

SUPPORTING STATEMENT

**A. Justification:**

1. On February 11, 2009, the DTV Delay Act was signed by the President and enacted into law, extending the nationwide DTV transition date from February 17 until June 12, 2009. As a result, after June 12, 2009, full-power television broadcast stations must transmit only digital signals, and may no longer transmit analog signals,<sup>1</sup> except for limited analog “nightlight” service.<sup>2</sup> The DTV Delay Act directs the Commission to take any actions “necessary or appropriate to implement the provisions, and carry out the purposes” of the DTV Delay Act, and to do so within 30 days.<sup>3</sup> Congress extended the transition date in order to permit analog service to continue until consumers have had additional time to prepare.<sup>4</sup> But Congress also directed the Commission to provide flexibility for stations wanting to transition prior to the new date.<sup>5</sup> Stations may have made extensive preparations for a February 17 digital transition and some may have difficulty altering their commitments at this time. The Commission’s challenge is to provide opportunities for some stations to end analog broadcasting early without sacrificing the goal of giving consumers additional time to prepare.

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<sup>1</sup> See DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009). The DTV Delay Act (to be codified at 47 U.S.C. §§ 309(j)(14) and 337(e)), amends Section 309(j)(14) of the Communications Act to establish June 12, 2009 as the new nationwide deadline for the end of analog transmissions by full-power stations. 47 U.S.C. § 309(j)(14)(A) (“A full-power television broadcast license that authorizes analog television service may not be renewed to authorize such service for a period that extends beyond June 12, 2009.”). See also 47 U.S.C. § 337(e)(1) (“Any full-power television station licensee that holds a television broadcast license to operate between 698 and 806 megahertz may not operate at that frequency after June 12, 2009.”).

<sup>2</sup> See the Short-term Analog Flash and Emergency Readiness Act, Pub. L. No. 110-459, 122 Stat. 5121 (2008) (“Analog Nightlight Act”).

<sup>3</sup> DTV Delay Act § 4(c) (“Notwithstanding any other provision of law, the Federal Communications Commission ... shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act.”). . In addition, the DTV Delay Act amends the Digital Television and Public Safety Act of 2005 (“DTV Act”), Pub. L. No. 109-171, 120 Stat. 4 (2006), to direct the Commission to “take such actions as are necessary (1) to terminate all licenses for full-power television stations in the analog television service, and to require the cessation of broadcasting by full-power stations in the analog television service, by June 13, 2009; and (2) to require by June 13, 2009, ... all broadcasting by full-power stations in the digital television service, occur only on channels between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive).” 47 U.S.C.A. § 309 Note.

<sup>4</sup> See, e.g., Cong. Rec. H895 (daily ed. February 4, 2009).

<sup>5</sup> DTV Delay Act, § 4(a) (“PERMISSIVE EARLY TERMINATION UNDER EXISTING REQUIREMENTS.— Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station’s analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission’s requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television (FCC 07–228, MB Docket No. 07–91, released December 31, 2007”).

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February 5 Public Notice.<sup>6</sup> On February 5, 2009, the Commission released a Public Notice, FCC 09-6 (“February 5 Public Notice”), in which it granted a partial waiver of the Third DTV Periodic Report and Order, FCC 07-228 (2007), to permit television broadcast stations to cease analog broadcasting on February 17, 2009, despite the extension of the national DTV transition deadline to June 12, 2009 pursuant to the DTV Delay Act. This public notice permitted stations wanting to terminate analog service on February 17, 2009 (the previous nationwide transition date) this opportunity to do so by requiring them to submit notifications to the FCC (“February 17 Termination Notifications”) by February 9, 2009.

February 11 Public Notice.<sup>7</sup> On February 11, 2009, after review of the 491 February 17 Termination Notifications (due February 9), the Commission released a Public Notice, FCC 09-7 (“February 11 Public Notice”), in which it reconsidered the partial waiver granted in the February 5 Public Notice with regard to 123 stations intending to terminate analog service on February 17, 2009, based on the conclusion that termination by such stations posed a significant risk of substantial public harm. As a result, the Commission required these 123 stations to support and supplement their initial February 17 Termination Notifications by February 13 by either (1) certifying compliance with several public interest conditions;<sup>8</sup> or (2) showing “that extraordinary, exigent circumstances, such as the unavoidable loss of their analog site or extreme economic hardship, require that they terminate their analog service on February 17th the public interest.”

