

**Title: Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues – 47 CFR Section 76.66**

**SUPPORTING STATEMENT**

**A. Justification**

**Revised Information Collection Requirements:**

1. On March 27, 2008 the Commission released a *Second Report and Order, Memorandum Opinion and Order, and Second Further Notice of Proposed Rulemaking* Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission’s Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues, FCC 08-86, CS Docket 00-96. We amend the rules to require satellite carriers to carry digital-only stations upon request in markets in which they are providing any local-into-local service pursuant to the statutory copyright license, and to require carriage of all high definition (“HD”) signals in a market in which any station’s signals are carried in HD. The latter requirement will be phased-in over a four year period. The final rule imposes the following requirements:

**47 C.F.R Section 76.66 (b)(1)** states each satellite carrier providing, under section 122 of title 17, United States Code, secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, shall carry upon request the signals of all television broadcast stations located within that local market, subject to section 325(b) of title 47, United States Code, and other paragraphs in this section. Satellite carriers are required to carry digital-only stations upon request in markets in which the satellite carrier is providing any local-into-local service pursuant to the statutory copyright license.<sup>1</sup>

**47 CFR Section 76.66(d)(2) (vi)** requires satellite carriers to notify all local stations in a market of their intent to launch HD carry-one, carry-all in that market at least 60 days before commencing such carriage.

**Non-rule requirement:** Satellite carriers must immediately commence carriage of the digital signal of a television station that ceases analog broadcasting prior to the February 17, 2009 transition deadline provided that the broadcaster notifies the satellite carrier on or before October 1, 2008 of the date on which they anticipate termination of their analog signal.

**Information Collections Approved by OMB:**

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<sup>1</sup> Section 76.66(b)(1) requires satellite carriers to carry digital-only stations on request in markets in which the carrier is providing any local-into-local service pursuant to the statutory copyright license. We estimate that approximately 20 stations will now be able to request carriage that did not have the right to do so before. As a result, several rules that govern carriage requests and related procedures will now apply to 20 more stations.

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**47 CFR Section 76.66(b)(2)** requires a satellite carrier that offers multichannel video programming distribution service in the United States to more than 5,000,000 subscribers shall, no later than December 8, 2005, carry upon request the signal originating as an analog signal of each television broadcast station that is located in a local market in Alaska or Hawaii; and shall, no later than June 8, 2007, carry upon request the signals originating as digital signals of each television broadcast station that is located in a local market in Alaska or Hawaii. Such satellite carrier is not required to carry the signal originating as analog after commencing carriage of digital signals on June 8, 2007. Carriage of signals originating as digital signals of each television broadcast station that is located in a local market in Alaska or Hawaii shall include the entire free over-the-air signal, including multicast and high definition digital signals.

**47 CFR Section 76.66(c)(3)** requires that a commercial television station notify a satellite carrier in writing whether it elects to be carried pursuant to retransmission consent or mandatory consent in accordance with the established election cycle.

**47 CFR Section 76.66(c)(5)** requires that a noncommercial television station must request carriage by notifying a satellite carrier in writing in accordance with the established election cycle.

**47 CFR Section 76.66(c)(6)** requires a commercial television broadcast station located in a local market in a noncontiguous state to make its retransmission consent-mandatory carriage election<sup>2</sup> by October 1, 2005, for carriage of its signals that originate as analog signals for carriage commencing on December 8, 2005 and ending on December 31, 2008, and by April 1, 2007 for its signals that originate as digital signals for carriage commencing on June 8, 2007 and ending on December 31, 2008. For analog and digital signal carriage cycles commencing after December 31, 2008, such stations shall follow the election cycle in 47 CFR Section 76.66(c)(2) and 47 CFR Section 76.66(c)(4). A noncommercial television broadcast station<sup>3</sup> located in a local market in Alaska or Hawaii must request carriage by October 1, 2005, for carriage of its signals that originate as an analog signal for carriage commencing on December 8, 2005 and ending on December 31, 2008, and by April 1, 2007 for its signals that originate as digital signals for carriage commencing on June 8, 2007 and ending on December 31, 2008. Moreover, Section

76.66(c) requires a commercial television station located in a local market in a noncontiguous state to provide notification to a satellite carrier whether it elects to be carried pursuant to retransmission consent or mandatory consent.

