sensitive Annexes**

In accordance with Section O.7 of this Annex, if any of the information required to be included in the transition plan of a federal entity is classified information or non-classified, but sensitive information, the entity must exclude this information from the main transition plan and place it in a separate, appropriately marked annex. The common format for an annex containing classified and/or sensitive information, if required, is identical to Tabs A-F, and Tabs H-I of the main plan. Tab G is not applicable. This annex must be marked in accordance with

appropriate national security guidelines and requirements for controlled unclassified information.<sup>18</sup> Element markings should be inserted within parentheses into the data field of the information to which it refers or at the front of a row of information if all elements in that row are equally classified/sensitive.

#### **O.4.3.11 Addendum for Updating Transition Plans**

As noted above in subsection O.3.8, there are several circumstances which might require a federal entity to modify or update its transition plan. Modifications or updates to a previously approved transition plan will be submitted as an addendum to the original plan using the same common format and template. The Title Page (Tab A) will indicate that the document is an addendum numbered sequentially and dated as of the date submitted. The federal entity should include only the new, updated, modified, or corrected information in the addendum. All other information will be assumed to remain unchanged.

### **O.5 TRANSITION PLAN IMPLEMENTATION**

1. Pursuant to Section 113(g)(6) of the NTIA Organization Act, as amended (47 U.S.C. § 923(g)(6)), NTIA shall take such actions as necessary to ensure the timely relocation of operations from eligible frequencies or implementation of sharing arrangements. Upon a finding by NTIA that a federal entity has achieved comparable capability of systems, NTIA shall terminate or limit the entity's authorization and notify the FCC that the entity's relocation has been completed or sharing arrangement has been implemented. NTIA shall also terminate such entity's authorization if NTIA determines that the entity has unreasonably failed to comply with the timeline for relocation or sharing submitted by OMB under Section 118(d)(2)(C) of the statute (47 U.S.C. § 928(d)(2)(C)).

2. NTIA will define the start of the "transition period" in the notification per Section O.3.2.2 or in subsequent guidance based on the circumstances surrounding the particular auction and transition scenario. The award of licenses by the FCC is the default reference event; however, NTIA may also specify a similar event, if necessary. A 'similar event' under certain circumstances may, for example, be (a) the date on which an auction of eligible frequencies concludes in accordance with Section 309(j)(16)(B) of the Communications Act of 1934, as amended (47 U.S.C. § 309(j)(16)(B)); (b) the date on which the first license associated with the eligible frequencies is granted pursuant to Section 309(j)(16)(C) of the Communications Act of 1934, as amended (47 U.S.C. § 309(j)(16)(C)); or (c) the date on which applicants for licenses associated with the eligible frequencies may begin pre-grant construction of facilities pursuant to Section 1.2113 of the FCC's rules (47 CFR § 1.2113). The transition period ends upon the applicable terminations, modifications, or notifications referenced in the previous paragraph.

3. The remainder of this section of Annex O provides general guidance on the development and implementation of coordination procedures, sharing arrangements and other negotiated agreements during the transition period. It also outlines the dispute resolution process established by the statute and NTIA's rules, and summarizes the procedure to effectuate the termination or modification of frequency assignments.

#### **O.5.1 Negotiation and Coordination with Non-Federal Users**

1. Several provisions of the statute encourage negotiation, coordination and spectrum sharing between non-federal users and federal entities. For example, and as discussed above, federal entities may recover from the SRF expenses incurred in connection with spectrum coordination with auction winners. In addition, a transition plan identifying pre-auction costs must provide that the eligible federal entity will, during the transition period, make itself available for negotiation and discussion with non-federal users. All transition plans must set forth "[t]he name of the officer or employee of the Federal entity who is responsible for the relocation or sharing efforts of the entity and who is authorized to meet and negotiate with non-Federal users regarding the transition."<sup>19</sup>

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<sup>18</sup> See Executive Order 13526, *Classified National Security Information*, 75 Fed. Reg. 707 (Jan. 5, 2010), available at <http://edocket.access.gpo.gov/2010/pdf/E9-31418.pdf>; Executive Order 13356, *Controlled Unclassified Information*, 75 Fed. Reg. 68675 (Nov. 9, 2010), available at <http://edocket.access.gpo.gov/2010/pdf/2010-28360.pdf>; National Archives and Records Administration, *Classified National Security Information, Final Rule*, 75 Fed. Reg. 37254 (Jun. 28, 2010), available at <http://www.archives.gov/isoo/policy-documents/isoo-implementing-directive.pdf>; National Archives and Records Administration, "About Controlled Unclassified Information (CUI)," available at <http://www.archives.gov/cui/>.

