

SUPPORTING STATEMENT

A. Justification:

1. On March 13, 2003, the Commission adopted a Report and Order (R&O), *Amendment of the Commission's Rules for Implementation of its Cable Operations and Licensing System (COALS) to Allow for Electronic Filing of Licensing Applications, Forms, Registrations and Notifications in the Multichannel Video and Cable Television Service and the Cable Television Relay Service*, FCC 03-55. This R&O provided for electronic filing and standardized information collections. Under 47 CFR Section 76.1801, cable operators are required to file FCC Form 322 with the Commission prior to commencing operation of a community unit. FCC Form 322 identifies information about the system as well as a list of broadcast channels carried on the system. This form replaces the requirement that cable operators send a letter containing the same information.

The Commission is requesting an extension of this information collection in order to receive 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, 308, 309, and 621 of the Communications Act of 1934, as amended.

2. The data is used by Commission staff to communicate with the cable system operator as necessary to ensure its obligations are met under Title VI of the Communications Act of 1934, as amended. The data is also used to provide the public with basic information about the cable system.
3. Mandatory electronic filing commenced on February 1, 2005. Paper versions of Form 322 will not be accepted for filing unless accompanied by a request for waiver of the electronic filing requirement.
4. No other agency imposes a similar information collection on the respondents. There are no similar data available.
5. This collection of information does not have a significant impact on a substantial number of small businesses.
6. If the Commission did not require the collection of this information, it would be unable to maintain contact with cable system operators to verify compliance with statutory requirements.

7. There are no special circumstances.
8. The Commission published a Notice (74 FR 6409) in the *Federal Register* on February 9, 2009. No comments were generated as a result of this Notice. A copy of the Notice is attached.
9. There are no payments or gifts given to respondents.
10. There is no need for confidentiality with this information collection.
11. This information collection does not address any private matters of a sensitive nature.
12. We estimate that 755 cable system operators (respondents) will file one FCC Form 322 annually based on an average over the previous three years. The estimated number of filings per year is 755. The estimated average burden for each FCC Form 322 is 30 minutes (0.5 hours) per filing.

Total Number of Annual Respondents: 755 Cable System Operators

Total Number of Annual Responses: 755 FCC Form 322 filing

Total Annual Burden Hours: 755 FCC Form 322 filings x 0.5 hours = 378 hours

Annual "In-house Cost": The respondent is estimated to have an average salary of \$100,000/year (\$48.08/hour).

755 FCC Form 322 filings x 0.5 hours/filing x \$48.08/hour = **\$18,150.20**

Total Annual "In-house Cost": \$18,150.20

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

13. Estimated cost burden to respondents:

- a. Total annualized capital/start-up costs: **None**
- b. Total annual (operation and maintenance) costs: The Commission charges a fee of \$50 for each Form 322 filing.

\$50 filing fee x 755 annual filings = **\$37,750**

Section 76.1801, Registration Statement; FCC Form 322, Cable Community Registration

c. Total annualized cost requested: = **\$37,750**

14. Cost to the Federal Government:

Annual FCC Form 322 filings: 755. Average processing time: 0.2 hours.

The Commission will use professional staff at the GS-12, step 5 level (\$39.70/hour) and paraprofessional staff at the GS-7, step 5 level (\$22.38/hour) to process FCC Form 322.

$$\begin{aligned} 0.1 \text{ hour} \times 755 \text{ filings} \times \$39.70/\text{hour} &= \$2,997.35 \\ 0.1 \text{ hours} \times 755 \text{ filings} \times \$22.38/\text{hour} &= \underline{\$1,689.69} \\ &= \$4,687.04 \end{aligned}$$

Total Cost to the Federal Government: \$4,687.04

15. There are no program changes. There are adjustments of +220 annual burden hours and + \$21,950 annual cost burden to this information collection due to an increase in the number of filers.
16. The results of this information collection will be published via the COALS online database.
17. The Commission seeks approval not to display the expiration date of this collection of information.
18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.