

Title: Section 76.916, Petition for Recertification

SUPPORTING STATEMENT

A. Justification

1. 47 CFR 76.916 provides that a franchising authority wishing to assume jurisdiction to regulate basic cable service and associated rates after its request for certification has been denied or revoked, may file a petition for recertification with the Commission. The petition must be served on the cable operator and on any interested party that participated in the proceeding denying or revoking the original certification. Oppositions to petitions may be filed within 15 days after the petition is filed. Replies may be filed within seven days of filing of oppositions.

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 the collection of information is contained in Sections 4(i) and 623 of the Communications Act of 1934, as amended.

2. This information is used by the Commission to determine whether a franchising authority wishing to assume jurisdiction to regulate basic service and associated equipment rates after its request for certification has been denied or revoked, meets the eligibility criteria set forth in Section 623(a)(6) of the Communications Act of 1934, as amended.

3. We do not believe that the use of information technology is feasible in this situation.

4. This agency does not impose 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/entities.

6. If this collection of information were not conducted, franchising authorities would not have an opportunity to establish their qualifications after their initial request for certification is denied or revoked.

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

8. The Commission published a Notice (72 FR 4506) in the *Federal Register* on January 31, 2007. No comments were submitted to the Commission following publication of the Notice.

9. There are no gifts or payments given to respondents for complying with this information collection requirement.

10. There is no need for confidentiality.

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

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12. We estimate that franchising authorities will annually initiate no more than five (5) petitions for recertification. We estimate that the annual burden to complete all aspects of each petition process is 10 hours for each petitioning party and 10 hours for each responding party.

Total Number of Annual Respondents = 5 petitioners + 5 opposing parties = **10**

Total Number of Annual Responses = 5 petitions + 5 oppositions + 5 reply filings = **15**

Annual Hour Burden:

5 petitions x 10 hours/petition = 50 hours
5 oppositions x 10 hours/filing = 50 hours
5 reply filings x 10 hours/filing = 50 hours
Total Annual Burden Hours = 150 hours

Estimates of annualized cost to respondents for the hour burdens for collections of information ("In-house costs"): We estimate respondents will use in-house legal staff paid at an average hourly wage of \$60.00 per hour to undergo the filing process.

5 petitions x 10 hours/petition x \$60/hour = \$3,000
5 oppositions x 10 hours/filing x \$60/hour = \$3,000
5 reply filings x 10 hours/filing x \$60/hour = \$3,000
Total Annual "In-house" Cost: \$9,000

These estimates are based on FCC staff's knowledge and familiarity with 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: The total cost to the government is as follows:

	Hours per Case	Cost per Hour	Cost per Case
Professional	38 hours	\$50.95	\$1,936.10
Managerial	1 hour	\$59.93	\$ 59.93
Clerical	<u>1 hour</u>	\$16.50	<u>\$ 16.50</u>
Totals	40.0 hrs.		\$2,012.53

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$\$2,012.53 \times 15 \text{ filings} = \$30,187.95 \text{ Total Cost to the Federal Government}$

15. The Commission had an adjustment to the number of annual responses and as a result the total annual burden hours increased. There are no program changes to this collection of information.

16. The data will not be published for statistical use.

17. We do not seek approval to not display the expiration date for OMB approval of the information collection.

18. The Commission reported in its Federal Register Notice (72 FR 4506) the total annual burden hours as "100 hours." We correct that number to read "150 hours." There are no other exceptions to the certification statement identified in item 19 of the OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.