

won multiple blocks that are assigned at least two contiguous blocks; (2) minimizing for all bidders that won two or more blocks in the clock phase the number of blocks that are non-contiguous to any of the bidder's other blocks; and (3) maximizing the number of bidders that are assigned only contiguous blocks. Under the Commission's proposed procedures, the auction system will first solve or optimize for the first objective and use that outcome as a constraint in solving the second objective, which would then constrain solving the third objective. The winning bids in each assignment round will be bids for which the assignment satisfies these three constraints and for which the bidders in that round are willing to pay the most.

204. As described in Appendix H of the *Auction 1000 Request for Comment*, the Commission proposes that the additional price a bidder will pay for a specific frequency (above the discounted final clock price) will be calculated consistent with a generalized "second price" approach—that is, the winner will pay a price that would be just sufficient to result in the bidder receiving that same winning frequency assignment. This price will be less than or equal to the price the bidder indicated it was willing to pay for the assignment. The Commission proposes to determine prices in this way because it facilitates bidding strategy for the bidders, giving them an incentive to bid their full value for the assignment, knowing that if the assignment is selected, they will pay no more than would have been necessary to ensure that the assignment won.

#### *E. Additional Default Payment Percentage*

205. The Commission's competitive bidding rules provide that it shall establish the percentage of any defaulted bid that will be assessed as a payment owed by the defaulter in addition to the difference between with defaulted bid and a subsequent winning bid for the same license. In an auction without combinatorial bidding, such as the forward auction the Commission proposes here, the percentage shall be between three and 20 percent. The Commission proposes that the percentage shall be 20 percent in the forward auction. The Commission tentatively concludes that the maximum amount is in the public interest, given the importance of deterring defaults in order to minimize the possibility that the auction will not generate shortly after its conclusion the full amount of the proceeds indicated by winning bids.

#### **VI. Ex Parte**

206. This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other provisions pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in 47 CFR 1.1206(b).

#### **VII. Regulatory Flexibility Act Analysis**

207. As required by the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 603, the Commission prepared an Initial Regulatory Flexibility Analysis (IRFA) in connection with the Notice of Proposed Rulemaking, "Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auction," 77 FR 69933, November 21, 2012 (*Incentive Auction NPRM*) and a Final Regulatory Flexibility Analysis (FRFA) in connection with the *Incentive Auction R&O*. While no commenter directly responded to the IRFA, the FRFA addressed concerns about the impact on small business of various auction design issues. The Commission seeks comment on how the proposals in the *Auction 1000 Request for Comment* could affect either the IRFA or the FRFA. Such comments must be filed in accordance with the same filing deadlines for responses to the *Auction 1000 Request for Comment* and have a separate and distinct heading designating them as responses to the IRFA and FRFA.

208. The IRFA and FRFA set forth the need for and objectives of the Commission's rules for the broadcast spectrum incentive auction; the legal basis for those rules, a description and estimate of the number of small entities to which the rules apply; a description of projected reporting, recordkeeping, and other compliance requirements for small entities; steps taken to minimize the significant economic impact on small entities and significant alternatives considered; and a statement that there are no federal rules that may duplicate, overlap, or conflict with the rules. The proposals in the *Auction 1000 Request for Comment* do not change any of those descriptions.

209. The *Auction 1000 Request for Comment* does, however, detail proposed procedures implementing those rules. The Commission seeks

comment on how the proposals in the *Auction 1000 Request for Comment* could affect either the IRFA or the FRFA. These proposals include procedures for setting the initial broadcast spectrum clearing target, determining whether the final stage rule is satisfied and the steps triggered by that determination, determining how much market variation will be accommodated, and a process of moving from one stage of the auction to any subsequent stage(s), if necessary. The *Auction 1000 Comment PN* also addresses detailed proposals for setting opening prices, applying to participate in the reverse or forward auction, establishing bidding procedures for each auction, optimizing the final television assignment channel plan, providing information to forward auction bidders, grouping license blocks into categories for bidding, implementing the market-based spectrum reserve, repacking broadcasting stations in conjunction with the reverse auction, and assigning licenses with specific frequencies in the forward auction.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2015-01607 Filed 1-28-15; 8:45 am]

