

SUPPORTING STATEMENT

A. Justification:

1. On August 10, 1998, the Commission released a public notice that explained how "**nonchecklist**" applications (i.e., applications that do not conform to certain criteria to enable fast-track processing) will be processed for Digital TV (DTV) station construction permits. This public notice explained in detail what should be included in engineering showings and other types of application exhibits and cover letters (including *de minimis* interference showings).

This collection includes the following:

(a) Technical or interference studies should identify the facilities on which the computer analyses were done (computer and software used) and whether sufficient comparisons have been made to confirm that these facilities produce the same results as the Commission's implementation of the Commission technical methodology, as explained in Office of Engineering Technology (OET) Bulletin No. 69 and as set forth in the Commission's digital television proceeding. The technical exhibit should indicate which DTV or National Television System Committee (NTSC) stations are affected by interference from the proposed DTV facility and the changes in the population they serve. Applications containing a finer resolution study than that described in OET Bulletin No. 69 must clearly identify that fact and should request Commission review on that basis.

If the study is not based on FCC-matched computer analysis, the technical exhibit should include a description of the methods and models employed, how it differs from FCC analysis, which DTV and NTSC stations are considered and are affected, and the magnitude of the change in the population they are predicted to service. Alternatively, a non-conforming application may include a demonstration that its service area is not extended beyond the area it was assigned in the Order and that there are no adjacent-channel or "taboo"-channel related DTV or NTSC stations that would be predicted to receive interference from the facilities requested in the application.

(b) *De minimis* calculations - The *de minimis* calculations are complex, with many decisions on assumptions or procedures that can alter the accuracy of the determination and the difficulty of performing it. The public notice explains how *de minimis* calculations are to be prepared and what information must be included in any engineering showings.

(c) Antenna beam tilting - The Memorandum Opinion and Order allowed Ultra High Frequency (UHF) applicants to increase their power within their existing DTV service areas using antenna beam-tilting. Applicants using antenna beam tilting must include a complete description of the proposed antenna system, including a determination of the depression angle to the radio horizon and the antenna gain and resulting ERP at that depression angle. An additional showing is required if an adjacent-channel DTV or NTSC station is close enough that unacceptable interference may be caused. Stations that are to be considered are those within the outer distances of the minimum separation requirements for new DTV allotments. If there are any stations or DTV allotments

Title: Public Notice - Additional Processing Guidelines for DTV (Nonchecklist Applications)

within these distances, the application must include a technical showing that interference does not exceed the *de minimis* standard.

(d) DTV allotment exchanges - Through the application process, broadcasters are permitted to negotiate exchanges of DTV allotments in the same community, same TV market or in adjacent markets, thereby affording them increased flexibility to operate facilities best meeting their needs and without subjecting them to time consuming allocation rule making proceedings. Applications to implement DTV allotment exchanges should be submitted as a package and should include the following attachments: (1) a cover letter noting the allotment exchanges and the parties involved, (2) the exchange agreement signed by all parties to the agreement, (3) required interference studies or agreements with all other affected parties and (4) a showing as to why a grant of the exchange would serve the public interest.

Since the released of the public notice in 1998, the Commission has not changed any requirements. We request an extension of this information collection to receive the full three year approval from OMB.

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), 303 and 308 of the Communications Act of 1934, as amended.

2. This public notice for "nonchecklist" applications should help to resolve processing uncertainties, enable the preparation of complete and quality applications and hasten the authorization of DTV service. The data provided will be used by FCC staff to ensure that interference to other DTV and NTSC stations is minimized.

3. The Commission has developed an electronic filing system for applications based on the data and other information contained in the forms. The specific details concerning the method for electronically filing these applications, including an electronic counterpart to the paper form, were provided through Commission public notices. In addition, applicants are using electronic engineering programs to reduce the burden of calculating technical information needed to complete this application.

4. This agency does not impose 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/businesses.

6. If the Commission does not collect this information, we would be unable to provide additional opportunities for station applicants who desire to increase their power and make other changes. This collection of information will be done by respondents who elect to propose DTV facilities that deviate from the engineering parameters contained in the Commission's Digital TV Allotment Table.

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 67936) in the *Federal Register* on December 3, 2007. 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.

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

12. The following estimates are provided for annual public burden. We estimate that the Commission will receive 50 applications that include DTV interference studies. We estimate that these studies would have an average burden of 3 hours per application. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

Total Number of Annual Respondents: 50 Applicants

Total Number of Annual Responses: 50 Applications (responses)

We estimate that respondent would spend approximately 3 hours in coordination with the consulting engineer to review the completed studies. We estimate that the respondent would have an average salary of \$100,000/year (\$48.07/hour)

Total Annual Burden Hours:

3 hours consultation/review time x 50 applications = **150 hours**

Total Annual In-House Costs:

3 hours consultation/review time x 50 applications x \$48.07/hour = **\$7,210.50**

13. **Annual cost burden:** We assume that the respondents would use a contract consulting engineer to prepare the applications. We estimate that this consulting engineer would have an average salary of \$150/hour. We estimate that it would take approximately 24 hours for a consulting engineer to prepare the applications.

Total annual cost burden:

50 applications x 24 hours/application x \$150/hour = **\$180,000**

14. There is no cost to the Federal Government.

15. There are no program changes. There are adjustments to the annual burden hours and the annual cost burden. These adjustments are due to decreases in the total annual number of responses/respondents for 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 Item 19 of the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.