<sup>19</sup> 47 U.S.C. § 923(h)(2)(F).

2. With regard to spectrum sharing in eligible frequencies, the statute contemplates a range of potential arrangements including: (1) short-term or temporary sharing in anticipation of the ultimate relocation of federal entities' spectrum-related operations; (2) long-term or indefinite sharing between federal entities and non-federal users; and (3) sharing among relocated federal entities and incumbents to make spectrum available for non-federal use.<sup>20</sup> NTIA and the FCC will set forth sharing criteria and other requirements for particular eligible frequencies that are reallocated from federal to either exclusive non-federal use or to shared use in the new regulations governing the new use or combined uses of the bands. Sharing "arrangements" consistent with such criteria and requirements may be set forth in a federal entity's initial transition plan or negotiated among the affected federal entities, non-federal users and other incumbents. These arrangements will be implemented during the transition period, but some sharing agreements may extend beyond the transition period to ensure adequate coexistence conditions are maintained and enforced.

3. Section 309(j)(16)(C) of the Communications Act of 1934, as amended (47 U.S.C. § 309(j)(16)(C)), authorizes the FCC to grant commercial licenses in eligible frequencies prior to relocation of Federal Government operations and the termination of a federal entity's authorization. However, this provision requires the FCC to condition such licenses by "requiring that the licensee[s] cannot cause harmful interference" to federal operations until associated authorizations have been terminated by NTIA. This provision will be implemented through sharing criteria and interference regulations prescribed by the FCC and through coordination procedures such as those jointly established by NTIA and the FCC in the past.<sup>21</sup>

## **O.5.2 Dispute Resolution**

1. Pursuant to Section 113(i) of the NTIA Organization Act, as amended (47 U.S.C. § 923(i)), if a dispute arises between a federal entity and a non-federal user regarding the execution, timing, or cost of the transition plan submitted by the federal entity, either the federal entity or the non-federal user may request that NTIA establish a dispute resolution board to resolve the dispute. NTIA has adopted regulations that govern the working of any dispute resolution boards established by NTIA.<sup>22</sup> Those regulations cover matters related to the workings of a board, including the content of any request to establish a board, the associated procedures for convening it, and the dispute resolution process itself.

2. Membership of a dispute resolution board shall be composed of a representative of OMB, NTIA, and the FCC, each appointed by the head of his or her respective agency. The OMB representative serves as the Chair of any board. With respect to the resolution of any disputes that may arise, the statute and NTIA's rules require a board to meet simultaneously with representatives of the federal entity and the non-federal user to discuss the dispute. A board is required to rule on the dispute within 30 days after a party has requested NTIA to convene the board.

3. The statute's 30-day deadline for responding to formal dispute resolution requests could possibly impact a board's ability to convene, meet with the parties, and adequately address complex cases. At the same time, however, the statute and this Annex encourage cooperation to assure timely transitions between federal and non-federal use of the spectrum. If and when differences surface among federal and non-federal parties, NTIA's rules require the parties to make good faith efforts to solve these problems on an informal basis before submitting a formal request to establish a dispute resolution board. Informal negotiation, mediation, or non-binding arbitration efforts between the parties will help clearly define and narrow the issues that are necessary to bring into the formal dispute resolution process.

4. The scope of a dispute resolution request and, consequently, a board's decision, is limited by the statute and the regulations to matters "regarding the execution, timing, or cost of the transition plan submitted by the federal entity."<sup>23</sup> Although the statute authorizes a dispute resolution board to make binding decisions with respect to such matters that can be appealed to the United States Court of Appeals for the District of Columbia Circuit,<sup>24</sup> a board's decision could, in certain circumstances, have a detrimental impact on certain operations or services that have national security, law enforcement or public safety functions. In such cases, the board may request additional

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<sup>20</sup> See 47 U.S.C. §§ 923(g)(3)(A)(iv)(II), (g)(3)(B)(i).

<sup>21</sup> See FCC and NTIA, "Coordination Process in the 1710-1755 MHz Band," *Joint Public Notice* in WT Docket No. 02-353, FCC 06-50 (Apr. 20, 2006).

<sup>22</sup> 47 CFR Part 301.

<sup>23</sup> 47 U.S.C. § 923(i)(1).

<sup>24</sup> 47 U.S.C. § 923(i)(7).

written submissions from an agency regarding the impact of such a decision on the agency's operations, services or functions. Under the rules, the dispute resolution board must also ensure that any decision it reaches does not have a detrimental impact on any national security, law enforcement, or public safety function made known to the board by an agency.

