

Annex O

Procedures and Guidance Related to the Spectrum Relocation Fund and Transition Activities in Support of Relocation or Sharing by Federal Government Stations

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 transition activities 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. 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 Technical Panel established in accordance with 47 CFR § 301.120. 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 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. 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).

O.1.2 Organization of Annex; Modifications and Supplements

1. This Annex contains eight sections and one appendix addressing the following topics and subtopics:
 - a. O.1: Introduction
 - 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: Additional Payments for Research and Development and Other Planning Activities
 - h. O.8: Classified and Other Sensitive Information
 - i. Appendix: Common Format for Transition Plans
2. NTIA may modify 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 that 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. Controlled Unclassified Information (CUI): Information the Government creates or possesses, or that an entity creates or possesses for or on behalf of the Government, that a law, regulation, or Government-wide policy requires or permits an agency to handle using safeguarding or dissemination controls. (32 C.F.R. Part 2002)

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 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. FCC: The Federal Communications Commission

l. 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))

m. 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)

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

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

p. Pre-Auction Planning Costs: A sub-set of transition costs; specifically 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))

q. 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.

r. 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.

s. Transition Costs: Relocation or sharing costs, or costs incurred by a Federal entity in connection with the auction of spectrum frequencies or the sharing of spectrum frequencies (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—

(i) the costs of 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;

(ii) the costs of all engineering, equipment, software, site acquisition, and construction, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation or sharing activities of a Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs associated with the replacement of facilities;

(iii) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with—(I) calculating the estimated relocation or sharing costs that are provided to the Commission at least 6 months prior to the commencement of an auction; (II) determining the technical or operational feasibility of relocation to one or more potential relocation bands; or (III) planning for or managing a relocation or sharing arrangement (including spectrum coordination with auction winners);

(iv) the one-time costs of any modification of equipment reasonably necessary—(I) to accommodate non-Federal use of shared frequencies; or (II) in the case of eligible frequencies reallocated for exclusive non-Federal use and assigned through a system of competitive bidding but with respect to which a Federal entity retains primary allocation or protected status for a period of time after the completion of the competitive bidding process, to accommodate shared Federal and non-Federal use of such frequencies for such period; and

(v) the costs associated with the accelerated replacement of systems and equipment if the acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies.

t. Transition Plan: The plan submitted by a federal entity after announcement of an auction 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 use of the Spectrum Transition Tool (ST2)¹ to prepare transition plans following a common format. Section O.8 below sets forth regulations to ensure that publicly released transition plans do not contain classified information or other sensitive information.

¹ ST2 is an information system developed, maintained, and authorized to operate as part of the NTIA Flexible Web Development Platform (NTIA-034). It meets the minimum-security controls for a “Moderate” system as required by Federal Information Processing Standard (FIPS) 200, *Minimum Security Requirements for Federal Information and Information Systems*, and defined by National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53, Revision 4, *Security and Privacy Controls for Federal Information Systems and Organizations*.

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. 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. Pursuant to Section 113(g)(5) of the NTIA Organization Act, as amended (47 U.S.C. § 923(g)(5)), NTIA shall at the time of providing the initial estimate of 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.”

2. 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.” Any transfer from the SRF to an eligible federal entity is also conditioned by the statute on Technical Panel approval of the transition plan 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 Technical Panel. These include the following:

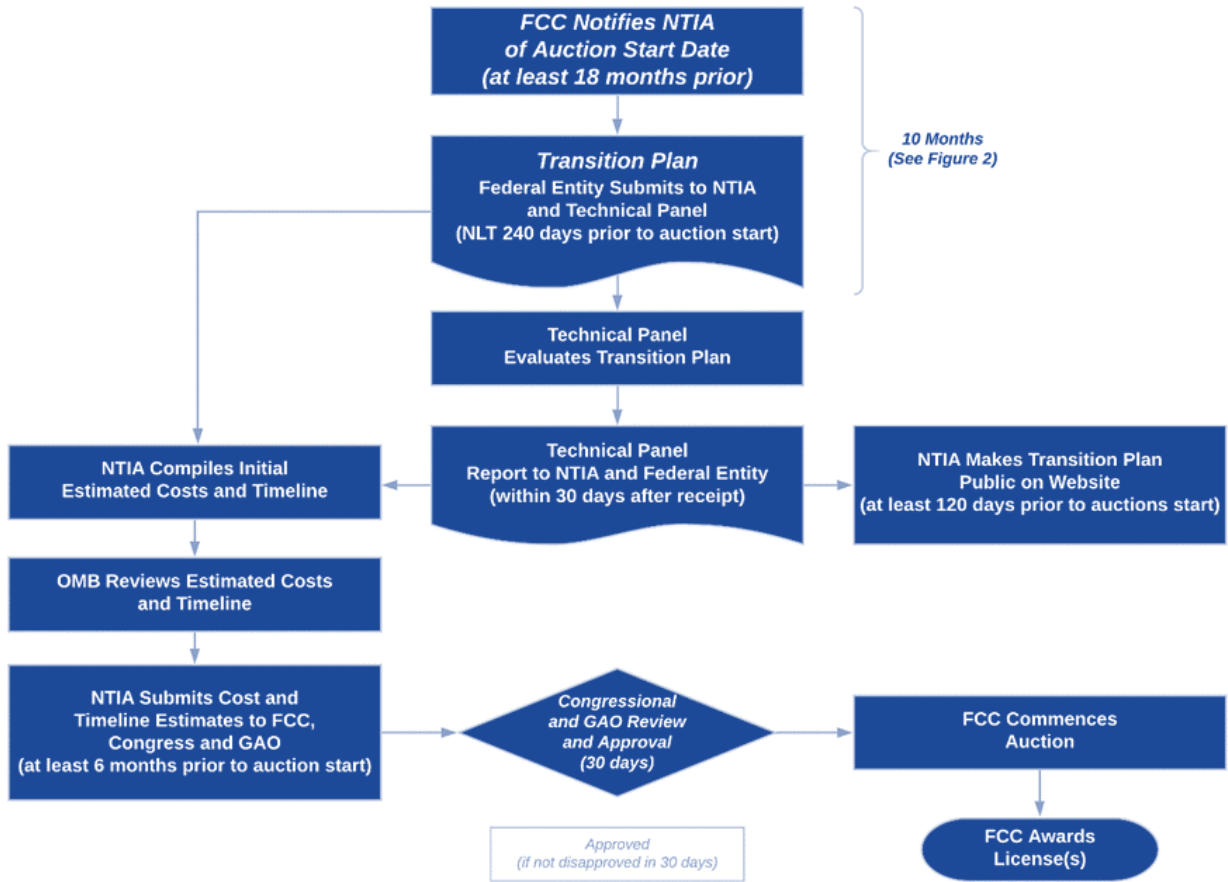
a. a federal entity must submit a transition plan “for the implementation by such entity of the relocation or sharing arrangement” to NTIA and the Technical Panel not later than (NLT) 240 days (i.e., approximately eight months) prior to the auction start date;

