

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.

The Commission adopted on April 23, 2008, an Order of Reconsideration, *In the Matter of DTV Consumer Education Initiative*, MB Docket 07-148, FCC 08-119. In this Order, we modify our requirements regarding the timing, scope, and content of manufacturer notices and the method of delivery of eligible telecommunications carriers (ETC) notices, and clarify other manufacturer requirements. The revised requirements are as follows:

a. Consumer Electronics Manufacturer Notices (47 CFR 15.124).

The “responsible party,” as defined the Commission’s rules, has to include a notice about the digital television (DTV) transition on television receivers and related devices manufactured¹ between May 30, 2008 and March 31, 2009. The notices themselves must include the Commission’s contact information (rather than the manufacturer’s), convey information about the DTV transition,² and must be included with covered devices.

b. Eligible telecommunications carriers (ETCs) Federal Universal Service Low-Income Program Participant Notices (47 CFR 54.418).

ETCs that receive federal universal service funds shall provide their Lifeline or Link-up customers (low-income customers) with notices about the transition for over-the-air full power broadcasting from analog to digital service (the “DTV Transition”) in monthly bills, bill notices, or as a monthly stand-alone mailer (e.g., postcard, brochure), beginning May 30, 2008 through March 31, 2009.

Information Collection Requirements Already Approved by OMB:

The Commission adopted on February 19, 2008, a Report and Order, *In the Matter DTV Consumer Education Initiative*, MB Docket 07-148, FCC 08-56. As the Nation transitions from analog broadcast television service to digital broadcast television service, the Commission has been committed to working with representatives from industry, public interest groups, and Congress to make the significant benefits of digital broadcasting available to the public. The digital television (“DTV”) transition will make valuable spectrum available for both public safety uses and expanded wireless competition and innovation. By compressing television broadcasting into a smaller amount of the available spectrum, the digital transition has allowed the Commission to make valuable 700 MHz spectrum available for sale and use by wireless companies and public safety organizations. The transition will also provide consumers with better quality television picture and sound, and make new services available through multicasting.³ These innovations, however, are dependent upon widespread consumer understanding of the benefits and

¹ Related devices covered by this requirement includes: all television broadcast receivers, TV interface devices, devices designed to record and/or display signals from television broadcast receivers, and multi-channel video programming distributors set-top boxes available for sale at retail.

² See 47 CFR 15.124 (b).

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mechanics of the transition. The Congressional decision to establish a hard deadline of February 17, 2009, for the end of full-power analog broadcasting has made consumer awareness even more critical. The information collection requirements listed below are necessary to ensure that the American public is adequately prepared for the digital transition. This information collection will not be necessary after the transition is fully complete.

Specifically, in this Report and Order, the Commission imposed the following information collection requirements:

(1) Broadcaster Education and Reporting (47 CFR 73.674).⁴

(a) On-air Education. Broadcasters must provide on-air DTV Transition consumer education information (e.g., via Public Service Announcements (PSAs), information crawls, snipes or tickers) to their viewers. Broadcasters must comply with one of three alternative sets of rules as provided in the Report and Order.

(b) DTV Consumer Education Quarterly Activity Report, FCC Form 388. Broadcasters must electronically file a report about its DTV Transition consumer education efforts to the Commission on a quarterly basis. Broadcasters must begin filing these quarterly reports no later than April 10, 2008. In addition, if the broadcaster has a public website, they must post these reports on that website.

(2) Multichannel Video Programming Distributor (MVPD) Customer Bill Notices (47 CFR 76.1630). MVPDs must provide monthly notices about the DTV transition in their customer billing statements. They include (but are not limited to), for example: cable operators, direct broadcast satellite (DBS) carriers, open video system operators, and private cable operators.

(3) DTV.gov Partner Consumer Education Reporting. DTV.gov Transition Partners must report their consumer education efforts, as a condition of continuing Partner status. They must begin filing these quarterly reports no later than April 10, 2008.

(4) 700 MHz Wireless Service Licensee/Permittees Consumer Education Reporting (47 CFR 27.20). Winners of the 700 MHz spectrum auction must report their consumer education efforts to the Commission on a quarterly basis. These parties must file the first by the tenth day of the first calendar quarter following the initial grant of the license authorization that the entity holds.