**REVISED INFORMATION COLLECTION REQUIREMENTS WHICH NEED OMB REVIEW AND APPROVAL:**

- 1. February 17 Termination Notifications.** Stations that wish to terminate their analog signal transmission on February 17, 2009 must file a notification to the Commission no later than Monday, February 9, 2009 (11:59 p.m. EST),<sup>9</sup> of their intention to terminate analog service, as planned, on the previous nationwide transition date of February 17. Stations must file these notifications through the FCC’s Consolidated Database System (“CDBS”) using the Informal Application Filing Form. Stations also were required to indicate whether they would provide “analog nightlight”-type service for up to 30 days after February 17.
  
- 2. Certifications and Showings.** For stations intending to terminate analog service on February 17,

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<sup>6</sup> Public Notice, “FCC Announces Procedures Regarding Termination of Analog Television Service On or After February 17, 2009,” FCC 09-6 (rel. Feb. 5, 2009) (“February 5 Public Notice”).

<sup>7</sup> Public Notice, “FCC Requires Public Interest Conditions for Certain Analog TV Terminations on February 17, 2009,” FCC 09-7 (rel. Feb. 11, 2009) (“February 11 Public Notice”).

<sup>8</sup> For the list of eight public interest conditions, see February 11 Public Notice, attached.

<sup>9</sup> The short deadline for notification to the Commission is necessary to enable the Commission to evaluate and adjust deployment of its resources, and to coordinate with other entities, in advance of February 17 in order to prepare for analog service terminations on that date and protect the public interest. The Commission must make and adjust arrangements for consumer outreach, call center staffing, converter installation assistance and coordinate with contractors, partners, volunteers, and organizations throughout the country to address areas where many or most stations will terminate their analog signals on February 17, 2009. We also note that stations have had ample time during Congressional review of the legislation to consider whether to go forward with their analog termination on February 17, 2009.

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2009, the Commission required stations to support and supplement their initial February 17 Termination Notifications by February 13 by either (1) certifying compliance with several public interest conditions;<sup>10</sup> or (2) showing “that extraordinary, exigent circumstances, such as the unavoidable loss of their analog site or extreme economic hardship, require that they terminate their analog service on February 17th the public interest.”

**These requirements are also approved under this information collection and have not changed since last approved by OMB:**

**Special Temporary Authority (STA) Requests, 47 CFR 73.1635.** Broadcast stations (licensees or permittees) may file a request for STA approval to permit a station to operate a broadcast facility for a limited period at a specified variance from the terms of the station’s authorization or requirements of the FCC rules. Stations may file a request for STA approval for a variety of reasons. The request must describe the operating modes and facilities to be used.

**DTV STA for Phased Transition and Continued Interim Operations.** Stations may file a request for Special Temporary Authorization (STA) approval to temporarily remain on their in-core, pre-transition DTV channel after the transition date through the CDBS using the Informal Application Filing Form.

**DTV STA for Phased Transition / Build-Out.** Stations may file a request for STA approval to build less than full, authorized post-transition facilities by the transition date through the CDBS using the Informal Application Filing Form.

**DTV STA for Permanent Service Reduction or Termination.** Stations may file a request for STA approval to permanently reduce or terminate analog or pre-transition DTV service where necessary to facilitate construction of final, post-transition facilities through the CDBS using the Informal Application Filing Form.

**DTV Notification/Informal Letter of Temporary Service Disruption.** Stations may file a notification or informal letter pursuant to Section 73.1615 to temporarily reduce or cease existing analog or pre-transition DTV service where necessary to facilitate construction of final, post-transition facilities through the CDBS using the Informal Application Filing Form.

**DTV Notification of Service Reduction or Termination.** Stations may file a notification to permanently reduce or terminate analog or pre-transition DTV service within 90 days of the transition date through the CDBS using the Informal Application Filing Form.