**BILLING CODE 6712-01-P**

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## **DEPARTMENT OF DEFENSE**

### **Defense Acquisition Regulations System**

#### **48 CFR Parts 204 and 237**

**RIN 0750-A129**

#### **Defense Federal Acquisition Regulation Supplement: Electronic Copies of Contractual Documents (DFARS Case 2012-D056)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Proposed rule.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to state the policy that the Electronic Document Access (EDA) system is DoD's online repository and distribution tool for contract documents and contract data, require internal control procedures for contract document and data verification in EDA, and remove outmoded language that is not consistent with electronic document processes.

**DATES:** Comments on the proposed rule should be submitted in writing to the

address shown below on or before March 30, 2015 to be considered in the formation of a final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2012–D056, using any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by entering “DFARS Case 2012–D056” under the heading “Enter keyword or ID” and selecting “Search.” Select the link “Submit a Comment” that corresponds with “DFARS Case 2012–D056.” Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “DFARS Case 2012–D056” on your document.

- *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include DFARS Case 2012–D056 in the subject line of the message.

- *Fax:* 571–372–6094

- *Mail:* Defense Acquisition Regulations System, Attn: Jennifer Hawes, OUSD(AT&L)DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hawes, telephone 571–372–6115.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DoD utilizes the Electronic Document Access (EDA) system for the distribution and sharing of contracts and contract data. The Defense Electronic Business Program Office established business rules for the EDA system, which became effective November 5, 2001. In November 2009, DoD instructed its contracting officers to register in EDA, and use of EDA is now the standard business practice employed by DoD contracting offices. A review of DFARS coverage related to contract files and contract distribution resulted in recommendations to remove language that was structured to support processes for and distribution of paper files and paper copies. Similarly, DFARS language is required to reflect current electronic processes supported by EDA.

##### II. Discussion and Analysis

This rule proposes to amend DFARS 204.270, Electronic Document Access,

to effect the following clarifications and changes:

- State as policy that EDA, an online repository for contractual instruments and supporting documents, is DoD’s primary tool for electronic distribution of contract documents and contract data.

- Provide that agencies have certain responsibilities when posting documents to EDA, to include internal control procedures that ensure electronic copies of contract documents and data in EDA are accurate representations of original documents.

The rule also proposes revisions to DFARS 204.802, Contract Files. The language in this section, which addresses contract file requirements for authenticating and conforming paper documents and copies, is being removed as it is outdated. A new paragraph is being added providing that electronic documents posted to the EDA system are a part of the contract file.

##### III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

##### IV. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule is only updating the regulation to reflect current electronic distribution practices in lieu of paper distribution. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

DoD utilizes the Electronic Document Access (EDA) system for the distribution and sharing of contracts and contract data. The Defense Electronic Business Program Office established business rules for the EDA system, which became effective November 5, 2001. In November 2009, DoD instructed its

contracting officers to register in EDA, and use of EDA is now a standard practice of DoD contracting offices. A review of the DFARS language related to contract files and contract distribution resulted in recommendations to remove coverage that was structured to support processes for and distribution of paper files and paper copies. Additionally, it was recognized that coverage was needed to reflect current electronic processes supported by EDA.

This rule proposes to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add language to DFARS 204.270, Electronic Document Access, to effect the following clarifications and changes:

- State as policy that EDA, an online repository for contractual instruments and supporting documents, is DoD’s primary tool for electronic distribution of contract documents and contract data.

- Provide that agencies have certain responsibilities when posting documents to EDA, to include internal control procedures that ensure electronic copies of contract documents and data in EDA are accurate representations of original documents.

The rule also proposes revisions to DFARS 204.802, Contract Files. The language in this section, which addresses contract file requirements for authenticating and conforming paper documents and copies, is being removed as it is outdated. A new paragraph is being added providing that electronic documents posted to the EDA system are a part of the contract file.

Use of EDA has been a standard business practice employed by DoD contracting offices to distribute electronic copies of contractual documents for several years. Therefore, this proposed rule is expected to have little, if any, impact on small entities. The rule proposes to update the DFARS to reflect policy regarding electronic posting and distribution of contractual instruments and to remove outdated coverage applicable to paper copies of contractual documents. As such, this rule primarily affects internal Government distribution procedures.