**47 CFR Section 76.66(d)(1)(ii)** states an election request made by a television station must be in writing and sent to the satellite carrier's principal place of business, by certified mail, return receipt requested.

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<sup>2</sup> Retransmission consent applies to stations that negotiate for carriage with a satellite carrier, and mandatory carriage ("must carry") applies to stations that demand carriage based on statutory right. See, e.g., 47 U.S.C. §§ 325 and 534.

<sup>3</sup> See 47 U.S.C. § 545(l) (definition of noncommercial television broadcast station). See also 47 U.S.C. § 338(c)(2).

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**47 CFR Section 76.66(d)(1) (iii)** states a television station's written notification shall include the:

- (A) Station's call sign;
- (B) Name of the appropriate station contact person;
- (C) Station's address for purposes of receiving official correspondence;
- (D) Station's community of license;
- (E) Station's DMA assignment; and
- (F) For commercial television stations, its election of mandatory carriage or retransmission consent.

**47 CFR Section 76.66(d)(1) (iv)** Within 30 days of receiving a television station's carriage request, a satellite carrier shall notify in writing: (A) those local television stations it will not carry, along with the reasons for such a decision; and (B) those local television stations it intends to carry.

**47 CFR Section 76.66(d)(2)(i)** states a new satellite carrier or a satellite carrier providing local service in a market for the first time after July 1, 2001, shall inform each television broadcast station licensee within any local market in which a satellite carrier proposes to commence carriage of signals of stations from that market, not later than 60 days prior to the commencement of such carriage

- (A) Of the carrier's intention to launch local-into-local service under this section in a local market, the identity of that local market, and the location of the carrier's proposed local receive facility for that local market;
- (B) Of the right of such licensee to elect carriage under this section or grant retransmission consent under section 325(b);
- (C) That such licensee has 30 days from the date of the receipt of such notice to make such election; and
- (D) That failure to make such election will result in the loss of the right to demand carriage under this section for the remainder of the 3-year cycle of carriage under section 325.

**47 CFR Section 76.66(d)(2)(ii)** states satellite carriers shall transmit the notices required by paragraph (d)(2)(i) of this section via certified mail to the address for such television station licensee listed in the consolidated database system maintained by the Commission.

**47 CFR Section 76.66(d)(2)(iii)** requires a satellite carrier with more than five million subscribers to provide a notice as required by 47 CFR Section 76.66(d)(2)(i) and 47 CFR Section 76.66(d)(2)(ii) to each television broadcast station located in a local market in a noncontiguous state, not later than September 1, 2005 with respect to analog signals and a notice not later than April 1, 2007 with respect to digital signals; provided, however, that the notice shall also describe the carriage requirements pursuant to Section 338(a)(4) of Title 47, United States Code, and 47 CFR Section 76.66(b)(2).

**47 CFR Section 76.66(d)(2)(iv)** requires that a satellite carrier shall commence carriage of a local station by the later of 90 days from receipt of an election of mandatory carriage or upon commencing local-into-local service in the new television market.

**47 CFR Section 76.66(d)(2)(v)** states within 30 days of receiving a local television station's election of mandatory carriage in a new television market, a satellite carrier shall notify in writing: Those local

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television stations it will not carry, along with the reasons for such decision, and those local television stations it intends to carry.

**47 CFR Section 76.66(d)(3)(ii)** states a new television station shall make its election request, in writing, sent to the satellite carrier's principal place of business by certified mail, return receipt requested, between 60 days prior to commencing broadcasting and 30 days after commencing broadcasting. This written notification shall include the information required by paragraph (d)(1)(iii) of this section.