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.

Figure 1. Transition Planning Process



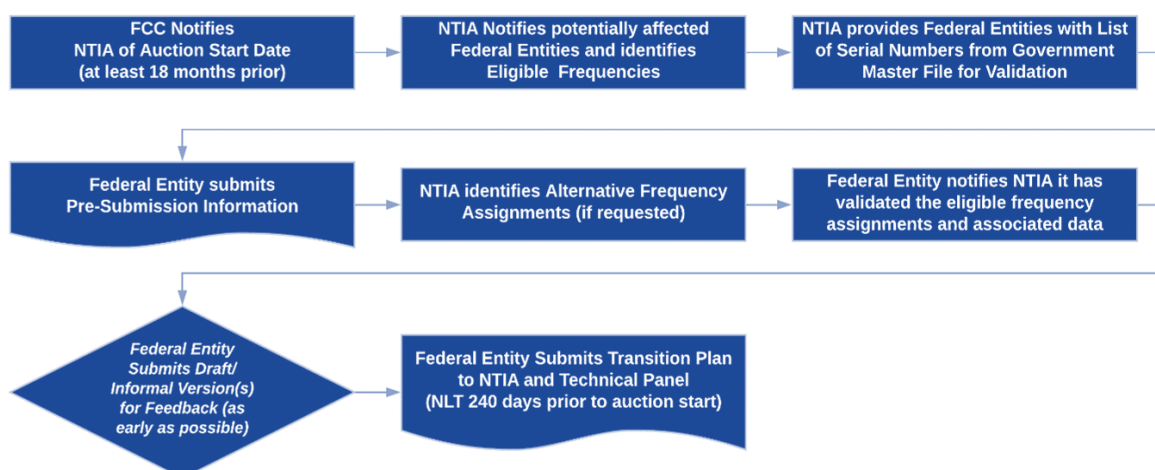
O.3.2 Preparation of Transition Plans

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 normally have approximately 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. NTIA also maintains an automated tool to produce transition plans in the required format.

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.4.2 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 CUI; (3) for any information identified under (2), the level of classification and/or the CUI category or subcategories that apply, (4) whether the federal entity, in its transition plan, intends to seek reimbursement from the SRF for pre-auction planning costs; and (5) 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 federal entities a list of eligible frequencies on record in the Government Master File (GMF). To the extent that any of the GMF data related the federal entity's assignments are classified or CUI, only serial numbers will be included in the list, and the classified or CUI data will be handled pursuant to Section O.8 of this Annex. Each federal entity will be asked to validate frequency assignment data that is applicable to its transition plan. The assignment parameters outlined below will be preloaded into the ST2 for eligible frequencies, unless an affected federal entity notifies NTIA in its pre-submission information not to pre-load the assignment data and requests to be provided a full list of the entity's current assignments in the eligible frequencies as contained in the Government Master File (GMF).

2. NTIA will seek to confirm and validate the data elements listed below for current assignments within the eligible frequency band or bands identified in the NTIA notification. Items marked with a + indicate those items that will be pre-loaded into ST2 for validation.

- +SER: Serial Number
- +FRQ/FRB: Frequency(ies)
- +Emission Bandwidth (Necessary Bandwidth) (MHz): Derived from Emission Designator (EMS)
- +XSC: Transmitter State/Country
- +XLA/XLG: Transmitter antenna coordinates
- +RSC: Receiver State/Country
- +RLA/RLG: Receiver antenna coordinates
- Receiver Bandwidth
- Authorized Area of Operations
- System Use

3. Within 30 days of notice that baseline data has been entered into ST2, or after receiving assignment information and instructions, each affected federal entity must validate the data, or submit updated data. Each affected federal entity must also 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 assignment 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. As transition plans are finalized, NTIA will work collaboratively with the federal entities, as required, to establish planning assignments with a special note under Section A.6 of Annex A of this Manual. Once the planning assignment is "activated," or a different alternative frequency is requested and assigned, the special note will be deleted.

6. The data provided to each agency pursuant to Paragraph 1 of this Section may include serial numbers associated with experimental and other TEMPORARY or TRIAL frequency assignments contained in the GMF. Pursuant to Section 6.4 of this Manual, experimental classes of stations operate via temporary assignments and on a secondary basis to stations of all other services. If an agency seeks to convert any such assignments to a REGULAR assignment that supports ongoing operations for an unspecified period of time, the agency must submit an appropriate frequency action before submission of its initial transition plan. If use by the federal entity of the eligible frequencies is authorized by an experimental frequency assignment as of the date of the submission of the initial transition plan, the agency shall enter "NIB" in the "Remarks" field in the transition plan to indicate operations on a "not to interfere"

basis.

