

SUPPORTING STATEMENT

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Congress has mandated that after February 17, 2009, full-power television broadcast stations must transmit only in digital signals, and may no longer transmit analog signals.¹ On April 25, 2007, the Commission adopted a Notice of Proposed Rulemaking in the matter of the *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, FCC 07-70, to consider the procedures and rule changes necessary to complete the nation’s transition to DTV, including how best to ensure that broadcasters complete construction of their facilities² on their final, post-transition (digital) channel³ by the statutory deadline.

The NPRM proposes to update the Commission’s digital broadcast television transmission standard contained in Section 73.682(d) of the rules, 47 C.F.R. § 73.682(d), by using the most recent version of the Advanced Television Systems Committee, Inc.’s (“ATSC”)⁴ Program System and Information Protocol (“PSIP”) standard. PSIP data is transmitted along with a TV broadcast station’s DTV signal and provides viewers (via their DTV receivers) with information

¹ See Digital Television and Public Safety Act of 2005 (“DTV Act”), which is Title III of the Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4 (2006) (“DRA”) (codified at 47 U.S.C. §§ 309(j)(14) and 337(e)). DTV Act § 3002(a) amends Section 309(j)(14) of the Communications Act to establish February 17, 2009 as a new hard deadline for the end of analog transmissions by full-power TV stations. 47 U.S.C. § 309(j)(14)(A). DTV Act § 3002(b) directs the Commission to “take such actions as are necessary (1) to terminate all licenses for full-power television stations in the analog television service, and to require the cessation of broadcasting by full-power stations in the analog television service, by February 18, 2009; and (2) to require by February 18, 2009, ... all broadcasting by full-power stations in the digital television service, occur only on channels between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive).” 47 U.S.C.A. § 309 Note.

² A station’s “post transition facilities” refers to the details of each station’s assignment, including technical facilities and predicted service and interference information.

³ A station’s “post-transition channel” is the television channel that it will use for digital broadcasting after the transition deadline (i.e., February 17, 2009). The Commission proposed channel assignments and reference facilities for stations’ post-transition operations in a 2006 Notice of Proposed Rule Making in MB Docket No. 87-268. See *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MB Docket No. 87-268, Seventh Further Notice of Proposed Rule Making, 21 FCC Rcd 12100 (2006) (“Seventh FNPRM”). The Seventh FNPRM sets forth a channel for each eligible broadcast TV station in the proposed new DTV Table of Allotments, to be codified at 47 C.F.R. § 73.622(i).

⁴ ATSC is an international, non-profit organization developing voluntary standards for digital television. The ATSC member organizations represent the broadcast, broadcast equipment, motion picture, consumer electronics, computer, cable, satellite, and semiconductor industries. ATSC creates and fosters implementation of voluntary Standards and Recommended Practices to advance terrestrial digital television broadcasting, and to facilitate interoperability with other media. See <http://www.atsc.org/aboutatsc.html>.

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about the station and what is being broadcast.⁵ Among other things, PSIP data provides program information to viewers. The Commission has recognized the utility that the ATSC PSIP standard offers for both broadcasters and consumers (or viewers) of digital television (“DTV”).

Section 73.682(d) of the Commission’s rules incorporates by reference the ATSC PSIP standard A/65-B.⁶ This standard has been revised by ATSC since the Commission adopted the ATSC PSIP standard in its 2004 Second DTV Periodic Report and Order in MB Docket No. 03-15.⁷ The revised ATSC PSIP standard requires broadcasters to provide detailed programming information when transmitting their broadcast signal. Previously, the ATSC PSIP standard did not require broadcasters to provide such detailed programming information but only general information.⁸

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 statutory authorities that cover this information collection are contained in 47 USC 309 and 47 USC 337 of the Communications Act of 1934, as amended.

2. Indicate how, by whom, and for what purpose the information is to be used.

Broadcasters transmit PSIP data along with their DTV signal to provide viewers with DTV receivers with information about the station and what is being broadcast. Broadcasters have the program data to populate PSIP in the normal course of doing business. The proposed rule revision to adopt the updated ATSC PSIP standard would require broadcasters to pass along this program data.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and

⁵ PSIP data provides a method for DTV receivers (e.g., DTV television sets) to identify a DTV station and to determine how a receiver can tune to it. For any given station, the PSIP data transmitted along with the digital signal identifies both its DTV channel number and its analog channel number (referred to as the “major” channel number), thereby making it easy for viewers to tune to the station’s DTV channel even if they only know the station’s major channel number. In addition, PSIP data identifies whether the programs are closed captioned, conveys available V-chip information, and provides program information, among other things.

⁶ See 47 C.F.R. § 73.8000(b)(3).

⁷ *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 03-15, Report and Order (R&O), 19 FCC Rcd 18279 (2004) (“*Second DTV Periodic Report and Order*”). This R&O did not require broadcasters to provide specific programming information, the Commission did not consider the PSIP requirement to be an information collection with PRA impacts. The specific PSIP requirement was not adopted by the Commission until the NPRM, MB Docket No. 07-91, FCC 07-70, was adopted.

⁸ For example, a network affiliate broadcast TV station may provide “network programming” as the descriptor for the majority of its program offerings.

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the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Broadcasters transmit PSIP data along with their DTV signal.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents. This information collection is not expected to have a significant economic impact on a substantial number of small entities/businesses.

6. Describe the consequence to federal programs or policy activities if the collection is not conducted or is conducted less frequently.

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

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

a) requiring respondents to report information to the agency more often than quarterly;

b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

c) requiring respondents to submit more than an original and two copies of any document;

d) requiring respondents to retain records for more than three years;

e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;

f) requiring the use of statistical data classification that has not been reviewed and approved by OMB;

g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are

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consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

h) requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

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

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on data elements to be recorded, disclosed, or reported.

The Commission submitted the Notice of Proposed Rulemaking and Federal Register Notice to the Federal Register for publication. The Notice will seek public comment on the collection of information contained in this information collection.

9. Explain any decision to provide any payment or gift to respondents.

No payment or gift was provided to the respondents

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no need for confidentiality for this collection of information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

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

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12. Provide an estimate of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Provide estimates of annualized costs to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

Because all DTV broadcast licensees would be required to comply with the proposed new ATSC PSIP standard, we estimate that 1,812 DTV broadcast licensees will populate the EITs when transmitting PSIP data each year for a total of 52 weeks/year. Such updating of programming information may require 30 minutes (0.50 hour) per week. We estimate an average hourly wage of \$30.00 per hour for individuals performing these tasks.

Number of Annual Respondents: 1,812 DTV Broadcast Licensees

Total Number of Annual Responses: 1,812 (responses)

Total Annual Burden Hours:

1,812 programming information updates x 0.50 hours/update x 1 update/week x 52 weeks/year =
47,112 Hours

Total Annual “In-House” Cost: 1,812 programming information updates x 0.50 hours/update x 1 update/week x 52 weeks/year x \$30/hour = **\$1,413,360**

13. Provide an estimate of the total annual cost burden to respondents resulting from the collection of information. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Do not include the cost of any hour burden shown in Item 12.

Annual Cost Burden:

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

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14. Provide estimates of costs to the federal government. Provide a description of the method used to estimate costs, which should include quantification of hours, operational expenses such as equipment, overhead, printing, and support staff.

There is no cost to the government.

15. Unless this a new collection of information, explain the reasons for any program changes or adjustments.

This is a new collection which adds a program change of 47,112 hours to this information collection.

16. For collections of information whose results will be published, outline plans for tabulation, and publication.

The results of this information collection requirement will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

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

18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions" of OMB Form 83-I.

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

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.