

SUPPORTING STATEMENT

A. Justification:

1. **Circumstances Necessitating Change to Information Collection** – This submission is being made as a revision to an existing information collection pursuant to 44 U.S.C. § 3507. This submission contains revised rule section 47 CFR § 73.3555 and FCC Form 303-S and its accompanying instructions and worksheets.

FCC Form 303-S is used in applying for renewal of license for a commercial or noncommercial AM, FM or TV broadcast station and FM translator, TV translator or Low Power TV (LTV), and Low Power FM broadcast stations. It can also be used in seeking the joint renewal of licenses for an FM or TV translator station and its co-owned primary FM, TV, or LPTV station.

This collection also includes the third party disclosure requirement of 47 CFR Section 73.3580. This section requires local public notice of the filing of the renewal application. For AM, FM, and TV stations, these announcements are made on-the-air. For FM/TV Translators and AM/FM/TV stations that are silent, the local public notice is accomplished through publication in a newspaper of general circulation in the community or area being served.

Revised Information Collection Requirements Which Require OMB Approval:

On December 18, 2007, the Commission adopted a Report and Order and Order on Reconsideration in its 2006 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 06-121, FCC 07-216. Section 202 requires the Commission to review its broadcast ownership rules every four years and determine whether any of such rules are necessary in the public interest. Further, Section 202 requires the Commission to repeal or modify any regulation it determines to be no longer in the public interest.

Consistent with actions taken by the Commission in the 2006 Quadrennial Regulatory Review, changes are made to Form 303-S to account for revisions made to 47 C.F.R. § 73.3555(d), the Daily Newspaper Cross-Ownership Rule. The revised rule changes the circumstances under which an entity may own a daily newspaper and a radio station or television station in the same designated market area. In Section III of Form 303-S, a new Question 7 is added which asks the licensee to certify that neither it nor any party to the application has an attributable interest in a newspaper that is within the scope of 47 C.F.R. § 73.3555(d). Instructions for this new question are added to Form 303-S, and include a reference to the 2006 Quadrennial Regulatory Review as a source of information regarding the Commission's newspaper/broadcast cross-ownership rule.

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Therefore, 47 CFR 73.3555(d) (daily newspaper cross-ownership rule) states:

(1) No license for an AM, FM or TV broadcast station shall be granted to any party (including all parties under common control) if such party directly or indirectly owns, operates or controls a daily newspaper and the grant of such license will result in:

(i) The predicted or measured 2 mV/m contour of an AM station, computed in accordance with § 73.183 or § 73.186, encompassing the entire community in which such newspaper is published; or (ii) The predicted 1 mV/m contour for an FM station, computed in accordance with § 73.313, encompassing the entire community in which such newspaper is published; or (iii) The Grade A contour of a TV station, computed in accordance with § 73.684, encompassing the entire community in which such newspaper is published.

(2) Paragraph (1) shall not apply in cases where the Commission makes a finding pursuant to Section 310(d) of the Communications Act that the public interest, convenience, and necessity would be served by permitting an entity that owns, operates or controls a daily newspaper to own, operate or control an AM, FM, or TV broadcast station whose relevant contour encompasses the entire community in which such newspaper is published as set forth in paragraph (1).

(3) In making a finding under paragraph (2), there shall be a presumption that it is not inconsistent with the public interest, convenience, and necessity for an entity to own, operate or control a daily newspaper in a top 20 Nielsen DMA and one commercial AM, FM or TV broadcast station whose relevant contour encompasses the entire community in which such newspaper is published as set forth in paragraph (1), provided that, with respect to a combination including a commercial TV station,

(i) The station is not ranked among the top four TV stations in the DMA, based on the most recent all-day (9 a.m.-midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service; and (ii) At least 8 independently owned and operating major media voices would remain in the DMA in which the community of license of the TV station in question is located (for purposes of this provision major media voices include full-power TV broadcast stations and major newspapers).

