

SUPPORTING STATEMENT

A. Justification:

1. On May 3, 1993, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking*, MM Docket No. 92-266, FCC 93-177; *In the Matter of Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992; Rate Regulation*. Among other things, the *Report and Order* implemented Section 3(a) of the Cable Television Consumer Protection and Competition Act of 1992 wherein a local franchise authority ("LFA") must file with the Commission a written certification when it seeks to regulate basic service cable rates. Subsequently, the Commission developed FCC Form 328 to provide a standardized, simple form for LFAs to use when requesting certification.

The Commission is requesting an extension of this information collection 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 Section 3 of the Cable Television Consumer Protection and Competition Act of 1992 (47 USC 543).

2. The data derived from FCC Form 328 filings is used by Commission staff to ensure that an LFA meets the criteria specified in Section 3(a) of the Cable Television Consumer Protection and Competition Act of 1992 for regulating basic service rates.

3. The use of information technology is not feasible for this collection. The Commission makes FCC Form 328 available on diskette, via the FCC website under FCC Forms, and by mail. A signed FCC Form 328 must be mailed (or otherwise delivered) to the Commission; however, the form cannot be filed electronically. A signed and complete FCC Form 328 received by the Commission initiates the certification process.

4. The Commission does not impose a similar information collection on the respondents. There are no similar data available.

5. This collection of information does not significantly impact small businesses or other small entities. The paperwork burden and frequency of response to this collection is minimal.

6. If this collection of information was not conducted, the Commission would be unable to carry out its statutory responsibilities pursuant to the Cable Television Consumer Protection and Competition Act of 1992.

7. There are no special circumstances associated with this information collection.
8. The Commission published a Notice (73 FR 38211) on July 3, 2008 seeking public comment for the information collection requirements contained in this supporting statement. No comments were generated as a result of the Notice.
9. Respondents will not receive any payments.
10. There is no need for confidentiality with this collection of information.
11. This information collection does not address any private matters of a sensitive nature.
12. The Commission estimates no more than 20 FCC Form 328 filings will be filed annually with the Commission. The average burden on respondents for each FCC Form 328 filing remains 30 minutes per filing.

Total Number of Annual Respondents - 20 Local Franchise Authorities

Total Number of Annual Responses - 20 FCC Form 328 Filings

Total Annual Burden Hours - 20 FCC Form 328 filings x 0.50 hours/form filing = 10 hours

Annual In-house Cost: We estimate an average hourly wage of \$48.08 per hour for Local Franchise Authority staff tasked with completing FCC Form 328.

20 FCC Form 328 Filings x 0.50 hours/form x \$48.08 per hour/form = \$480.80
Total Annual "In-house" cost: \$400.00

13. Annual Cost Burden:

- (a) Total annualized capital/startup costs: None
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: None

14. Cost to the Federal Government: The Commission will use professional staff at the GS-14, step 5 level (\$53.24/hour), paraprofessional staff at the GS-13, step 5 level (\$45.05/hour) to process these certifications.

	<u>Total Forms Filed</u>	<u>Hourly Burden Per Form</u>	<u>Total FCC Staff Burden Hours</u>	<u>Hourly Cost Burden</u>	<u>Total Cost Burden</u>
GS-14 Staff	20 forms	.25 hours	5 hours	\$53.24	\$266.20
GS-13 Staff	20 forms	1.00 hour	20 hours	\$45.05	<u>\$901.00</u>
					\$1,167.20
Total cost to the Federal Government:					\$1,167.20

15. There are no program changes or adjustments to this information collection.

16. The results of this information collection requirement are not planned to be published.

17. We request extension of the waiver not to publish the expiration date on the form. This will obviate the need for the Commission to update 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. There are no exceptions to Item 19 “Certification for Paperwork Reduction Act Submissions” on the OMB Form 83-I.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.