

SUPPORTING STATEMENT

A. Justification:

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitates the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

FCC Rules require that applicants in the Experimental Radio Services submit FCC Form 702 when the legal right to control the use and operation of a station is to be transferred as a result of one of the following circumstances:

- (a) a voluntary act (contract or other agreement) of the grantee of a station authorization;
- (b) an involuntary act (death or legal disability) of the grantee of a station authorization;
- (c) an involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings or other court order; or
- (d) an operation of law in any other manner.

This form is required by the Communications Act of 1934, as amended; FCC Rule 47 CFR Part 5.59.

FCC Form 702 is a two part form:

Part I is to be completed by the assignor (the present permittee or licensee) and;

Part II is to be completed by the assignee (who wishes to obtain the legal right to control the use and operation of a station as a result of a voluntary act (contract or other agreement).

FCC Form 702 requires the applicants to provide the following information:

Part I (Assignor)

- (a) FCC Registration Number (FRN);
- (b) Name and Street Address of the Assignor;
- (c) The call sign, file number, location and expiration date should be provided for the facilities authorized to assignor for which assignment is sought.
- (d) The assignor or applicant must certify in FCC Form 702 that the license will not be assigned, or control will not be transferred until the Commission's consent has been received. Certification must be made by an authorized Office or Agent of the corporation.

Part II (Assignee)

- (a) Name of the Assignee (Corporation, State corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him/her, and the name of the association; The same names should be signed in the place provided at the end of the application, except that in the case of a partnership, the application may be signed in the name of the partnership by one or the partners;
- (b) Mailing/Street Address and email Address;
- (c) State whether the application is for consent to voluntary or involuntary assignment of permit or license;
- (d) State whether the assignee is an individual, partnership, corporation or association;
- (e) Is assignee or any party to the application a representative of an alien or a foreign government;
- (f) Is assignee personally familiar with the Commission's rules governing the service, which is the subject of the application;
- (g) Has assignee examined the subject facilities and determined that construction and operation is in compliance with current authorizations and the Commission's rules;
- (h) State assignee's relation to station: Pro Forma Assignment, Lessee, Manager, or Financier.

The Commission is submitting this IC as an extension (no change in reporting or third party disclosure requirements) in order to obtain the full three year clearance from the Office of Management and Budget (OMB).

The Commission has authority for this information collection pursuant to Secs. 4, 302, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C.154, 302, 303. Interpret or apply sec. 301, 48 Stat. 1081 as amended; 47 U.S.C. 301.

As noted on the OMB 83-I, this information collection does not affect individuals or household; thus, there are no impacts under the Privacy Act.

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Commission uses the information on FCC Form 702 to determine the applicants continued eligibility for licensees. Without this information, violations of ownership regulations could occur.

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.

On August 30, 2003, the Commission adopted an *Order*, see 68 FR 59335, October 15, 2003, which requires that all applications filling FCC Form 702 for Experimental Radio stations be filed electronically.

The Commission does recognize that the mandatory electronic filing requirement could impose unusual burdens on some filers and that, therefore, it may be appropriate for us to consider granting limited waivers of this requirement. Such waivers, will not be routinely granted and the filing party must plead with particularity the facts and circumstances warranting relief.

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.

The Experimental Licensing System currently uses a variety of forms to accomplish specific transactions related to the Commission's experimental licensing program. Among these are:

- (a) FCC Form 702 – Application for consent to assign an experimental authorization, and
- (b) FCC Form 703 – Application for consent to transfer control of corporation holding station license.

The Commission has been asked to consider combining these forms to eliminate a form and have both functions – assignments and transfers – accomplished via a single form. Our recommendation is to maintain both forms to keep the application process for assignments and transfers separate. Reasons for keeping these forms separate are:

- (a) A different set of information is required for assignments (FCC Form 702) than for transfers of control (FCC Form 703).
 - (i) Currently, each form gathers the required information in a clear, concise manner.
 - (ii) Combining the forms would make them inherently more complex as filers would need to wade through a series of if/then type conditions to determine which information is relevant to their particular transaction.
- (b) Additional complexity would likely lead to a higher number of errors on the combined form resulting in added staff time to resolve these errors and a longer period of time for the public to obtain their assignment or transfer of control.
- (c) Combining the forms would create a more complex form process which would increase the paperwork burden on the public rather than reduce it.
- (d) A more complex form would likely result in an increase in phone calls to the staff for assistance which would come at the expense of using that time to process applications.
- (e) The assignment and transfer of control process has been implemented in the experimental licensing system's electronic filing system:

- (i) These transactions tend to be very complex and considerable time, expense, and expertise was expended to implement the current process, which went through multiple iterations to ensure that the system functionality met the processing requirements.
- (ii) Combining the Forms 702 and 703 would require a redesign of the current system to track the paper process. Such a redesign would again entail considerable time, expense, and expertise; with multiple rounds of testing and recoding to make certain that the system operated properly.