(4) In making a finding under paragraph (2), there shall be a presumption that it is inconsistent with the public interest, convenience, and necessity for an entity to own, operate or control a daily newspaper and an AM, FM or TV broadcast station whose relevant contour encompasses the entire community in which such newspaper is published as set forth in paragraph (1) in a DMA other than the top 20 Nielsen DMAs or in any circumstance not covered under paragraph (3).

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(5) In making a finding under paragraph (2), the Commission shall consider:

(i) whether the combined entity will significantly increase the amount of local news in the market; (ii) whether the newspaper and the broadcast outlets each will continue to employ its own staff and each will exercise its own independent news judgment; (iii) the level of concentration in the Nielsen Designated Market Area (DMA); and (iv) the financial condition of the newspaper or broadcast station, and if the newspaper or broadcast station is in financial distress, the proposed owner's commitment to invest significantly in newsroom operations.

(6) In order to overcome the negative presumption set forth in paragraph (4) with respect to the combination of a major newspaper and a television station, the applicant must show¹ by clear and convincing evidence that the co-owned major newspaper and station will increase the diversity of independent news outlets and increase competition among independent news sources in the market, and the factors set forth above in paragraph (5) will inform this decision.

(7) The negative presumption set forth in paragraph (4) shall be reversed under the following two circumstances:

(i) the newspaper or broadcast station is failed or failing; or (ii) the combination is with a broadcast station that was not offering local newscasts prior to the combination, and the station will initiate at least seven hours per week of local news programming after the combination.

Pending Action on this Information Collection:

On August 15, 2007, the Commission adopted a *Notice of Proposed Rulemaking*, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, MB Docket No. 07-172, FCC 07-144. The *Notice of Proposed Rulemaking* ("AM-FM Translator NPRM") proposes to make the following rule and form changes to this information collection: The Commission proposes rule changes that would allow AM stations to use FM translator stations² to rebroadcast the AM signal locally.³ The AM-FM Translator NPRM proposes rules that will permit AM radio stations to use FM translator stations under certain circumstances. FCC Form 303-S will be used in applying for renewal of license of such commercial or noncommercial FM translator stations. The Commission proposes to revise the FCC Form 303-S to reflect the revised changes in the rules applicable to FM translator stations used by AM stations to rebroadcast their AM signals. **(The proposed rules and proposed form revisions to FCC Form 303-S were submitted to OMB for approval at the Notice of Proposed Rulemaking. The Report & Order to finalize the proposed rules has not been adopted by the Commission to date. The Commission will**

¹ These showings are done via waiver showings/filings with the Commission.

² FM translator stations are low power facilities licensed for the limited purpose of retransmitting the signals of either a full power radio station or another translator station. 47 C.F.R. § 74.1201.

³ For example, the AM-FM Translator NPRM proposes that the service area of the FM translator station could not extend beyond the daytime coverage area of the AM station.

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submit the collection to OMB for final approval of the rulemaking once it has been adopted by the Commission).

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), 303, 307 and 308 of the Communications Act of 1934, as amended, and Section 204 of the Telecommunications Act of 1996.

2. **Agency Use of Information:** The data is used by FCC staff to assure that the necessary reports connected with the renewal application have been filed and that the licensee continues to meet basic statutory requirements to remain a licensee of a broadcast station. The local public notice informs the public that the station has filed for license renewal.

3. **Consideration Given to Information Technology:** The Commission requires applicants to file FCC Form 303-S electronically.

4. **Effort to Identify Duplication and Use Similar Information:** No other agency imposes a similar information collection on the respondents. There are no similar data available.

5. **Effort to Reduce Small Business Burden:** In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/businesses.

6. **Less Frequent Data Collection:** The frequency for this collection of information will ultimately be determined by the expiration of the station license. Under current Commission rules, station licenses are issued for eight year terms.

7. **Information Collection Circumstances:** This collection of information is consistent with the guidelines in 5 CFR § 1320.5(d)(2).

