

SUPPORTING STATEMENT

A. Justification

1. 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 December 31, 2007, the Commission adopted a Report and Order (R&O), 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 07-228, to establish the rules, policies and procedures necessary to complete the nation’s transition to DTV. With the DTV transition deadline less than 14 months away, the Commission must ensure that broadcasters meet their statutory responsibilities and complete construction of, and begin operations on, the facility² on their final, post-transition (digital) channel³ that will reach viewers in their authorized service areas by the statutory transition deadline, when they must cease broadcasting in analog. The Commission wants to ensure that no consumers are left behind in the DTV transition.

The adoption of the final rules in the R&O updates the Commission’s digital broadcast television transmission standard contained in Section 73.682(d) of the rules, 47 C.F.R. § 73.682(d), by using the most recent version of the Advanced Television Systems Committee, Inc.’s (“ATSC”)⁴ Program System and Information Protocol (“PSIP”) standard. PSIP data is transmitted along with a TV broadcast station’s DTV signal and provides viewers (via their DTV receivers) with

¹See 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).

⁴ ATSC is an international, non-profit organization developing voluntary standards for digital television. The ATSC member organizations represent the broadcast, broadcast equipment, motion picture, consumer electronics, computer, cable, satellite, and semiconductor industries. ATSC creates and fosters implementation of voluntary Standards and Recommended Practices to advance terrestrial digital television broadcasting, and to facilitate interoperability with other media. See <http://www.atsc.org/aboutatsc.html>.

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information about the station and what is being broadcast.⁵ Among other things, PSIP data provides program information to viewers. The Commission has recognized the utility that the ATSC PSIP standard offers for both broadcasters and consumers (or viewers) of digital television (“DTV”).

Section 73.682(d) of the Commission’s rules incorporates by reference the ATSC PSIP standard A/65-B.⁶ This standard has been revised by ATSC since the Commission adopted the ATSC PSIP standard in its 2004 Second DTV Periodic Report and Order in MB Docket No. 03-15.⁷ The revised ATSC PSIP standard requires broadcasters to provide detailed programming information when transmitting their broadcast signal. Previously, the ATSC PSIP standard did not require broadcasters to provide such detailed programming information but only general information.⁸

The Commission submitted the above information collection requirements to OMB at the NPRM stage. The Commission is now requesting final approval for the requirements from OMB now that the final rules have been adopted by the Commission. The requirements are adopted in the final rules as proposed in the NPRM – no changes have occurred for these requirements.

History:

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 facilities⁹ on their final, post-transition (digital) channel¹⁰ by the statutory deadline.

⁵ PSIP data provides a method for DTV receivers (e.g., DTV television sets) to identify a DTV station and to determine how a receiver can tune to it. For any given station, the PSIP data transmitted along with the digital signal identifies both its DTV channel number and its analog channel number (referred to as the “major” channel number), thereby making it easy for viewers to tune to the station’s DTV channel even if they only know the station’s major channel number. In addition, PSIP data identifies whether the programs are closed captioned, conveys available V-chip information, and provides program information, among other things.

⁶ See 47 C.F.R. § 73.8000(b)(3).

⁷ *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 03-15, Report and Order (R&O), 19 FCC Rcd 18279 (2004) (“*Second DTV Periodic Report and Order*”). This R&O did not require broadcasters to provide specific programming information, the Commission did not consider the PSIP requirement to be an information collection with PRA impacts. The specific PSIP requirement was not adopted by the Commission until the NPRM, MB Docket No. 07-91, FCC 07-70, was adopted.

⁸ For example, a network affiliate broadcast TV station may provide “network programming” as the descriptor for the majority of its program offerings.

⁹ A station’s “post transition facilities” refers to the details of each station’s assignment, including technical facilities and predicted service and interference information.

¹⁰ 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

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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 statutory authorities that cover this information collection are contained in 47 USC 309 and 47 USC 337 of the Communications Act of 1934, as amended.

2. Broadcasters transmit PSIP data along with their DTV signal to provide viewers with DTV receivers with information about the station and what is being broadcast. Broadcasters have the program data to populate PSIP in the normal course of doing business. The revised ATSC PSIP standard requires broadcasters to provide detailed programming information and data when transmitting their broadcast signal.

3. Broadcasters transmit PSIP data along with their DTV signal

4. This agency does not impose a similar information collection on the respondents. There are 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 information collection is not expected to have a significant economic impact on a substantial number of small entities/businesses.

6. The frequency for this collection of information is determined by respondents, as necessary.

7. There are no special circumstances associated with this collection of information.

8. The Commission published a Notice (72 FR 37310) in the Federal Register on July 9, 2007 seeking public comment on the information collection requirements contained in this collection. No comments were generated as a result of the Notice.

9. No payment or gift was provided to the respondents

10. There is no need for confidentiality for this collection of information.

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

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).

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12. Because all DTV broadcast licensees would be required to comply with the proposed new ATSC PSIP standard, we estimate that 1,812 DTV broadcast licensees will populate the EITs when transmitting PSIP data each year for a total of 52 weeks/year. Such updating of programming information may require 30 minutes (0.50 hour) per week. We estimate an average hourly wage of \$30.00 per hour for individuals performing these tasks.

Number of Annual Respondents: 1,812 DTV Broadcast Licensees

Total Number of Annual Responses: 1,812 (responses)

Total Annual Burden Hours:

1,812 programming information updates x 0.50 hours/update x 1 update/week x 52 weeks/year = **47,112 Hours**

Total Annual “In-House” Cost: 1,812 programming information updates x 0.50 hours/update x 1 update/week x 52 weeks/year x \$30/hour = **\$1,413,360**

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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 government.

15. This is a new collection which adds a program change of 47,112 hours to this information collection.

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

17. We do not seek approval to not display the expiration date for OMB approval of the information collection.

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

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.