O.3.3 Informal Reviews and Submission of Initial Transition Plans

1. Federal entities are encouraged while preparing transition plans to request optional review of draft versions of their transition plans by NTIA and the Technical Panel as early as possible to allow for more adequate time for discussion and feedback in order to mature such plans. As noted above, no later than 30 days from when the plan is formally submitted, the Technical Panel shall submit to NTIA and the federal entity a report on the sufficiency of the transition plan. This 30-day timeframe 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, or 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 a draft plan for an informal review, 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. When requesting transfers for any pre-auction costs, the submitter must agree to and state that the transition plan meets the criteria in section 118(d)(3)(B)(ii) of the NTIA Organization Act, as amended (47 U.S.C. § 928(d)(3)(B)(ii)). The submitter must further affirm that the request for transfer of pre-auction costs before the 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 (47 U.S.C. § 928(d)(3)(B)(i)(I)).

4. To the extent that initial transition plans contain classified or other sensitive information, such information will be handled pursuant to Section O.8 of this Annex.

O.3.4 Review of Initial Transition Plan

1. 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. The Technical Panel will assess the sufficiency of transition plans 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. During the review process, the Technical Panel or NTIA support staff may identify administrative errors or other modifications that should be made for accuracy before the plan is found sufficient. The federal entity may make these required changes and resubmit a corrected plan to replace the plan under review. This process allows the Technical Panel’s review to continue on schedule without resetting the review timeline.

2. 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

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. 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. NTIA will provide the necessary and timely information and notifications, after OMB review, to the FCC, GAO, and Congress.

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) NLT 120 days before the auction start date. However, in accordance with Section O.8 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.

O.3.8 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 transition timeline for relocation or sharing. Updates must be submitted as revisions to the most current approved transition plan in ST2. Unless otherwise advised by NTIA, the federal entity should take the actions specified below, depending on the reason for the update, no later than 30 days after the date on which the changed circumstances materially affecting the transition are discovered, determined or directed.

2. Additional Funds: To identify the need for and request additional funds, federal entities shall submit a formal memorandum signed by the entity head or their designated official to OMB with cc: to NTIA and the FCC. The memorandum shall identify the total amounts requested; a detailed explanation of how the funds will be used; a full justification of why they are required, and a full itemization of the funds already spent. OMB may provide additional guidance and request additional detail, as needed, to assess the request properly.

3. Extension of Transition Timeline: It is important that federal entities transition their use of the auctioned spectrum as originally projected, approved, and made known to the public prior to the auction. Federal entities should take all actions possible to avoid a delayed spectrum transition. However, once there

is clear evidence that the original date cannot be met, but not earlier than 18 months prior to the approved transition timeline, federal entities shall submit a formal memorandum signed by the head of the entity to NTIA with cc: to OMB and FCC. The memorandum shall identify the spectrum and locations affected and provide an explanation of the circumstances, including a detailed explanation of efforts taken to mitigate the problem and meet the original transition timeline. Prior to submitting the memorandum, the federal entity must coordinate with any affected licensees and obtain their concurrence to continued operations, as requested. Continued operations must operate on a non-interference basis (NIB), unless otherwise coordinated with the licensees; and approved by NTIA.

4. **Alternate Technical Solution:** If a federal entity determines that execution of its original plan for transition is not feasible or determines there is a better solution, it shall submit an updated transition plan to document and obtain approval of its new plan. For an alternate technical solution that does not require additional funds and does not extend an approved transition timeline, the agency shall submit a formal memorandum signed by the agency head or designated official to OMB with cc: to NTIA and FCC requesting approval of the change. The memo should fully explain the original technical solution and justification for the change, including the circumstances that cause it to not be able to be executed as outlined in the approved transition plan or why the new solution is better. Include details about any funds expended to date, the costs associated with the new proposed solution, and an explanation of how the remaining funds will be spent on the new solution.

5. **Extension of Spending Timeline:** If during the implementation of a transition plan, a federal entity determines that it will need more time to fully expend funds for any of its systems or programs, the federal entity shall advise OMB and NTIA via email. The request should identify the amount of additional time requested and explain the reason the extension is needed. If an extension of the spending timeline is associated with a request for additional funds, it should be included in the memorandum submitted per paragraph 2 of this section.

6. Once a request submitted in accordance with 2-5 above has been approved, and for all other types of updates (*e.g.*, administrative, points of contact), a revision to the most recently approved transition plan must be submitted via ST2. In those special circumstances when use of ST2 is waived, federal entities must provide an updated plan with an additional Tab to the template file that catalogs any changes from the previously approved plan. Pursuant to Section 113(h)(6) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(6)), NTIA will make the updated plan available on its website (www.ntia.doc.gov), excluding any classified or other sensitive information in accordance with Section O.8 of this Annex.

7. In addition to other changed circumstances and subject to any guidance from OMB, a memorandum to OMB and 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.

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)), this Annex specifies the “common format” for transition plans. The NTIA developed ST2 to format information required for inclusion in transition plans into the common format as an exported report. All federal entities shall use ST2 to prepare and submit non-classified transition plans pursuant to the statute and under this Annex, unless a waiver is granted due to special circumstances.

2. Given extenuating circumstance, a federal entity may submit a request for a waiver of the use of ST2 to the NTIA Associate Administrator for Spectrum Management. If granted, NTIA will provide the common format as a standard spreadsheet file for use in completing the transition plan in preparation for the auction of eligible frequencies. The same common format file will be provided to federal entities that identify in their pre-submission information pursuant to O.3.2.2 a need to submit a classified annex or transition plan. Section O.8 sets forth regulations to ensure that publicly released transition plans do not contain classified information or other sensitive information.

3. The previous section of this Annex described the process and procedures for the preparation, review, transmittal and publication of transition plans. This section describes each part of the transition plan common format (see Appendix), including specifics about the content to be entered into ST2 and a description of each section as included in the exported plan. NTIA will provide more specific instructions

as well as direction as to any auction-specific templates changes, for each auction and related eligible frequencies, as required, in the notification outlined in section O.3.2.2.

