

Title: Implementation of LPTV Digital Data Services Pilot Project**SUPPORTING STATEMENT****A. Justification:**

1. The Low Power TV (LPTV) Pilot Project Digital Data Service Act (DDSA), P.L. 106-554 (December 21, 2000) requires the Commission to promulgate regulations with respect to a LPTV DDS pilot project. This Act specifies LPTV stations eligible to participate in the pilot project. The Act also specifies that an LPTV station and repeaters in the Kenai Peninsula Borough and Matanuska Susitna Borough in Alaska were eligible to participate in the pilot project. Therefore, on April 19, 2001, the FCC adopted an *Order, In the Matter of the Implementation of LPTV Digital Data Services Pilot Project*, FCC 01-137, to implement the provisions of the LPTV Pilot Digital Data Services Act.

Application Requirements. (1) To participate in the pilot, these LPTV licensees must submit an informal application for experimental authority in a manner consistent with 47 CFR 73.1510(b). Exhibits to the informal application must fully describe the proposed experimental program and the technical facilities that are proposed. (2) The informal application must also contain certain legal and engineering information that is sought in the FCC 346 (OMB Control No. 3060-0016) and certain certifications. These applications must specify a program of experimentation that fulfills the requirements of the DDSA.

RF Safety. (1) Pilot project licensees and permittees employing two-way technology will be required to attach labels to every response station transceiver (fixed, portable or mobile) in a conspicuous fashion visible in all directions and readable at distances beyond the minimum separation distances. These labels shall give notice of the potential radiofrequency safety hazards and specify minimum separation distances. Such labels should include reference to the Commission guidelines that apply. (2) In addition, pilot project licensees and permittees employing two-way technology must include a full explanation of the labels that appear on their transceivers, as well as reference to the applicable Commission guidelines in the instruction manuals and other information accompanying the transceivers. This information must include the use of the ANSI-specified warning system for RF exposure.

Resolution of Interference. (1) The DDSA requires the Commission to establish procedures for the receipt of review of interference complaints on an expedited basis. In this regard, stations in the pilot project must take steps to resolve any reported interference promptly. If the pilot station claims that it is not causing the interference or that the interference is not to protected service, it must fax the interference complaint to the Commission's Media Bureau, Video Division within 48 hours. If the complaint is received from any other source other than the affected broadcaster or station, the pilot station should at the same time fax a copy of the complaint to the affected station. (2) In addition, the pilot project participant should fax a copy of its opposition to the affected broadcaster or station even if the complaint is received from that broadcaster or station.

Facilities changes. (1) The DDSA establishes criteria by which to evaluate requests by participants in the pilot project for facilities changes. An application to change channel or location must be filed on FCC 346 seeking a construction permit to make changes in a licensed LPTV station or a modification of an existing LPTV station construction permit. (2) Following grant of the change in

Title: Implementation of LPTV Digital Data Services Pilot Project

the authorized facilities of the underlying LPTV station, an informal application to modify the pilot project authorization may be filed in accordance with established procedures.

Notification requirements. (1) The DDSA requires LPTV licensees participating in the pilot project to notify TV broadcast stations in the same market upon commencement of digital data services. (2) It also requires licensees to continue ongoing coordination with local broadcasters during the test period. At least twenty days before a LPTV licensee or permittee commences operations, it must notify all permittees and licensees in the same market concerning the particulars of its proposed operation. This notification must be in writing or electronically transmitted and must provide a complete description of its technical facilities including power, modulation format, antenna height and coordinates of any fixed base or booster facilities. It must also include the power, modulation format, anticipated antenna height, and the expected area of operation of any mobile or transportable response units. The name and telephone number of a person who may be contacted in the event of interference must be included. The Commission will require the LPTV station to coordinate with such other television stations in the market before it makes any change to its facilities or services that might cause interference to those stations, including proposals to expand the range of operation of response units beyond the range initially notified. (3) The Commission will also require stations participating in the pilot to permit local broadcasters to observe the interference testing aspects of the pilot project.