8. **Consultations with Persons outside the FCC:** Opportunity for public comment on this information collection requirement has been published in the Federal Register at 73 FR 15156 on March 21, 2008. The Commission did not receive any comments from the public for this information collection.

9. **Payment or Gift:** No payment or gift was provided to respondents.

10. **Confidentiality of Information:** There is no need for confidentiality for this information collection.

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11. **Justification for Sensitive Questions:** This information collection does not address any private matters of a sensitive nature.

12. **Estimate of Burden and Burden Hour Cost:** The following estimates are provided for public burden:

<u>Service(s)</u>	<u>Number of Applications/Respondents</u>
Commercial AM/FM	1300
Noncommercial AM/FM	268
FM translators	405
Commercial Radio Commonly-Owned primary station/ FM translator	28
Commercial AM/FM stations off-the-air	4
Commercial TV	154
Noncommercial TV	47
LPTV/TV translators	1,003
Commercial TV Commonly-owned primary station/TV translator	7
Commercial TV stations off-the-air	<u>1</u>
TOTAL RESPONSES/RESPONDENTS:	3,217

The burden on the public is as follows:

Radio Applicants contracting legal portion of form/meeting with contractors to coordinate information

1,300 applications x 50% x 1 hour/consultation	= 650 hours
268 applications x 50% x 1 hour/consultation	= 134 hours
405 applications x 50% x 1 hour/consultation	= 203 hours
28 applications x 50% x 1 hour/consultation	= 14 hours
4 applications x 50% x 1 hour/consultation	= 2 hours

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Radio Applicants completing general and legal portion of form without outside contracting assistance/completing form by themselves

1,300 applications x 50% x 3 hours/form = 1,950 hours
268 applications x 50% x 3 hours/form = 402 hours
405 applications x 50% x 3 hours/form = 608 hours
28 applications x 50% x 3.25 hours/form = 46 hours
4 applications x 50% x 4 hours/form = 8 hours

TV Applicants contracting legal portion of form/meeting with contractors to coordinate information

154 applications x 75% x 1.83 hours/consultation = 211 hours
47 applications x 75% x 1.83 hours/consultation = 65 hours
1,003 applications x 75% x 1 hour/consultation = 752 hours
7 applications x 75% x 1.83 hours/consultation = 10 hours
1 applications x 75% x 1.83 hours/consultation = 1 hour

TV Applicants completing general and legal portion of form without outside contracting assistance/completing form by themselves

154 applications x 25% x 11.58 hours/form = 446 hours
47 applications x 25% x 4.83 hours/form = 57 hours
1,003 applications x 25% x 3 hours/form = 752 hours
7 applications x 25% x 11.83 hours/form = 21 hours
1 applications x 25% x 11.58 hours/form = 3 hours

TOTAL ANNUAL BURDEN HOURS = 6,335 HOURS⁴

The above estimate was based on the following data:

*We estimate that 50% of radio broadcast licensees will use a communications attorney to complete the legal portion and file the FCC Form 303-S. We estimate that it will take approximately 60 minutes (1 hour) to coordinate information with these attorneys.

*The remaining 50% of radio broadcast licensees will complete the general and legal portions and file the FCC Form 303-S themselves.

*We estimate that 75% of all TV broadcast licensees will use a communications attorney to complete the legal portion and file the FCC Form 303-S. We estimate that it will take

⁴ The additional burden hours that have been added to this information collection is due to extra time that is needed for the respondent to complete FCC Form 303-S and also to attach waiver showings/filings to the FCC Form 303-S.

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approximately 1.8 hours to coordinate information with these attorneys for full service TV licensees and 1 hour for TV translator licensees.

*The remaining 25% of TV broadcast licensees will complete the general and legal portions and file the FCC 303-S themselves.