**47 CFR Section 76.66(d)(3)(iv)** states within 30 days of receiving a new television station's election of mandatory carriage, a satellite carrier shall notify the station in writing that it will not carry the station, along with the reasons for such decision, or that it intends to carry the station.

**47 CFR Section 76.66(d)(5)(i)** states beginning with the election cycle described in §76.66(c)(2), the retransmission of significantly viewed signals pursuant to §76.54 by a satellite carrier that provides local-into-local service is subject to providing the notifications to stations in the market pursuant to paragraphs (d)(5)(i)(A) and (B) of this section, unless the satellite carrier was retransmitting such signals as of the date these notifications were due.

(A) In any local market in which a satellite carrier provided local-into-local service on December 8, 2004, at least 60 days prior to any date on which a station must make an election under paragraph (c) of this section, identify each affiliate of the same television network that the carrier reserves the right to retransmit into that station's local market during the next election cycle and the communities into which the satellite carrier reserves the right to make such retransmissions;

(B) In any local market in which a satellite carrier commences local-into-local service after December 8, 2004, at least 60 days prior to the commencement of service in that market, and thereafter at least 60 days prior to any date on which the station must thereafter make an election under §76.66(c) or (d)(2), identify each affiliate of the same television network that the carrier reserves the right to retransmit into that station's local market during the next election cycle.

**47 CFR Section 76.66 (f)(3)** states except as provided in 76.66(d)(2), a satellite carrier providing local-into-local service must notify local television stations of the location of the receive facility by June 1, 2001 for the first election cycle and at least 120 days prior to the commencement of all election cycles thereafter.

**47 CFR Section 76.66 (f)(4)** states a satellite carrier may relocate its local receive facility at the commencement of each election cycle. A satellite carrier is also permitted to relocate its local receive facility during the course of an election cycle, if it bears the signal delivery costs of the television stations affected by such a move. A satellite carrier relocating its local receive facility must provide 60 days notice to all local television stations carried in the affected television market.

**47 CFR Section 76.66 (h)(5)** states a satellite carrier shall provide notice to its subscribers, and to the affected television station, whenever it adds or deletes a station's signal in a particular local market pursuant to this paragraph.

**47 CFR 76.66 (m)(1)** states whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under this section, such station shall notify the carrier, in writing, of the

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alleged failure and identify its reasons for believing that the satellite carrier failed to comply with such obligations.

**47 CFR 76.66 (m)(2)** states the satellite carrier shall, within 30 days after such written notification, respond in writing to such notification and comply with such obligations or state its reasons for believing that it is in compliance with such obligations.

**47 CFR 76.66 (m)(3)** states a local television broadcast station that disputes a response by a satellite carrier that it is in compliance with such obligations may obtain review of such denial or response by filing a complaint with the Commission, in accordance with §76.7 of title 47, Code of Federal Regulations. Such complaint shall allege the manner in which such satellite carrier has failed to meet its obligations and the basis for such allegations.

**47 CFR 76.66 (m)(4)** states the satellite carrier against which a complaint is filed is permitted to present data and arguments to establish that there has been no failure to meet its obligations under this section.

**History:**

On April 29, 2005, the Commission adopted a *Notice of Proposed Rule Making (NPRM)*, In the Matter of the Implementation of Section 210 of the Satellite Home Viewer Extension and Reauthorization Act of 2004<sup>4</sup> to Amend Section 338 of the Communication Act, MB Docket No. 05-181, FCC 05-92. The *NPRM* proposed amendments to 47 CFR 76.66 to implement Section 210 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”). Section 210 of the SHVERA amends Section 338(a) of the Communications Act of 1934, as amended, (“Communications Act” or “Act”). Section 338 governs the carriage of local television broadcast stations by satellite carriers. In general, the SHVERA amends this section to require satellite carriers to carry both the analog and digital signals<sup>5</sup> of television broadcast stations in local markets in noncontiguous states<sup>6</sup> (including Alaska and Hawaii), and to provide these signals to substantially all of their subscribers in each station’s local market by December 8, 2005

