

SUPPORTING STATEMENT**A. Justification:**

1. 47 CFR 73.1635 allows licensees/permittees of broadcast stations to file a request for special temporary authority to operate a broadcast facility for a period not to exceed 180 days at a specified variance from the terms of the station authorization or requirements of the FCC rules applicable to the particular class of station. Specifically, permittees or licensees must submit a letter to the FCC describing the proposed operation and the need for such authority at least 10 days prior to the date of the proposed operation, except when the special temporary authority is necessitated by unforeseen circumstances. In such cases, parties may notify the FCC by alternative means (e.g., telephone, telegram, facsimile) followed by a letter of confirmation.

REVISED INFORMATION COLLECTION REQUIREMENTS:

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 (“NPRM”) 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.

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).

Title: Section 73.1635, Special Temporary Authorizations (STAs)

For purposes of the DTV transition, the NPRM proposes that stations may file requests for STA for the following purposes:

- To use analog translators to offset the loss of analog service when seeking to reduce or terminate analog service prior to the transition deadline (i.e., February 17, 2009).
- To temporarily remain on their in-core⁴ pre-transition⁵ DTV channel after the DTV transition deadline (i.e., February 17, 2009).
- To build less than full, authorized post-transition facilities by the transition deadline (i.e., February 17, 2009).

The Commission is requesting OMB approval for the above revised STA information collection requirements/filing requirements.

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 Sections 154(i), 309, and 337 of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to determine whether a grant of the requested special temporary authority will maintain adequate compliance with technical and legal regulations to ensure that interference will not be caused to other stations.

3. These requests are filed electronically.

4. No other agency imposes a similar information collection on the respondents. There is 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. This request does not impose any significant impact on small businesses/entities.

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).

⁴ The term "in-core" refers to a station's channel inside the core TV spectrum (i.e., TV channels 2-51). By statute, full-power TV broadcast stations must be operating only inside the core TV spectrum after the transition date (i.e., February 17, 2009); see 47 U.S.C. § 337(e). The "core spectrum" is comprised of low-VHF channels 2 to 4 (54-72 MHz) and 5 to 6 (76-88 MHz), VHF channels 7 to 13 (174-216 MHz) and UHF channels 14-51 (470-698 MHz), but does not include TV channel 37 (608-614 MHz), which is used for radio astronomy research.

⁵ A station's "pre-transition" channel is the television channel that it is currently authorized to use for broadcast operations. This channel may differ from the station's post-transition channel.

Title: Section 73.1635, Special Temporary Authorizations (STAs)

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

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

10. There is no need for confidentiality.

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

12. We estimate that the respondent (licensee/permittee) would prepare and submit without outside consultation 150 requests for special temporary authority and will require four hours to do so. We also estimate that the licensee would contract out 2,200 requests for special temporary authority to their attorneys and/or consulting engineers. The respondent would spend 1 hour in consultation with these attorneys/engineers.

Total Number of Annual Respondents: 2,350 Licensees/Permittees

Total Number of Annual Responses: 2,350 Special Temporary Authorizations (STAs)

Number of Responses

150 STAs completed by the Licensee/Permittee

400 STAs completed by the Consulting Attorney

1,800 STAs completed by the Consulting Engineer/Attorney

2,350 STAs

Annual Burden Hours:

150 STA requests by Licensee/Permittee x 4 hours/request = 600 hours

2,200 STA requests by consultant⁶ x 1 hr. consultation for licensee/permittee = 2,200 hours

Total Annual Burden Hours: 2,800 hours

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

⁶ Outside consultant is attorney/engineer.

Title: Section 73.1635, Special Temporary Authorizations (STAs)**Annual “In-House” Cost:**

We estimate that the licensee would prepare and submit 150 requests for special temporary authorizations (STA) at an average salary of \$100,000/year (\$48.08/hour). We also estimate that the respondent would contract out 1,400 requests for special temporary authority to their attorneys and/or consulting engineers and would spend one hour in consultation with these attorneys/engineers.

150 STA requests by Licensee/Permittee x 4 hours/request x \$48.08/hour = \$28,848.00

2,200 requests by consulting engineer/attorney x 1 hour consultation with consulting attorney/engineer by Licensee/Permittee x \$48.08/hour = \$105,776.00

Total Annual “In-house” Cost = \$28,848.00 + \$105,776.00 = \$134,624.00

13. ANNUAL COST BURDEN: A contract consulting engineer and/or an attorney would prepare and submit the request for special temporary authority depending on the circumstances. We estimate that the average salary for a consulting engineer is \$150/hour and for the attorney is \$200/hour. In addition, a licensee must submit a fee for each request by a commercial broadcast station for special temporary authority at \$150/request. We estimate that 86% of all requests will be for commercial stations (2,350 x 86% = 2021).

2,200 STA requests x \$150/hour x 2 hours = \$660,000

2,200 STA requests x \$200/hour x 1 hour = \$440,000

\$1,100,000

2,021 x \$150 fee = \$ 303,150

Total Annual Cost Burden = \$1,403,150

14. Cost to the Federal Government: We estimate the government will use legal and engineer staff at the GS-14, step 5 level (\$50.95/hour), paraprofessional staff at the GS-11, step 5 level (\$30.25/hour) and clerical staff at the GS-5, step 5 level (\$16.50/hour). We expect the processing for the STAs to take from 0.50 to 2 hours to process.

2,350 STAs x \$50.95 x 2 hours = \$239,465.00

2,350 STAs x \$30.25 x 2 hours = \$142,175.00

2,350 STAs x \$16.50 x 0.50 hour = \$ 19,387.50

Total Cost to the Federal Government: \$401,027.50

Title: Section 73.1635, Special Temporary Authorizations (STAs)

15. On April 25, 2007, the Commission adopted a Notice of Proposed Rulemaking (NPRM) 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. The NPRM impacts on this information collection by proposing to add a program change of +800 hours to the total annual burden hours and + \$463,150 to the annual cost burden due to the transition to DTV.

16. The data will not be published.

17. OMB approval of the expiration of the information collection will be displayed at 47 C.F.R. 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.