

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 1235 is an abbreviated cost of service filing for significant network upgrades that allows cable operators to justify rate increases related to capital expenditures used to improve rate-regulated cable services.

FCC Form 1235 is filed following the end of the month in which upgraded cable services become available and are providing benefits to subscribers. In addition, FCC Form 1235 can be filed for pre-approval any time prior to the upgrade services becoming available to subscribers using projected upgrade costs. If the pre-approval option is exercised, the operator must file the form again following the end of the month in which upgraded cable services become available and are providing benefits to customers of regulated services, using actual costs where applicable.

History:

On March 30, 1994, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking*, FCC 94-39, MM Docket Nos. 93-215 and CS Docket No. 94-28. This rulemaking established rules that enable cable operators, in some circumstances, to increase rates when undertaking significant network upgrades.

With the March 31, 1999 sunset of cable programming service tier rate regulation, FCC Form 1235, among other cable rate forms, was identified for modification or elimination to reflect sunset pending provisions.

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

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

2. FCC Form 1235 is used by cable operators to establish rate increases based on network upgrades. FCC Form 1235 is reviewed by the cable operator's respective local franchising authority (LFA).

3. This collection of information does not involve automated data collection techniques. Due to

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the comparatively low volume of FCC Form 1235 filings, as well as the form's abbreviated nature, the Commission has not developed an automated version of FCC Form 1235. With the March 1999 sunset of many aspects of the Commission's cable rate regulations, the Commission does not have plans to develop an electronic version of FCC Form 1235.

4. The Commission does not impose a similar information collection on respondents. There are no similar data available.
5. This information collection requirement does not have a significant impact on a substantial number of small businesses/entities.
6. If the Commission did not sponsor the filing of FCC Form 1235, the ability of cable operators to grow and compete with other multichannel video programming distributors ("MVPDs") could be hindered or slowed. This abbreviated cost of service form creates an incentive for cable operators to undertake network upgrades that will improve regulated cable services, while imposing less administrative burden upon cable operators.
7. There are no special circumstances that apply to this collection.
8. The Commission published a Notice (72 FR 40880) in the *Federal Register* on July 25, 2007. No comments were generated as a result of the Notice.
9. There are no payments or gifts given to respondents in return for completing this form.
10. We foresee no need for confidentiality.
11. This collection of information does not address any matters of a private or sensitive nature.
12. The Commission estimates 25 filings annually. The average burden to cable operators is 20 hours per filing. FCC Form 1235 filings will be reviewed by local franchise authorities at an estimated average burden of 10 hours per filing.

Total number of annual respondents: 25 cable operators + 25 LFAs = **50 respondents**

Total number of annual responses: **25 FCC Form 1235 filings**

Total annual burden hours: 25 filings by cable operators x 20 hours/filing = 500 hours
25 reviews by LFAs x 10 hours/review = 250 hours
750 hours

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Annual in-house costs:

Annual in-house costs to cable operators:

	<u>Hrs.</u>	<u>Wage per hr.</u>	<u>Total per hr.</u>	<u>Number of filings</u>	<u>In-House Cost</u>
Legal staff	5 hrs.	\$125	\$625	25 filings	\$15,625
Accounting staff	13 hrs.	\$ 30	\$390	25 filings	\$ 9,750
Clerical staff	2 hrs.	\$ 20	\$ 40	25 filings	<u>\$ 1,000</u>
					\$26,375

Annual in-house costs to LFAs:

	<u>Hrs.</u>	<u>Wage per hr.</u>	<u>Total per hr.</u>	<u>Number of filings</u>	<u>In-House Cost</u>
Legal staff	5 hrs.	\$125	\$625	25 filings	\$15,625
Accounting staff	3 hrs.	\$ 30	\$ 90	25 filings	\$ 2,250
Clerical staff	2 hrs.	\$ 20	\$ 40	25 filings	<u>\$ 1,000</u>
					\$18,875

Total Annual in-house cost: \$26,375 + \$18,875 = **\$45,250**

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. There is no cost to the Federal Government.

15. There are no program changes or adjustments.

16. The results of this information collection requirement are not planned to be published.

17. We seek continued approval to not display the expiration date for OMB clearance on copies of FCC Form 1235.

18. The Commission published a 60 day Federal Register Notice on July 25, 2007 (72 FR 40880) which requested public comment about the information collection. The Commission

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omitted in error “third party requirement” from the notice. Third party requirement is apart of this information collection. There are no other exceptions to the Certification Statement in Item 19.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.