

**FEDERAL COMMUNICATIONS COMMISSION****[WT Docket No. 12–37; DA 12–202]****Comment Sought on Petition for Declaratory Ruling Interpreting the Definition of “Commercial Mobile Radio Services” as Applied to NEXTG Networks of California, Inc.’s Distributed Antenna Systems and Other “Small-Cell” Solutions****AGENCY:** Federal Communications Commission.**ACTION:** Notice.

**SUMMARY:** In this document, the Wireless Telecommunications Bureau seeks comment on NextG Networks of California, Inc.’s Petition for Declaratory Ruling, which asks the Commission to interpret § 20.3 of the Commission’s rules and to find that it is not a provider of “commercial mobile radio service” (CMRS).

**DATES:** Interested parties may file comments on or before April 2, 2012, and reply comments on or before May 2, 2012.

**ADDRESSES:** You may submit comments, identified by WT Docket No. 12–37, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Federal Communications Commission’s Electronic Comment Filing System (ECFS) Web site:* <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

*Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

*People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: (202) 418–0530 or TTY: (202) 418–0432.

For detailed instructions on submitting comments and additional information, see the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Amy Brett, Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, [Amy.Brett@fcc.gov](mailto:Amy.Brett@fcc.gov), (202) 418–2703.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Public Notice, DA 12–202, released on

February 16, 2012, which seeks comment on a Petition for Declaratory (Petition) filed December 21, 2011, by NextG Networks of California, Inc. (Petitioner), a subsidiary of NextG Networks, Inc. The full text of this document is available for public inspection and copying during normal business hours in the FCC Reference Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text may also be purchased from the Commission’s copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by sending an email to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments

thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

**Summary of Public Notice**

1. The Petitioner asks the Commission to interpret § 20.3 of the Commission’s rules, 47 CFR 20.3, in response to a referral from the Superior Court of Arizona, County of Maricopa. In the state court litigation, Petitioner is challenging the City of Scottsdale, Arizona’s authority to impose fees on Petitioner for use of public rights-of-way. Petitioner asks the Commission to find that it is not a provider of “commercial mobile radio service” (CMRS) as defined in § 20.3 of the Commission’s rules. Such a finding could potentially exempt Petitioner from local fees under Arizona law.

2. The Commission has defined CMRS in § 20.3 of the rules as: “A mobile service that is: (a)(1) Provided for profit, i.e., with the intent of receiving compensation or monetary gain; (2) An interconnected service; and (3) Available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public; or (b) The functional equivalent of such a mobile service described in paragraph (a) of this §.” § 322(d)(1) of the Communications Act of 1934, as amended, similarly defines a “commercial mobile service” as “any mobile service (as defined in § 153 of this title) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.” 47 U.S.C. 332(d)(1).

3. Petitioner states that it provides telecommunications service via Distributed Antenna Systems (DAS) and other “small-cell solutions.” Petitioner states that in operating these systems, it transmits signals for its wireless carrier customers along fiber optic networks between equipment used by the carriers to receive and transmit radio signals and the carriers’ networks. Petitioner argues that, because it only transports received wireless signals over its own wired network, it does not provide “commercial mobile radio service” as defined under the Commission’s rules. Petitioner also states that it has received a certificate of convenience and necessity from the Arizona Public

Utilities Commission to provide its services in the State of Arizona.

Federal Communications Commission.

**Jane Jackson, Associate Chief,**

*Chief, Wireless Telecommunications Bureau.*

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**BILLING CODE 6712-01-P**

## FEDERAL RESERVE SYSTEM

### Agency Information Collection

#### Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

**AGENCY:** Board of Governors of the Federal Reserve System.

**SUMMARY:** Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

#### FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Ayouch—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829) Telecommunications Device for the Deaf (TDD) users may contact (202-263-4869), Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

#### Final Approval under OMB Delegated Authority of the Extension for Three Years, without Revision, of the Following Reports

1. *Report title:* Weekly Report of Selected Assets and Liabilities of Domestically Chartered Commercial

Banks and U.S. Branches and Agencies of Foreign Banks.

*Agency form number:* FR 2644.

*OMB control number:* 7100-0075.

*Frequency:* Weekly.

