

**New collection titled: DTV Retailer Site Visit Program**

The Commission is seeking an emergency OMB approval for this information collection due to the time sensitive nature of this request. Upon regular OMB approval, the Commission will seek a two year clearance.

**SUPPORTING STATEMENT**

**A. Justification:**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

On February 19, 2008, the Commission adopted a Report and Order in MB Docket No. 07-148, FCC 08-56, concerning the DTV Consumer Education Initiative. The Report and Order noted that many retailers have agreed to participate in the National Telecommunications and Information Agency (NTIA) digital-to-analog converter box coupon program. Those retailers claim to have undertaken significant employee training initiatives regarding the converter box program and the digital television transition. Among other things, the Report and Order offered the Commission's assistance to the NTIA to assess those training efforts. In this regard, the Commission's Enforcement Bureau field agents will regularly visit participating retailer stores across the country. They will conduct on-the-spot interviews with retail managers to ascertain whether retailers who participate in the converter box coupon box program are fulfilling their commitment to engage in extensive employee training and consumer outreach education. The interview will consist of a series of questions to assess employee training and consumer education efforts and whether the retailers' objectives are being met at stores. The interview is not part of an official FCC investigation and no penalty would result from the interview. The information collected will be forwarded to FCC Headquarters to be consolidated into an aggregated report that will then be forwarded to NTIA for its review and appropriate action.

This collection of information is needed in ensure that the American public is adequately prepared for the digital television transition.

Legal authority for this collection of information is contained in 47 U.S.C. 154(i).

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.

**2. Indicate how, by whom, and for what purpose the information is to be used.**

While the Commission will be the collection point for the information with regard to the retailers, the information collected will be passed on to NTIA for review and appropriate action. As retailers provide direct contact with customers and provide consumers with information regarding the capabilities of the equipment they are purchasing, they will play a central role in educating the public on the DTV transition.

The government has a substantial interest in ensuring that the public is fully informed about the DTV transition and the steps necessary to continue receiving over-the-air broadcast signals after the transition.

These interviews are another step in ensuring that the American public is adequately prepared for the digital television transition.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The collection requires no use of technological collection techniques or other forms of information technology. The Commission will use on-site interviews to collect this information from retailers.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This agency does not impose a similar information collection on the respondents, nor is this information otherwise available to the Federal government. The information is not available from other sources.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This collection may have an impact on a substantial number of small entities. In compliance with the Paperwork Reduction Act of 1995, FCC is making the effort to minimize the burden on all respondents, regardless of size. The FCC will limit the retailer's interview to those questions that are absolutely necessary to assess employee training and consumer education efforts.

**6. Describe the consequence to federal programs or policy activities if the collection is not conducted or is conducted less frequently.**

This information is needed to ensure that the public is fully informed about the DTV transition and the steps necessary to continue receiving over-the-air broadcast signals after the transition. As retailers provide direct contact with customers and provide consumers with information regarding the capabilities of the equipment they are purchasing, they will play a central role in educating the public on the DTV transition. This collection is another step in ensuring that the American public is adequately prepared for the digital television transition. Without this information, the NTIA will not gain a complete assessment of retailers' efforts to train their employees to explain the digital transition to the public.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- a) requiring respondents to report information to the agency more often than quarterly;**
- b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- c) requiring respondents to submit more than an original and two copies of any document;**
- d) requiring respondents to retain records for more than three years;**
- e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**

**f) requiring the use of statistical data classification that has not been reviewed and approved by OMB;**

**g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

**h) requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The interviews will take place on-the-spot. These interviews are needed in order to ensure that consumers with analog-only televisions receive sufficient information to ensure that they will be able to receive-over-the-air broadcast signals after February 17, 2009. Without these interviews, the NTIA would not gain a complete understanding of whether retailers have adequately trained their employees regarding the digital transition and the NTIA converter box coupon program.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on data elements to be recorded, disclosed, or reported.**

Given the time-sensitive issue of the DTV conversion (February 19, 2009), pursuant to 5 CFR § 1320.13(d) we requested and OMB has waived the requirement to publish notice of this information collection request in the Federal Register pursuant to 5 C.F.R. § 1320.5(a)(1)(iv). However, OMB has directed the Commission to provide the public with a two-week public comment period by publishing a notice in the Federal Register. The notice was published on May 21, 2008 (73 FR 29512). At the time of this submission to the OMB, the Commission has not received any comments. A copy of the notice is referenced in the submission to the OMB.

The Commission will provide the public with a full opportunity to comment on this information collection request after the emergency request is approved by OMB. The 60-day Federal Register notice will be published when the Commission seeks regular clearance for this information collection from OMB.

The Commission has had informal contact with the Consumer Electronics Retail Coalition, which has not objected to the site visits and endorsed the idea of interviewing managers, as opposed to sales people.

**9. Explain any decision to provide any payment or gift to respondents.**

No payment or gift will be provided.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

There is no need for confidentiality.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

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

**12. Provide an estimate of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Provide estimates of annualized costs to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.**

The Commission estimates that interviews will be conducted at no more than 25 retail stores every week. Each interview should take no longer than 0.25 hours (15 minutes) to conduct. These interviews would be conducted with store managers and would occur during normal business hours. These interviews will continue until July 9, 2009, the date the converter box coupon program will end.

25 interviews/week x 52 weeks x 0.25 hours = **325 hours**

**TOTAL NUMBER OF ANNUAL RESPONDENTS: 25/week x 52 weeks + 150 = 1,450 respondents**

**TOTAL NUMBER OF ANNUAL RESPONSES: 1,450.**

**TOTAL NUMBER OF ANNUAL BURDEN HOURS: 325 hours.**

**TOTAL ANNUAL "IN-HOUSE" COST: \$0.**

**13. Provide an estimate of the total annual cost burden to respondents resulting from the collection of information. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Do not include the cost of any hour burden shown in Item 12.**

(a) Total annualized capital/startup costs: **None.**

(b) Total annual costs (O&M): **None.**

(c) Total annualized cost requested: **None, there are no outside contracting costs.**

**14. Provide estimates of costs to the federal government. Provide a description of the method used to estimate costs, which should include quantification of hours, operational expenses such as equipment, overhead, printing, and support staff.**

There are no costs to the Commission or other Federal government agencies beyond what we consider to be part of their normal operating costs.

**15. Unless this a new collection of information, explain the reasons for any program changes or adjustments.**

This is a new information collection in which the Commission is seeking emergency OMB approval resulting in +325 hour program change.

**16. For collections of information whose results will be published, outline plans for tabulation, and publication.**

The data will not be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The Commission is seeking OMB approval to not display the OMB expiration date for this information collection. OMB approval of the expiration date of the information collection will be displayed at 47 C.F.R. Section 0.408.

**18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions" of OMB Form 83-I.**

The Commission has obtained OMB approval of a waiver of the Federal Register notice requirement due to the emergency nature of this request. See item 8 of this supporting statement.

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

This information collection does not employ any statistical methods. The Commission does not plan on using the information collected from our interviews to form conclusions about industry performance as a whole.