

## SUPPORTING STATEMENT

**A. Justification**

1. Cable television system operators and Multichannel Video Programming Distributors (MPVDs)<sup>1</sup> who use frequencies in the bands 108-137 and 225-400 MHz (aeronautical frequencies)<sup>2</sup> are required to file a Cumulative Signal Leakage Index (CLI)<sup>3</sup> derived under 47 CFR Section 76.611(a)(1) or the results of airspace measurements derived under 47 CFR Section 76.611(a)(2). This filing must include a description of the method by which compliance with basic signal leakage criteria is achieved and the method of calibrating the measurement equipment. This yearly filing of FCC Form 320 is done in accordance with 47 CFR Section 76.1803.

**History:**

In November 1998, the Commission released its *Report and Order (R&O)*, Inside Wiring, CS Docket No. 97-184, MM Docket No. 92-260, FCC 97-376. In the *R&O*, the Commission adopted 47 CFR Section 76.620 of the Commission's rules, which applied Section 76.611, among other rules, to all non-cable MVPDs. Non-cable MVPD systems that were built by January 1, 1998, were not subject to Section 76.620 until January 1, 2003.

The Commission is requesting an extension of this submission in order to receive the full three year approval/clearance 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 4(i), 302 and 303 of the Communications Act of 1934, as amended.

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<sup>1</sup> The term "multichannel video programming distributor" means an entity engaged in the business of making available for purchase, by subscribers or customers, multiple channels of video programming. Such entities include, but are not limited to, a cable operator, Broadband Radio Service (BRS) and Educational Broadband Service (EBS) providers, a direct broadcast satellite service, a television receive-only satellite program distributor, and a satellite master antenna television system operator, as well as buying groups or agents of all such entities.

<sup>2</sup> Per 47 CFR Section 76.610, MVPDs are authorized to use frequencies in the aeronautical bands provided that they comply with the signal leakage rules and frequency separation requirements set forth in 47 CFR Sections 76.611 and 76.612.

<sup>3</sup> The Cumulative Leakage Index (CLI) set forth in 47 CFR Section 76.611 is a measure of the strength of signals "leaking" from the cable plant which could potentially cause interference with other services. All MVPDs are required to monitor and record signal leakage by performing the CLI test every quarter and submitting the results to the Commission annually.

**Title: Basic Signal Leakage Performance Report, FCC Form 320**

2. The data collected on the FCC Form 320 are used by Commission staff to ensure the safe operation of aeronautical and marine radio services, and to monitor for compliance of cable aeronautical usage in order to minimize future interference to safety of life services.
3. We have enabled the use of information technology for cable operators and non-cable MVPDs to file the FCC Form 320 electronically via the COALS website. In a Public Notice (DA-04-2117) dated July 14, 2004, the Commission informed MVPDs about the requirement that all Form 320 filings must be submitted electronically as of February 1, 2005.
4. This agency does not impose a similar information collection on the respondents.
5. This information requirement has an impact on small entities. However, to ensure the integrity of the nation's aircraft communications and navigation systems, it is imperative that all cable systems, regardless of system size, comply with this information collection requirement.
6. If this collection of information was not conducted, there would be a greater likelihood of harmful interference to aeronautical and marine radio services, leading to a greater risk to the safety of life and property.
7. There are no special circumstances associated with this collection of information.
8. The Commission published a Notice (73 FR 6505) in the *Federal Register* on February 4, 2008. No comments were generated as a result of the Notice.
9. There will be no payment or gifts given to respondents.
10. There is no need for confidentiality.
11. This collection of information does not address any private matters of a sensitive nature.
12. There are an estimated 33,000 active CUIDs and 500 non-cable MPVD systems. Our electronic filing system has made it possible for cable operators to file on a system-wise basis, based on their physical system identifier (PSID) allowing them to include all their CUIDS, instead of filing for each CUID individually, thereby greatly reducing the number of filings. There are 6,600 active PSIDs. The average burden is estimated to be 20 hours per filing to perform ground-based or airspace measurements as prescribed by 47 CFR Section 76.611 and to report the results of such measurements on FCC Form 320.

**Total Number of Annual Respondents: 7,100 Cable Systems & Non-cable MPVDs systems**  
(6,600 PSIDs; 500 Non-cable MPVDs)

**Number of Annual Responses: 7,100 FCC Form 320 Filings**

**Title: Basic Signal Leakage Performance Report, FCC Form 320**

**Annual "In-house Cost":** Station engineers and administrative staff will review and prepare FCC Forms 320 before submitting them to the Commission.

	<b><u>Total hours Per Filing</u></b>	<b><u>Cost per hour</u></b>	<b><u>Cost per Filing</u></b>
Engineers	15 hours	\$40.00	\$ 600
Administrative	<u>2 hours</u>	\$20.00	<u>\$ 40</u>
	17 hours		\$ 640

**Total Annual "In-House Cost"** = 7,100 FCC Form 320 Filings x \$640/filing = **\$4,544,000**

**Total Annual Burden Hours:** 7,100 FCC Form 320 Filings x 17 hours/filing = **120,700 hours**

**13. Annual Cost Burden:**

**a. Total Annualized Capital or Start-up Costs:** None.

**b. Total Operation and Maintenance Costs:** None.

**c. Total Annualized Costs:** None.

**14. Costs to the Federal Government.**

FCC Form 320s estimated to be filed: 7,100. Average processing time per filing: 0.320 hours.

Engineer review: \$45.05 per hour (GS-13, step 5)

Paraprofessional review: \$31.61 (GS-11, step 5)

	<b><u>Total hours Per Application</u></b>		<b><u>Cost per hour</u></b>		<b><u>Cost per Application</u></b>
Engineers	.120 hours	x	\$45.05	=	\$ 5.41
Paraprofessionals	<u>.200 hours</u>	x	\$31.61	=	<u>6.32</u>
	.320 hours				\$11.73

**Total Cost to the Federal Government** = 7,100 FCC Form Filings x \$11.73/filing = **\$83,283**

15. The Commission had an adjustment to the total annual burden hours due to a decrease in the number of FCC Form 320 filings. There are no program changes to this information collection.

16. The data will not be published for statistical use.

17. The Commission is seeking approval to not display the expiration date for OMB approval of this information collection. This will ensure that the form on the website will remain up-to-date. The expiration date of the form will be displayed at 47 CFR Section 0.408.

18. There are no exceptions to the certification statement identified in Item 19 of the Form 83-I.

**B. Collections of Information Employing Statistical Methods**

No statistical methods are employed.