

SUPPORTING STATEMENT

A. Justification:

1. On March 13, 2003, the Commission adopted a Report and Order (R&O), *Amendment of the Commission's Rules for Implementation of its Cable Operations and Licensing System (COALS) to Allow for Electronic Filing of Licensing Applications, Forms, Registrations and Notifications in the Multichannel Video and Cable Television Service and the Cable Television Relay Service*, FCC 03-55. This R&O provided for electronic filing and standardized information collections. Under 47 CFR Section 76.1801, cable operators are required to file FCC Form 322 with the Commission prior to commencing operation of a community unit. FCC Form 322 identifies information about the system as well as a list of broadcast channels carried on the system. This form replaces the requirement that cable operators send a letter containing the same information.

The Commission is requesting an extension of this information collection in order to receive the full three year OMB approval/clearance for this information collection.

As noted on the OMB Form 83-I, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

Statutory authority for this collection of information is contained in Sections 154(i), 303, 308, 309, and 621 of the Communications Act of 1934, as amended.

2. The data is used by Commission staff to communicate with the cable system operator as necessary to ensure its obligations are met under Title VI of the Communications Act of 1934, as amended. The data is also used to provide the public with basic information about the cable system.
3. Mandatory electronic filing commenced on February 1, 2005. Paper versions of Form 322 will not be accepted for filing unless accompanied by a request for waiver of the electronic filing requirement.
4. No other agency imposes a similar information collection on the respondents. There are no similar data available.
5. This collection of information does not have a significant impact on a substantial number of small businesses.
6. If the Commission did not require the collection of this information, it would be unable to maintain contact with cable system operators to verify compliance with statutory requirements.

7. There are no special circumstances.
8. The Commission published a Notice (71 FR 49455) in the *Federal Register* on August 23, 2006. No comments were generated as a result of this Notice.
9. There are no payments or gifts given to respondents.
10. There is no need for confidentiality.
11. This information collection does not address any private matters of a sensitive nature.
12. We estimate that 316 cable system operators (respondents) will file one FCC Form 322 annually. The estimated number of filings per year is 316. The estimated average burden for each FCC Form 322 is 30 minutes (0.5 hours) per filing.

Total Number of Annual Respondents: 316 Cable System Operators

Total Number of Annual Responses: 316 FCC Form 322 filings

Total Annual Burden Hours: 316 FCC Form 322 filings x 0.5 hrs./filing = 158 hours

Annual "In-house Cost": The respondent is estimated to have an average salary of \$61,298/year (\$29.47/hour).

$$316 \text{ FCC Form 322 filings} \times 0.5 \text{ hours/filing} \times \$29.47/\text{hour} = \mathbf{\$4,656.26}$$

Total Annual "In-house Cost": \$4,656.26

These estimates are based on Commission staff's knowledge and familiarity with the data required.

13. Estimated cost burden to respondents:

- a. Total annualized capital/start-up costs: **None**
- b. Total annual (operation and maintenance) costs: The Commission charges a fee of \$50 for each FCC Form 322 filing.

- c. Total annualized cost requested: \$50 filing fee x 316 FCC Form 322 filings = **\$15,800**

14. Cost to the Federal Government:

Annual FCC Form 322 filings: 316. Average processing time: 2.0 hours.

The Commission will use professional staff at the GS-12, step 5 level (\$35.32/hour), paraprofessional staff at the GS-7, step 5 level (\$19.91/hour), and clerical staff at the GS-5, step 5 level (\$16.08/hour) to process FCC Form 322.

1 hour x 316 FCC Form 322 filings x \$35.32/hour =	\$11,161.12
0.5 hours x 316 FCC Form 322 filings x \$19.91/hour =	\$ 3,145.78
0.5 hours x 316 FCC Form 322 filings x \$16.08/hour =	<u>\$ 2,540.64</u>
	\$16,847.54
30% Overhead:	<u>\$ 5,054.26</u>

Total Cost to the Federal Government: \$21,901.80

15. The Commission had an adjustment to the total annual cost burden. This adjustment is due to the Commission miscalculating the cost burden in its previous OMB submission. The cost burden has been corrected. There are no program changes.
16. The results of this information collection will not be published.
17. The Commission seeks approval not to display the expiration date of this collection of information.
18. There are no exceptions to Item 19 of the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.