This rule does not require any reporting or recording keeping. The rule does not duplicate, overlap, or conflict with any other Federal rule. There are no practical alternatives that will accomplish the objectives of this proposed rule.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the

existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2012–D056), in correspondence.

#### V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

#### List of Subjects in 48 CFR Parts 204 and 237

Government procurement.

#### Manuel Quinones,

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 204 and 237 are proposed to be amended as follows:

■ 1. The authority citation for parts 204 and 237 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

#### PART 204—ADMINISTRATIVE MATTERS

■ 2. Add sections 204.270–1 and 204.270–2 to subpart 204.2 to read as follows:

##### 204.270–1 Policy.

(a) The Electronic Document Access (EDA) system, an online repository for contractual instruments and supporting documents, is DoD's primary tool for electronic distribution of contract documents and contract data.

(b) Agencies are responsible for ensuring the following when posting documents, including contractual instruments, to EDA—

- (1) The timely distribution of documents; and
- (2) That internal controls are in place to ensure that—
  - (i) The electronic version of a contract document in EDA is an accurate representation of the original contract document; and
  - (ii) The contract data in EDA is an accurate representation of the underlying contract.

##### 204.270–2 Procedures.

The procedures at PGI 204.270–2 provide details on how to record the results of data verification in EDA. When these procedures are followed, contract documents in EDA are an accurate representation of the original contract document and therefore may be used for audit purposes.

■ 3. Revise section 204.802 to read as follows:

##### 204.802 Contract files.

(a) Any document posted to the Electronic Document Access (EDA) system is part of the contract file and is accessible by multiple parties, including the contractor. Inclusion of any document in EDA other than contracts, modifications, and orders is optional.

##### 204.805 [Amended]

■ 4. Amend section 204.805 by removing “official contract files” and adding “contract files” in its place.

#### PART 237—SERVICE CONTRACTING

■ 5. Revise section 237.172 to read as follows:

##### 237.172 Service contracts surveillance.

Ensure that quality assurance surveillance plans are prepared in conjunction with the preparation of the statement of work or statement of objectives for solicitations and contracts for services. These plans should be tailored to address the performance risks inherent in the specific contract type and the work effort addressed by the contract. (See FAR subpart 46.4.) Retain quality assurance surveillance plans in the contract file. See <http://sam.dau.mil>, Step Four—Requirements Definition, for examples of quality assurance surveillance plans.

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#### DEPARTMENT OF DEFENSE

#### Defense Acquisition Regulations System

#### 48 CFR Parts 212, 213, and 252

RIN 0750–AI40

#### Defense Federal Acquisition Regulation Supplement: Past Performance Information Retrieval System—Statistical Reporting (PPIRS–SR) (DFARS Case 2014–D015)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Proposed rule.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to require contracting officers to consider information in the Statistical Reporting module of the Past Performance Information Retrieval System when evaluating past performance of offerors under competitive solicitations for supplies using simplified acquisition procedures.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before March 30, 2015, to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2014–D015, using any of the following methods:

○ *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by entering “DFARS Case 2014–D015” under the heading “Enter keyword or ID” and selecting “Search.” Select the link “Submit a Comment” that corresponds with “DFARS Case 2014–D015.” Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “DFARS Case 2014–D015” on your attached document.

○ *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include DFARS Case 2014–D015 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, OUSD(AT&L)DPAP/DARS, Attn: Ms. Jennifer Hawes, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer Hawes, telephone 571–372–6115.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

To fill the need for past performance data on lower dollar value contracts, DoD developed and deployed the Past Performance Information Retrieval System—Statistical Reporting (PPIRS–SR) module. This module of PPIRS collects quantifiable delivery and quality data from existing systems and uses that data to classify each supplier's performance by Federal supply class and product or service code. This objective data on past performance will assist contracting officers in making better-informed best value award decisions on small dollar value acquisitions for supplies, while also eliminating the burden of collecting subjective past performance information on contractors for smaller dollar value contracts.