For the reasons stated above, we believe that the public would be better served by keeping the FCC Forms 702 and 703 separate for their stated purposes:

- (a) Any benefit that may accrue by reducing the number of forms available to the public would be lost in the added complexity necessary for a combined form and additional burden to staff resources.
- (b) In sum, we do not believe that a combination of these forms will result in any tangible benefit to the Commission or the public.

5. If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 83-I), describe any methods used to minimize burden.

In accordance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has minimized the information requirements to those which are necessary for processing the application and to deter against possible abuses of the processes.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Generally, the frequency of the filing of FCC Form 702 is determined by the applicant and assignee.

7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, 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 collection of information is consistent with the guidelines in 5 CFR Part 1320.6.

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 prior to submission to OMB.

The Commission published a Notice in the *Federal Register* pursuant to 5 CFR § 1320.8 on April 3, 2008 (73 FR 18273), a copy of which is referenced in the submission to the OMB. The Commission did not receive any comments following publication of the Notice.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

Respondents will not receive any payments.

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

Applicants may request that any information supplied be withheld from public inspection, pursuant to 47 CFR § 0.459 of the FCC's rules. This request must be justified pursuant to 47 CFR § 0.447, however, this collection has no sensitive information.

11. Provide additional justification for any questions of a sensitive nature.

No information of a sensitive or confidential nature is collected.

12. Provide estimates 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. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

The Commission receives approximately ten (10) FCC Form 702 applications annually.

Generally, an applicant will file only one FCC Form 702.

The average burden per respondent is 36 minutes (0.6 hours) to complete and file FCC Form 702.

Total Number of respondents: 10 applicants.

Total Number of Responses Annually: 10.

Total Annual Hourly Burden: 10 applicants x 0.6 hours = 6 hours.

13. Provide estimate for the total annual cost burden to respondents resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).

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

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

(c) Total annualized cost requested: **\$600.00**

Cost to the Respondent:

There is a FCC filing fee of \$60.00 per application.

Total Respondent Cost: 10 respondents X \$60 per application = \$600.00.

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expenses that would not have been incurred without this collection of information.

Cost to the Federal Government:

We make the following estimates for the total annual cost to the Federal Government:

- (a) The Commission will use an FCC staff Engineer (GS 14: \$53.42/hour);
- (b) The FCC staff engineer will spend approximately 6 hours of time annually reviewing and processing FCC Form 702;

10 respondents filing FCC Form 702 annually x 0.6 hours = 60 hours.

Thus, the annual cost is estimated as follows:

Engineer at \$53.42/hr.	\$53.42 x 6 =	\$320.52
30% Overhead		<u>\$ 96.16</u>
Total Annual Cost to the Federal Government		\$416.68

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.

The Commission notes that there is an adjustment for this collection of information—the application fee for the FCC Form 702 in the Experimental Radio Services has increased from \$55.00 to \$60.00 (10 respondents x \$60 application fee = \$600 annual costs. But, the last time this submitted to OMB (in 2005), an error was made when entering the data. The figure should have been \$550 in annual costs. However, OMB entered \$1,000 in total annual costs. The Commission is reporting an adjustment to correct the error and therefore, the Commission is reporting a -\$400 cost decrease.

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

The data will not be published for statistical use.

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.

We request extension of the waiver not to display the OMB expiration date on FCC Form 703. This will obviate the need for the Commission to update the electronic forms upon the expiration of the clearance. OMB approval of the expiration date of the information collection will be displayed at 47 CFR § 0.408.

18. Explain any exceptions to the Certification Statement identified in Item 19, “Certification of Paper Work Reduction Act Submissions,” of OMB Form 83-I.

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

B. Collections of Information Employing Statistical Methods:

This collection of information does not employ statistical methods.