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<sup>4</sup> The *NPRM* implemented the Satellite Home Viewer Extension and Reauthorization Act of 2004, SHVERA, which established for satellite carriers and subscribers the concept of “significantly viewed,” which has applied in the cable context for more than 30 years. The concept of “significantly viewed” signals is used to differentiate between out-of-market television broadcast stations that have significant over-the-air non-cable viewing and those that do not. The designation of “significantly viewed” status is important because it will enable a broadcast station assigned to one market to be treated as a “local” station with respect to a particular cable or satellite community in another market, and thus enable its cable or satellite carriage into that market.

<sup>5</sup> Most television broadcast stations currently have a paired license to broadcast – an analog signal and a digital signal. When the transition from analog to digital television service is completed, the license for the 6 MHz of spectrum used for the analog signal will be terminated.

<sup>6</sup> Section 338(a)(4) of the Communications Act, as amended by the SHVERA, requires carriage of these television signals to subscribers in local markets in “within a State that is not part of the contiguous United States...” (“noncontiguous states”). See 47 U.S.C. § 338(a)(4). Section 3 of the Communications Act defines “State” to include “the Territories and possessions” of the United States. See 47 U.S.C. § 153(40). Therefore, the *NPRM* asks whether it is correct to interpret “noncontiguous states” as used in Section 210 of the SHVERA to include the U.S. noncontiguous states, Alaska and Hawaii, as well as the territories and possessions, including Puerto Rico and Guam.

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for analog signals and by June 8, 2007 for digital signals. The final rules, FCC 05-159, were adopted on August 22, 2005 without revisions.

On March 28, 2005, the Commission adopted an *Order*, FCC 05-81, In the Matter of the Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”), Procedural Rules, to implement procedural rules as required by the SHVERA. The SHVERA is the third statute that addresses satellite carriage of television broadcast stations, the preceding statutes are discussed below in the history section. The 2004 SHVERA gives satellite carriers the additional option to carry Commission-determined “significantly viewed”<sup>7</sup> out-of-market signals to subscribers. The SHVERA requires the Commission to undertake several proceedings to implement new rules, revise existing rules, and conduct studies. The Procedural Rules *Order*, FCC 05-81 was adopted by the Commission to implement Sections 202, 205, and 209 of the SHVERA is one of a number of Commission proceedings that will be required to implement the SHVERA.

In 1988, Congress passed the Satellite Home Viewer Act (“1988 SHVA”),<sup>8</sup> which established a statutory copyright license for satellite carriers to offer broadcast programming to subscribers who could not receive the signal of a broadcast station over the air (“unserved households”). The 1988 SHVA statutory copyright license did not distinguish between signals from local stations and signals from distant stations.<sup>9</sup> In the 1999 Satellite Home Viewer Improvement Act (“SHVIA”),<sup>10</sup> Congress expanded on the 1988 SHVA by amending both the 1988 copyright laws<sup>11</sup> and the Communications Act<sup>12</sup> to permit satellite carriers to retransmit local broadcast television signals directly to their subscribers without requiring that they be “unserved.”

In the Implementation of the Satellite Home Viewer Improvement Act of 1999 (SHVIA) : Broadcast Signal Carriage Issues, Retransmission Consent Issues, *Report and Order*, CS Docket Nos. 99-363, 00-96, FCC 00-417 (adopted 11/29/2000), the Commission implemented carriage rules for satellite carriers pursuant to Section 338 of the Communications Act. In addition, the Commission established

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<sup>7</sup> The concept of “significantly viewed,” which has applied in the cable context for more than 30 years is used to differentiate between out-of-market television broadcast stations that have significant over-the-air non-cable viewing and those that do not. The designation of “significantly viewed” status is important because it will enable a broadcast station assigned to one market to be treated as a “local” station with respect to a particular cable or satellite community in another market, and thus enable its cable or satellite carriage into that market.

