

**Title: Application for Transfer of Control of a Corporate Licensee or Permittee, or Assignment of License or Permit, for an FM or TV Translator Station, or a Low Power Television Station - FCC Form 345**

**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 a 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 (OMB approval was received for Section 73.3580 under OMB Control Number 3060-0031). 47 CFR Section 73.3580 requires local public notice in a newspaper of general circulation in the community in which the station is located 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 and the application must be placed in the public inspection file.

**Revised Information Collection Requirements Which Require OMB Approval:**

On December 18, 2007, the Commission adopted a *Report and Order and Third Further Notice of Proposed Rulemaking* (the “Order”) in MB Docket Nos. 07-294; 06-121; 02-277; 04-228, MM Docket Nos. 01-235; 01-317; 00-244; FCC 07-217. The Order adopts rule changes designed to expand opportunities for participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses (new universe of respondents).

Consistent with actions taken by the Commission in the Order, the following changes are made to Form 345: Section II of Form 345 includes a new certification concerning compliance with the Commission’s anti-discrimination rules, and the instructions for Section II have been revised to assist applicants with completing the new question. The instructions in Section III have been revised to incorporate a definition of “eligible entity,” which will apply to the Commission’s existing Equity Debt Plus (“EDP”) standard, one of the standards used to determine whether interests are attributable.

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. **Agency Use of Information:** The data is used by FCC staff to determine if the applicant meets basic statutory requirements to operate the station.

3. **Consideration Given to Information Technology:** These forms are required to be filed electronically. Paper versions are accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Waivers are not routinely granted, and filers should plead with particularity the facts and circumstances warranting grant of a waiver.

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4. **Effort to Identify Duplication and Similar Information:** No other agency imposes a similar information collection on the respondents.

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. The Commission has limited the information requirements to those that are absolutely necessary for evaluating and processing the applications. Therefore, the information collection does not have a significant economic impact on a substantial number of small entities/businesses.

6. **Less Frequent Data Collections:** The frequency for this collection of information is determined by respondents, as necessary.

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* (73 FR 66044) on November 6, 2008. No comments were received from the public.

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

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

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

12. **Estimate of Burden and Burden Hour Cost:** We estimate that 1000 FCC Form 345 applications will be filed and processed annually. The average burden is 1.25 hour 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 73.3580(d).

**Total Annual Number of Respondents: 1,000 Licensees/Permittees**

**Total Annual Number of Responses:**

1000 FCC Form 345 Applications  
500 Section 73.3580(c) and (g) Newspaper Notices  
500 Section 73.3580(d) Broadcast Notices  
**2,000 responses**

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**Total Annual Burden Hours:**

1,000 FCC Form 345 Applications x 1.25 hours/application	=	1,250 hours
500 Newspaper Notices <sup>1</sup> (Section 73.3580(c) and (g)) x 1 hour/notice	=	500 hours
500 Broadcast Notices <sup>2</sup> (Section 73.3580(d)) x 0.084 hr. (5 mins.)/notice	=	<u>42 hours</u>
		<b>1,792 hours</b>

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. We estimate this respondent will have an average salary of \$100,000/year (\$48.08/hour).

1,000 FCC Form 345 Applications x 1.25 hours/application x \$48.08/hr.	=	\$60,100.00
500 Newspaper Notices (Sections 73.3580(c) and (g)) x 1 hr/notice x \$48.08/hr.	=	\$24,040.00
500 Broadcast Notices (Section 73.3580(d)) x 0.084 hr./notice x 48.08/hr	=	<u>\$ 2,019.36</u>
		<b>\$86,159.36</b>

**13. Annual Cost Burden:** We assume that the respondent would use an attorney to complete and file the FCC 345. We estimate that this attorney will require 7.25 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 1000 applications, we expect 800 applications to be filed by commercial stations. The remaining 200 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 (500) 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.

<sup>1</sup> We estimate that 50% of the 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 50% of the respondents will meet the requirements of Section 73.3580 by broadcasting their notices over the air.

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1,000 Forms 345 x 7.25 hrs. attorney processing x \$200/hr	=	\$1,450,000
800 feeable applications x \$115/application	=	\$ 92,000
\$113.25/publication x 500 applications (Section 73.3580(c) and (g))	=	<u>\$ 56,625</u>
<b>Total Annual Cost Burden</b>	=	<b>\$1,598,625</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 1,000 applications	=	\$17,240.00
\$45.05 x 2 hours/processing x 1,000 applications	=	<u>\$90,100.00</u>
<b>Total Cost to the Federal Government</b>	=	<b>\$107,340.00</b>

**15. Reason for Changes in Burden or Cost:** We have a program change to the annual burden hours of +944 hours and +\$737,681 to the total cost burden which are due to the adoption of information collection requirements contained in the Order.<sup>3</sup> Therefore, the rules which impose information collections requirements are designed to expand opportunities for participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses (new universe of respondents).

Also, the increases are due to revisions made to FCC Form 345 which includes a new certification concerning compliance with the Commission's anti-discrimination rules adopted in the Order. These changes reflect an increase by 0.25 hours per application for applicants to evaluate compliance with and complete the Form 345 including the new certification question. We also made modifications to the form instructions that do not add burdens because they are editorial in nature. No additional hourly burden increases on applicants are expected as a result of the modifications imposed by the Order.

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

**17. Display of OMB Approval Date:** 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. Exceptions to the Certification Statement:** There are no exceptions to Item 19 of the Certification Statement.

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

No statistical methods are employed.

<sup>3</sup> The Order is FCC 07-217 adopted on December 18, 2007.