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.² 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."³

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 transition costs to be incurred to achieve "comparable capability of systems as before the relocation or sharing arrangement."⁴ The plan must also identify any factors that could "hinder fulfillment of the transition plan," including at a minimum the extent to which any classified information will affect "the implementation of the relocation or sharing arrangement."⁵

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.⁶

O.4.2 Title Page: Plan Identification, Responsible Officer, Points of Contact and Pre-Auction Transfers Agreement

1. The "Title Page" or first page of the Transition Plan in accordance with the common format template, includes the official name of the federal entity, along with the name of the Responsible Officer and contact information for its primary and alternate points of contact. It also includes plan identifying information, such as the version and approval date, as well as the pre-auction transfer agreement made by the agency if it requested a transfer for pre-auction costs pursuant to Section 118 (d)(3)(B). This same information, except for the pre-auction transfer agreement, is displayed on the Plan Dashboard in ST2.

2. The Responsible Officer is the officer or employee who is responsible for the federal entity's relocation or sharing efforts and who is authorized to meet and negotiate with non-federal users.⁷ 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. The Responsible Officer and Points of Contact are also 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.

3. The date of submission and approval of the plan, as well as revision number (*i.e.*, Rev #) will be noted if the plan includes corrections or changes to a previous plan officially submitted and approved. If

² See 47 U.S.C. § 923(h)(2)(A)-(C).

³ 47 U.S.C. § 923(h)(2)(D).

⁴ 47 U.S.C. § 923(g)(3)(A).

⁵ See 47 U.S.C. § 923(h)(2)(H), (h)(7)(A)(ii).

⁶ See 47 U.S.C. § 928(d)(3)(B)(ii).

⁷ 47 U.S.C. § 923(h)(2)(F)

the federal entity requested pre-auction transfers from the SRF, the Title Page will also include the following:

Note: In order to receive SRF funding for planning efforts to be conducted prior to the auction, this federal entity has agreed that it will provide (I) 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 (in this clause referred to as the “transition period”); and (II) 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. Additionally, this 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 therefor; and 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) 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. [47 U.S.C. § 928(d)(3)(B)(ii)]

This statement is required when requesting transfers for any pre-auction costs, and is included when the submitter, during the ST2 transition plan submission process agrees to and states that the transition plan meets the criteria in section 118(d)(3)(B)(ii) of the NTIA Organization Act, as amended (47 U.S.C. § 928(d)(3)(B)(ii)).

O.4.3 Frequencies: 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. The “Frequencies” Tab in ST2 is the source of the operational and technical data regarding the assignments and systems currently using the eligible frequencies in the “Freq-Geo-Transition Timeline” Tab of the common format template. The content includes operating frequency(ies), system name/type, emission bandwidth, receiver bandwidth, area of operation, transmitter/receiver state and latitude/longitude of sites.

O.4.4 Transition Timeline

1. 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.” This timeline is referred to as the “Transition Timeline” and is based on the number of months following the start of transition implementation. Transition begins effective with the successful completion of the auction and, as such, is the default reference event to use when determining transition timelines. However, NTIA may also specify an alternate event in the notification per Section O.3.2.2 or in subsequent guidance, if necessary. The completion of the auction is the date on which bidding in an auction of eligible frequencies concludes in accordance with Section 309(j)(16)(B) of the Communications Act of 1934, as amended. At the conclusion of the auction bidding, the Commission issues a public notice declaring auction bidding closed.

2. The “Timeline” Tab of ST2 provides transition timelines by geographic location for assigned eligible frequencies in sufficient detail to 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. Within a transition

plan exported from ST2, the “Freq-Geo Transition Timeline” combines and associates the transition timeline data from the Timeline Tab with the operational and technical data from the Frequencies Tab into a single data set. Federal entities should try to identify geographic areas in as much detail as possible. Ideally, the geographic areas would align with the FCC license areas identified to be auctioned. Geographic Areas should be identified using common designators (e.g., two letter state codes) or in accordance with Annex G, Section G.2 of this manual. Any use of other names or areas should be defined in the Notes Tab such that the specific geographic area referenced is identifiable. If there is no further breakdown of the geographical areas for the assignment beyond the authorized operational area as included in the Frequencies Tab, then the abbreviation “AOA” maybe entered in the “Geographic Location associated with Timeline “ data field.

3. As applicable, for each specified geographic location, identify, by months after the start of the transition period, the applicable transition timeline or timelines. It may represent:

- when indefinite sharing can begin pursuant to an applicable arrangement (enter ***Indefinite*** in Sharing Type and a transition timeline in Indefinite Sharing Timeline),
- when temporary coordinated sharing may begin pursuant to an applicable arrangement during the time it takes the entity to vacate the spectrum (enter **Coordinated** in Sharing Type and a transition timeline in Temporary Sharing Timeline), and/or
- when the entity expects the use of the frequency will be discontinued and the assignment deleted (enter a transition timeline in Vacate Assignment Timeline).

4. The estimated transition timeline should be as accurate as possible. Given that the time for funds to be transferred from OMB, as well as the time for funds to flow to the organization executing the transition plan, is variable and unknown, federal entities should include a reasonable period of time for this to occur within their estimated transition timeline.

O.4.5 Funds: Estimated Costs and Expenditure Timeline

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. 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 transition costs, and separately the pre-auction planning costs, 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. A publicly releasable system name is required to be used for purposes of tracking funds. Additionally, the federal entity must identify the costs of any proposed expansion of the capabilities of a federal system, which must be assessed by the Technical Panel as incidental to achieving comparable capability. In providing 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, 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.8 of this Annex.

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. Under Section 113(h)(2)(G), the 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.” The timeline for spending funds is referred to as the “Expenditure Timeline” in the plan and identifies the number of months

following initial transfer of SRF funds during which the funds will be spent. In the Notes Tab, the plan for how the funds will be spent should be provided as part of the general description of plans by systems to support transition of the auctioned spectrum.