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<sup>9</sup> The Satellite Home Viewer Act of 1988, Pub. L. No. 100-667, 102 Stat. 3935, Title II (1988) (codified at 17 U.S.C. §§ 111, 119). The 1988 SHVA was enacted on November 16, 1988, as an amendment to the copyright laws.

<sup>9</sup> See 17 U.S.C. § 119(a).

<sup>10</sup> The Satellite Home Viewer Improvement Act of 1999, Pub.L. No 106-113, 113 Stat. 1501 (1999) (codified in scattered sections of 17 and 47 U.S.C.). The SHVIA was enacted on November 29, 1999, as Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999 (“IPACORA”) (relating to copyright licensing and carriage of broadcast signals by satellite carriers).

<sup>11</sup> 17 U.S.C. §§ 119 and 122.

<sup>12</sup> See 47 U.S.C. §§ 325, 338 and 339.

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regulations and procedures governing the election process for mandatory carriage and retransmission consent pursuant to Section 325 of the Act. In the SHVIA, Congress amended the Communications Act and Copyright Act to permit satellite carriers to provide the signal of local broadcast stations to subscribers residing in the broadcaster's market. The *Report and Order* also established that commercial television stations must make an election between retransmission consent and mandatory carriage every three years for both satellite carriers and cable operators.

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 the Satellite Home Viewer Extension and Reauthorization Act of 2004, Pub. L. No.108-447, §§ 202, 205, 209, 210, 118 Stat 2809 (2004); 47 C.F.R. §§ 325, 338, 339, and 340.

2. The data gathered for this information collection will ensure compliance with specific provisions of the SHVIA and SHVERA which enable the Commission to enforce satellite carrier obligations, synchronize election cycles for must-carry or retransmission consent and determine resolution mechanisms concerning complaints filed pursuant to 47 CFR Section 76.7.
3. Information technology is not likely to reduce the burden of compliance for these procedures, nor will electronic, mechanical or other collection techniques be used to gather information.
4. This agency does not duplicate nor impose similar requirements on satellite carriers.
5. The rules imposed in this proceeding affect a cross section of parties, television broadcast stations and satellite carriers, some of which may include small business entities. Overall compliance by parties with these provisions has the affect of minimizing the impact of any collection requirements on small business entities. The rules are required by Congress. Where there was discretion to consider alternatives, as in the case of notification requirements to commence carriage, the Commission chose to place the notice burden on broadcast stations rather than satellite carriers. In making this decision, the Commission recognized that there are only two affected satellite carriers while there are many television stations at issue in the revisions required by the SHVERA. This legislation applies to small and large entities equally.
6. The SHVERA revised the SHVIA collection of information requirements for satellite carriers that provide local-into-local retransmission of broadcast stations pursuant to the statutory copyright license. The SHVERA also requires a new collection of information for satellite carriers that choose to carry significantly viewed signals by providing local broadcast stations the right to make an election between retransmission consent and mandatory carriage in markets where the satellite carriers are providing local-into-local service. The SHVIA initially required a collection of information to allow broadcast television stations to invoke their must-carry/retransmission consent rights under the Communications Act.
7. There are no special circumstances that apply to this collection of information.

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8. The Commission published a Notice in the *Federal Register* seeking public comments on the information collection requirements contained in this supporting statement on May 12, 2008 (73 FR 26988). The Commission has not received any comments following publication of the Notice.