5. A dispute resolution board may not exercise remedial authority that is statutorily granted to other federal agencies. The federal agencies that comprise a board's membership (*i.e.*, FCC, NTIA or OMB) do, however, possess statutory authority to take actions to implement a board's decision. Therefore, a board may make recommendations as to remedies or other corrective actions to the appropriate federal agency that has the statutory authority to take such actions based on the board's findings.

### **O.5.3 Finding of Comparable Capability**

When a federal entity has successfully implemented its transition plan such that it has achieved comparable capability and no longer requires use of its assigned eligible frequency, or if arrangements have been fully implemented for sharing between the federal entity and non-federal users, the federal entity shall notify NTIA within 30 days following this milestone. NTIA will use this notification as the basis for its finding related to achievement of "comparable capability" of systems.

### **O.5.4 Termination or Modification of Eligible Frequency Assignments**

Upon a finding by NTIA that a federal entity has achieved comparable capability of systems, NTIA shall terminate or modify the entity's applicable authorizations and notify the FCC that the entity's relocation has been completed or sharing arrangement has been implemented. NTIA shall also terminate or limit such entity's authorization if NTIA determines that the entity has unreasonably failed to comply with the timeline for relocation or sharing submitted by the Director of OMB under Section 118(d)(2)(C) of the NTIA Organization Act, as amended (47 U.S.C. § 928(d)(2)(C)).

## **O.6 TRANSFERS FROM SPECTRUM RELOCATION FUND**

Certain conditions apply prior to the transfer of SRF funds. For example, initial transfers may not occur until the Director of OMB has determined, in consultation with NTIA, the appropriateness of eligible costs and the timeline for relocation or sharing, and the transition plan provided to the appropriate committees of Congress is not disapproved within 30 days following submission to them.

### **O.6.1 Pre-Auction Transfers of Pre-Auction Costs**

If a federal entity seeks transfers from the SRF for pre-auction costs, the Director of OMB will assess the transition plan submitted to determine if it provides: (1) to the fullest extent possible, for sharing and coordination of eligible frequencies with non-federal users, including reasonable accommodation by the eligible federal entity for the use of eligible frequencies by non-federal users during the period that the entity is relocating its spectrum uses; (2) for non-federal users to be able to use eligible frequencies during the transition period in geographic areas where the eligible federal entity does not use such frequencies; (3) that the eligible federal entity will, during the transition period, make itself available for negotiation and discussion with non-federal users not later than 30 days after a written request therefore; and (4) that the eligible federal entity will, during the transition period, make available to a non-federal user with appropriate security clearances any classified information (as defined in Section 798(b) of Title 18, United States Code) regarding the relocation process, on a need-to-know basis, to assist the non-federal user in the relocation process with such eligible federal entity or other eligible federal entities.

### **O.6.2 Accelerated Implementation Payments**

Also, pursuant to Section 118(f) of the NTIA Organization Act, as amended (47 U.S.C. §928(f)), the Director of OMB may, in consultation with NTIA, make additional payments to eligible federal entities that are implementing a transition plan in order to encourage such entities to complete the implementation more quickly, thereby encouraging timely access to the eligible frequencies that are being reallocated for exclusive non-federal use or shared use.



### **O.6.3 Subsequent Payments**

An eligible federal entity may receive more than one transfer subject to prior approval by the Director of OMB and notice to the Congressional committees not less than 45 days prior to the date of the transfer. The notice and updated transition plan must include an explanation of need for the subsequent transfer.

## **O.7 CLASSIFIED AND OTHER SENSITIVE INFORMATION**

Pursuant to Section 113(h)(7)(B) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(7)(B)), this section sets forth the regulations to ensure that the information contained in publicly released transition plans, and updates thereto, do not contain classified information or other sensitive information. These regulations have been adopted by NTIA in consultation with the Director of OMB and the Secretary of Defense in accordance with the just-cited statutory provision.

### **O.7.1 Explanation of Terminology Used**

1. The statute cross-references the definition of “classified information” in Section 798(b) of title 18, United States Code, which states as follows: “The term ‘classified information’ means information which, at the time of a violation of this section, is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination or distribution.”<sup>25</sup> Accordingly, the definition of this term in Section O.2 of this Annex is derived directly from language in the above-quoted cross-reference.

2. The term “classified assignment” defined above in Section O.2 of this Annex and used in this section is nearly identical to the same term defined and used in Section O.9.b of the previous version of Annex O. The reference to the applicable Executive Order has been updated.<sup>26</sup>

3. The term “sensitive information” defined above in Section O.2 of this Annex and used in this section is derived from the new Section 119(a) of the NTIA Organization Act that was added by Section 6703 of the Tax Relief Act (to be codified at 47 U.S.C. § 929(a)). That provision is discussed below.

