

SUPPORTING STATEMENT

A. Justification:

1. Multichannel Video Programming Distributors (MVPDs) provide their programming over a closed system and, thus, may use all frequencies to do so. They must, however, prevent leakage of those signals from the system and guard against and minimize any harm to aeronautical communications should a leak occur. Part of the regime for protecting aeronautical frequencies from interference and resolving interference is notification of the Commission of use of those frequencies and that proper frequency offsets and other precautions are taken. FCC Form 321 is used for this purpose.

The Commission is seeking 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), 301, 303, 308, 309, and 621 of the Communications Act of 1934, as amended.

2. The data is used by Commission staff to verify that MVPDs are aware of and comply with protection for aeronautical communications. The data is also used to rapidly determine the source of and eliminate interference should it occur.

3. The Commission requires applicants to file FCC Form 321 electronically.¹

4. No other agency imposes a similar information collection on the respondents. There is no similar data available.

5. This collection of information does not have a significant impact on a substantial amount of small businesses.

6. If the Commission did not require the collection of this information, it would be unable to insure the safety of air navigation.

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.

¹ Paper-filed copies of FCC Form 321 will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Filers must plead with particularity the facts and circumstances warranting grant of a waiver. Waivers will not be routinely granted.

9. There are no payments of gifts given to respondents.
10. There is no need for confidentiality.
11. This information collection does not address any private matters of a sensitive matter.
12. We estimate that 900 MVPDs will file one FCC Form 321 annually. The licensees estimated burden for each FCC Form 321 is 40 minutes per filing. These estimates are based on Commission staff's knowledge and familiarity with the data required.

Total Number of Annual Respondents: 900 MVPDs

Total Number of Annual Responses: 900 FCC Form 321 filings

Total Annual Burden Hours: 900 FCC Form 321 filings x 0.67/filing = 603 hours

Annual "In-house Cost": We estimate the respondent's salary to be \$33.00 per hour.

$$\text{\$33.00/hour} \times 0.67(40 \text{ min.})/\text{filing} \times 900 \text{ MVPDs} = \text{\$19,899}$$

Total Annual "In-house cost" = \\$19,899

13. Annual Cost Burden:

- (a) Total annualized capital/startup costs: None
- (b) Total annual costs (O&M): The Commission charges a fee of \$55.00 for each FCC Form 321 filing.
- (c) Total annualized cost requested: \$55.00 filing fee x 900 FCC Form 321 annual filings = **\$49,500**

14. Cost to the Federal Government: The Annual Number of FCC Form 321 filings is 900. 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). The estimated processing time per filing is 2.25 hours.

0.50 hours x \$35.32/hour x 900 FCC Form 321 filings = \$15,894.00

1.50 hours x \$19.91/hour x 900 FCC Form 321 filings = \$26,878.50

0.25 hours x \$16.08/hour x 900 FCC Form 321 filings = \$ 3,618.00

\$46,390.50

30% Overhead: \$13,917.15

Total Cost to the Federal Government: \$60,307.65

15. There are adjustments to the total annual burden hours and total annual cost burden. These adjustments are due to a decrease in the number of FCC Form 321 filings filed annually with the Commission. There are no program changes.

16. The results of this information collection will be published.

17. The Commission seeks approval to not 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.