

SUPPORTING STATEMENT

A. Justification:

1. 47 CFR Section 79.2(c) contains a complaint procedure. It requires that a complaint alleging a violation of this section may be transmitted to the Commission. The complaint should include the name of the video programming distributor against whom the complaint is alleged, the date and time of the omission of emergency information, and the type of emergency. The Commission will notify the video programming distributor of the complaint, and the distributor will reply to the complaint within 30 days.

History:

On July 21, 2000, the Commission adopted a Report and Order in MM Docket No. 99-339, *In the Matter of Implementation of Video Description of Video Programming*. This Report and Order adopted video description rules to make television more accessible to persons with visual disabilities. Among other things, this Report and Order requires any broadcast station or multiple video programming distributor (MVPD) that provides local emergency information as part of a regularly scheduled newscast, or as part of a newscast that interrupts regularly scheduled programming, to make the critical details of the information accessible to persons with visual disabilities in the affected local area. In addition, any broadcast station or MVPD that provides emergency information through a crawl or scroll must accompany that information with an aural tone to alert persons with visual disabilities that the station or MVPD is providing this information.

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.

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

Statutory authority for this collection of information is contained in Sections 151, 152(a), 154(i), 303, 307, 309, 310 and 613 of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to enforce 47 CFR Section 79.2. Viewers may file complaints alleging violation of this rule with the Commission. The Commission will notify video programming distributors of the complaint and the distributor will provide the Commission with a response to the complaint.

3. Viewer complaints can be sent to the Commission by any method of transmission, including letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, audio-cassette recording, and Braille.

4. No other agency imposes a similar information collection on the respondents. There are no

Section 79.2, Accessibility of Programming Providing Emergency Information

staff person would be the equivalent of a GS-11, step 5 paralegal specialist (\$29.47/hour).

$$\begin{aligned}
100 \text{ complaints} \times 1 \text{ hour/complaint} \times \$29.47 &= \$2,947.00 \\
100 \text{ responses} \times 2 \text{ hours/responses} \times 75\% \times \$29.47/\text{hour} &= \underline{\$4,420.50} \\
\text{Total "Annual In-House" Cost:} &= \underline{\$7,367.50}
\end{aligned}$$

13. **Annual Cost Burden:** We assume that an attorney would prepare the response to 25% of the complaints received. We estimate the attorney’s salary at \$200/hour.

$$100 \text{ responses} \times 1 \text{ hour/response} \times 25\% \times \$200/\text{hour} = \underline{\$5,000} \text{ total annual cost burden}$$

14. **Cost to the Federal Government:** The Commission will use clerical staff at the GS-5, step 5 level (\$16.08/hour) to process these complaints and responses. We have added 30% overhead costs.

$$\begin{aligned}
100 \text{ complaints} \times \$16.08/\text{hour} \times 1 \text{ hour/complaint} &= \$1,608.00 \\
100 \text{ broadcaster responses to complaint} \times \$16.08/\text{hour} \times 1 \text{ hour/response} &= \$1,608.00 \\
30\% \text{ overhead} &= \underline{964.80} \\
\text{Total cost to the Federal Government} &= \underline{\$4,180.80}
\end{aligned}$$

15. The Commission had an adjustment to the total annual burden hours. This adjustment is due to a mathematical error in the Commission’s previous submission. There are no program changes.

16. The data will not be published.

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

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

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.