9. There will be no payments or gifts given to respondents.

10. There is no need for confidentiality concerning these information collection requirements.

11. Information requirements in this collection do not address matters of a sensitive nature.

12. The estimated burden for this collection of information is as follows:

Rule Sections	Number of Respondents	Number of Responses/ Notices/ Complaints	Respondents Hourly Burden	Total Annual Burden Hours	Hourly "In House" Cost	Total "In House" Costs
<b>Sections 76.66(c)(3), 76.66(c)(5), 76.66(c)(6), 76.66(d)(1)(ii)</b> <i>(Election Notices)</i>	2,882	2,882	1 hour	2,882	\$48.08/hr.	\$138,566.56
<b>Sections 76.66(c)(3), 76.66(c)(5), 76.66(c)(6), 76.66(d)(1)(ii)</b> <i>(Responses to Notices)</i>	2,882	2,882	1 hour	2,882	\$48.08/hr.	\$138,566.56
<b>Section 76.66(b)(1)</b> <i>Requests for signals</i>	20 <sup>13</sup>	40	1 hour	40	\$48.08/hr	\$ 1,923.20
<b>Section 76.66(b)(2)</b> <i>Noncontiguous states</i>	50 <sup>14</sup>	100	1 hour	100	\$48.08/hr	\$ 4,808.00
<b>Section 76.66(d)(1)(ii) and (iii)</b> <i>Carriage election - stations</i>	20 <sup>15</sup>	40	1 hour	40	\$48.08/hr	\$ 1,923.20
<b>Section 76.66(d)(1)(iv)</b> <i>Satellite carriers responses</i>	2 <sup>16</sup>	40	1 hour	40	\$48.08/hr.	\$ 1,923.20
<b>Section 76.66(d)(2)(i), (ii) and</b>	1,420	1,420	1 hour	1,420	\$48.08/	\$ 68,273.60

<sup>13</sup> Twenty station licensees will request signal carriage from each satellite carrier.

<sup>14</sup> Fifty station licensees will request signal carriage from two satellite carriers.

<sup>15</sup> Twenty station licensees will notify two satellite carriers each regarding carriage election.

<sup>16</sup> Two satellite carriers will respond to twenty station licensees each regarding carriage election.



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Rule Sections	Number of Respondents	Number of Responses/ Notices/ Complaints	Respondents Hourly Burden	Total Annual Burden Hours	Hourly "In House" Cost	Total "In House" Costs
<b>(iv)</b> <i>Satellite Local Service</i>					hr.	
<b>Section 76.66(d)(2)(iii)</b> <i>Notifications -TV stations in noncontiguous states</i>	82	82	1 hour	82	\$48.08/hr	\$ 3,942.56
<b>Section 76.66(d)(2)(v)</b> <i>Satellite decisions not to carry stations</i>	2 <sup>17</sup>	10	1 hour	10	\$48.08/hr	\$ 480.80
<b>Section 76.66(d)(2)(vi)</b>	2 <sup>18</sup>	1,400	1 hour	1,400	\$48.08	\$ 67,312.00
<b>Section 76.66(d)(3)(ii)</b> <i>new station election request</i>	20 <sup>19</sup>	40	1 hour	40	\$48.08/hr.	\$ 1,923.20
<b>Section 76.66(d)(3)(iv)</b> – <i>responses to election request</i>	2 <sup>20</sup>	40	1 hour	40	\$48.08/hr	\$ 1,923.20
<b>Section 76.66(d)(5)(i)</b> <i>Satellite notifications – significantly viewed</i>	2,820	2,820	1 hour	2,820	\$48.08/hr.	\$135,585.60
<b>Section 76.66(f)(3) and (4)</b> <i>Satellite notifications – local facilities</i>	2 <sup>21</sup>	40	1 hour	40	\$48.08/hr	\$ 1,923.20
<b>Section 76.66(h)(5)</b> <i>Satellite notice to subscribers</i>	2 <sup>22</sup>	10	1 hour	10	\$48.08/hr	\$ 480.80
<b>Section 76.66(m)(1)</b>	17	17 <sup>23</sup>	5 hours	85	\$48.08/	\$ 4,086.80

<sup>17</sup> Two satellite carriers will notify five station licensees each re mandatory carriage.

<sup>18</sup> Two satellite carriers will notify 700 stations each regarding HD carry one, carry all.