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), 303(r), 335, and 336, of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 335, and 336.

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

³ See *DTV Consumer Education Initiative*, MB Docket No. 07-148, Notice of Proposed Rulemaking, 22 FCC Rcd 14091, 14092 (2007) (DTV Consumer Education NPRM).

⁴ For the recordkeeping requirement for the retention of FCC Form 388, see 73.3526(e)(11)(iv) and 73.3527(e)(13) which can be found under OMB control number 3060-0214.

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Information will be provided to consumers by full-power television broadcasters, MVPDs, manufacturers of television receivers and related devices, and ETCs, for the purpose of educating the public about the DTV transition. Information will be provided to the Commission by full-power television broadcasters, DTV.gov Transition Partners, and certain wireless service providers in the 700 MHz band (*i.e.*, auction winners of 700 MHz spectrum), to allow the Commission to enforce its consumer education rules and to serve as the central clearinghouse and director of DTV Transition education efforts by remaining aware of industry efforts.

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.

Information provided to the Commission: Broadcasters will provide the required information to the Commission electronically via the FCC Form 388 (DTV Consumer Education Quarterly Activity Report) using the Commission's Electronic Comment File System (ECFS). DTV.gov Transition Partners and 700 MHz licensees/permittees (*i.e.*, auction winners of the 700 MHz spectrum) may provide the required information to the Commission electronically via ECFS.

Information provided to consumers/public: Broadcasters will provide the required information to their viewers via their regular over-the-air broadcast signal (e.g., via PSAs, information crawls, snipes, or tickers). In addition, broadcaster will post their FCC Form 388 Reports on their website. MVPDs and ETCs will provide the required information to their customers via notices in monthly bills or monthly stand-alone mailers and may provide this information electronically where customers receive an electronic bill instead of a paper bill. Parties that manufacture, import, or ship interstate television receivers and devices will provide the required information to their customers via notices in consumer electronics packaging, and so cannot provide this information electronically.

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. There are no similar data available.

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

In the record in MB Docket 07-148, the National Association of Broadcasters ("NAB") stated plans to make informative PSAs available to all broadcasters, even non-members, which will reduce the cost burden of the requirement to air them. Also, the mandatory broadcaster filing form does not require extensive information gathering. Most importantly, although these requirements will impose some costs on small broadcasters, they will also ensure that small broadcasters continue to retain their audiences after the transition by fully informing viewers of the steps necessary to keep watching. Small broadcasters rely

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completely on their viewing audience for their revenue stream, so this benefit should far outweigh any costs for this temporary requirement.

Small MVPDs will have costs for printing “bill stuffer” transition notices to include with their bills and bill notices. These costs can be somewhat ameliorated by the use of electronic and automatic billing, and the transition education campaign could potentially result in an increase of MVPD subscriptions from over-the-air subscribers and increased equipment rentals from current subscribers who wish to extend service to all of their televisions prior to the transition. The costs for small MVPDs will therefore, likely not be significant.

The costs of reporting outreach efforts to the Commission by the winners of the 700 MHz auction will be de minimis, consisting solely of narrative reports in a flexible format describing outreach efforts the winner has chosen to make. On the other hand, small manufacturers of television receivers and related equipment, and small providers of telecommunications services to low-income households, will have costs to produce and distribute transition notices to their customers and subscribers. These will not be any greater for small than for large companies, however. The very limited nature of the notification requirements for both groups mean that no lighter burden could be placed on small entities without essentially eliminating the benefit to consumers of a comprehensive transition education campaign.

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

Congress has mandated that after February 17, 2009, full -power broadcast stations must transmit only in digital signals, and may no longer transmit analog signals. There is a clear and compelling need for educational efforts directed toward consumers. If the Commission does not take immediate and effective action to ensure that viewers are informed of the effect that the digital transition will have on them and the options that are available to them, some consumers may lose television service. The limited-duration burdens adopted in the R&O are the minimum necessary to ensure the success of the transition. Without these submissions, the Commission will not be able to verify that the DTV transition is progressing smoothly and play its leadership role in ensuring that the burden on consumers is minimized as much as possible.

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;**

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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.