### **O.7.2 Submission of Classified Information and Assignments and Other Sensitive Information in Transition Plans**

1. As discussed above, the Appendix to this Annex specifies a “common format” for all federal entities to follow in preparing transition plans pursuant to the statute and under this Annex. As required by Section 113(h)(7) of the statute (47 U.S.C. § 923(h)(7)), the transition plan must provide all relevant non-classified and non-sensitive information. Pursuant to Section 119(b) of the statute (47 U.S.C. § 929(b)), if any of the information required to be included in the transition plan of a federal entity is classified or non-classified, but sensitive information, the entity must exclude this information from the main transition plan and place it in a separate, appropriately marked classified annex. This includes portion markings at the paragraph, section or data element level. For any classified assignment, only those data elements appropriately marked in the GMF or other classified source may be excluded.

2. Additionally, within the main, unclassified portion of the transition plan, the federal entity must, pursuant to Section 113(h)(7)(A)(i)(I) of the statute (47 U.S.C. § 923(h)(7)(A)(i)(I)) provide an explanation of the exclusion of any classified information or classified assignments, which shall be as specific as possible. In the section of the main transition plan entitled “Factors that could hinder Fulfillment of the Transition Plan,” the federal entity shall also discuss as a factor the extent of the classified information and the effect of such information on the implementation of the relocation or sharing arrangement. If the full explanation for missing information cannot be included in the main unclassified transition plan, the federal entity must provide this explanation in the classified annex of the transition plan. As a minimum, Tab G of the unclassified portion must indicate that there is federal use for which no information can be provided.

3. Pursuant to Section 119(a) of the statute (47 U.S.C. § 929(a)), if classified and/or sensitive portions of a transition plan are to be submitted to NTIA, the head of the agency submitting the plan shall notify the Assistant

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<sup>25</sup> 18 U.S.C. § 798(b). *See also* 47 U.S.C. § 928(d)(3)(B)(ii)(IV) (cross-referencing 18 U.S.C. § 798(b)).

<sup>26</sup> That version referenced “Executive Order 12958,” which Executive Order 13526 revoked (December 29, 2009), 75 Fed. Reg. 707, 731 (Jan. 5, 2010).

Secretary of Commerce for Communications and Information, prior to or concurrent with the submission of such portions. In the pre-submission information identified under Section O.3.2.2 of this Annex, the federal entity will also be requested to indicate whether any of the information required to be included in its transition plan will be marked as classified information or sensitive information to allow NTIA to plan accordingly and, if necessary, provide supplemental guidance to the federal entity as it prepares to submit such a plan.

### **O.7.3 Use, Access and Disclosure of Classified Information and Assignments and Other Sensitive Information in Transition Plans**

1. If the requirements in Section O.7.2 above with regard to any separate, appropriately marked annexes and notifications are met, NTIA will take appropriate measures to prevent any such annexes from being disclosed to the public or provided to any unauthorized person through any means. Specifically, with regard to a transition plan that must be published on NTIA's website in accordance with Section O.3.7 of this Annex, no classified or sensitive annex to such plan will be included. In addition, while no specific classified assignments contained in such annexes will be included in publicly available transition plans, the federal entity will provide consolidated cost figures and timelines derived from these assignments to be disclosed as part of the main transition plan, as well as the explanation and factor discussion required by Section 113(h)(7)(A) of the statute (47 U.S.C. § 923(h)(7)(A)).

2. All parts of each transition plan, including any classified or sensitive annex, will be made available to the members of the Technical Panel or a dispute resolution board who have the appropriate security clearances and in accordance with appropriate national security stipulations. All parts of each transition plan, including any classified or sensitive annex, may also be made available, pursuant to Sections 113(g)(5) and 119(b) of the NTIA Organization Act (47 U.S.C. §§ 923(g)(5) and 929(b)), to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations.

3. With regard to the notifications of estimated relocation and sharing costs and timelines that NTIA must provide to OMB, the FCC, and GAO in accordance with Section O.3.6 of this Annex, NTIA will transmit the consolidated cost figures and timelines derived from all non-classified, sensitive and classified information in each transition plan as well as the main part of underlying transition plans. Upon request, NTIA will make information contained in a classified or sensitive annex available to authorized personnel in accordance with appropriate national security stipulations.<sup>27</sup>

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<sup>27</sup> Executive Order 13526, *Classified National Security Information* (Fed. Reg. Vol. 75, No. 5, Jan. 5, 2010), at §4.1(i)(1).

## APPENDIX: COMMON FORMAT FOR TRANSITION PLANS

The following provides instructions for preparing a transition plan in accordance with the common format using the unclassified publicly-releasable Excel template. NTIA will provide the template and more specific instructions for each auction and related eligible frequencies, as required.

