

Title: 47 CFR Sections 76.1700, Records to be maintained locally by Cable System Operators; 76.1702, Equal Employment Opportunity; 76.1703, Commercial Records on Children's Programs; 76.1704, Proof-of-Performance Test Data, 76.1707 Leased Access, 76.1711 Emergency Alert System (EAS) Tests and Activation

SUPPORTING STATEMENT

A. Justification:

1. 47 CFR Section 76.1700 exempts cable television systems having fewer than 1,000 subscribers from the public inspection requirements contained in 47 CFR Sections 76.1701 (political file); 76.1702 (equal employment opportunity); 76.1703 (commercial records for children's programming); 76.1704 (proof-of-performance test data); 76.1706 (signal leakage logs and repair records); and 76.1715 (sponsorship identifications).

The operator of every cable television system having 1,000 or more subscribers but fewer than 5,000 subscribers shall, upon request, provide the information required by §§ 76.1702 (equal employment opportunity); 76.1703 (commercial records for children's programming); 76.1704 (proof-of-performance test data); 76.1706 (signal leakage logs and repair records); and 76.1715 (sponsorship identifications) but shall maintain for public inspection a file containing a copy of all records required to be kept by 47 CFR Section 76.1701 (political files).

The operator of every cable television system having 5,000 or more subscribers shall maintain for public inspection a file containing a copy of all records which are required to be kept by §§ 76.1701 (political file); 76.1702 (equal employment opportunity); 76.1703 (commercial records for children's programming); 76.1704 (proof-of-performance test data); 76.1706 (signal leakage logs and repair records); and 76.1715 (sponsorship identifications).

47 CFR Section 76.1700(b) requires that the public inspection file shall be maintained at the office which the system operator maintains for the ordinary collection of subscriber charges, resolution of subscriber complaints, and other business or at any accessible place in the community served by the system unit(s) (such as a public registry for documents or an attorney's office). The public inspection file shall be available for public inspection at any time during regular business hours.

47 CFR Section 76.1700(d) requires the records specified in paragraph 47 CFR 76.1700(a) shall be retained for the period specified in §§ 76.1701, 76.1702, 76.1704(a), and 76.1706.

47 CFR Section 76.1702(a) requires that every employment unit with six or more full-time employees shall maintain for public inspection a file containing copies of all EEO program annual reports filed with the Commission and the equal employment opportunity program information described in 47 CFR 76.1702(b). These materials shall be placed in the unit's public inspection file annually by the date that the unit's EEO program annual report is due to be filed and shall be retained for a period of five years. The file shall be maintained at the central office and at every location with six or more full-time employees. A headquarters employment unit file and a file containing a consolidated set of all documents pertaining to the other employment units of a multichannel video programming distributor that operates multiple units shall be maintained at the central office of the headquarters employment unit. The multichannel video programming distributor shall provide reasonable accommodation at these locations for undisturbed

OMB Control Number: 3060-0316

January 2008

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inspection of its equal employment opportunity records by members of the public during regular business hours.

47 CFR 76.1702(b) requires that the following equal employment opportunity program information shall be included annually in the unit's public file, and on the unit's web site, if it has one, at the time of the filing of its FCC Form 396-C: (1) A list of all full-time vacancies filled by the multichannel video programming distributor employment unit during the preceding year, identified by job title; (2) For each such vacancy, the recruitment source(s) utilized to fill the vacancy (including, if applicable, organizations entitled to notification, which should be separately identified), identified by name, address, contact person and telephone number; (3) The recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) Data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) A list and brief description of the initiatives undertaken during the preceding year, if applicable.

47 CFR Section 76.1703 requires that cable operators airing children's programming must maintain records sufficient to verify compliance with 47 CFR Section 76.225 and make such records available to the public. Such records must be maintained for a period sufficient to cover the limitations period specified in 47 U.S.C. 503(b)(6)(B).

47 CFR Section 76.1704(a) requires the proof of performance tests required by § 76.601 shall be maintained on file at the operator's local business office for at least five years. The test data shall be made available for inspection by the Commission or the local franchiser, upon request.

47 CFR 76.1704(b) requires the provisions of paragraph (a) of this section shall not apply to any cable television system having fewer than 1,000 subscribers, subject to the requirements of § 76.601(d).

47 CFR 76.1707 requires that if a cable operator adopts and enforces a written policy regarding indecent leased access programming pursuant to § 76.701, such a policy will be considered published pursuant to that rule by inclusion of the written policy in the operator's public inspection file.

47 CFR Section 76.1711 requires that records be kept of each test and activation of the Emergency Alert System (EAS) procedures pursuant to the requirement of 47 CFR Part 11 and the EAS Operating Handbook. These records shall be kept for three years.

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

Statutory authority for this collection of information is contained in 47 CFR Sections 4(i), 303 and 308 of

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the Communications Act of 1934, as amended.

2. The records are used by FCC staff in field inspections/investigations, local public officials and the public to assess a cable television system's performance and to ensure that the system is in compliance with all of the Commission's applicable rules and regulations.
3. We do not believe the use of information technology is feasible in this situation.
4. No other agency imposes a similar information collection on the respondents. There is no similar data available.
5. This information collection does not impact small entities. 47 CFR Section 76.1700 is not applicable to cable television systems serving less than 1,000 subscribers.
6. If the recordkeeping requirements in this collection were not enforced, the Commission, local franchise authorities and the public would have no written record to verify cable television system compliance with the Commission's rules and regulations concerning system performance, hiring, children's programming and political advertising.
7. There are no special circumstances for the recordkeeping requirements contained in this collection.
8. The Commission published a Notice (72 FR 58086) in the *Federal Register* on October 5, 2007. No comments were generated as a result of the Notice.
9. There were no gifts or payments provided to respondents.
10. There is no need for confidentiality for this information collection.
11. This collection of information does not address any private matters of a sensitive nature.
12. We estimate 3,000 cable television systems that serve more than 1,000 subscribers each. The estimated average burden is 26 hours for each cable system..

Total Number of Respondents: 3,000 Cable Television Systems

Total Number of Responses: 3,000 records/files

Total Annual Burden Hours: 3,000 records/files x 26 hrs/system = 78,000 hours

Total "In-House" Costs: We estimate an average hourly wage of \$20.00 per hour for individuals tasked with the recordkeeping requirements.

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3,000 records/files x 26 hrs/system x \$20.00 per hour = **\$1,560,000**

These estimates are based on Commission staff's knowledge and familiarity with the data required.

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. The Commission had an adjustment to the total annual burden hours. This adjustment was due to a decrease in the number of respondents and responses to this information collection which in turn reduced the total annual burden hours. There are no program changes to this collection.

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

17. The Commission is not seeking approval not to display the expiration date for OMB approval of this information because the collection does not include a form number.

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

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.