4. Additionally, while costs included in a transition plan are deliberately high-level and intended to be released to the public, OMB or the Technical Panel may require agencies to provide “budget-level” details to back up their request for SRF funds as summarized in their transition plans. This supplemental information should be provided to the agency’s OMB Budget Examiner with an information copy being sent to TransitionPlans@ntia.gov.

O.4.6 Interactions

Under Section 113(h)(2)(E) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(2)(E)), the transition plan must include the specific interactions between the eligible Federal entity and the NTIA needed to implement the transition plan. The “Interactions” Tab of the common format template and within ST2 provides a free text section for this information. The federal entity 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 assignments.

O.4.7 Factors

1. Pursuant to Section 113(h)(2)(H) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(2)(H)), each transition plan must also identify factors that could “hinder fulfillment of the transition plan by the Federal entity,” including “the extent of classified information and the effect of such information on the implementation of the relocation or sharing arrangement.”⁸ The “Factors” Tab of the common format template and within ST2 provides a free text section for this information. Federal entities 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 publicly posted transition plan in accordance with Section O.8 of this Annex, this must be addressed as a factor in this Tab.

2. A plan may include additional factors such as: (a) events and circumstances that impact national security, law enforcement, or public safety functions of the current systems and facilities; (b) 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. Options to mitigate risk factors may also be identified and are encouraged, especially with regard to addressing information sharing when classified or other sensitive information is withheld from the transition plan that is released to the public.

O.4.8 Notes: Additional Information

1. The “Notes” Tab of the common format template and within ST2 provides a free text section for providing several types of additional information to help explain the planned transition and justify the requested costs. As applicable, the following additional information should be included: (1) assumptions used to determine transition costs or timelines; (2) paired microwave frequencies that will need replaced at the same time as the eligible frequency; (3) definitions of the geographic areas used for transition timeline in sufficient detail for a reader to understand the specific geographic area(s) associated with the timeline; and (4) an explanation of overall approach to transition and additional detail to fully justify the proposed actions and costs associated with approach.

2. For additional information that refers directly to other items in the transition plan, include the Tab and item name to which it refers, as identified in the other parts of the plan.

3. For updated plans, a note is required that summarizes the changes made to the plan in the revision

⁸ 47 U.S.C. §§ 923(h)(2)(H), 923(h)(7)(A)(ii).

and that references the approval documentation.

O.4.9 Excluded Information

1. Pursuant to Section 113(h)(7)(B) of the NTIA Organization Act, as amended (47 U.S.C. § 923(h)(7)(B)), Section O.8 of this Annex 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. The “Excluded Info” Tab of the common format template, and within ST2, documents the unclassified information that an entity has determined must be excluded from the releasable transition plan and provides a reference to the legal authority for safeguarding and dissemination controls requiring its exclusion.

2. Within ST2, the information in this Tab is automatically generated based on the federal entity using the “sensitivity marking” feature of ST2 to designate each data item or text entry that must be withheld from the public. Marking items this way identifies them as CUI and will ensure that the information will be redacted from the releasable transition plans created as ST2 reports for public consumption. It also creates the table in the “Excluded Info” Tab that besides providing the legal authority for withholding the information also documents the exact information being withheld to satisfy the requirement in Section 113(h)(7)(A)(i)(I), to include “an explanation of the exclusion of any such information, which shall be as specific as possible.”⁹

O.4.10 Classified Annex

In accordance with Section O.8 of this Annex, if any of the information required to be included in the transition plan of a federal entity is classified information, the entity must exclude this information from the transition plan created and submitted via ST2 and place it in a separate classified annex as specified in Section O.8.

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 identify the reference event to use when determining transition timelines in the notification per Section O.3.2.2 or in subsequent guidance based on the circumstances surrounding the particular auction and transition scenario. This event marks the start of the “transition implementation” period. The date on which bidding in 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)) 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 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 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

⁹ 47 U.S.C. § 923(h)(7)(A)(i)(I).

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.”¹⁰

2. With regard to spectrum sharing in eligible frequencies, the statute contemplates a range of potential arrangements including: (1) short-term or temporary “coordinated” 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.¹¹ 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.¹²

O.5.2 Delayed Spectrum Transition

During implementation of an approved transition plan, federal entities should take all actions possible to avoid a delayed spectrum transition, including requesting additional SRF payments in accordance with Section O.6.2. However, not earlier than 18 months prior to an approved transition timeline, if a federal entity is confident that a delay of spectrum transition is inevitable, it shall coordinate with any affected licensees and obtain their concurrence to continue operations. NTIA will authorize continued operations past the approved transition timeline on a non-interference basis (NIB). In consideration of agreements made between the delayed federal entity and licensees, NTIA may authorize other use with concurrence of affected licensee.

O.5.3 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

¹⁰ 47 U.S.C. § 923(h)(2)(F).

¹¹ See 47 U.S.C. §§ 923(g)(3)(A)(iv)(II), (g)(3)(B)(i).

¹² See FCC and NTIA, Coordination Procedures in the 1695-1710 MHz and 1755-1780 MHz Bands, *Joint Public Notice*, GN Docket No. 13-185, DA 14-1023 (July 18, 2014), available at <https://www.ntia.doc.gov/files/ntia/publications/pn-aws3-procedures.pdf> and https://apps.fcc.gov/edocs_public/attachmatch/DA-14-1023A1.pdf.

federal entity's transition plan, 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.¹³ 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."¹⁴ 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,¹⁵ 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 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.5.4 Finding of Comparable Capability

Federal entities may receive SRF payments to cover costs in order to achieve "comparable capability of systems" as before the relocation or sharing arrangement. For purposes of this Annex, and pursuant to Section 113(g)(3)(B) of the NTIA Organization Act, as amended (47 U.S.C. § 923(g)(3)(B)), "comparable capability of systems" may be achieved as described in Seton O.5.4, paragraph 2 of this Annex. When a federal entity no longer requires use of its assigned eligible frequencies and has successfully implemented its transition plan such that it has achieved comparable capability, or if arrangements have been implemented for sharing between the federal entity and non-federal users, the federal entity shall notify NTIA within 30 days following this milestone by reporting transition complete in ST2, or via alternate means for classified systems. NTIA will use this notification as the basis for its finding related to achievement of "comparable capability" of systems under Section 113(g)(6) of the statute.

