

## **SUPPORTING STATEMENT**

### **A. Justification:**

1. 47 CFR 73.1620(a)(1) requires permittees of a nondirectional AM or FM station, or a nondirectional or directional TV station to notify the FCC upon beginning of program tests. An application for license must be filed within 10 days of this notification.

47 CFR 73.1620(a)(2) requires a permittee of an FM station with a directional antenna to file a request with the FCC for program test authority 10 days prior to date on which it desires to begin program tests. This is filed in conjunction with an application for license.

47 CFR 73.1620(a)(3) requires a licensee of an FM station replacing a directional antenna without changes that would not require the submission of a construction permit application to file with the FCC a modification of license application within 10 days after commencing operations with the replacement antenna. This is filed in conjunction with an application for license.

47 CFR 73.1620(a)(4) requires a permittee of an AM station with a directional antenna to file a request with the FCC for program test authority 10 days prior to date on which it desires to begin program tests. This is filed in conjunction with an application for license.

47 CFR 73.1620(a)(5) except for permits subject to successive license terms, the permittee of an Low Power TV (LPFM) station may begin program tests upon notification to the FCC in Washington, DC, provided that within 10 days thereafter, an application for license is filed. Program tests may be conducted by a licensee subject to mandatory license terms only during the term specified on such licensee's authorization.

47 CFR 73.1620(b) the Commission reserves the right to revoke, suspend, or modify program tests by any station without right of hearing for failure to comply adequately with all terms of the construction permit or the provisions of §73.1690(c) for a modification of license application, or in order to resolve instances of interference. The Commission may, at its discretion, also require the filing of a construction permit application to bring the station into compliance the Commission's rules and policies.

47 CFR 73.1620(f) requires licensees of UHF TV stations, assigned to the same allocated channel which a 1000 watt UHF translator station is authorized to use, to notify the licensee of the translator station at least 10 days prior to commencing or resuming operation and certify to the FCC that such advance notice has been given.

47 CFR 73.1620(g) requires permittees to report any deviations from their promises, if any, in their application for license to cover their construction permit and on the first anniversary of their commencement of program tests.

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

Statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

2. The notification in 47 CFR 73.1620(a) alerts the Commission that construction of a station has been completed and that the station is broadcasting program material. 47 CFR 73.1620(f) alerts the UHF translator station that the potential of interference exists. 47 CFR 73.1620 (b) requires the filing of a construction permit to bring the station into compliance. The report in 47 CFR 73.1620(g) stating deviations are necessary to eliminate possible abuses of the FCC's processes and to ensure that comparative promises relating to service to the public are not inflated.

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

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.

6. The frequency for this collection of information is determined by respondents, as necessary.

7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. The Commission published a Notice (72 FR 10212) in the *Federal Register* on March 7, 2007. The Commission received no comments following publication of the Notice.

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

10. There is no need for confidentiality.

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

12. **Number of Respondents:** The following is estimated for public burden:

	<b>Number of Respondents</b>
Sections 73.1620(a) and (f)	1,757 permittees/licensees
Section 73.1620(b)	12 permittees/licencsees
Section 73.1620(g)	<u>   1</u> permittee
<b>Total Number of Respondents:</b>	<b>1,770</b>

**Annual In-House Cost:** We assume that the respondents would use an engineer at the station to prepare and file notifications/report. The station engineer is estimated to have an average salary of \$22/hour.

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Rule Sections	Notifications and Reports	Respondent's Burden Estimates	Hourly Burden	Hourly Cost Burden	Total "In House" Cost
Sections 73.1620(a) and (f)	1,757 notifications	1 hour/notification	1,757 hours	\$22.00/hour	\$38,654.00
Section 73.1620(b)	12 reports	5 hours/report	60 hours	\$22.00/hour	\$1,320.00
Section 73.1620(g)	1 filing	4 hours/filing	4 hours	\$22.00/hour	\$88.00
<b>Totals</b>	<b>1,770 responses</b>		<b>1,821 hours</b>		<b>\$40,062.00</b>

These estimates are based on FCC 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: The Commission will use staff at the GS-12, step 5 level (\$36.26) and clerical staff at the GS-5, step 5 level (\$16.50) to process the notifications/Sections 73.1620(a)(1) through (a) (5) and (f). Staff at the GS-12, step 5 level (\$36.26) will process application filings/Section 73.1620 (b). Staff at the GS-13, step 5 level (\$43.12) and GS-14, step 5 level (\$50.95) and clerical staff at the GS-5, step 5 level (\$16.50) will process the reports received in response to Section 73.1620(g).

$$\begin{aligned}
 &1,757 \text{ notifications} \times 0.25 \text{ hours} \times \$36.26 = \$15,927.21 \\
 &1,757 \text{ notifications} \times 0.25 \text{ hours} \times \$16.50 = \$ 7,247.63 \\
 &12 \text{ reports} \times 20 \text{ hours} \times \$36.26 = \$ 8,702.40 \\
 &1 \text{ filing} \times 19 \text{ hours} \times \$43.12 = \$ 819.28 \\
 &1 \text{ filing} \times 1 \text{ hour} \times \$50.95 = \$ 50.95 \\
 &1 \text{ filing} \times 2 \text{ hours} \times \$16.50 = \$ 33.00 \\
 &\text{Total Annual Cost to the Federal Government} = \underline{\underline{\$32,780.47}}
 \end{aligned}$$

15. The Commission had an adjustment to the annual burden hours. This adjustment is due to an increase in the number of respondents. 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 0.408.
18. The Commission reported in error in its 60 day Federal Register Notice published on March 7, 2007 (72 FR 10212) the total annual burden hours as “1,810 hours.” We correct that number to read “1,821 hours.” There are no exceptions to Item 19 of the Certification Statement.

**B. Collections of Information Employing Statistical Methods:**

This information collection does not employ any statistical methods.