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<sup>10</sup> For the list of eight public interest conditions, see February 11 Public Notice, attached.

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**DTV Informal Filings.** Stations claiming a “unique technical challenge” (as defined in the Report and Order)<sup>11</sup> warranting a February 17, 2009 construction deadline may file a notification to document their status through the CDBS using the Informal Application Filing Form.

**Analog Nightlight Participation Notifications.** Stations that are pre-approved by the FCC to be eligible to participate in the analog nightlight program may notify the Commission of their intent to participate in the analog nightlight program by either filing a Legal STA electronically through the Commission’s Consolidated Database System (“CDBS”) using the Informal Application filing form or by sending an e-mail to [nightlight@fcc.gov](mailto:nightlight@fcc.gov).<sup>12</sup>

**Analog Nightlight Participation Requests.** Stations that are not pre-approved by the FCC to be eligible to participate in the analog nightlight program may nonetheless request Commission approval to participate in the analog nightlight program by filing an Engineering STA notification electronically through CDBS using the Informal Application filing form.

**Notifications, 47 CFR 73.1615.** Broadcast stations (AM, FM, TV or Class A TV licensees or permittees) must file a notification under 47 CFR 73.1615(c) when such a station is in the process of modifying existing facilities as authorized by a construction permit and determines it is necessary to either discontinue operation or to operate with temporary facilities to continue program service for a period not more than 30 days. Licensees or permittees of directional or nondirectional FM, TV or Class A TV or nondirectional AM must file a notification and comply with 47 CFR 73.1615(a). Licensees or permittees of a directional AM station whose modification does not involve a change in operating frequency must file a notification and comply with 47 CFR 73.1615(b). Licensees or permittees of a directional AM station whose modification does involve a change in frequency and determines it is necessary to discontinue operation for a period not more than 30 days must file a notification and comply with 47 CFR 73.1615(d)(2).

**Informal Filings, 47 CFR 73.1615.** Broadcast stations (AM, FM, TV or Class A TV licensees or permittees) must file an informal letter request under 47 CFR 73.1615(c)(1) when such a station is in the process of modifying existing facilities pursuant to 47 CFR 73.1615(a) or (b) and determines it is necessary to either discontinue operation or to operate with temporary facilities to continue program service for a

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<sup>11</sup> As discussed in the Third DTV Periodic Report and Order, stations may face specific and unique technical challenges that would prevent them from meeting their deadline to construct final, post-transition facilities. Such challenges include stations that have a side-mounted digital antenna and top-mounted analog antenna and will need to install a top-mounted antenna for post-transition digital use, but cannot do so before the end of the transition because the tower cannot support the additional weight of third antenna, or face other circumstances in which the operation of a station’s analog service prevents the completion of construction of the station’s full, authorized post-transition facility, including stations whose local power company cannot provide sufficient electrical capacity to the tower site to power both analog and full power digital operations, and stations that do not have space at their antenna site for both analog and digital equipment.

<sup>12</sup> On January 15, 2009, the Commission adopted and released the Report and Order implementing the Short-term Analog Flash and Emergency Readiness Act, Pub. L. No.110-459, 122 Stat. 5121 (2008) (“*Analog Nightlight Act*”). As mandated by the Analog Nightlight Act, the Commission developed and implemented the Analog Nightlight program to “encourage and permit” continued analog TV service for a period of 30 days after the DTV transition date to broadcast DTV and emergency information. See *Implementation of Short-term Analog Flash and Emergency Readiness Act; Establishment of DTV Transition “Analog Nightlight” Program*, MB Docket No. 08-255, Report and Order, FCC 09-2 (rel. Jan. 15, 2009) (“*Analog Nightlight Order*”).

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period of more than 30 days. Licensees or permittees that filed notifications under 47 CFR 73.1615(d)(2) but which determine that it is necessary to discontinue operation for a period more than 30 days must file an informal letter request and comply with 47 CFR 73.1615(d)(1) and (2).