### General Instructions:

- The current version of the template is an Excel file with protected cell formulas and formatting.
- Each federal entity should fill in data for all eight pages (Tabs) of the Excel workbook, as applicable, following the instructions below.
- Only unclassified, non-sensitive information should be included in the unclassified, publicly-releasable version. Enter five (5) asterisks “\*\*\*\*\*” in fields where the information is excluded due to being classified or sensitive.

**Tab A. Title Page:** This section provides information related to the federal entity submitting the transition plan.

1. Enter the official name of the federal entity submitting the transition plan and include abbreviation in parentheses.
2. Enter the full name (First, MI, Last), title/office, telephone number, and email address of the primary and an alternate Point of Contact for the federal entity.
3. Provide a signature by an appropriate authority, as established by internal procedures, certifying that the transition plan is unclassified, contains no sensitive information and is cleared for release to the public.

**Tab B. General Information:** This section provides general information about the transition plan.

1. Does the Transition Plan identify any pre-auction planning costs, as defined in Section O.2 of Annex O? Indicate “Yes” or “No.” If the answer to item 1 is “Yes,” in Tab B worksheet, lines 1a. through 1c., identify the costs in current year dollars, for the following:

- a. Total pre-auction planning costs:
- b. The subtotal amount, if any, of pre-auction planning costs subject to a request for pre-auction transfer:
- c. The subtotal amount, if any, of pre-auction planning costs incurred after June 28, 2010, but before February 22, 2012:
- d. Additionally, if the answer to item 1 is “Yes,” answer the questions below by indicating “Yes” or “No” next to the corresponding statements in Tab B worksheet, lines 1d. [1] through [5].

(1). Does the transition plan provide for sharing and coordination of eligible frequencies with non-federal users, including reasonable accommodation by the federal entity for the use of eligible frequencies by non-federal users during the transition period?

(2). Does the transition plan provide for non-federal users to be able to use eligible frequencies during the transition period in geographic areas where the eligible federal entity does not use such frequencies?

(3). Will the federal entity, during the transition period, make itself available for negotiation and discussion with non-federal users not later than 30 days after a written request therefore?

(4). Will the federal entity, during the transition period, make available to a non-federal user with appropriate security clearances any classified information regarding the relocation process, on a need-to-know basis, to assist the non-federal user in the relocation process with the eligible federal entity or other eligible federal entities.

(5). If the amount in 1b. above is greater than zero, will funds transferred before an auction likely allow for timely implementation of relocation or sharing, thereby increasing net expected auction proceeds by an amount not less than the time value of the amount of funds transferred?

2. Indicate “Yes” or “No” if any of the information required to be included in the Transition Plan is classified information, as defined in Section O.7 of Annex O.

3. Indicate “Yes” or “No” if any of the information required to be included in the Transition Plan is sensitive information, as defined in Section O.7 of Annex O.

4. Responsible Officer:

a. Enter the full name (First, MI, Last) of the officer or employee responsible for the relocation or sharing efforts of the federal entity and who is authorized to meet and negotiate with non-federal users regarding transition (referred to as the Responsible Officer).

b. Optionally, provide this person’s title/office.

c. Optionally, provide this person’s telephone number.

- d. Optionally, provide this person's email address.

**Tab C. Abstract:** This section provides an abstract of the transition plan, including basic technical and operational information about each assigned frequency and high-level cost and timeline information.

1. Serial Number [SER]: Provide the serial number as indicated in the Government Master File (GMF) record for every frequency assignment assigned in the eligible band. This item is mandatory and must be unclassified.

2. Center Frequency/Lower Band Limit [FRQ]: Provide the center frequency in megahertz (MHz) of the authorized specific operating frequency assignment. If the assignment is a band assignment, enter the lower limit of the band in MHz.

3. Upper Band Limit [\*FRB]: Only for a band or sub-band assignment, enter the upper limit of the band in MHz.

4. Emission Bandwidth (20 dB) [Derived from EMS]: Provide the 20 dB emission bandwidth of the transmitter in MHz.

5. Receiver Bandwidth (3 dB): Provide the 3 dB receiver bandwidth in MHz.

6. Bureau [BUR]: Provide the appropriate abbreviation or acronym for the federal entity's user organization following guidance in Annex G, Section G.1. (e.g., AF, NWS)

7. System Use: Provide the type or category of system use, as appropriate for the particular band. NTIA will identify the categorization options in auction specific guidance for preparing the transition plan, in order to ensure consistency among federal entities.

*For Example:* For the 1695-1710 MHz Band – Choose one of the following: Meteorological Satellite, Fixed Microwave, or Equipment Calibration.

