

SUPPORTING STATEMENT**A. Justification:**

1. Each permittee of a commercial AM, FM, TV and international broadcast station shall file an Ownership Report, FCC Form 323 within 30 days of the date of grant by the FCC of an application for an original construction permit or the consummation, pursuant to Commission consent, of a transfer of control or an assignment of a construction permit. A permittee is also required to update that report or to certify the accuracy and completeness of that report when the permittee applies for a station license.

Each licensee of a commercial AM, FM and TV broadcast station shall file an Ownership Report, FCC Form 323 within 30 days of the consummation, pursuant to Commission consent, of a transfer of control or an assignment of a license, when it files its station's license renewal application, and every two years thereafter. Each licensee with a current and unamended Report on file at the Commission may certify that it has reviewed its current Report and that it is accurate and complete. The Commission is requesting an extension of this information collection in order to obtain the full three-year OMB approval/clearance.

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, 310 and 533 of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to determine whether the licensee/permittee is abiding by the multiple ownership requirements as set down by the Commission's Rules and is in compliance with the Communications Act. The race/ethnicity and gender question will allow the Commission to determine accurately the current state of minority and female ownership of broadcast facilities and to assess the need for measures designed to fulfill the statutory mandate to promote opportunities for small businesses and businesses owned by women and minorities in the broadcasting industry.

3. The Commission requires FCC applicants to file FCC Form 323 electronically via the Media Bureau's Consolidated Database System (CDBS).

4. No other agency imposes a similar information collection on the respondents. There is no similar data available.

Each licensee is required to file FCC Form 323 at two-year intervals on the anniversary date of the filing of its station's license renewal application. However, a licensee owning multiple stations need file only one report biennially on the anniversary date of the station of its choice. Each permittee is required to file FCC Form 323 within 30 days of the date of grant by the FCC of an application for original construction permit. To further alleviate filing duplicative information, the licensee/permittee may, if no changes have occurred in the information previously filed, electronically certify to that fact.

Ownership Report for Commercial Broadcast Station, FCC Form 323

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 information collection will not have a significant economic impact on a substantive number of small entities/businesses.
6. Less frequent reporting could result in violations remaining undetected and become established in a manner contrary to the purpose of the multiple ownership rules.
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 44743) in the Federal Register on July 31, 2008 seeking public comments for the information collection requirements contained in this supporting statement. No comments were received as a result of this Notice.
9. No payment or gift was provided to the respondent.
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 following estimates are provided for annual public burden:

<u>Service</u>	<u># of Reports</u>	<u>Respondent's Burden</u>	<u>Annual Burden Hours</u>	<u>Hrly. In-House Cost</u>	<u>Annual In-House Cost</u>
Biennial Reports	510	1.5 hour	765 hrs.	\$48.08	\$36,781.20
Certifications	250	0.5 hours	125 hrs.	\$48.08	\$ 6,010.00
All Other Reports	<u>1,240</u>	1.5 hour	<u>1,860 hrs.</u>	\$48.08	<u>\$ 89,428.80</u>
	2,000		2,750 hrs.		\$132,220.00
TOTALS:	(Responses)		(Burden Hrs.)		(In-house cost)

Total Number of Annual Respondents: 2,000 Permittees / Licensees

Total Number of Annual Responses: 2,000 (responses)

Total Annual Burden Hours: 2,750 hours

We assume that the respondent would consult with their attorney to complete and file the FCC Form 323 or certification of no change. We estimate that these respondents would have an average salary of \$100,000 (\$48.08/hour).

Total Annual "In-house" Cost: \$132,220.00

Ownership Report for Commercial Broadcast Station, FCC Form 323

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

13. **ANNUAL COST BURDEN:** We assume that the respondent would use an attorney to complete and file the FCC Form 323. We estimate that this attorney would have an average salary of \$200/hour. In addition, a respondent must submit a fee (\$55/report) for each biennial ownership report (510) and certification (250) filed. There is no fee for other reports.

510 reports x 6 hours x \$200/hour =	\$ 612,000
250 certifications x 0.5 hours x \$200/hour =	\$ 25,000
1,240 other reports x 6 hours x \$200/hour =	\$1,488,000
760 reports/certifications x \$55 =	<u>\$ 41,800</u>
Total Annual Cost Burden =	\$2,166,800

14. **Cost to the Federal Government:** The Commission will use paraprofessional staff at the GS-9, step 5 (\$26.13/hour) to process the FCC Form 323 and all other certifications.

510 annual reports x 1 hour x \$26.13/hour =	\$13,326.30
1,240 other reports x 1 hour x \$26.13/hour =	\$32,401.20
250 certifications x 0.5 hours x \$26.13/hour =	<u>\$ 3,266.25</u>
Total Cost to the Federal Government	= \$48,993.75

15. There are no program changes to this information collection. However, this is an adjustment to the total annual cost burden of -\$200 due to rounding issues in ROCIS.

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 obviate the need for the Commission to update electronic files upon the expiration of the collection. OMB approval of the expiration date of the information collection will be displayed at 47 C.F.R. Section 0.408.

18. There are no exceptions to Item 19 of the Certification for Paperwork Reduction Act Submission" on the OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.