Reporting requirements. (1) The DDSA requires that the Commission establish quarterly reporting requirements for LPTV stations participating in the pilot. These reports should be filed by the tenth day of the month following the end of the quarter. The report must include information on the station's experience with interference and the resolution thereof and information on the station's market success in providing digital data service. (2) In addition, the Commission will require each pilot project station to include a complete description of any interference complaint received, any interference it determines it may be causing and any interference it determines it has received. The quarterly reports should also include data concerning transmission format, power and antenna height and determinations of the range within which its desired service could be provided, and any other matters of technical or operational significance.

Fees. (1) Under Section 332(h), of the Act, the Commission must access and collect from LPTV stations authorized to participate in the pilot project "an annual fee or other schedule or method of payment comparable to any fee imposed under the authority of this Act on providers of similar service." (2) Accordingly, the Commission will impose on the LPTV licensees a comparable fee to that imposed on DTV licensees that offer feeable ancillary or supplementary services. The Commission will impose a fee of five percent of gross revenues derived from the digital data services provided pursuant to the pilot project to the extent to which these services would be feeable if offered by DTV licensees. Those affected licensees will file the FCC's standard remittance form (FCC 159) for the period ending September 30 on the subsequent December 1. Such annual fees will apply until the end of the pilot project. (3) The Commission reserves the right to audit each participating licensee's records which support the calculation of the fee amount. Each such licensee is required to retain records supporting the fee for the duration of the pilot project, or for three years from the date of remittance of fees, whichever is longer.

The Commission will require the LPTV licensee to inform anyone participating in the experiment,

Title: Implementation of LPTV Digital Data Services Pilot Project

including but not limited to subscribers or consumers, that the service or device is granted pursuant to a pilot program and is temporary.

The Commission is requesting the extension of this information collection to receive the full three year OMB approval/clearance for this 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 collection of information is contained in Sections 154(i) and 336 of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to determine if the proposal will cause interference to other authorized services and to evaluate the pilot project. Where an application is found acceptable, the Commission will authorize operation by an informal letter grant within 60 days, subject to any appropriate conditions that the Commission may impose in the authorization.

3. Applicants will file an informal application. The Commission does not believe that the use of information technology is feasible in this situation. The pilot project station will fax to the Commission interference complaints and its opposition, if any. The pilot project station may use electronically transmitted notifications when commencing digital data services.

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. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/business.

6. The frequency for filing 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 44528) in the *Federal Register* on August 8, 2007. No comments were generated as a result of the Notice.

9. No payment or gift was provided to respondents.

10. There is no need for confidentiality.

11. This collection of information does not address any private matter.

Title: Implementation of LPTV Digital Data Services Pilot Project

12. The Commission estimates the following:

	# of <u>Responses</u>	Station <u>Staff</u>	Station <u>Engineer</u>
Informal Applications	21	1 hr	2 hrs
RF Safety	14	1 hr	14 hrs
Interference Complaints	14	0.25 hrs	2 hrs
Facilities Changes	7	1 hr	2 hrs
Notifications	14	0.5 hrs	2 hrs
Quarterly Reports/quarter	14	1 hr	4 hrs
Fees	14	2 hrs	--
Notifications	14	0.25 hrs	--

The Commission expects that 14 respondents will make responses one or more times to these various applications, complaints, changes, notifications, reports and fees. We assume that the respondent would complete the legal requirements of the various requirements of this collection. It is also assumed that the respondent would use an engineer at the station and a consulting engineer to complete the engineering portions of these requirements.