*Reporters:* Domestically chartered commercial banks and U.S. branches and agencies of foreign banks.

*Estimated annual reporting hours:* 120,575 hours.

*Estimated average hours per response:* 2.65 hours.

*Number of respondents:* 875.

*General description of report:* The FR 2644 is authorized by section 2A and 11(a)(2) of the Federal Reserve Act (12 U.S.C. 225(a) and 248(a)(2)) and by section 7(c)(2) of the International Banking Act (12 U.S.C. 3105(c)(2)) and is voluntary. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552(b)(4)).

*Abstract:* The FR 2644 is the primary source of high-frequency data used in the analysis of current banking developments. The FR 2644 collects sample data that are used to estimate universe levels using data from the quarterly commercial bank Consolidated Reports of Condition and Income (FFIEC 031 and 041; OMB No. 7100-0036) and the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002; OMB No. 7100-0032) (Call Reports). Data from the FR 2644, together with data from other sources, are used to construct weekly estimates of bank credit, balance sheet data for the U.S. banking industry, sources and uses of banks' funds, and to analyze banking developments.

*Current Actions:* On December 8, 2011 the Federal Reserve published a notice in the **Federal Register** (76 FR 76730) requesting public comment for 60 days on the extension, without revision, of the Weekly Report of Selected Assets and Liabilities of Domestically Chartered Commercial Banks and U.S. Branches and Agencies of Foreign Banks. The comment period for this notice expired on February 6, 2012. The Federal Reserve did not receive any comments. No changes are proposed to the FR 2644; however, going forward, the Federal Reserve will modify the FR 2644 instructions as needed to maintain consistency with any instructional revisions to the Call Reports that might occur during the three year extension period.

2. *Report title:* Quarterly Report of Interest Rates on Selected Direct Consumer Installment Loans; Quarterly Report of Credit Card Plans <sup>1</sup>

<sup>1</sup> This family of reports also contains the following voluntary reports, which have fewer than

*Agency form number:* FR 2835; FR 2835a.

*OMB control number:* 7100-0085.

*Frequency:* Quarterly.

*Reporters:* Commercial banks.

*Estimated annual reporting hours:* FR 2835, 132 hours; FR 2835a: 100 hours.

*Estimated average hours per response:* FR 2835, .22 hours; FR 2835a: .50 hours.

*Number of respondents:* FR 2835, 150; FR 2835a, 50.

*General description of report:* These information collections are voluntary (12 U.S.C. 248(a)(2)). The FR 2835a individual respondent data are given confidential treatment (5 U.S.C. 552 (b)(4)). The FR 2835 data, however, are not given confidential treatment.

*Abstract:* The FR 2835 collects information from a sample of commercial banks on interest rates charged on loans for new vehicles and loans for other consumer goods and personal expenses. The data are used for the analysis of household financial conditions.

The FR 2835a collects information on two measures of credit card interest rates from a sample of commercial banks with \$1 billion or more in credit card receivables and a representative group of smaller issuers. The data are used to analyze the credit card market and draw implications for the household sector.

*Current Actions:* On December 8, 2011 the Federal Reserve published a notice in the **Federal Register** (76 FR 76730) requesting public comment for 60 days on the extension, without revision, of the Quarterly Report of Interest Rates on Selected Direct Consumer Installment Loans (FR 2835) and the Quarterly Report of Credit Card Plans (FR 2835a). The comment period for this notice expired on February 6, 2012. The Federal Reserve did not receive any comments. No changes are proposed to the FR 2835 or FR 2835a.

#### Proposal To Approve under OMB Delegated Authority the Extension for Three Years, with Revision, of the Following Report

1. *Report title:* Quarterly Report of Assets and Liabilities of Large Foreign Offices of U.S. Banks.

*Agency form number:* FR 2502q.

*OMB control number:* 7100-0079.

*Frequency:* Quarterly.

*Reporters:* Major foreign branches and banking subsidiaries of U.S. depository

10 respondents and do not require an OMB control number: Automobile Finance Terms (FR 2005) and the Passenger Auto Contract Collection Trends (FR 2012). The Federal Reserve will combine FR 2005 and the FR 2012 into one reporting form, the Automobile Finance Company Report (FR 2512) with no changes to the data items reported.