¹³ 47 CFR Part 301.

¹⁴ 47 U.S.C. § 923(i)(1).

¹⁵ 47 U.S.C. § 923(i)(7).

O.5.5 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 OMB's notification to the committees of Congress of planned transfers from the SRF is not disapproved within 30 days following submission to them.

O.6.1 Transfers of Pre-Auction Costs

1. 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.

2. Payments for pre-auction costs will be transferred to federal entities at the same time as their approved transition costs 30 days after Congressional notification and the deposit of auction proceeds into the SRF, unless specifically requested in their transition plan to be transferred prior to the auction. If SRF payments are requested prior to the auction, the submitter must affirm during the submission of its transition plan that the transfer of the funds prior to the auction will 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.

O.6.2 Accelerated Implementation Payments

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 any eligible federal entity that is implementing a transition plan in order to encourage such entity 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. Such payment shall be based on the market value of the eligible frequencies; the timeliness with which the eligible federal entity clears its use of such frequencies; and the need for such frequencies in order for the entity to conduct its essential missions. If approved by OMB, such payment may not be made until 30 days after the Director of OMB has notified Congress.¹⁶

¹⁶ OMB Commerce Branch Chief Memorandum, "Information for Eligible Federal Entities Related to Spectrum Transition Plan Updates," AWS-3 Transition Plan Update Information Version No. 17-1, dated Nov. 22, 2016.

O.6.3 Subsequent Transfers

In accordance with Section 118(e)(1)(B) of the NTIA Organization Act, as amended (47 U.S.C. §928(e)(1)(B)), an eligible federal entity may receive more than one transfer from the SRF, subject to prior review and approval by OMB in consultation with NTIA. The eligible federal entity's request for a subsequent transfer and updated transition plan must include an explanation of the need for the subsequent transfer consistent with applicable OMB guidance.¹⁷ If the sum of the subsequent transfer or transfers exceeds 10 percent of the original transfer, the subsequent transfer(s) is/are subject to notice to Congress and GAO 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 that causes such excess above 10 percent.

O.6.4 Reporting of Actual Relocation Costs; Retransfer to Fund

1. In accordance with Section 118(e)(2) of the NTIA Organization Act, as amended (47 U.S.C. §928(e)(2), and Section 31.13 of OMB Circular A-11, an eligible Federal entity that has received transfers from the SRF shall report the entity's actual expenditures to OMB and NTIA on an annual basis pursuant to applicable guidance.

2. An eligible Federal entity that has received transfers from the SRF shall transfer any amounts in excess of actual relocation or sharing costs back to the SRF upon completion of transition. As soon the federal entity achieves comparable capability of systems as before the auction, but prior to reporting completion of its transition plan in ST2, the federal entity must return the balance of unexpended funds. After a federal entity reports completion of transition, NTIA will notify the FCC pursuant to Section O.5.4 of this Annex.

O.6.5 Annual Report to Congress and GAO

In accordance with Section 207 of the CSEA,¹⁸ NTIA will submit to Congress and GAO an annual report on the progress made in adhering to the timelines applicable to relocation from or sharing of eligible frequencies, separately stated on a system-by-system basis and on auction-by-auction basis. This report will include, for each affected federal system and auction: a statement of the estimated relocation or sharing costs set forth in each entity's approved transition plan and any updates thereto; the actual relocation or sharing costs incurred; and the amount of such costs paid from the SRF during the previous year.

O.7 ADDITIONAL PAYMENTS FOR RESEARCH AND DEVELOPMENT AND OTHER PLANNING ACTIVITIES

O.7.1 Authorized Payments

Pursuant to Section 118(g) of the NTIA Organization Act, as amended (47 U.S.C. §928(g)), the Director of OMB may make additional payments requested by federal entities for research and development, engineering studies, economic analyses, or other planning activities intended to improve the efficiency and effectiveness of the spectrum use of federal entities in order to make available frequencies for reallocation for non-Federal use or shared Federal and non-Federal use, or a combination thereof, and for auction in accordance with such reallocation. For purposes of a payment for activities with respect to systems that improve the efficiency and effectiveness of the spectrum use of Federal entities, such systems include (1) systems that have increased functionality or that increase the ability of a Federal entity to accommodate spectrum sharing with non-Federal entities; (2) systems that consolidate functions or services that have been provided using separate systems; and (3) non-spectrum technology or systems.

¹⁷ *Id.*

¹⁸ Pub. L. No. 108-494, Title II, § 207, 118 Stat. 3996 (Dec. 23, 2004), codified at 47 U.S.C. § 928 note.

O.7.2 Spectrum Pipeline Plans

1. In general, the federal entity or entities submitting a Spectrum Pipeline Plan must fully define the project, including, but not limited to, the following information:

- a. a narrative description of all planned activities that would be funded through the SRF, including anticipated outcomes;
- b. a description of all systems that will be affected by the planned activities, including the purpose of that system and characteristics of usage;
- c. a description of both current spectrum assignments that might be affected by the planned activities and any new spectrum assignments the entity anticipates requesting;
- d. a summary of any new proposed systems, technologies, or applications, if applicable, that will be researched or developed with SRF funding;
- e. the frequencies that are being targeted to be made available for auction or sharing via the proposed project, and a tentative timeline for when the frequencies might become available for commercial use;
- f. measurable goals and objectives, including initial and anticipated Technology Readiness Levels (TRL) for any systems, applications, or technologies that will be researched, developed, modified, or tested as a result of the planned activities;
- g. a detailed budget by year;
- h. a justification for how the project meets the statutory requirements, and
- i. a description of any potential follow-up research, development, or activity that might be required to make the identified frequencies of spectrum available for auction.

