

**§ 1173.11 Petitions to withdraw or modify guidance.**

(a) Any person may submit a petition to NEH requesting withdrawal or modification of any effective guidance document by writing to the NEH Office of the General Counsel at: *gencounsel@neh.gov*, or National Endowment for the Humanities, Attn: Office of the General Counsel, 400 Seventh Street SW, Washington, DC 20506.

(b) The petition must:

(1) Describe the nature of the request and provide the title or substance of the guidance you are requesting that NEH withdraw or modify; and

(2) Explain, with justification, how the document should be modified or why the document should be withdrawn.

(c) NEH will review each request and determine whether to grant the request or deny it in whole or in part. NEH will respond to all requests in a timely manner, but no later than ninety (90) days after receipt of the request.

**§ 1173.12 Rescinded guidance.**

(a) NEH's OGC, in consultation with the NEH office/division that issued the guidance document, shall determine whether to rescind a guidance document.

(b) Once rescinded, NEH will remove the hyperlink to the guidance document from the guidance portal. The agency will list on the guidance portal, for at least one year after rescission, the guidance document's name, title, unique identifier, and date of rescission.

(c) No NEH office/division or NEH staff may cite, use, or rely on guidance documents that are rescinded, except to establish historical facts.

**§ 1173.13 Exigent circumstances.**

In emergency situations, or when NEH is required by statutory deadline or court order to act more quickly than normal review procedures allow, NEH will notify OIRA as soon as possible and, to the extent practicable, comply with the requirements of this part at the earliest opportunity. Wherever practicable, NEH should schedule its proceedings to permit sufficient time to comply with the procedures set forth in this part.

**§ 1173.14 Reports to Congress and the Government Accountability Office (GAO).**

Unless otherwise determined in writing, NEH will, upon issuing a guidance document, submit a report to Congress and GAO in accordance with the procedures described in the Congressional Review Act.

**§ 1173.15 No judicial review or enforceable rights.**

This part is intended to improve the internal management of the National Endowment for the Humanities. As such, it is for the use of NEH personnel only and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or other entities, its officers or employees, or any other person.

Dated: August 18, 2020.

**Caitlin Cater,**

*Attorney-Advisor, National Endowment for the Humanities.*

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 54**

[WC Docket Nos. 19-126, 10-90; FCC 20-5; FRS 16999]

**Rural Digital Opportunity Fund, Connect America Fund**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, an information collection associated with the rules for the Connect America Fund Phase II and Rural Digital Opportunity Fund auctions contained in the Commission's *Rural Digital Opportunity Fund Order*, FCC 20-5. This document is consistent with the *Rural Digital Opportunity Fund Order*, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the new information collection requirements.

**DATES:** The amendments to § 54.804(b) and (c) published at 85 FR 13773, March 10, 2020 are effective September 14, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Alexander Minard, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484. For additional information concerning the Paperwork Reduction Act information collection requirements contact Nicole Ongele at (202) 418-2991 or via email at *Nicole.Ongele@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** The Commission submitted revised

information collection requirements for review and approval by OMB, as required by the Paperwork Reduction Act (PRA) of 1995, on June 22, 2020. OMB approved the new information collection requirements on August 4, 2020. The information collection requirements are contained in the Commission's *Rural Digital Opportunity Fund Order*, FCC 20-5, published at 85 FR 13773, March 10, 2020. The OMB Control Number is 3060-1256. The Commission publishes this document as an announcement of the effective date of the rules published on March 10, 2020. If you have any comments on the burden estimates listed in the following, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1-A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060-1256, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov*. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

**Synopsis**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received OMB approval on August 4, 2020, for the information collection requirements contained in 47 CFR 54.804(b) and (c) published at 85 FR 13773, March 10, 2020. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-1256. The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060-1256.

*OMB Approval Date:* August 4, 2020.

*OMB Expiration Date:* August 31, 2023.

*Title:* Application for Connect America Fund Phase II and Rural Digital Opportunity Fund Auction Support.

*Form Number:* FCC Form 683.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit entities, Not-for-profit institutions, and State, Local or Tribal Governments.

*Number of Respondents and Responses:* 530 respondents; 1,060 responses.

*Estimated Time per Response:* 2–12 hours (on average).

*Frequency of Response:* Annual reporting requirements, on occasion reporting requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection 47 U.S.C. 154, 214, 254 and 303(r) of the Communications Act of 1934, as amended.

*Total Annual Burden:* 7,420 hours.

*Total Annual Cost(s):* No cost.