8. System Name: Provide a system name for identification of the system for purposes of tracking the expenditure of authorized SRF funds. This name does not have to match the system name/identifier or equipment nomenclature as documented in the GMF. It is recommended that a standard approach for naming systems be established. Each system name should be unique and clearly identify the specific system in understandable terms. This will assist with implementation of the transition plan. The system name identified here will be used as the basis for identifying required funds in Tab E.

9. TX State [XSC]: Provide the geographical abbreviation (State or Area) as shown in Annex G, Section G.2, in which the site of the transmitting station is located. For non-geographical locations, enter SPC for a station on-board a satellite in space, AIR for an airborne/aeronautical station, MOB for ground mobile stations, and MAR for a maritime station.

10. Service Area (TX): The Service Area which encloses the latitude and longitude of the Transmitter. The service area type to reference will be identified in auction-specific guidance.

11. TX Latitude/Longitude [XLA/XLG]: Provide the Latitude and Longitude of the Transmitter. For latitude, use the format xxyyzzN, and for longitude use the format xxxyyzzW, where "x" is understood to be in degrees, "y" is minutes and "z" is seconds. For longitude, a leading zero may be used. For assignments involving multiple transmitters or for transmitters for which location cannot be specified by a pair of latitude and longitude coordinates (e.g., AIR or SPC, USP, etc.), enter all Xs in the field.

12. RX State [RSC]: Provide the geographical abbreviation (State or Area) as shown in Annex G, Section G.2, in which the site of the receiving station is located. For non-geographical locations, enter SPC for a station on-board a satellite in space, AIR for an airborne/aeronautical station, MOB for ground mobile stations, and MAR for a maritime station.

13. Service Area (RX): The Service Area which includes the latitude and longitude of the Receiver. The service area type to reference will be identified in auction-specific guidance. For assignments involving multiple receivers, enter all Xs in this field.

14. RX Latitude/Longitude [RLA/RLG]: Provide the Latitude and Longitude of the Receiver(s). For latitude, use the format xxyyzzN, and for longitude use the format xxxyyzzW, where "x" is understood to be in degrees, "y" is minutes and "z" is seconds. For longitude, a leading zero may be used. For assignments involving multiple receivers or for receivers for which location cannot be specified by a pair of latitude and longitude coordinates (e.g., AIR or SPC, USP, etc.), enter all Xs in the field.

15. Sharing: Indicate whether a sharing arrangement will be implemented for either a temporary period as a means to relocation, or for an indefinite period of time. Enter "Indefinite" to indicate: Geographic frequency sharing for an indeterminate period of time is required. Enter "Temporary" to indicate: Geographic frequency sharing on a temporary basis as a means to relocation will be permitted.

16. Alternate Frequency Assignment: If the federal entity is relocating its operations such that it requires an alternate frequency assignment to replace the one listed, it should have already identified this to NTIA as outlined

in Section O.3 of Annex O. Identify the alternate frequency assignment provided by NTIA. If one has not yet been identified, indicate “TBD” and if not applicable, indicate “N/A.”

17. Transition Timeline (Months): Specify the number of months following the start of the transition period (*i.e.*, upon the receipt of SRF funds from OMB, award of licenses by the FCC, or a similar event marking the start of the transition period) to relocate or implement sharing arrangements for all affected service areas. If variable timelines are identified in Tab D for different geographic areas, indicate the longest timeline that applies to the specific frequency assignment.

18. Cost: This field identifies the total eligible costs as defined in Section O.2 of Annex O associated with either the relocation or sharing arrangement for this assignment. It will be automatically filled based on the total cost entered in column H in Tab E.

**Tab D. Transition Timeline:** This section provides a timeline by geographic location (using service area type identified in auction-specific guidance) for when sharing will be permitted and/or use of frequencies will be discontinued. As a minimum in this section, all affected service areas must be identified. Begin with the first serial number in the federal entity’s assignment list and make as many entries as needed to identify all affected service areas for that assignment. Do the same for each subsequent assignment. Enter timeline information only as applicable. All three columns should NOT be filled in. Options include only the following: (a) Vacate Assignment, (b) Begin Temporary Sharing *and* Vacate Assignment, or (c) Begin Indefinite Sharing.

1. Serial Number: Enter the serial number in as many rows as needed to identify all service areas affected by that assignment.

2. Geographic Region (Service Area): Identify a single geographic location using the service area type identified in auction-specific guidance. Each affected service area for a given assignment requires an independent line entry.

3. Timeline (Months from Transition Period Start Date): For each geographic location (service area), identify the number of months it will take for sharing to begin, and/or when the use of the assigned frequency at that location will be discontinued. Enter the timeline as it applies to that given assignment within that specific service area.

