

SUPPORTING STATEMENT

A. Justification:

1. **47 CFR 76.501 Notes 2(f)(1) and 2(f)(3); 47 CFR 76.503 Note 2(b)(3); 47 CFR 76.504 Note 1(b)(1)** requires limited partners, Registered Limited Liability Partnerships ("RLLPs"), and Limited Liability Companies ("LLCs") attempting to insulate themselves from attribution to file a certification of "non-involvement" with the Commission. LLCs who submit the non-involvement certification are also required to submit a statement certifying that the relevant state statute authorizing LLCs permits an LLC member to insulate itself in the manner required by our criteria.

Sections 76.501 Note 2, 76.503 Note 2, and 76.504 Note 1, also provides that officers and directors of an entity are considered to have a cognizable interest in the entity with which they are associated. If any such entity engages in businesses in addition to its primary media business, it may request the Commission to waive attribution for any officer or director whose duties and responsibilities are wholly unrelated to its primary business. The officers and directors of a parent company of a media entity with an attributable interest in any such subsidiary entity shall be deemed to have a cognizable interest in the subsidiary unless the duties and responsibilities of the officer or director involved are wholly unrelated to the media subsidiary and a statement properly documenting this fact is submitted to the Commission. This statement may be included on the Licensee Qualification Report.

47 CFR Section 76.503 Note 2(b)(1) includes a requirement for limited partners who are not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership to certify that fact or be attributed to a limited partnership interest.

47 CFR Section 76.503(g) of the Commission's rules states: that "Prior to acquiring additional multichannel video-programming providers, any cable operator that serves 20% or more of multichannel video-programming subscribers nationwide shall certify to the Commission, concurrent with its applications to the Commission for transfer of licenses at issue in the acquisition, that no violation of the national subscriber limits prescribed in this section will occur as a result of such acquisition."

History:

On October 20, 1999, the Commission released a *Report and Order*, CS Docket No. 98-82, FCC 99-288, *In the Matter of Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Review of the Commission's Cable Attribution Rules*. In the *Report*

and Order, the Commission completes a review of its cable attribution rules, which define what constitutes a "cognizable interest" that triggers application of various Commission rules relating to the provision of cable television services.

Revised Information Collection Requirements:

The Commission is consolidating information collection OMB Control Number 3060-0581 (National Subscriber Limits) into OMB Control Number 3060-0912 (Cable Attribution Rates) per OMB's request. The Commission will submit an 83-D Form to discontinue information collection 3060-0581 once we receive OMB approval for this information collection (3060-0912) which is being revised due to the consolidation.

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 is contained in Sections 4(i) and 613(f) of the Communications Act of 1934, as amended.

2. The filings accounted for in this collection are filed with and used by the Commission. Information in the filings enables the Commission to determine the nature of the corporate, financial, partnership, ownership and other business relationships that confer on their holders a degree of ownership or other economic interest, or influence or control over an entity engaged in the provision of communications services such that the holders are subject to the Commission's regulations. 47 CFR Section 76.503 (g) certification filings are used by Commission staff to ensure that cable operators do not violate the 30 percent national ownership limitshare rule in their acquisitions of additional multi-channel video-programming providers. Section 76.503, Note 1, certification filings are used by the Commission to verify that limited partners who so certify are not involved in management or operations of the media-related activities of the partnership
3. The filings accounted for in this collection are unique in nature; therefore, the use of information technology is not feasible for this collection.
4. The Commission does not impose similar filing requirements on the respondents and there is no similar information available.
5. Filing requirements accounted for in this collection do not significantly impact small

businesses. The filings are made by entities on an infrequent basis. Also, the filings entail a minimal paperwork burden because all information contained in the filings is readily available to the entities.

6. If the filing of certifications and waivers were not required, the Commission would not be able to perform its congressionally mandated responsibility to ensure compliance with Section 613(f) of the Communications Act of 1934, as amended.

7. There are no special circumstances associated with this collection.

8. The Commission published a Notice (71 FR 49453) in the *Federal Register* on August 23, 2006. No comments were generated as a result of the Notice. A copy of the Notice is attached.

9. No payment or gift was provided to the respondents.

10. There is no need for confidentiality.

11. This information collection does not address any private matters of a sensitive nature.

12. We report the following public burden:

Annual Number of Respondents	Number of Filings/Waivers Certifications/ Responses	Total Filings/ Responses	Number of Burden Hours	Total Respondent's Burden Hours	Hrly. Annual House Cost	In- In-House Cost
Section 76.503(g)						
20	1	20	1 hr.	20 hrs.	\$40.00	\$800.00
Sections 76.501, 76.503, and 76.504						
20	1	20	4 hrs.	80 hrs.	\$49.64	\$3,971.20
40		40		100		
\$4,771.20						
Respondents House		Responses		Hours		In-

Cost

Total Number of Annual Respondents: 40 respondents

Total Number of Annual Responses: 40 filings/certifications/waivers (responses)

Total Annual Burden Hours: 100 Hours

Total Annual In-House Cost: \$4,771.20

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

13. Annual Cost Burden:

- (a) Total annualized capital/startup costs: None.
- (b) Total annual costs (O&M): None.
- (c) Total annualized cost requested: None.

14. Cost to the Federal Government. We estimate the average processing time of 0.5 hours for Section 76.503(g) and at four hours per filing for the remaining rule sections. Professional staff paid at \$92,484 (GS-14, step 5, \$49.64/hour) will review the filings. We also added 30% to cover overhead costs.

Section 76.503(g)

20 filings x 0.5 hours each filing x \$49.64/hour = \$ 496.40

Sections 76.501, 76.503, 76.503(b) and 76.504

20 filings x 4 hour each filing x \$49.64/hour = \$3,971.20
30% overhead = \$1,340.28
Total Cost to the Federal Government = \$5,807.88

15. There is an adjustment to the annual burden hours. This adjustment is due to the consolidation of information collection 3060-0581 into collection 3060-0912. There are no program changes to this information collection.

16. The data will not be published.

17. OMB approval of the expiration date of the information collection will be displayed at 47 CFR Section 0.408.

18. There are no exceptions to Item 19 of the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.