This information collection may require a written disclosure by manufacturers, or a written report by broadcasters, DTV.gov partners, and winners of the 700 MHz auction, within 30 days of adoption. Given the limited amount of time remaining before the conclusion, it is essential that information be made available to the Commission and the public rapidly and accurately.

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.

The Commission is seeking emergency approval for this information collection from OMB. The Commission published a notice in the Federal Register seeking public comment on the information collection requirements contained in this supporting statement, *see* 73 FR 26396 which was published on May 9, 2008.

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

No payment or gift will be provided to the respondents.

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 for this collection of information.

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 following estimates are provided for public burden:

Number of Respondents	Number of Filings	Number of Responses	Respondent's Burden Hours	Annual Burden Hours	Respondent's Hourly Salary	Annual In-House Cost
Broadcasters – Section 73.674 (FCC Form 388)						
1,815	5 ⁵	9,075	3 hours	27,225	\$48.08	\$1,308,978
Broadcasters – Section 73.674 (On-Air Education)						
515 ⁶	1	515	85 hours	43,775	\$48.08	\$2,104,702
900 ⁷	1	900	26 hours	23,400	\$48.08	\$1,125,072
400 ⁸	1	400	11 hours	4,400	\$48.08	\$ 211,552
Broadcasters – Section 73.674 (Website Postings)						
1,815	5	9,075	0.5 hours	4,538	\$48.08	\$ 218,187
Multichannel video programming distributors (MVPDs) – Section 76.1630						
1,452	13 ⁹	18,876	1 hour	18,876	\$48.08	\$ 907,558
Manufacturers of television receivers and related devices -- Section 15.124						
1,692	1	1,692	.75 hours ¹⁰	1,269	\$48.08	\$ 61,014
DTV.gov Partners						
53	5 ¹¹	265	3 hours	795	\$48.08	\$ 2,385

⁵ One report per quarter, per broadcaster, for five quarters.

⁶ This estimates the number of broadcasters that will use Option One to provide on-air education; see 47 C.F.R. § 73.674(c).

⁷ This estimates the number of broadcasters that will use Option Two to provide on-air education; see 47 C.F.R. § 73.674(d).

⁸ This estimates the number of NCE broadcasters that will use Option Three to provide on-air education; see 47 C.F.R. § 73.674(e).

⁹ One notice per month, per MVPD, for thirteen months.

¹⁰ One notice per manufacturer, distributed to all customers. The burden for this requirement has decreased because the manufacturer's notice does not have to be included in as many products. Also, the notice does not need to contain contact information for the manufacturer. These two changes with the notice allow the notice to be more standardized across the industry, and have less of a burden impact on the manufacturer.

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ETCs that receive federal universal service funds -- Section 54.418						
2,166	13 ¹²	28,158	1 hour	28,158	\$48.08	\$1,353,837
Winners of the 700 MHz spectrum auction -- Section 27.20						
214	5 ¹³	1,070	3 hours	3,210	\$48.08	\$ 154,337
11,022 respondents		70,026 responses		155,646 hours		\$7,447,622 In-House Cost

TOTAL NUMBER OF ANNUAL RESPONDENTS: 11,022

TOTAL NUMBER OF ANNUAL RESPONSES: 70,026

TOTAL NUMBER OF ANNUAL BURDEN HOURS: 155,646 HOURS

TOTAL ANNUAL "IN-HOUSE" COST: \$7,447,622

We estimate that the respondents would have an average salary of \$100,000/year (\$48.08/hour).

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

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**

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.

¹¹ One report per quarter, per winner, for no more than five quarters.

¹² One notice per month, per ETC, for thirteen months; distributed only to a subset of customers. Also, there is no burden impact as a result of the revised requirement.

¹³ One report per quarter, per winner, for no more than five quarters.

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There is no cost to the Federal Government.

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

As a result of the Commission's action adopted April 23, 2008, FCC 08-119, the annual hour burden has decreased -423 hours. This decrease is due to the manufacturer notices not having to be included in as many products. Also, the notices do not need to contain contact information for the manufacturer. These two changes with the notices allow the notices to be more standardized across the industry, and have less of a burden impact on the manufacturers.

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.

OMB approval of the expiration of the information collection will be displayed at 47 CFR 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.

There are no exceptions to Item 19 of the Certification Statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.