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 1, 4(i) and (j), 7, 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to determine whether to grant and/or accept the requested special temporary authority (“STA”) (or other request for FCC action), the required notification, informal filing or other non-form submission.<sup>13</sup> FCC staff will review for compliance with legal and technical regulations, including but not limited to ensuring that impermissible interference will not be caused to other stations.

3. All STA requests, notifications, informal filings and other “non-form” submissions *may* be filed electronically via the FCC’s Consolidated Database System (“CDBS”). These filings may also be filed by letter, but only if expressly authorized by rule or Commission approval.

**For DTV Transition-related:** All STA requests, notifications, informal filings and other “non-form” submissions related to the DTV transition *must* be filed electronically via CDBS. Stations may email courtesy copies of their STA requests, notifications, and informal filings to the appropriate email address: [analogrequests@fcc.gov](mailto:analogrequests@fcc.gov), [dtvrequests@fcc.gov](mailto:dtvrequests@fcc.gov), or [dtvnotifications@fcc.gov](mailto:dtvnotifications@fcc.gov).

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

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents. The revised information collection requirements permit broadcasters to request and obtain regulatory flexibility from the Commission, if necessary, to meet their DTV construction deadlines. The requirements are only necessary should the station seek to obtain the benefit of one of the provisions for regulatory flexibility. Although these requirements will impose some costs on small broadcasters, they will also ensure that small broadcasters continue to retain their audiences after the transition by fully informing viewers of the steps necessary to keep watching. Small broadcasters rely completely on their viewing audience for their revenue stream, so this benefit should far outweigh any costs for this temporary requirement. Therefore, this collection of information will not have a significant economic impact on a substantial number of small entities/businesses.

6. Congress has mandated that after June 12, 2009, full -power broadcast stations must transmit only in digital signals, and may no longer transmit analog signals. The Commission must ensure that, by the February 17, 2009 transition date, all full-power television broadcast stations (1) cease analog broadcasting and (2) complete construction of, and begin operations on, their final, DTV facility. Broadcasters may need

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<sup>13</sup> Generally, “non-form” filings are notifications or request filed with the Commission that are submitted by informal letter as opposed to a specific Commission form.

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regulatory flexibility in order to achieve these goals. Without these submissions, the Commission will not be able to determine eligibility for certain opportunities for regulatory flexibility. The frequency for this collection of information is determined by respondents, as necessary.

7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Commission filed a request with OMB to waive Federal Register notice seeking public comment for the new information collection requirements contained in this supporting statement due to short time frame provided for the Commission to act in the Analog Nightlight Act, and because PRA approval is needed to allow stations to make filings immediately.
9. No payment or gift was provided to the respondents.
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. We make the following estimates for STA requests, notifications and informal filings.

**a) STA Requests.** We estimate that a total of 2,500 STA requests will be filed with the Commission annually. We estimate that 10% of these filings (or 250 filings) will be made by the station licensee/permittee without outside consultation and will require four (4) hours preparation, while 90% of these filings (or 2,250 filings) will be contracted out to outside attorneys and/or consulting engineers and will require one (1) hour of consultation with these outside parties.

**b) Notifications, Certifications and Showings.** We estimate that a total of 1,630 notifications, certifications and showings will be filed with the Commission. We estimate that 50% of the notification filings (or 530 Rule 73.1615 notifications and 250 termination notifications) will be made by the station licensee/permittee without outside consultation and will require 30 minutes (0.5 hours) preparation, while the other 50% of these filings (or 530 Rule 73.1615 notifications and 250 termination notifications) will be contracted out to outside attorneys and/or consulting engineers and will require one (1) hour consultation with these outside parties.

The certifications (60) will solely be filed by the respondent and take 0.5 hours to file. The respondent will consult with an outside attorney or engineer before making the certification filings with the Commission. This consultation will take the respondent one (1) hour.

The showings (10) will be filed by an outside attorney or engineer. The respondent will meet with the consultant to discuss the showings. This consultation will take the respondent one (1) hour.

**c) Informal Filings.** We estimate that a total of 150 informal letters will be filed with the Commission annually. We estimate that 20% of these filings (or 30 informal letters) will be made by the station licensee/permittee without outside consultation and will require four (4) hours preparation, while 80% of these filings (or 120 filings) will be contracted out to outside attorneys and/or consulting engineers and

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will require one (1) hour consultation with these outside parties.

