

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.

The Commission is in the process of releasing a Public Notice, in which the following information collection

<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”).

requirement will be adopted:

**Voluntary In-Person Education Reporting Form** to allow stations to voluntarily submit to the FCC information about “DTV Walk-In Help Centers” and other opportunities for face-to-face DTV education of which they are aware. The last DTV order (FCC 09-19) required most analog broadcasters to publicize the locations and hours of walk-in DTV help centers located in their market. The analog termination form was designed to collect some of this information from early terminators. This new voluntary form, if adopted, would be used by any station to voluntarily notify the FCC about Walk-In Centers and other education opportunities in their service areas. This information will not be collected via the Media Bureau CDBS, but instead will be collected electronically, and made publicly available, online through the FCC’s National Call Center web site and will allow the Call Center to better help consumer and direct them to opportunities for face-to-face assistance.

**OMB emergency approval is needed for the above information collection requirement.**

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, 2, 4, 7, 303, 309, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154, 157, 303, 309, and 337, and Sections 2 and 4 of the DTV Delay Act, Pub. L. No.111-4, 123 Stat. 112, to be codified at 47 U.S.C. §§ 309(j)(14) and 337(e),

2. The data is used by FCC staff to allow the FCC’s National Call Center to better help consumer and direct them to opportunities for face-to-face assistance.
3. All notifications will be collected electronically, and made publicly available, online through the FCC’s National Call Center web site.
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 new information collection requirement will allow stations to voluntarily submit to the FCC information about “DTV Walk-In Help Centers” and other opportunities for face-to-face DTV education of which they are aware. Therefore, this collection of information will not have a significant economic impact on a substantial number of small entities/businesses.
6. 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, except for limited analog “nightlight” service. 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. Without this submission, the Commission will not fulfill the provisions of the DTV Delay Act.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. The Commission received OMB approval to waive the Federal Register public comment period for the new information collection requirements contained in this supporting statement due to the Commission immediately having to collect the information collections from the public.
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. The Commission estimates that no more than 1,200 stations will file voluntary notices concerning "DTV Walk-In Help Centers and other opportunities for face-to-face DTV education with the Commission. We estimate that the respondent will file 800 notices without outside assistance and it will take 0.50 hours per filing. The remaining 400 notices will be filed by consultant attorney but will require the respondent to spend 1 hour of consultation with the attorney before the attorney can make the filing with the Commission. Therefore the burden is estimated as follows:

**Total Number of Respondents: 1,200 Stations**

**Total Number of Responses: 1,200 Notifications**

**Annual Burden Hours:**

<b>800 notices filed by respondent without outside assistance x 0.50 hr/notice =</b>	<b>400 hrs</b>
<b>400 notices filed by outside attorney but will require the respondent to consult with attorney x 1 hr/consultation/notice =</b>	<b><u>400 hrs</u></b>
<b>TOTAL ANNUAL BURDEN HOURS</b>	<b>800</b>

hrs

**Total Annual "In-House Cost" = 800 hours x \$48.08/hour<sup>6</sup> = \$38,464.00**

### **13. ANNUAL COST BURDEN:**

A contract consulting attorney would prepare and submit the notification to the Commission. We estimate that the average salary for a consulting attorney is \$200/hour.

400 notifications x \$200/hour x 1 hour = \$80,000

**Total Annual Cost Burden = \$80,000**

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

We estimate the government will use legal and engineer staff at the GS-14, step 5 level (\$53.24/hour),

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<sup>6</sup> The respondent is estimated to have an annual salary of \$100,000 (\$48.08/hour).

**OMB Control Number: 3060-XXXX**  
**Title: Walk In Call Center Notifications**

**April 2009**

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.

1,200 notifications x \$53.24 x 1 hour	= \$63,888.00
1,200 notifications x \$30.25 x 1 hour	= \$36,300.00
1,200 notifications x \$17.24 x 0.50 hours	= <u>\$10,344.00</u>
<b>Cost to the Federal Government:</b>	<b>\$110,532.00</b>

15. There are program changes to the annual burden hours of +800 hours and annual cost burden of + \$80,000. These program changes will be due to the Commission releasing a Public Notice allowing the voluntary filing of notices concerning "DTV Walk-In Help Centers and other opportunities for face-to-face DTV education with the Commission.

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.