2. The submitting entity (or entities, in the case of a joint project) must identify all federal entities, and as appropriate all specific bureaus or offices, that will be directly involved or affected by the project. Entities should describe the planned project management structure and allocation of funding among agencies and bureaus.

3. The plan should include contact information for engineering, policy, legal, and budgetary leads and describe the governance structure of the project, including processes for managing multi-agency stakeholder input into project elements such as project requirements, milestones, and deliverables. Plans should be signed by the head of the federal entity or entities requesting funds prior to submission to the Technical Panel.

4. A Spectrum Pipeline Plan or any supporting documentation should not include any classified information. If such information must be considered for the plan to be properly assessed, the entity should place the information in a separate annex and reference it in its plan. The Technical Panel will make arrangements for submission and briefing of such information. If required, the annex shall be provided to the subcommittee of primary jurisdiction of the congressional.

5. Federal entities will also submit “supporting documentation” to provide additional information and detail on specific aspects of the plan, as outlined in OMB and NTIA guidance. This information may not represent all information the Technical Panel needs to make a decision to approve a plan. Federal entities should anticipate that the Technical Panel may ask for additional information as necessary, and may request meeting(s) to discuss the content of plans.

O.7.3 Review by the Technical Panel

Not later than 120 days after a federal entity submits a spectrum pipeline plan as specified in section O.7.2, the Technical Panel shall approve or disapprove such plan based on consideration of whether the activities that the Federal entity will conduct with the payment will (1) increase the probability of relocation from or sharing of Federal spectrum; (2) facilitate an auction intended to occur not later than 8 years after the payment; and (3) increase the net expected auction proceeds in an amount not less than the time value of the amount of the payment. The Technical Panel must also consider if the transfer will leave sufficient amounts in the Fund for the other purposes of the Fund.

O.8 CLASSIFIED AND CONTROLLED UNCLASSIFIED 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.8.1 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.” 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 “sensitive information” defined above in Section O.2 of this Annex and used in this section is derived from Section 119(a) of the NTIA Organization Act that was added by Section 6703 of the Tax Relief Act (47 U.S.C. § 929(a)). In 2016, regulations were published for the Controlled Unclassified Information (CUI) program established by Executive Order 13556 and establishes policy for designating, handling, and decontrolling information that qualifies as CUI.¹⁹ The CUI program standardizes the way the Executive branch handles unclassified information that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and Government-wide policies. CUI categories and subcategories are the exclusive designations for identifying this type of information and all unclassified information throughout the executive branch that requires any kind of safeguarding or dissemination control is by definition CUI. Agencies may not implement safeguarding or dissemination controls for any unclassified information other than those controls permitted by the CUI Program and agencies may use only those categories or subcategories approved by the CUI EA and published in the CUI Registry. Accordingly, all information that would be considered “sensitive information” under 47 U.S.C. § 929 will be referred to and handled as CUI.

O.8.2 Submission of CUI and Classified Information in Transition Plans

1. In the pre-submission information identified under Section O.3.2.2 of this Annex, the federal entity will be requested to indicate whether any of the information required to be included in its transition plan will be marked as classified information or CUI. This allows NTIA to plan accordingly and, if necessary, provide supplemental guidance to the federal entity as it prepares to submit its transition plan. Pursuant to Section 119(a) of the statute (47 U.S.C. § 929(a)), if a transition plan to be submitted to NTIA includes classified and/or CUI that cannot be released to the public, the head of the agency submitting the plan shall notify the Assistant Secretary of Commerce for Communications and Information, prior to the submission of the plan. If for any reason the notification is not provided prior to submission of the transition plan to NTIA, it will be provided as soon as possible after, but no later than 150 days prior to the scheduled start of the auction to enable NTIA to post plans without classified information or CUI on its public website 120 days prior as required by 113(h)(5) of the statute (47 U.S.C. § 923(h)(5)).

2. As discussed in O.4, except for special circumstances, federal entities are required to use the ST2 to prepare and submit transition plans pursuant to the statute and under this Annex. ST2 is an unclassified information system and accordingly, maintains only unclassified data for each transition plan, albeit a complete data set including any non-classified sensitive information or CUI. For ST2 transition plans, it is the responsibility of the federal entity’s “submitter” to ensure any unclassified information that must be withheld from the public is properly marked and documented using the sensitivity marking functionality within ST2. Each federal entity will be required to identify as part of their pre-submission planning information (O.3.2.2) the categories or sub-categories of CUI and any of those that require additional

¹⁹ 32 C.F.R Part 2002. See also <https://www.archives.gov/cui>.

special handling provisions that may be included in their transition plan. ST2 will make those categories/sub-categories available for marking the CUI information and required labels and marking will be applied to the ST2 banner and all reports containing CUI. The plan submitter during submission must certify that all CUI has been properly designated. Based on this certification, ST2 will create publicly-releasable plan reports that include only, but all, unmarked data items in order to provide all relevant non-classified and non-sensitive information. If agencies have an internal process for clearance of information to the public, this should be done prior to official submission of the transition plan.