**d) Legal STA Notifications Pursuant to the Analog Nightlight Program.** We estimate that a total of 300 legal STA notifications will be filed with the Commission. We estimate that the licensee/permittee will file the notifications without outside consultation and will require 30 minutes (0.5 hours) preparation.

**e) Engineering STA Notifications Pursuant to the Analog Nightlight Program.** We estimate that a total of 400 notifications will be filed with the Commission. We estimate that 10% of these filings (or 40 notifications) will be made by the station licensee/permittee without outside consultation and will require 30 minutes (0.5 hours) preparation, while the remaining 90% of these filings (or 360 notifications) will be contracted out to outside attorneys and/or consulting engineers and will require one (1) hour consultation with these outside parties.

Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents <sup>14</sup>	Annual In-House Cost
<b>12a. STA Requests (47 CFR § 73.1635)</b>						
STA filed by Licensee/ Permittee	250	250	4 hrs	1,000 hrs	\$48.08	\$ 48,080.00
STA filed by outside engineer/attorney but will require the respondent to consult with outside parties regarding the filings	2,250	2,250	1 hr consultation	2,250 hrs	\$48.08	\$108,180.00
<b>Total STA Requests</b>	<b>2,500</b>	<b>2,500</b>		<b>3,250 hrs</b>		<b>\$156,260.00</b>
<b>12b. Notifications, Certifications and Showings (47 CFR Part 73)</b>						
Rule 73.1615 Notifications filed by Licensee/ Permittee	530	530	0.5 hrs	265 hrs	\$48.08	\$12,741.20
Rule 73.1615 Notifications filed by outside engineer/attorney but will require the respondent to consult with outside parties regarding the filings	530	530	1 hr consultation	265 hrs	\$48.08	\$12,741.20
February 17, 2009 Termination Notifications filed by Licensee/Permittee	250	250	0.5 hours	125 hrs	\$48.08	\$6,010.00

<sup>14</sup> This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour.

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Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
February 17, 2009 Termination Notifications filed by outside engineer/attorney but will require the respondent to consult with outside parties regarding the filings	250	250	1 hr consultation	250 hrs	\$48.08	\$12,020.00
Certification of Compliance with Public Interest Condition Filings	60	60	1.5 hr <sup>15</sup>	90 hrs	\$48.08	\$4,327.20
Showing Filings filed by outside engineer/attorney but will require the respondent to consult with outside parties regarding the filings	10	10	1 hr consultation	10 hrs	\$48.08	\$480.80
<b>Total Notifications, Certifications and Showings</b>	<b>1,630</b>	<b>1,630</b>		<b>1,005 hrs</b>		<b>\$48,320.40</b>
<b>12c. Informal Filings (47 CFR Part 73)</b>						
Rule 73.1615 Informal Letters filed by Licensee/ Permittee	30	30	4 hrs	120 hrs	\$48.08	\$5,769.60
Rule 73.1615 Informal Letters filed by outside engineer/attorney but will require the respondent to consult with outside parties regarding the filings	120	120	1 hr consultation	120 hrs	\$48.08	\$5,769.60
<b>Total Informal Filings</b>	<b>150</b>	<b>150</b>		<b>240 hrs</b>		<b>\$11,539.20</b>

<sup>15</sup> This time includes 1 hour of consultation with an outside attorney regarding the Certification of Compliance filings. The respondent will file the certification once he or she has met with the outside attorney to discuss the document. The actual filing will take 0.5 hours of the respondent's time to complete.



