

SUPPORTING STATEMENT

A. Justification:

1. 47 CFR 73.1207 requires that licensees of broadcast stations obtain written permission from an originating station prior to retransmitting any program or any part thereof. A copy of the written consent must be kept in the station's files and made available to the FCC upon request. Section 73.1207 also specifies procedures that broadcast stations must follow when rebroadcasting time signals, weather bulletins, or other material from non-broadcast services.

47 CFR 74.784(b) states that a licensee of a low power television or TV translator station shall not rebroadcast the programs of any other TV broadcast station without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. Section 74.784(b) requires licensees of low power television and TV translator stations to notify the Commission when rebroadcasting programs or signals of another station. This notification shall include the call letters of each station rebroadcast. The licensee of the low power television or TV translator station shall certify that written consent has been obtained from the licensee of the station whose programs are retransmitted.

47 CFR 74.1284 requires that the licensee of a FM translator station obtain prior consent to rebroadcast programs of any broadcast station or other FM translator. The licensee of the FM translator station must notify the Commission of the call letters of each station rebroadcast and must certify that written consent has been received from the licensee of that station.

Revised Information Collection Requirements:

On June 29, 2009, the Commission adopted a *Report and Order*, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, MB Docket No. 07-172, FCC 09-59. In the *Report and Order*, the Commission adopted several rule changes that would allow AM stations to use FM translator stations¹ to rebroadcast the AM signal. 47 C.F.R § 74.1284 is one of the rules that was changed as a result of the Commission adopting FCC 09-59. **Therefore, the rule change affecting this information collection pursuant to 47 C.F.R § 74.1284 will add a new universe of filers -- FM translator stations rebroadcasting an AM station signal for the first time -- to this information collection and OMB approval is needed.**

The Commission received OMB review for the new universe of filers at the Notice of Proposed Rulemaking stage on November 26, 2007. Since the adoption of the Report and Order (FCC 09-59), the information collection requirements contained in 47 C.F.R § 74.1284 and the new universe of filers have not changed. The Commission is simply obtaining final OMB approval for the new universe of filings to Section 74.1284 with this submission.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

¹ FM translator stations are low power facilities licensed for the limited purpose of retransmitting the signals of either a full power radio station or another translator station. 47 C.F.R. § 74.1201.

OMB Control Number: 3060-0250

July 2009

Title: Sections 73.1207, 74.784, and 74.1284, Rebroadcasts

Statutory authority for this collection of information is contained in Sections 154(i), 325(a) of the Communications Act of 1934, as amended.

2. For Section 73.1207, this written consent assures the Commission that the broadcast station has obtained prior authorization for retransmission of a program. For Section 74.784(b), the FCC staff uses the data collected to ensure compliance with Section 325(a) of the Communications Act, as amended, which states that no broadcasting station shall rebroadcast the program, or any part thereof, of another broadcasting station without the express authority of the originating station. For Section 74.1284, the FCC staff uses the data collected to update records and to ensure compliance with FCC rules and regulations.
3. These are simple notification/recordkeeping requirements. Use of information technology is not feasible for this disclosure of information.
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. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/businesses.
6. 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 Section 1320.5(d)(2).
8. The Commission published a notice in the *Federal Register* seeking public comment on the information collections contained in this supporting statement, *see* 72 FR 62616, published November 6, 2007. No comments were received 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 collection of information does not address any private matters of a sensitive nature.

OMB Control Number: 3060-0250
Title: Sections 73.1207, 74.784, and 74.1284, Rebroadcasts

July 2009

12. We report the following public burden:

<u>Number of Respondents</u>	<u>Number of Filings/ Responses</u>	<u>Total Number of Notices/ Responses</u>	<u>Respondent's Burden Hours</u>	<u>Total Annual Burden Hours</u>	<u>Hrly. In-House Cost²</u>	<u>Total Annual In-House Cost</u>
Section <u>73.1207</u>						
1,012 ³	1	1,012	0.5 hours	506 hours	\$48.08	\$24,328.48
4,550 ⁴	2	9,100	0.5 hours	4,550 hours	\$48.08	\$218,764.00
Section <u>74.784(b)</u>						
400	1	400	0.5 hours	200 hours	\$48.08	\$ 9,616.00
Section <u>74.1284(b)</u>						
400 ⁵	1	400 ⁶	0.5 hours	200 hours ⁷	\$48.08	\$ 9,616.00 ⁸
<u>100⁹</u>	1	<u>100¹⁰</u>	0.5 hours	<u>50 hours¹¹</u>	\$48.08	<u>\$ 2,404.00¹²</u>
6,462 Respondents		11,012 Responses		5,506 Hours		\$264,728.48 In-house Cost

Total Number of Annual Respondents: 6,462 Licensees

² The respondent's salary is estimated to be \$100,000/year or \$48.08/hour.

³ Broadcast station licensees will request in writing a consent to rebroadcast a TV program from an originating station.

⁴ Semiannually, broadcast station licensees will send notices to the National Institute of Standards and Technology (NIST).

⁵ These 400 FM translator stations are owned by primary FM and AM full service stations.

⁶ The R&O, FCC 09-59, adds an additional 320 responses to this information collection.

⁷ The R&O, FCC 09-59, adds an additional 160 burden hours to this information collection.

⁸ The R&O, FCC 09-59, adds additional "in-house costs" of \$8,110.80 to this information collection.

⁹ These 100 FM translator stations are independently owned.

¹⁰ The R&O, FCC 09-59, adds an additional 80 responses to this information collection.

¹¹ The R&O, FCC 09-59, adds an additional 40 burden hours to this information collection.

¹² The R&O, FCC 09-59, adds additional "in-house costs" of \$2,235.70 to this information collection.

OMB Control Number: 3060-0250
Title: Sections 73.1207, 74.784, and 74.1284, Rebroadcasts

July 2009

Total Number of Annual Responses: 11,012 Notifications

Total Annual Burden Hours: 5,506

Total Annual "In-house" Cost: \$264,728.48

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

13. Annual Cost Burden:

- (a) Total annualized capital/startup costs: None
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: None

14. Cost to the Federal Government: The Commission will use staff at the GS-7 level, step 5 (\$22.38/hour) to process these notifications (Sections 74.784 and 74.1284). We estimate processing time at 15 minutes.

Total cost to the Federal Government: 900 notifications x 0.25 hours/notice x \$22.38/hour = **\$5,035.50**

15. On June 29, 2009, the Commission adopted rules that would allow AM stations to use FM translator stations to rebroadcast the AM signal locally. The adopted rules will add a new universe of filers to this information collection. Therefore, the rules are adding a program change to this information collection that increases the number of respondents by +400, responses by +400, and annual burden hours by +200 hours for this collection.

16. The data will not be published.

17. OMB approval of the expiration date of the information collection will be displayed at 47 CFR 0.408.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.