

## SUPPORTING STATEMENT

### A. Justification:

1. Filing of the FCC Form 345 is required when applying for authority for assignment of license or permit, or for consent to transfer of control of corporate licensee or permittee for an FM or TV translator station, or low power TV station.

This collection also includes the third party disclosure requirement of 47 CFR Section 73.3580. Therefore, 47 CFR Section 73.3580(c) and (g) require local public notice in a newspaper of general circulation or providing notice over the air of the filing of all applications for assignment of license/permit. This notice must be completed within 30 days of the tendering of the application. A copy of the newspaper notice or a record of the broadcast notice must be placed in the public inspection file along with the application.

47 CFR 73.3580(d) requires an applicant who files for renewal of a broadcast station license to must give notice of this filing by broadcasting announcements on applicant's station. Newspaper publication is not required.

The Commission is requesting an extension of this submission in order to receive the full three year clearance/approval 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 154(i) and 310 of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to determine if the applicant meets basic statutory requirements to operate the station.

3. The Commission is developing an electronic filing system for FCC Form 345 applications based on the data and other information contained in this form. The specific details concerning the method for electronically filing these applications, including an electronic counterpart to the paper form, will be provided through subsequent Commission public notices. The use of the Commission's electronic filing system will become mandatory six months after the Commission announces the availability of the FCC Form 345 in electronic form.

4. No other agency imposes a similar information collection on the respondents.

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 collection of information will not have a significant economic impact on a substantial number of small

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entities/businesses.

- 6. The frequency for this collection of information is determined by respondents, as necessary.
- 7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
- 8. The Commission published a Notice (73 FR 19501) on April 10, 2008. No comments were generated as a result of the Notice.
- 9. No payment of gift was provided to the respondents.
- 10. There is no need for confidentiality with this information collection.
- 11. This collection of information does not address any private matters of a sensitive nature.
- 12. We estimate that 550 FCC Form Applications will be filed and processed annually. The average burden is one hour (1) for the respondent to review FCC Form 345 once it has been completed by an outside attorney. In addition, to file newspaper notices will take the respondent (1) hour per notice or 5 minutes to broadcast each broadcast notice required under 47 CFR Sections 73.3580(c) and (g) and 73.3580(d).

**Total Annual Number of Respondents: 550 Licensees/Permittees**

**Total Annual Number of Responses:**

550 FCC Form 345 Applications  
 275 Section 73.3580(c) and (g) Newspaper Notices  
 275 Section 73.3580(d) Broadcast Notices  
**1,100 Responses**

**Total Annual Burden Hour:**

550 FCC Form 345 Applications x 1 hour/application =	550 hours
275 Newspaper Notices <sup>1</sup> under Section 73.3580(c) x 1 hour/notice =	275 hours
275 Broadcast Notices <sup>2</sup> under Section 73.3580(d) x .084 hr. (5 mins.)/notice =	<u>23 hours</u>

<sup>1</sup> We estimate that 50% of the total respondents will meet the requirements of Section 73.3580 by providing notice in the newspaper to the public of the filing of an application for assignment of license/permit.

<sup>2</sup> Broadcast notices require a broadcast station licensee to give notice of the filing of an application for assignment of license/permit by broadcasting announcements on the broadcaster's station. We estimate that the remaining 50% of the total respondents will meet the requirements of Section 73.3580 by broadcasting their notices over the air.

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**848 hours**

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

**Total Annual "In-House" Cost:** We assume that 100% of the respondents would convey to their attorneys their desire to effectuate an assignment of license or transfer of control of a broadcast license and that they would review the work done by the attorney. We estimate that this will take approximately 1 hour per application to complete review. We estimate this respondent will have an average salary of \$100,000/year (\$48.08/hour).

550 FCC Form 345 Applications x 1 hour/application x \$48.08 = **\$26,444.00**

13. **COST TO THE RESPONDENT:** We assume that the respondent would use an attorney to complete and file the FCC Form 345 applications. We estimate that this attorney will require 7 hours to complete this work and has an average salary of \$200/hour. A licensee must also submit a fee for each application by a commercial broadcast station for assignment or transfer at \$115/request. Of the 550 applications, we expect 520 applications to be filed by commercial stations. The remaining 30 applications do not submit a fee with their applications.

Applicants must give local public notice of the filing of its application for an assignment of license/permit. We estimate that 50% of the respondents (275) will have their notices published in the newspaper to meet notification requirements of Section 73.3580. The cost of this publication is estimated to be \$113.25/publication. The broadcast notices will not incur an additional cost due to the broadcast station licensees providing the notice over the air, no newspaper publication is required.

550 FCC Forms 345 x 7 hrs/application/attorney processing x \$200/hr =	\$770,000.00
520 feeable applications x \$115/application =	\$ 59,800.00
\$113.25/publication x 275 applications under Section 73.3580(c) =	<u>\$ 31,143.75</u>
<b>Total Annual Cost Burden =</b>	<b>\$860,943.75</b>

14. **Cost to the Federal Government:** The Commission will use staff at the GS-5, step 5 level (\$17.24/hour) and GS-13, step 5 level (\$45.05/hour) to process these applications.

\$17.24 x 1 hour/processing x 550 applications =	\$ 9,482.00
\$45.05 x 2 hours/processing x 550 applications =	<u>\$24,777.50</u>
	<b>\$34,259.50</b>

15. There is no program change to this information collection. However, there are adjustments of +355 hours and +\$361,944 due to an increase in the total number of applications filed with the Commission on an annual basis.

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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 prevent the Commission from needing to update electronic files upon the expiration of the clearance. The expiration date of the information collection will be displayed at 47 C.F.R. Section 0.408.

18. The Commission published a Federal Register Notice (73 FR 19501) on April 10, 2008 seeking public comment on the information collection requirements contained in this supporting statement. The Commission reported the following in the Notice: the estimated time per response as 0.5 – 1 hour; total annual number of responses as 870; total annual burden as 723 hours; and the total annual cost as \$1,284,700. We correct those numbers to read as follows: the estimated time per response as 0.084 hours – 1 hour; total annual number of responses as 1,100; total annual burden as 848 hours; and the total annual cost as \$860,944. There are no other exceptions to Item 19 of the Certification Statement.

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

No statistical methods are employed.