

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 346 is used by licensees/permittees/applicants when applying for authority to construct or make changes in a Low Power Television, TV Translator or TV Booster broadcast station.

On September 9, 2004, the Commission adopted a Report and Order, FCC 04-220, MB Docket Number 03-185, *In the Matter of Parts 73 and 74 of the Commission's Rules to Established Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*. To implement the new rules, the Commission revised FCC Form 346 to allow licensees/permittees/applicants to use the revised FCC Form 346 to file for digital stations or for conversion of existing analog stations to digital stations.

Applicants are also subject to the third party disclosure requirement of 47 CFR Section 73.3580. This section requires local public notice in a newspaper of general circulation of the filing of all applications for new or major changes in facilities. This notice must be completed within 30 days of the tendering of the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. A copy of this notice must be locally maintained along with the application.

The Commission is requesting an extension of this information collection in order to receive the full three year OMB clearance/approval for the 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), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

2. The data are used by FCC staff to determine if the applicant is qualified, meets basic statutory and treaty requirements and will not cause interference to other authorized broadcast services.

3. On May 13, 2002, the Commission released Public Notice DA 02-1087 announcing the mandatory electronic filing of FCC Form 346. Mandatory electronic filing for these forms began on May 21, 2002. A copy of the Public Notice is attached. Paper-filed copies of FCC Form 346 will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Waivers will not be routinely granted and filers should plead with particularity the facts and circumstances warranting grant of a waiver.

4. No other agency imposes a similar information collection on the respondents. There are no similar data available.

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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. The frequency for filing is determined by respondents, as necessary.

7. This collection of information is consistent with the guidelines in 5 CFR Section 1320.5(d)(2).

8. The Commission published a Notice in the *Federal Register* on December 6, 2007 (72 FR 68882). The Commission has not received any comments following publication of the Notice.

9. No payment or gift was provided to respondents.

10. There is no need for confidentiality.

11. This form does not address any private matter.

12. We estimate that applicants/licensees/permittees will prepare and file 3,500 applications annually. The estimated average burden on each applicant/licensee is seven (7) hours. The respondents (1) will complete the legal portion of the form which requires approximately 5 hours and (2) using in-house station engineers to complete a portion of the engineering portion of the form which requires approximately two (2) hours.

The respondents' estimated salary is \$30,000/year (\$14.42/hour). The station engineers' salary is estimated at \$8.00/hour.

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

Total Number of Annual Respondents: 3,500 Licensees/Applicants/Permittees

Total Number of Annual Responses: 3,500 FCC Form 346 Applications

Annual Burden Hours:

3,500 applications x 2 hours to complete in-house engineering review = 7,000 hours
3,500 applications x 5 hours to complete legal portion of the form = 17,500 hours
Total Annual Burden Hours: 24,500 hours

Annual "In-house cost":

3,500 applications x 2 hours to complete in-house engineering review x \$8.00/hour = \$ 56,000
3,500 applications x 5 hours to complete legal portion of the form x \$14.42/hour = \$252,350

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Total Annual “In House” Cost: \$308,350

13. In addition to “in-house” staff work, each applicant/licensee/permittees will require use a communications attorney and a consulting engineer to assist in preparing and filing FCC Form 346. We estimate these attorneys will spend approximately one (1) hour reviewing the form and will charge approximately \$200/hour for the legal review. We also assume that a consulting engineer will spend approximately 12 hours to complete certain engineering aspects of FCC Form 346 and will charge the respondent \$150/hour for the engineering services. In addition, each applicant/licensee must submit a \$545 application fee with FCC Form 346.

As required by the third party disclosure requirements of 47 CFR Section 73.3580, the applicant/licensee must give local public notice of the filing of its application for a new or major change in facilities. This notice must be published in a local newspaper of general circulation at least twice a week for two consecutive weeks in a three-week period—four public notice advertisements in all. We estimate the cost of this publication to be \$113.25/publication.

3,500 applications x 1 hour/consulting attorney x \$200/hour =	\$ 700,000
3,500 applications x 12 hours/consulting engineer x \$150/hour =	\$6,300,000
3,500 applications x \$545/application =	\$1,907,500
3,500 notices x 4 notices/applicant x \$113.25/publication =	<u>\$1,585,500</u>
Total Annual Burden Cost: \$10,493,000	

14. The Commission will use legal and engineering staff at the GS-14, step 5 level (\$53.24/hour); clerical staff at the GS-5, step 5 level (\$17.24/hour) and paraprofessional staff at the GS-9, step 5 level (\$26.13/hour) to review and process these applications. In addition, Mellon Bank charges the FCC \$1.90 per application for its processing services.

Attorney	3 hrs. x \$53.24/hour x 3,500 applications =	\$ 559,020
Engineer	3 hrs. x \$53.24/hour x 3,500 applications =	\$ 559,020
Clerical	5 hrs. x \$17.24/hour x 3,500 applications =	\$ 301,700
Paraprofessional	4 hrs. x \$26.13/hour x 3,500 applications =	\$ 365,820
Mellon Bank	\$1.90 x 3,500 applications =	<u>\$ 6,650</u>
Total Cost to the Federal Government =		\$1,792,210

15. There are no program changes. There are adjustments to the total annual burden hours and total annual cost burden. These adjustments are due to a decrease in the number of respondents/responses for this information collection.

16. The data will not be published.

17. An extension of the waiver not to publish the expiration date on the form is requested. This will obviate the need for the Commission to update electronic forms upon the expiration of the clearance. OMB approval of the expiration date of the information collection will be displayed at

47 CFR Section 0.408.

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

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.