

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 303-S is used in applying for renewal of license for a commercial or noncommercial AM, FM or TV broadcast station and FM translator, TV translator or Low Power TV (LTV), and Low Power FM broadcast stations. It can also be used in seeking the joint renewal of licenses for an FM or TV translator station and its co-owned primary FM, TV, or LPTV station.

This collection also includes the third party disclosure requirement of 47 CFR Section 73.3580. This section requires local public notice of the filing of the renewal application. For AM, FM, and TV stations, these announcements are made on-the-air. For FM/TV Translators and AM/FM/TV stations that are silent, the local public notice is accomplished through publication in a newspaper of general circulation in the community or area being served.

History:

The FCC made two statutory changes, *i.e.*, 47 CFR Section 312(g) provides for automatic expiration of a license if the licensee does not broadcast (“goes silent”) for twelve months and Section 309(k) affects renewal standards and FCC violations. The Commission revised FCC Form 303-S to make it a much simpler and clearer form that shifts to a convenient certification-based approach for applicants. Furthermore, the Commission changed this form in line with the release of the Second Report and Order and FNPRM, *In the Matter of Review of the Commission’s Broadcast and Cable Equal Employment Opportunity Rules and Policies*, MM Docket No. 98-204, FCC 02-303, that was released on November 20, 2002.

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 approval/clearance from OMB for a three year time period.

Statutory authority for this collection of information is contained in Sections 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended, and Section 204 of the Telecommunications Act of 1996.

2. The data is used by FCC staff to assure that the necessary reports connected with the renewal application have been filed and that the licensee continues to meet basic statutory requirements to remain a licensee of a broadcast station. The local public notice informs the public that the station has filed for license renewal.

3. On March 21, 2003, the Commission released Public Notice DA 03-846 announcing the revised FCC Form 303-S. In addition, the Public Notice announced that FCC 303-S is

accessible

electronically. Now the use of the Commission's electronic filing system is mandatory. Paper-filed copies of FCC Form 303-S will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Waivers will not be routinely granted, and filers should plead with particularity the facts and circumstances warranting grant of a waiver.

4. No other agency imposes a similar information collection on the respondents. There are no similar data available.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/businesses.
6. The frequency for this collection of information will ultimately be determined by the expiration of the station license.
7. This collection of information is consistent with 5 CFR Section 1320.5(d)(2).
8. The Commission published a Notice (71 FR 56531) in the *Federal Register* on September 27, 2006. No comments were generated as a result of the Notice.
9. No payment or gift was provided to the respondent.
10. There is no need for confidentiality with this collection of information.
11. This information collection does not address any private matters of a sensitive nature.

12. The following estimates are provided for public burden:

<u>Service(s)</u>	<u>Number of Applications/Respondents</u>
Commercial AM/FM	1300
Noncommercial AM/FM	268
FM translators	405
Commercial Radio Commonly- Owned primary station/ FM translator	28
Commercial AM/FM stations off-the-air	4
Commercial TV	154
Noncommercial TV	47
LPTV/TV translators	1003
Commercial TV Commonly-owned primary station/TV translator	7
Commercial TV stations off-the-air	<u>1</u>
TOTAL RESPONSES/RESPONDENTS:	3,217

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

The burden on the public is as follows:

Radio Applicants contracting legal portion of form/meeting with contractors to coordinate information

1300 applications x 50% x 0.67 hours/consultation	= 436 hours
268 applications x 50% x 0.67 hours/consultation	= 90 hours
405 applications x 50% x 0.67 hours/consultation	= 136 hours
28 applications x 50% x 0.67 hours/consultation	= 9 hours
4 applications x 50% x 0.67 hours/consultation	= 1 hour

Radio Applicants completing general and legal portion of form without outside contracting assistance/completing form by themselves

1300 applications x 50% x 2.67 hours/form = 1736 hours
268 applications x 50% x 2.67 hours/form = 358 hours
405 applications x 50% x 2.67 hours/form = 541 hours
28 applications x 50% x 2.92 hours/form = 41 hours
4 applications x 50% x 3.67 hours/form = 7 hours

TV Applicants contracting legal portion of form/meeting with contractors to coordinate information

154 applications x 75% x 1.5 hours/consultation = 173 hours
47 applications x 75% x 1.5 hours/consultation = 53 hours
1003 applications x 75% x 0.67 hours/consultation = 504 hours
7 applications x 75% x 1.5 hours/consultation = 8 hours
1 applications x 75% x 1.5 hours/consultation = 1 hour