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Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
<b>12d. Analog Nightlight Program Legal STA Notifications</b>						
Analog Nightlight Program Legal STA Notifications filed by Licensee/Permittee	300	300	0.50 hrs	150 hrs	\$48.08	\$7,212.00
<b>Total Analog Nightlight Program Legal STA Notifications</b>	<b>300</b>	<b>300</b>		<b>150 hrs</b>		<b>\$7,212.00</b>
<b>12e. Analog Nightlight Program Engineering STA Notifications</b>						
Analog Nightlight Program Engineering STA Notifications filed by Licensee/Permittee	40	40	0.50 hrs	20 hrs	48.08	\$961.60
Analog Nightlight Program Engineering STA Notifications filed by outside engineer but will require the respondent to consult with outside parties regarding filings	360	360	1 hr	360 hrs	\$48.08	17,308.80
<b>Total Analog Nightlight Program Engineering STA Notification Filings</b>	<b>400</b>	<b>400</b>		<b>380 hrs</b>		<b>\$18,270.40</b>

**Total Annual Number of Respondents and Responses:** 2,500 + 1,630 + 150 + 300 + 400 = **4,980**

**Total Annual Burden Hours:** 3,250 hours + 1,005 hours + 240 + 150 + 380 = **5,025 hours**

**Total Annual "In-House Cost"** = \$156,260.00 + \$48,320.40 + \$11,539.20 + \$7,212.00 + \$18,270.40 = **\$241,602.00**

13. ANNUAL COST BURDEN:

a) STA Requests. A contract consulting engineer and/or an attorney would prepare and submit the request for special temporary authority depending on the circumstances. We estimate that the average salary for a consulting engineer is \$150/hour and for the attorney is \$200/hour. Because these filings may be reviewed and/or filed by either or both an outside attorney or engineer consultant, we estimate the average salary to be \$175/hour. In addition, a licensee must submit a fee for each request by a commercial broadcast station for special temporary authority at \$160/request. We estimate that 86% of all requests filed will be for commercial stations (2,500 x 86% = 2,150 requests).

2,250 STA requests x \$175/hour x 1 hour =	\$393,750
2,150 STA requests x \$160 fee/ request =	<u>\$344,000</u>
<b>Annual Cost Burden =</b>	<b>\$737,750</b>

b) Notifications, Certifications and Showings. A contract consulting engineer and/or an attorney would prepare and submit the notification, certifications and showings depending on the circumstances. We estimate that the average salary for a consulting engineer is \$150/hour and for the attorney is \$200/hour. Because these filings may be reviewed and/or filed by either or both an outside attorney or engineer consultant, we estimate the average salary to be \$175/hour.

780 notifications x \$175/hour x 1 hour =	\$136,500
60 certifications for the consultant to discuss with respondent x \$175/hour x 1 hour =	\$ 10,500
10 showings x \$175/hour x 2 hours =	<u>\$ 3,500</u>
<b>Annual Cost Burden =</b>	<b>\$150,500</b>

c) Informal Filings. A contract consulting engineer and/or an attorney would prepare and submit the informal letter depending on the circumstances. We estimate that the average salary for a consulting engineer is \$150/hour and for the attorney is \$200/hour. Because these filings may be reviewed and/or filed by either or both an outside attorney or engineer consultant, we estimate the average salary to be \$175/hour. In addition, a licensee must submit a fee for each request by a commercial broadcast station for special temporary authority at \$150/request. We estimate that 86% of all requests filed will the Commission will be for commercial stations (150 x 86% = 129 requests).

120 informal letter requests x \$175/hour x 1 hour =	\$21,000
129 informal letter requests x \$160 fee / request =	<u>\$20,640</u>
<b>Annual Cost Burden =</b>	<b>\$41,640</b>

d) Analog Nightlight Program Legal STA Notifications. – No cost assessed. The respondent will prepare the notifications without outside assistance.

e) Analog Nightlight Program Engineering STA Notifications. A contract consulting engineer

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and/or an attorney would prepare and submit the notification depending on the circumstances. We estimate that the average salary for a consulting engineer is \$150/hour and for the attorney is \$200/hour. Because these filings may be reviewed and/or filed by either or both an outside attorney or engineer consultant, we estimate the average salary to be \$175/hour.

360 engineering STA notifications x \$175/hour x 1 hour = **\$63,000**  
**Annual Cost Burden = \$63,000**

**Total Annual Cost Burden = \$737,750 + \$150,500 + \$41,640 + \$63,000 = \$992,890**

**14. Cost to the Federal Government:**

**a) STA Requests.** We estimate the government will use legal and engineer staff at the GS-14, step 5 level (\$53.24/hour), paraprofessional staff at the GS-11, step 5 level (\$31.61/hour) and clerical staff at the GS-5, step 5 level (\$17.24/hour). We expect the processing for the STAs to take from 0.50 to 2 hours to process.