*Nature and Extent of Confidentiality:* Although most information collected in FCC Form 683 will be made available for public inspection, the Commission will withhold certain information collected in FCC Form 683 from routine public inspection. Specifically, the Commission will treat certain financial and technical information submitted in FCC Form 683 as confidential. In addition, an applicant may use the abbreviated process under 47 CFR 0.459(a)(4) to request confidential treatment of the audited financial statements that are submitted during the post-selection review process. However, if a request for public inspection for this technical or financial information is made under 47 CFR 0.461, and the applicant has any objections to disclosure, the applicant will be notified and will be required to justify continued confidential treatment. To the extent that an applicant seeks to have other information collected in FCC Form 683 or during the post-selection review process withheld from public inspection, the applicant may request confidential treatment pursuant to 47 CFR 0.459.

*Privacy Act Impact Assessment:* No impact(s).

## Needs and Uses

### *Connect America Fund Phase II Auction*

On November 18, 2011, the Commission released the *USF/ICC Transformation Order and Further Notice of Proposed Rulemaking*, WC Docket No. 10–90 et al., FCC 11–161 (*USF/ICC Transformation Order and/or FNPRM*), which comprehensively reformed and modernized the high-cost program within the universal service fund to focus support on networks

capable of providing voice and broadband services. Among other things, the Commission created the Connect America Fund (CAF) and concluded that support in price cap areas would be provided through a combination of “a new forward-looking model of the cost of constructing modern multi-purpose networks” and a competitive bidding process (CAF Phase II auction or Auction 903). The Commission also sought comment in the accompanying *USF/ICC Transformation FNPRM* on proposed rules governing the CAF Phase II auction, including basic auction design and the application process.

In the CAF Phase II auction, service providers competed to receive support of up to \$1.98 billion over 10 years to offer voice and broadband service in unserved high-cost areas. The information collection requirements reported under this collection are the result of several Commission decisions to implement the reform adopted in the *USF/ICC Transformation Order* and move forward with conducting the CAF Phase II auction. In the *April 2014 Connect America Order*, WC Docket No. 10–90 et al., FCC 14–54, the Commission adopted various rules regarding participation in the CAF Phase II auction, the term of support, and the eligible telecommunications carrier (ETC) designation process. In the *Phase II Auction Order*, WC Docket No. 10–90 et al., FCC 16–64, the Commission adopted rules to govern the CAF Phase II auction, including the adoption of a two-stage application process, which includes a pre-auction short-form application to be submitted by parties interested in bidding in the CAF Phase II auction and a post-auction long-form application that must be submitted by winning bidders seeking to become authorized to receive CAF Phase II auction support. The Commission concluded, based on its experience with auctions and consistent with the record, that this two-stage application process balances the need to collect information essential to conducting a successful auction and authorizing CAF Phase II support with administrative efficiency.

On January 30, 2018, the Commission adopted a public notice that established the final procedures for the CAF Phase II auction, including the long-form application disclosure and certification requirements for winning bidders seeking to become authorized to receive CAF Phase II auction support. See *Phase II Auction Procedures Public Notice*, WC Docket No. 17–182 et al., FCC 18–6. The Commission also adopted the *Phase II Auction Order on Reconsideration*, WC

Docket No. 10–90 et al., FCC 18–5, which modified the Commission’s letter of credit rules to provide some additional relief for CAF Phase II auction support recipients by reducing the costs of maintaining a letter of credit.

The Commission reduces the number of respondents that are subject to this collection now that the CAF Phase II auction winning bidders have been announced.

### *Rural Digital Opportunity Fund Auction*

On February 7, 2020 the Commission released the *Rural Digital Opportunity Fund Order*, WC Docket Nos. 19–126, 10–90, FCC 20–5 which will commit up to \$20.4 billion over the next decade to support up to gigabit speed broadband networks in rural America. The funding will be allocated through a multi-round, reverse, descending clock auction that favors faster services with lower latency and encourages intermodal competition in order to ensure that the greatest possible number of Americans will be connected to the best possible networks, all at a competitive cost.

To implement the Rural Digital Opportunity Fund auction, the Commission adopted new rules for the Rural Digital Opportunity Fund auction, including the adoption of a two-stage application process. Like with the CAF Phase II auction, this process includes a pre-auction short-form application to be submitted by parties interested in bidding in the Rural Digital Opportunity Fund auction (FCC Form 183) and a post-auction long-form application that must be submitted by winning bidders (or their designees) seeking to become authorized to receive Rural Digital Opportunity Fund support (FCC Form 683). The Commission received approval for the short-form application (FCC Form 183) in a separate collection under the OMB control number 3060–1252.

The Commission plans to submit at a later date additional revisions or new collections for OMB review to address other reforms adopted in the above-referenced Order.

The Commission therefore revises this information collection to reflect these requirements to determine the recipients of Connect America Phase II auction and Rural Digital Opportunity Fund auction support.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

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