**Tab E. Timeline for Funds:** This section provides the plan and timeline for using funds from the SRF. It provides details required for OMB to make determinations required by law prior to the transfer of funds. All entries in this section must be “Unclassified.”

1. System Name: This field should be the same “system name” entered on Tab C, Item 8, for each assignment.

2. System ID: This field should contain the federal entity’s abbreviated name or acronym followed by a dash and a sequential number for each line item. (*e.g.*, DOI-7)

3. Pre-Auction Costs (\$M): Enter the amount of pre-auction planning costs, as defined in Section O.2 of Annex O, for this system.

4. Pre-Auction Transfer Requested (\$M): Enter the amount of pre-auction planning costs, as defined in Section O.2 of Annex O, for which a transfer from the SRF prior to the auction start is requested for this system.

5. Pre-Auction Costs Incurred between 6-28-2010 and 2-22-2012: Enter any amount of pre-auction costs, as defined in Section O.2 of Annex O, which were incurred between June 28, 2010 and February 22, 2012.

6. Equipment-Related Costs (\$M): Enter the amount of equipment-related costs, as defined in Section O.2 of Annex O, for this system.

7. Deployment-Related Costs (\$M): Enter the amount of deployment-related costs, as defined in Section O.2 of Annex O, for this system.

8. Total Cost for System (\$M): The total relocation or sharing costs for this system including total pre-auction costs, equipment-related costs, and deployment-related costs.

9. Begin Expenditure of Funds: Identify when the federal entity will begin using SRF funds for this system (in months after receipt). Not applicable for Pre-Auction Costs.

10. End Expenditure of Funds: Identify when the federal entity estimates it will complete using SRF funds for this system (in months after receipt).

11. Costs Associated with Expanded Capability: Identify any costs associated with incidental increases in functionality resulting from the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, if applicable. If not applicable, leave blank.

12. Description of Expanded Capability: If costs associated with expanded capability are identified, describe the expanded capability or additional functionality. If not applicable, leave blank.

13. **Explanation/Justification:** If costs associated with expanded capability are identified, provide an explanation of the proposed increase in functionality and how this is incidental as a result of acquiring state-of-the-art replacement system(s) in order to meet the comparable operational scope. If not applicable, leave blank.

**Tab F. NTIA Interactions:** This section provides an opportunity for the federal entity to identify any specific interactions required between it and NTIA that are necessary to implement the transition plan. Identify the nature of each interaction and the approximate date proposed for such interaction.

**Tab G. Excluded Information:** This section provides a description of any information which has been excluded from the unclassified transition plan and provides an explanation of the basis for its exclusion. The publicly releasable transition plan will reflect asterisks in the fields where information is missing due to its classification or sensitivity.

1. **Serial Number:** Enter the serial number for any assignment for which information required in the transition plan is classified or sensitive such that it is excluded from the publicly releasable version.

2. **Description of Classified and Other Sensitive Information:** Identify with as much specificity as possible the nature of the information excluded from the plan. For example, for a given assignment, the frequency assignment, exact location (latitude and longitude) of the transmitter, and emission bandwidth may be excluded. For the applicable serial number, each element should be identified by name.

3. **Reason for Exclusion:** Indicate “Classified” or “Sensitive.”

4. **Reference:** For each element identified, provide an explanatory reference and authority for exclusion.

*For Example:* The operating frequency is classified Secret IAW XYZ Classification Guide 123-2013 and the location and bandwidth are Controlled Unclassified Information (CUI)/Critical Infrastructure-Critical Energy Infrastructure Information (18 CFR 388.113(a)) (*see* <http://www.archives.gov/cui/registry/category-list.html>).

**Tab H. Factors:** This section provides an opportunity for the federal entity to identify any factors that could hinder fulfillment of the transition plan.

1. **Factor:** Identify and explain any potential risk factors that could delay implementation. As a minimum, if any information is withheld due to classification or sensitivity, address this factor.

2. **Impact on Fulfillment of Transition Plan:** For each factor listed, provide an explanation of how or why it may impede the relocation or implementation of sharing arrangements.

*For Example:*

**Factor:** Weather complications

**Impact:** The relocation is dependent on installation of new equipment at location A and location B. At these locations, installation could be delayed due to extensive winter conditions coupled with excessive rain during the warmer months which prevents use of heavy construction equipment.

**Tab I. Additional Information:** This section is optional. It provides each federal entity an opportunity to insert any additional information it deems necessary to adequately explain its transition plan. For each entry made, reference the Tab and data element, as applicable, to which the additional information relates. As an example, an agency could explain that the timelines provided at Tabs D and E are necessary to ensure conformance to all agency and federal government procurement requirements, based on the time it takes to establish contract vehicles, and if required, acquire replacement equipment to maintain operational capabilities.