2,500 STAs x \$53.24 x 2 hours =	\$266,200
2,500 STAs x \$31.61 x 2 hours =	\$156,050
2,500 STAs x \$17.24 x 0.50 hour =	<u>\$ 21,550</u>
<b>Cost to the Federal Government:</b>	<b>\$443,800</b>

**b) Notifications.** We estimate the government will use legal and engineer staff at the GS-14, step 5 level (\$53.24/hour), paraprofessional staff at the GS-11, step 5 level (\$31.61/hour) and clerical staff at the GS-5, step 5 level (\$17.24/hour). We expect the processing for the notifications to take from 0.50 to 1 hour to process.

1,630 notifications, certifications and showings x \$53.24 x 1 hour =	\$86,781.20
1,630 notifications, certifications and showings x \$30.25 x 1 hour =	\$49,307.50
1,630 notifications, certifications and showings x \$17.24 x 0.50 hours =	<u>\$14,050.60</u>
<b>Cost to the Federal Government:</b>	<b>\$150,139.30</b>

**c) Informal Filings.** We estimate the government will use legal and engineer staff at the GS-14, step 5 level (\$53.24/hour), paraprofessional staff at the GS-11, step 5 level (\$31.61/hour) and clerical staff at the GS-5, step 5 level (\$17.24/hour). We expect the processing for the informal filings to take from 0.50 to 2 hours to process.

150 STAs x \$53.24 x 2 hours =	\$15,972
150 STAs x \$31.61 x 2 hours =	\$ 9,483
150 STAs x \$17.24 x 0.50 hour =	<u>\$ 1,293</u>
<b>Cost to the Federal Government:</b>	<b>\$26,748</b>

**d) Analog Nightlight Program Legal STA Notifications.** We estimate the government will use legal

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and engineer staff at the GS-14, step 5 level (\$53.24/hour), paraprofessional staff at the GS-11, step 5 level (\$31.61/hour) and clerical staff at the GS-5, step 5 level (\$17.24/hour). We expect the processing for the notifications to take from 0.50 to 1 hour to process.

300 STA notifications x \$53.24 x 1 hour =	\$15,972
300 STA notifications x \$30.25 x 1 hour =	\$ 9,075
300 STA legal notifications x \$17.24 x 0.50 hours	<u>\$ 2,586</u>
<b>Cost to the Federal Government:</b>	<b>\$27,633</b>

e) Analog Nightlight Program Engineering STA Notifications. We estimate the government will use legal and engineer staff at the GS-14, step 5 level (\$53.24/hour), paraprofessional staff at the GS-11, step 5 level (\$31.61/hour) and clerical staff at the GS-5, step 5 level (\$17.24/hour). We expect the processing for the notifications to take from 0.50 to 1 hour to process.

400 STA notifications x \$53.24 x 1 hour =	\$21,296
400 STA notifications x \$30.25 x 1 hour =	\$12,100
400 STA legal notifications x \$17.24 x 0.50 hours	<u>\$ 3,448</u>
<b>Cost to the Federal Government:</b>	<b>\$36,844</b>

**Total Cost to the Federal Government:**

$\$443,800 + \$150,139.30 + \$26,748 + 27,633 + 36,844 = \mathbf{\$685,164.30}$

15. There are program changes to the annual burden hours +475 hours and annual cost burden +\$57,750. These program changes are due to the Commission releasing two public notices, FCC 09-6 and FCC 09-7 which contained revised information collection requirements which impacted this collection.

The Commission also had an adjustment of -3,049,750 to the total annual cost burden for this information collection which was the result of a miscalculation to the cost with the Commission's last submission to OMB. The calculation has been corrected with this submission.

16. The data will not be published.

17. OMB approval of the expiration of the information collection will be displayed at 47 C.F.R. Section 0.408.

18. There are no exceptions to the Certification Statement.

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

No statistical methods are employed.

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