Total Number of Annual Respondents: 14 LPTV Stations and Repeaters

Total Number of Annual Responses: 112

Annual Burden Hours:

21 informal applications x 1 hour =	21 hours
21 informal applications x 2 hours =	42 hours
14 labels x 1 hour =	14 hours
14 labels x 14 hours =	196 hours
14 interference complaints x 0.25 hours =	3.5 hours
14 interference complaints x 2 hours =	28 hours
7 facilities changes x 1 hour =	7 hours
7 facilities changes x 2 hours =	14 hours
14 notifications x 0.5 hours =	7 hours
14 notifications x 2 hours =	28 hours
14 reports x 4 quarters x 1 hour =	56 hours
14 reports x 4 quarters x 4 hours =	224 hours
14 fee filings x 2 hours =	28 hours
14 notifications x 0.25 hours =	<u>3.5 hours</u>
Total Annual Burden Hours =	672 hours

Title: Implementation of LPTV Digital Data Services Pilot Project**Annual “In-house cost”:**

We also assume that the respondent would have a communications attorney review the form before filing with the Commission. The station staff is estimated to have an average salary of \$60,000/year (\$28.84/hour). A station engineer is estimated to have an average salary of \$20/hour.

21 informal applications x 1 hour x \$28.84/hour =	\$605.64
21 informal applications x 2 hours x \$20/hour =	\$840.00
14 labels x 1 hour x \$28.84/hour =	\$403.76
14 labels x 14 hours x \$20/hour =	\$3,920.00
14 interference complaints x 0.25 hours x \$28.84/hour =	\$100.94
14 interference complaints x 2 hours x \$20/hour =	\$560.00
7 facilities changes x 1 hour x \$28.84/hour =	\$201.88
7 facilities changes x 2 hours x \$20/hour =	\$280.00
14 notifications x 0.5 hours x \$28.84/hour =	\$201.88
14 notifications x 2 hours x \$20/hour =	\$560.00
14 reports x 4 quarters x 1 hour x \$28.84/hour =	\$1,615.04
14 quarterly reports x 4 quarters x 4 hours x \$20/hour =	\$4,480.00
14 fee filings x 2 hours x \$28.84/hour =	\$807.52
14 notifications x 0.25 hours x \$28.84/hour =	<u>\$100.94</u>
Total Annual In-House Costs: \$14,677.60	

13. We assume that the respondent would use a consulting engineer and an attorney in the preparation and filing of the various requirements. A consulting engineer is estimated to have an average cost of \$150/hour. An attorney is estimated to have an average cost of \$200/hour.

21 informal applications x 12 hours/contract engineer x \$150/hour =	\$37,800
7 facilities changes x 12 hours/contract engineer x \$150/hour =	\$12,600
14 fee filings x 0.5 hours/contract attorney x \$200/hour =	<u>\$ 1,400</u>
Total Annual Cost: \$51,800	

14. Cost to the Federal Government: The Commission will use engineering and legal staff at the GS-13, step 5 level (\$43.12/hour), clerical staff at the GS-5, step 5 level (\$16.50/hour), and paraprofessional staff at the GS-9, step 5 level (\$25.00/hour) to process the various requirements.

Informal applications and facility changes

Engineer	3 hrs. x \$43.12/hour x 28 applications = \$3,622.08
Clerical	5 hrs. x \$16.50/hour x 28 applications = \$2,310.00

Interference Complaints

Engineer	3 hours x \$43.12/hour x 14 complaints = \$1,811.04
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Quarterly Reports

Engineer	1 hour x \$43.12/hour x 14 reports x 4 quarters = \$2,414.72
Paraprofessional	1 hour x \$25.00/hour x 14 reports x 4 quarters = \$1,400.00

Title: Implementation of LPTV Digital Data Services Pilot Project

Fees

Attorney 0.25 hours x \$43.12/hour x 14 = \$150.92

Clerical 0.75 hours x \$16.50/hour x 14 = \$173.25

Total Cost to the Federal Government = \$11,882.01

15. The Commission had an adjustment to the total annual cost burden. In the Commission's previous submission to OMB, the annual burden cost was not calculated correctly. With this submission, we correct our mathematical mistake. There are no program changes to this information collection.

16. The data will not be published.

17. OMB approval of the expiration date 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.