## Tab A: Title Page

UNCLASSIFIED/CLEARED FOR PUBLIC RELEASE

Official Name of Federal Entity (XYZ)  
Bureau or Agency (Optional)

Transition Plan for XXXX-XXXX MHz Band

Primary Point of Contact: First MI Last  
Office:  
Telephone Number: NNN-NNN-NNNN  
E-mail: first.last@xyz.gov

Alternate Point of Contact: First MI Last  
Office:  
Telephone Number: NNN-NNN-NNNN  
E-mail: first.last@xyz.gov

Certification regarding Classified and Sensitive Information:  
I, *[Name of Responsible Authority]*, certify that this transition plan, is cleared  
for release to the public and contains no classified or sensitive information.  
[As applicable: A separate Annex containing a complete transition plan  
including all classified and sensitive data is provided under separate cover via authorized channels.]

UNCLASSIFIED/CLEARED FOR PUBLIC RELEASE

## Tab B: General Information

UNCLASSIFIED/CLEARED FOR PUBLIC RELEASE

### XYZ Transition Plan for XXXX-XXXX MHz Band General Info

1	This Transition Plan includes pre-auction planning costs, as defined in Section O.2 of Annex O:				
	a. Total pre-auction planning costs:	0			
	b. The subtotal amount, if any, of pre-auction planning costs requested for pre-auction transfer:	0			
	c. The subtotal amount, if any, of pre-auction planning costs incurred after June 28, 2010, but before February 22, 2012:	0			
	d. This organization attests that:				
	[1] This transition plan provides for sharing and coordination of eligible frequencies with non-federal users, including reasonable accommodation for the use of eligible frequencies by non-federal users during the transition period.				
	[2] This transition plan provides for non-federal users to be able to use eligible frequencies during the transition period in geographic areas where this organization does not use such frequencies.				
	[3] During the transition period, this federal entity will make itself available for negotiation and discussion with non-federal users not later than 30 days after a written request.				
	[4] During the transition period, this federal entity will make available to a non-federal user with appropriate security clearances any classified information regarding the relocation process, on a need-to-know basis.				
	[5] (Only applicable if the amount in 1b above is greater than \$0.00.) Funds transferred before an auction will likely allow for timely implementation of relocation or sharing, thereby increasing net expected auction proceeds by an amount not less than the time value of the amount of funds transferred.				
2	There is additional information required to be included in the Transition Plan that is not included in this document because it is <u>classified</u> information, as defined in Section O.7 of Annex O.				
3	There is additional information required to be included in the Transition Plan that is not included in this document because it is <u>sensitive</u> information, as defined in Section O.7 of Annex O.				
4	a. Name of Responsible Officer:				
	b. (Optional) Title/Office:				
	c. (Optional) Telephone Number:				
	d. (Optional) E-mail:				

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### Tab C: Abstract

UNCLASSIFIED//CLEARED FOR PUBLIC RELEASE

# XYZ Transition Plan for XXXX-XXXX MHz Band

## Abstract

[illegible]

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### Tab D: Transition Timeline

UNCLASSIFIED//CLEARED FOR PUBLIC RELEASE

### XYZ Transition Plan for XXXX-XXXX MHz Band Transition Timeline

[illegible]

UNCLASSIFIED//CLEARED FOR PUBLIC RELEASE

### Tab E: Timeline for Funds

UNCLASSIFIED//CLEARED FOR PUBLIC RELEASE

### XYZ Transition Plan for XXXX-XXXX MHz Band Plan and Timeline for using Funds (SRF)

[illegible]

UNCLASSIFIED//CLEARED FOR PUBLIC RELEASE

## Tab F: NTIA Interactions

UNCLASSIFIED/CLEARED FOR PUBLIC RELEASE

	Interaction required with NTIA to implement this Transition Plan
1	
2	
3	

UNCLASSIFIED/CLEARED FOR PUBLIC RELEASE

XYZ Transition Plan for XXXX-XXXX MHz Band

Identification of Excluded Classified and Sensitive Information

UNCLASSIFIED//CLEARED FOR PUBLIC RELEASE

[illegible]

## Tab H: Factors

### XYZ Transition Plan for XXXX-XXXX MHz Band Factors that could Impact Fulfillment of Transition Plan

	Factor	Impact on Fulfillment of Transition Plan
1	Classified or Sensitive Information that is not releasable to the public is included in the Transition Plan.	
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

**Tab I: Additional Information**

UNCLASSIFIED/CLEARED FOR PUBLIC RELEASE

**XYZ Transition Plan for XXXX-XXXX MHz Band  
Additional Information (Optional)**

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**(Last Page in Annex O)**