TV Applicants completing general and legal portion of form without outside contracting assistance/completing form by themselves

154 applications x 25% x 11.25 hours/form = 433 hours
47 applications x 25% x 4.5 hours/form = 53 hours
1003 applications x 25% x 2.67 hours/form = 670 hours
7 applications x 25% x 11.5 hours/form = 20 hours
1 applications x 25% x 11.25 hours/form = 3 hours

TOTAL ANNUAL BURDEN HOURS = 5,273 HOURS

The above estimate was based on the following data:

*We estimate that 50% of radio broadcast licensees will use a communications attorney to complete the legal portion and file the FCC Form 303-S. We estimate that it will take approximately 40 minutes (0.67 hours) to coordinate information with these attorneys.

*The remaining 50% of radio broadcast licensees will complete the general and legal portions and file the FCC Form 303-S themselves.

*We estimate that 75% of all TV broadcast licensees will use a communications attorney to complete the legal portion and file the FCC Form 303-S. We estimate that it will take approximately 1.5 hours to coordinate information with these attorneys for a full service TV licensee and 0.67 hours for a TV translator licensee.

*The remaining 25% of TV broadcast licensees will complete the general and legal portions and

file the FCC 303-S themselves.

ANNUAL “IN-HOUSE COST” - We estimate that the respondents would have an average salary of \$70,000/year (\$33.52/hour:

Radio Applicants contracting legal portion of form/meeting with contractors to coordinate information

1300 applications x 50% x 0.67 hours/consultation x \$33.52 = \$14,597.96
268 applications x 50% x 0.67 hours/consultation x \$33.52 = \$ 3,009.43
405 applications x 50% x 0.67 hours/consultation x \$33.52 = \$ 4,547.83
28 applications x 50% x 0.67 hours/consultation x \$33.52 = \$ 314.42
4 applications x 50% x 0.67 hours/consultation x \$33.52 = \$ 44.92

Radio Applicants completing general and legal portion of form without outside contracting assistance/completing form themselves

1300 applications x 50% x 2.67 hours/form x \$33.52 = \$58,173.96
268 applications x 50% x 2.67 hours/form x \$33.52 = \$11,992.79
405 applications x 50% x 2.67 hours/form x \$33.52 = \$18,123.43
28 applications x 50% x 2.92 hours/form x \$33.52 = \$ 1,370.30
4 applications x 50% x 3.67 hours/form x \$33.52 = \$ 246.04

TV Applicants contracting legal portion of form/meeting with contractors to coordinate information

154 applications x 75% x 1.5 hours/consultation x \$33.52 = \$ 5,807.34
47 applications x 75% x 1.5 hours/consultation x \$33.52 = \$ 1,772.37
1003 applications x 75% x 0.67 hours/consultation x \$33.52 = \$16,894.33
7 applications x 75% x 1.5 hours/consultation x \$33.52 = \$ 263.97
1 applications x 75% x 1.5 hours/consultation x \$33.52 = \$ 37.71

TV Applicants completing general and legal portion of form without outside contracting assistance/completing the form themselves

154 applications x 25% x 11.25 hours/form x \$33.52 = \$14,518.35
47 applications x 25% x 4.5 hours/form x \$33.52 = \$ 1,772.37
1003 applications x 25% x 2.67 hours/form x \$33.52 = \$22,441.72
7 applications x 25% x 11.5 hours/form x \$33.52 = \$ 674.59
1 applications x 25% x 11.25 hours/form x \$33.52 = \$ 94.28

TOTAL ANNUAL “IN-HOUSE COST” = \$176,698.11

13. Annual Cost Burden: We assume that the 50% of radio respondents and 75% of TV respondents would use a communications attorney to complete the legal portion of the FCC 303-S.

This communications attorney is estimated to have an average salary of \$200/hour.

Radio Applicants contracting legal portion of form

1300 applications x 50% x 2 hours x \$200	= \$260,000
268 applications x 50% x 2 hours x \$200	= \$ 53,600
405 applications x 50% x 2 hours x \$200	= \$ 81,000
28 applications x 50% x 2.25 hours x \$200	= \$ 6,300
4 applications x 50% x 3 hours x \$200	= \$ 1,200

TV Applicants contracting legal portion of form

154 applications x 75% x 9.75 hours x \$200	= \$225,225
47 applications x 75% x 3 hours x \$200	= \$ 21,150
1003 applications x 75% x 2 hours x \$200	= \$300,900
7 applications x 75% x 10 hours x \$200	= \$ 10,500
1 applications x 75% x 9.75 hours x \$200	= \$ 1,463

A licensee must submit a fee for each commercial application by a AM/FM/TV broadcast station at \$150/application. The fee for each FM/TV Translator broadcast station filed is \$55/application.