ANNUAL "IN-HOUSE COST" - We estimate that the respondents would have an average salary of \$100,000/year (\$48.08/hour):

Radio Applicants contracting legal portion of form/meeting with contractors to coordinate information

- 1,300 applications x 50% x 1 hour/consultation x \$48.08 = \$31,252.00
- 268 applications x 50% x 1 hour/consultation x \$48.08 = \$ 6,442.72
- 405 applications x 50% x 1 hour/consultation x \$48.08 = \$ 9,736.20
- 28 applications x 50% x 1 hour/consultation x \$48.08 = \$ 673.12
- 4 applications x 50% x 1 hour/consultation x \$48.08 = \$ 96.16

Radio Applicants completing general and legal portion of form without outside contracting assistance/completing form themselves

- 1,300 applications x 50% x 3 hours/form x \$48.08 = \$93,756.00
- 268 applications x 50% x 3 hours/form x \$48.08 = \$19,328.16
- 405 applications x 50% x 3 hours/form x \$48.08 = \$29,208.60
- 28 applications x 50% x 3.25 hours/form x \$48.08 = \$ 2,187.64
- 4 applications x 50% x 4 hours/form x \$48.08 = \$ 384.64

TV Applicants contracting legal portion of form/meeting with contractors to coordinate information

- 154 applications x 75% x 1.83 hours/consultation x \$48.08 = \$10,162.43
- 47 applications x 75% x 1.83 hours/consultation x \$48.08 = \$ 3,101.52
- 1,003 applications x 75% x 1 hour/consultation x \$48.08 = \$36,168.18
- 7 applications x 75% x 1.83 hours/consultation x \$48.08 = \$ 461.93
- 1 applications x 75% x 1.83 hours/consultation x \$48.08 = \$ 65.99

TV Applicants completing general and legal portion of form without outside contracting assistance/completing the form themselves

- 154 applications x 25% x 11.58 hours/form x \$48.08 = \$21,435.51
- 47 applications x 25% x 4.83 hours/form x \$48.08 = \$ 2,728.66
- 1,003 applications x 25% x 3 hours/form x \$48.08 = \$36,168.18
- 7 applications x 25% x 11.83 hours/form x \$48.08 = \$ 995.38
- 1 applications x 25% x 11.58 hours/form x \$48.08 = \$ 139.19

TOTAL ANNUAL "IN-HOUSE COST" = \$111,426.97

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13. Annual Cost Burden: We assume that the 50% of radio respondents and 75% of TV respondents would use a communications attorney to complete the legal portion of the FCC 303-S.

This communications attorney is estimated to have an average salary of \$200/hour.

Radio Applicants contracting legal portion of form

1,300 applications x 50% x 2.33 hours x \$200	= \$302,900
268 applications x 50% x 2.33 hours x \$200	= \$ 62,444
405 applications x 50% x 2.33 hours x \$200	= \$ 94,365
28 applications x 50% x 2.58 hours x \$200	= \$ 14,448
4 applications x 50% x 3.33 hours x \$200	= \$ 1,332

TV Applicants contracting legal portion of form

154 applications x 75% x 10.08 hours x \$200	= \$232,848
47 applications x 75% x 3.33 hours x \$200	= \$ 23,477
1003 applications x 75% x 2.33 hours x \$200	= \$350,549
7 applications x 75% x 10.33 hours x \$200	= \$ 10,847
1 applications x 75% x 10.08 hours x \$200	= \$ 1,512

A licensee must submit a fee for each commercial application by a AM/FM/TV broadcast station at \$150/application. The fee for each FM/TV Translator broadcast station filed is \$55/application.

1,454 Commercial AM/FM/TV x \$150	= \$218,100
1,408 Translators x \$55	= \$ 77,440
35 Commonly Owned AM/FM/TV and Translators x \$205	= \$ 7,175

An AM, FM, TV or LPTV licensee must also give local public notice of the filing of the renewal application over-the-air in accordance with 47 CFR Section 73.3580. There is no direct cost to the licensee for the over-the-air announcement. AM/FM/TV stations that are off-the-air must give local public notice by publishing an announcement 6 times in a newspaper of general circulation in the community or area being served. FM/TV Translator stations must give local public notice by publishing an announcement once in a newspaper of general circulation in the community or area served. The cost of this publication is estimated to be \$226.00/publication.