3. As required by Section 113(h)(7) of the statute (47 U.S.C. § 923(h)(7)), if any of the information required to be included in the transition plan of a federal entity is classified, the entity must include all relevant non-classified information. Only unclassified information is to be submitted via ST2. NTIA will provide instructions for submitting classified plans in auction-specific guidance, as applicable. Classified information must be placed in a separate document and submitted via secure methods. Submission of a full classified transition plan, with all Tabs including both unclassified and classified information, is preferred for purposes of providing to Congressional committees, as provided for by Section 119(b) of the statute (47 U.S.C. § 929(b)). At a minimum, however, all classified information withheld from the unclassified plan submitted via ST2 will be provided in the format of the appropriate Tab for the information excluded using the common format outlined in the Appendix. Each classified Tab shall be properly formatted with column headings and portion markings at the paragraph, section, data line, or data element level, as applicable. For any classified assignments, only those data elements appropriately marked in the GMF or classified by another referenceable source may be excluded. If the classified content of a transition plan is submitted separate from the unclassified/CUI portions of the plan, it shall be submitted as a classified annex with an appropriate cover page associating it with the corresponding unclassified plan, with required classified marking elements (e.g., classified by, declassify on). When there are two parts to a transition plan (i.e., a main unclassified plan with a classified annex), the plan is not considered formally submitted for purposes of beginning the timeline that the Technical Panel has to review a plan pursuant to 113(h)(4)(A) of the statute (47 U.S.C. § 923(h)(4)(A)) until both the unclassified and classified portions are submitted. Additionally, within the main, publicly available transition plan, the federal entity must address two additional requirements. Pursuant to Section 113(h)(7)(A)(i)(I) of the statute (47 U.S.C. § 923(h)(7)(A)(i)(I)), the federal entity shall provide an explanation of the exclusion of any classified information or classified assignments, which shall be as specific as possible. This should be included in the Notes section 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 in the “Factors” section of the transition plan. At a minimum, the releasable plan must indicate that there is federal use for which no information can be provided.

4. For situations when the common format template is used in lieu of ST2 for submission of a federal entity’s transition plan that contains classified information or CUI, the federal entity shall create two versions of the transition plan. The federal entity shall submit a releasable plan with an “Excluded Info” tab that excludes any classified and other CUI. Omissions shall be clearly annotated and addressed as outlined in 2 and 3 above. Additionally, a complete but separate classified or CUI transition plan must be submitted as a classified annex including CUI, or a CUI annex, as applicable, to the releasable plan. It must follow the transition plan common format template and have all required information, with both classified or CUI, appropriately marked and labeled.

O.8.3 Use, Access and Disclosure of Classified Information and Assignments and Other Sensitive Information in Transition Plans

1. If the requirements in Section O.8.2 above with regard to information properly designated as CUI within ST2 and any separate, appropriately marked annexes and notifications are met, NTIA will take appropriate measures to prevent any such CUI or 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 CUI 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 information or CUI, 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 CUI 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. 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, CUI, 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 CUI annex available to authorized personnel in accordance with appropriate national security stipulations.

APPENDIX: COMMON FORMAT FOR TRANSITION PLANS

Title Page

Releasable or CUI Heading

[Federal Entity] [Band] [(Plan Version)] [(Plan Status)]

Submitted: [Date Submitted to NTIA and Technical Panel]

Approved: [Date approved by Technical Panel]

	<i>First Name</i>	<i>Last Name</i>	<i>Office/Title</i>	<i>Phone Number</i>	<i>E-mail</i>
Responsible Officer					
Primary Contact					
Alternate Contact					

Note: In order to receive SRF funding for efforts to be conducted prior to the auction, this federal entity has agreed that it will provide (I) 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 (in this clause referred to as the “transition period”); and (II) 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. Additionally, this 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 therefor; and 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) 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. [47 U.S.C. § 928(d)(3)(B)(ii)]

Note added, as applicable, if funds are requested for pre-auction planning costs.

Frequency –Geographical Location (Freq-Geo) Transition Timeline

Releasable or CUI Heading

[Federal Entity] [Band] [(Plan Version)] [(Plan Status)] - Freq-Geo Transition Timeline

Serial Number	System Name	Center Lower Frequency (MHz)	Upper Frequency (MHz)	Emission Bandwidth (MHz)	Receiver Bandwidth (MHz)	System Use Type Name	Operation Area	Transmitter State	Transmitter Latitude	Transmitter Longitude

Releasable or CUI Heading

[Federal Entity] [Band] [(Plan Version)] [(Plan Status)] - Freq-Geo Transition Timeline

Serial Number	Receiver State	Receiver Latitude	Receiver Longitude	Frequency Remarks	Geographic Location associated with Timeline <i>(AAO in this column indicates the timeline is associated with the geographic location defined by the Authorized Area of Operation in the frequency assignment)</i>	Sharing Type <i>(Indefinite, Temporary (i.e., Coordinated), or None)</i>	Indefinite Sharing Timeline <i>(Months after Start of Transition)</i>	Temporary Sharing Timeline <i>(Months after Start of Transition)</i>	Vacate Assignment Timeline <i>(Months after Start of Transition)</i>

Funds

Releasable or CUI Heading							
[Federal Entity] [Band] [(Plan Version)] [(Plan Status)] - Funds							
System Name	Total Pre-Auction Cost (\$M)	Funds Requested Prior to Auction (\$M)	Transition Implementation Cost (\$M)	Total Cost (\$M)	Begin Expenditure Timeline (Months after Receipt of Funds)	End Expenditure Timeline (Months after Receipt of Funds)	Expanded Capability Cost (\$M)
Total	\$M.xxxx	\$M.xxxx	\$M.xxxx	\$M.xxxx			\$M.xxxx

Releasable or CUI Heading		
[Federal Entity] [Band] [(Plan Version)] [(Plan Status)] - Funds		
System Name	Expanded Capability Description	Expanded Capability Justification
Total		

Interactions

Releasable or CUI Heading

[Federal Entity] [Band] [(Plan Version)] [(Plan Status)] - Interactions

Interaction Name	Interaction Description

Impact Factors

Releasable or CUI Heading

[Federal Entity] [Band] [(Plan Version)] [(Plan Status)] - Impact Factors

Factor Name	Factor Description

Notes

Releasable or CUI Heading

[Federal Entity] [Band] [(Plan Version)] [(Plan Status)] - Notes

Note Name	Note Text

