

December 21, 2007

Kevin Neyland  
Deputy Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
Washington, D. C. 20503

Dear Mr. Neyland:

The Federal Communications Commission requests clearance under the “emergency processing” provisions of the Paperwork Reduction Act of 1995 (5 CFR 1320.13) for the information collection OMB Control Number 3060-0407 - Application for Extension of Time to Construct a Digital Television Broadcast Station, FCC Form 337; Section 73.3598, Period of Construction. We request approval within five workdays after the Commission's Report and Order is released to the public.

The Commission is seeking emergency approval from OMB for this collection based, in part, on the prior submission for OMB approval of this information collection requirement. This collection, as adopted, has not been substantively changed since its previous submission at the NPRM stage.

The DTV transition affects virtually every segment of the television industry and every American who watches television. Congress has mandated that after February 17, 2009, full-power television broadcast stations must transmit only digital signals and may no longer transmit analog signals. The Commission has no discretion to waive or change this statutory deadline. This information collection requirement is critical to ensure that full-power television broadcast stations meet their statutory responsibilities and can begin operations on their final, post-transition (digital) channels by their construction deadlines. Stations that are not ready to commence digital operations upon expiration of the statutory transition deadline may be forced to go dark, potentially resulting in significant loss of television service to the American public and significant harm to the broadcast TV industry and the U.S. economy. In addition, the DTV transition will enable the recovery of spectrum for critically important public safety needs and new wireless services.

Emergency OMB approval is necessary for this collection to ensure that full power television stations are able to complete their transition from analog to digital service by February 17, 2009. Stations with a construction deadline on or before February 17, 2009 may file a request for an extension of time to construct their final, post-transition facility using FCC Form 337. The first construction deadline for stations to complete final, post-transition facilities is May 18, 2008. Other stations have construction deadlines of August 18, 2008 or February 17, 2009. Stations must file their extension requests at least 60 days in advance of the construction deadline. Therefore, in order for the revised Form 337 to be available for use by broadcasters with an early construction deadline (e.g., May or August 2008), emergency OMB approval for this collection is requested within five workdays after release of the Report and Order to ensure that the form will be effective and available for filing no later than March 19, 2008. Because the FCC Form 337 has previously been submitted to OMB and because any delay can result in harm to television stations, and, in turn, to their viewers, we find that there is good cause to obtain emergency PRA approval from OMB.

My staff is ready to work with your PRA Desk Officer to immediately provide any additional information needed to assure OMB's approval of this emergency request within the time we have requested.

Mindy Ginsburg  
Deputy Managing Director  
Federal Communications Commission