5 AM/FM/TV stations off-the-air x 6 publications x \$226/publication	= \$ 6,780
1443 FM/TV Translators x publication x \$226/publication	= \$326,118

TOTAL ANNUAL COST BURDEN TO RESPONDENTS: \$1,730,335

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14. **Cost to the Federal Government.** The Commission will use professional staff at the GS-13/Step 5 level (\$45.05/hour), paraprofessional staff at the GS-11/Step 5 level (\$31.61/hour), and clerical staff at the GS-5 level/Step 5 level (\$17.24/hour) to process the FCC 303-S.

Radio/Translator Applications estimated to be filed: 1,973

Average processing time: 1.0 hour

Clerical	0.75 hours	x	\$17.24/hour x 1,973 =	\$25,510.89
Paraprofessional	0.166 hours	x	\$31.61/hour x 1,973 =	10,352.84
Professional	0.083 hours	x	\$45.05/hour x 1,973 =	7,377.34
Mellon Bank			\$1.90 x 1,973 =	<u>3,748.70</u>
				\$46,989.77

Commonly Owned Radio/Translator Applications estimated to be filed: 28

Average processing time: 1.25 hour

Clerical	0.917 hours	x	\$17.24/hour x 28 =	\$442.65
Paraprofessional	0.25 hours	x	\$31.61/hour x 28 =	221.27
Professional	0.083 hours	x	\$45.05/hour x 28 =	104.70
Mellon Bank			\$1.90 x 28 =	<u>53.20</u>
				\$821.82

Commercial TV Applications estimated to be filed: 166

Average processing time: 2.25 hours

Clerical	0.83 hours	x	\$17.24/hour x 166 =	\$ 2,375.33
Paraprofessional	1.42 hours	x	\$45.05/hour x 166 =	10,619.19
Mellon Bank			\$1.90 x 166 =	<u>315.40</u>
				\$13,309.92

Noncommercial TV Applications estimated to be filed: 47

Average processing time: 1.25 hours

Clerical	0.83 hours	x	\$17.24/hour x 47 =	\$672.53
Paraprofessional	0.42 hours	x	\$45.05/hour x 47 =	<u>889.29</u>
				\$1,561.82

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LPTV/TV Translator Applications estimated to be filed: 1,003

Average processing time: .67 hours

Clerical	.50 hours	x	\$17.24/hour x 1003 =	\$8,645.86
Paraprofessionals	.084 hours	x	\$31.61/hour x 1003 =	2,663.21
Mellon Bank			\$1.90 x 1,003	= <u>1,905.70</u>
				\$13,214.77

Total Processing Costs = \$75,898.10

30% Overhead Costs = \$22,769.43

Total Cost to the Federal Government: \$98,667.53

15. **Reason for Changes in Burden or Cost:** We have a program change to the annual burden hours and cost burden due to the Commission adopting *the Report and Order*, 2006 Quadrennial Regulatory Review, MB Docket No. 99-25, FCC 07-216. The annual burden hours have increased by a +1,062 hours and an increase in the cost of a +\$133,384.

16. **Plans for Publication:** The data will not be published.

17. **Display of OMB Approval Date:** We are seeking approval to not display the expiration date of this collection. By displaying the expiration date on this form we are limiting its use to only three years. OMB approval of the expiration date of the information collection will be displayed at 47 CFR Section 0.408.

18. **Exceptions to the Certification Statement:** The Commission published a Federal Register Notice on March 21, 2008 (73 FR 15156). The estimated time per response was incorrectly stated in the Notice. The estimated time per response is 1 – 11.83 hours instead of 3 – 12 hours. There are no exceptions to the Certification Statement in Item 19 of the OMB Form 83-I.

B. Collections of Information Employing Statistical Methods:

There are no statistical methods employed.