<sup>19</sup> Twenty station licensees will notify two satellite carriers each regarding election requests.

<sup>20</sup> Two satellite carriers will respond to 20 station licensees each regarding election requests.

<sup>21</sup> Two satellite carriers will respond to 20 station licensees each regarding local facilities.

<sup>22</sup> Two satellite carriers will respond to 5 station licensees/subscribers each regarding station signals.

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Rule Sections	Number of Respondents	Number of Responses/ Notices/ Complaints	Respondents Hourly Burden	Total Annual Burden Hours	Hourly "In House" Cost	Total "In House" Costs
<i>Notifications</i>					hr.	
<b>Section 76.66(m)(2) Responses to Notifications</b>	17	17 <sup>24</sup>	5 hours	85	\$48.08/hr.	\$ 4,086.80
<b>Section 76.66(m)(3) Complaints</b>	9	9 <sup>25</sup>	5 hours	45	\$100/hr.	\$ 4,500.00
<b>Section 76.66(m)(4) (Responses to Complaints)</b>	9	9 <sup>26</sup>	5 hours	45	\$100/hr.	\$ 4,500.00
<b>Notifications by satellite carriers</b>	20 <sup>27</sup>	40	1 hour	40	\$48.08/hr	\$ 1,923.20
<b>TOTALS:</b>	<b>10,280</b>	<b>11,938</b>		<b>12,146</b>		<b>\$588,652.48</b>

**Total Number of Respondents: 10,280**

**Total Number of Responses: 11,938**

**Total Annual Burden Hours: 12,146 hours**

**Total Annual In-house Cost: \$588,652.48**

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

<sup>23</sup> Seventeen stations will notify satellite carriers who did not meet their obligations.

<sup>24</sup> Seventeen responses to notifications by satellite carriers.

<sup>25</sup> There are a total of 17 complaints. We estimate that 9 of the 17 complaints will be prepared by in-house legal staff at an hourly rate of \$100/hr. The remaining complaints will be prepared by outside counsel.

<sup>26</sup> There are a total of 17 responses to complaints. We estimate that 9 of the 17 responses to complaints will be prepared by in-house legal staff at an hourly rate of \$100/hr. The remaining responses to complaints will be prepared by outside counsel.

<sup>27</sup> Twenty station licensees will notify two satellite carriers each regarding termination of analog signal.

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**13. Annual Cost Burden:** We estimate that outside legal counsel will prepare eight complaints and responses to complaints under Section 76.66(m)(3) and (4). We estimate the legal work at \$200 per hour and each complaint/response will take 5 hours.

8 complaints + 8 responses to complaints @ 5 hours per complaint/response x \$200 per hour = **\$16,000.**

**14. Cost to Federal Government:** The Commission staff that reviews these carriage complaints associated with rule 47 CFR Section 76.66(m) consists of attorneys at the GS-15, step 5 level (\$62.62/hour). Each filing is estimated to undergo an average processing time of 40 hours.

**Total Cost to the Federal Government:**

17 complaints + 17 responses x 40 hours review/filing x \$62.62 = **\$85,163.20**

15. The Commission had a program change of +1,950 hours as a result of the adoption of the Second Report and Order, Memorandum Opinion and Order, and Second Further Notice of Proposed Rulemaking Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues, FCC 08-86, CS Docket 00-96. There was an adjustment to the total annual cost burden of -\$14,000 due to a miscalculation in the cost in the Commission's previous submission to OMB. We corrected the mistake with this submission.

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

17. The Commission does not seek approval to not display the expiration date for this collection of information.

18. The Commission published a Notice in the *Federal Register* seeking public comments on the information collection requirements contained in this supporting statement on May 12, 2008 (73 FR 26988). In the Notice the total number of respondents was stated as 7,372. We correct that number to read "10,280" respondents. There are no other exceptions to the Certification Statement in Item 19.

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

No statistical methods are employed.