1454 Commercial AM/FM/TV x \$150	= \$218,100
1408 Translators x \$55	= \$ 77,440
35 Commonly Owned AM/FM/TV and Translators x \$205	= \$ 7,175

An AM, FM, TV or LPTV licensee must also give local public notice of the filing of the renewal application over-the-air in accordance with 47 CFR Section 73.3580. There is no direct cost to the licensee for the over-the-air announcement. AM/FM/TV stations that are off-the-air must give local public notice by publishing an announcement 6 times in a newspaper of general circulation in the community or area being served. FM/TV Translator stations must give local public notice by publishing an announcement once in a newspaper of general circulation in the community or area served. The cost of this publication is estimated to be \$226.00/publication.

5 AM/FM/TV stations off-the-air x 6 publications x \$226/publication	= \$ 6,780
1443 FM/TV Translators x 1 publication x \$226/publication	= \$326,118

TOTAL ANNUAL COST BURDEN TO RESPONDENTS: \$1,596,951

14. **Cost to the Federal Government.** The Commission will use professional staff at the GS-13/Step 5 level (\$42.00/hour), paraprofessional staff at the GS-11/Step 5 level (\$29.47/hour), and clerical staff at the GS-5 level/Step 5 level (\$16.08/hour) to process the FCC 303-S.

Radio/Translator Applications estimated to be filed: 1973
 Average processing time: 1.0 hour

Clerical	0.75 hours	x	\$16.08/hour x 1973 =	\$23,794.38
Paraprofessional	0.166 hours	x	\$29.47/hour x 1973 =	9,651.96
Professional	0.083 hours	x	\$42.00/hour x 1973 =	6,877.88
Mellon Bank			\$1.90 x 1973 =	<u>7,748.70</u>
				\$44,072.92

Commonly Owned Radio/Translator Applications estimated to be filed: 28
 Average processing time: 1.25 hour

Clerical	0.917 hours	x	\$16.08/hour x 28 =	\$412.87
Paraprofessional	0.25 hours	x	\$29.47/hour x 28 =	206.29
Professional	0.083 hours	x	\$42.00/hour x 28 =	97.61
Mellon Bank			\$1.90 x 28 =	<u>53.20</u>
				\$769.97

Commercial TV Applications estimated to be filed: 166
 Average processing time: 2.25 hours

Clerical	0.83 hours	x	\$16.08/hour x 166 =	\$2,215.50
Paraprofessional	1.42 hours	x	\$42.00/hour x 166 =	9,900.24
Mellon Bank			\$1.90 x 166 =	<u>315.40</u>
				\$12,431.14

Noncommercial TV Applications estimated to be filed: 47
 Average processing time: 1.25 hours

Clerical	0.83 hours	x	\$16.08/hour x 47 =	\$627.28
Paraprofessional	0.42 hours	x	\$42.00/hour x 47 =	<u>829.08</u>
				\$1,456.36

LPTV/TV Translator Applications estimated to be filed: 1003
Average processing time: .67 hours

Clerical	.50 hours	x	\$16.08/hour x 1003 =	\$8,064.12
Paraprofessionals	.084 hours	x	\$29.47/hour x 1003 =	2,482.91
Mellon Bank			\$1.90 x 1003	= <u>1,905.70</u>
				\$12,452.73

Total Processing Costs = \$71,183.12

30% Overhead Costs = \$21,354.94

Total Cost to the Federal Government: \$92,538.06

15. There are adjustments to the total annual burden hours and the total annual cost burden due to the Commission reevaluating how it calculated these items in its previous submission, as a result the Commission had adjustments to both the annual burden hours and annual burden with this submission. There are no program changes to this information collection.

16. The data will not be published.

17. We are seeking approval to not display the expiration date of this collection. By displaying the expiration date on this form we are limiting its use to only three years. OMB approval of the expiration date of the information collection will be displayed at 47 CFR Section 0.408.

18. The Commission stated in its initial 60 day Federal Register Notice ("Notice") the total annual burden hours as "5,271 hour." We correct that number to read "5,273 hours." The Notice also stated the total annual cost burden as "\$1,567,401." We correct that number to read "\$1,596,951." There are no other exceptions to the Certification Statement in Item 19.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.