

SUPPORTING STATEMENT

A. Justification:

1. **Circumstances Necessitating Change to Information Collection** – This submission is being made as a revision to an existing information collection pursuant to 44 U.S.C. § 3507. This submission contains revised FCC Form 303-S and its accompanying instructions and worksheets.

FCC Form 303-S is used in applying for renewal of license for a commercial or noncommercial AM, FM or TV broadcast station and FM translator, TV translator or Low Power TV (LTV), and Low Power FM broadcast stations. It can also be used in seeking the joint renewal of licenses for an FM or TV translator station and its co-owned primary FM, TV, or LPTV station.

This collection also includes the third party disclosure requirement of 47 CFR Section 73.3580. This section requires local public notice of the filing of the renewal application. For AM, FM, and TV stations, these announcements are made on-the-air. For FM/TV Translators and AM/FM/TV stations that are silent, the local public notice is accomplished through publication in a newspaper of general circulation in the community or area being served. A copy of the newspaper notice or a record of the broadcast notice and the application must be placed in the public inspection file.¹

47 CFR Section 73.3555 is also included in this information collection. Section 73.3555 states that in order to overcome the negative presumption set forth in 47 CFR Section 73.3555(d)(4) with respect to the combination of a major newspaper and television station, the applicant must show² by clear and convincing evidence that the co-owned major newspaper and station will increase the diversity of independent news outlets and increase competition among independent news sources in the market, and the factors set forth in 47 CFR 73.3555(d)(5) will inform this decision. (OMB approval was previously received for the information collection requirements contained in this rule section (waiver showings/filings)).

Revised Information Collection Requirements Which Require OMB Approval:

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 changes to the FM translator rules that would allow AM stations to use authorized FM translator stations³ to rebroadcast the AM signal locally, retransmitting their AM programming as a “fill-in” service. The adopted cross service translating rules limit FM translators to providing “fill-in” service only, specifically within the AM primary station’s authorized service area.⁴ In addition, the Commission limited the cross-service rule changes to “currently authorized FM translators,” that is, those translators with licenses or permit in effect as of May 1, 2009.

¹ See OMB control number 3060-0214 for the burden associated with the recordkeeping requirement for the newspaper and broadcast notices pursuant to Section 73.3527.

² These showings are done via waiver showings/filings with the Commission.

³ 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.

⁴ As defined in 47 C.F.R. § 74.1201(d), the “primary station” is the AM or FM radio broadcast station radiating the signal that is to be retransmitted by the FM translator station.

Title: Application for Renewal of Broadcast Station License, FCC Form 303-S; Section 73.3555(d), Daily Newspaper Cross-Ownership Rule

Consistent with actions taken by the Commission in the *Report and Order*, the following changes are made to Form 303-S: Section V of Form 303-S, to be completed by FM and TV Translator and Low Power TV licensees only, includes a new certification concerning compliance with the AM station “fill-in” service requirements. Specifically, in the AM service, applicants certify that the coverage contour of the FM translator station is contained within the lesser of: (a) the 2 mV/m daytime contour of the AM primary station being rebroadcast, or (b) a 25-mile radius centered at the AM station’s transmitter site. The instructions for Section V have been revised to assist applicants with completing the new question.

FCC Form 303-S will be used in applying for renewal of license of such FM translator stations. The Commission is revising the Form 303-S to reflect the changes in the rules applicable to FM translator stations used by AM stations to rebroadcast their AM signals.

The Commission received OMB review for the new universe of filers (AM stations to use authorized FM translator stations to rebroadcast the AM signal locally, retransmitting their AM programming as a “fill-in” service) and information collection requirement (changes to FCC Form 303-S) 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 requirement (changes to FCC Form 303-S, as submitted), and the new universe of filers have not changed. The Commission is simply obtaining final OMB approval for this collection with this submission.

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, 307 and 308 of the Communications Act of 1934, as amended, and Section 204 of the Telecommunications Act of 1996.

2. **Agency Use of Information:** The data are used by FCC staff to assure that the necessary reports connected with the renewal application have been filed and that the licensee continues to meet basic statutory requirements to remain a licensee of a broadcast station. The local public notice informs the public that the station has filed for license renewal.

3. **Consideration Given to Information Technology:** The Commission requires applicants to file FCC Form 303-S electronically.

4. **Effort to Identify Duplication and Use Similar Information:** No other agency imposes a similar information collection on the respondents. There are no similar data available.

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. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/businesses.

6. **Less Frequent Data Collection:** The frequency for this collection of information will ultimately be determined by the expiration of the station license. Under current Commission rules, station licenses are issued for eight year terms.

7. **Information Collection Circumstances:** This collection of information is consistent with the guidelines in 5 CFR § 1320.5(d)(2).

Title: Application for Renewal of Broadcast Station License, FCC Form 303-S; Section 73.3555(d), Daily Newspaper Cross-Ownership Rule

8. **Consultations with Persons outside the FCC:** 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. **Payment or Gift:** No payment or gift was provided to respondents.

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

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

12. **Estimate of Burden and Burden Hour Cost:** The following estimates are provided for public burden:

<u>Service(s)</u>	<u>Number of Applications/Respondents</u>
Commercial AM/FM	1300
Noncommercial AM/FM	268
FM translators	600
Commercial Radio Commonly-Owned primary station/ FM translator	500
Commercial AM/FM stations off-the-air	4
Commercial TV	154
Noncommercial TV	47
LPTV/TV translators	1,003
Commercial TV Commonly-owned primary station/TV translator	7
Commercial TV stations off-the-air	<u>1</u>
TOTAL RESPONSES/RESPONDENTS:	3,884⁵

The burden on the public is as follows:

Radio Applicants contracting legal portion of form/meeting with contractors to coordinate information

⁵ The R&O, FCC 09-59, adds an additional 667 respondents to this information collection.

**Title: Application for Renewal of Broadcast Station License, FCC Form 303-S; Section 73.3555(d),
Daily Newspaper Cross-Ownership Rule**

1,300 applications x 50% x 1 hour/consultation = 650 hours
 268 applications x 50% x 1 hour/consultation = 134 hours
 600 applications x 50% x 1 hour/consultation = 300 hours
 500 applications x 50% x 1 hour/consultation = 250 hours
 4 applications x 50% x 1 hour/consultation = 2 hours

Radio Applicants completing general and legal portion of form without outside contracting assistance/completing form by themselves

1,300 applications x 50% x 3 hours/form = 1,950 hours
 268 applications x 50% x 3 hours/form = 402 hours
 600 applications x 50% x 3 hours/form = 900 hours
 500 applications x 50% x 3.25 hours/form = 813 hours
 4 applications x 50% x 4 hours/form = 8 hours

TV Applicants contracting legal portion of form/meeting with contractors to coordinate information

154 applications x 75% x 1.83 hours/consultation = 211 hours
 47 applications x 75% x 1.83 hours/consultation = 65 hours
 1,003 applications x 75% x 1 hour/consultation = 752 hours
 7 applications x 75% x 1.83 hours/consultation = 10 hours
 1 applications x 75% x 1.83 hours/consultation = 1 hour

TV Applicants completing general and legal portion of form without outside contracting assistance/completing form by themselves

154 applications x 25% x 11.58 hours/form = 446 hours
 47 applications x 25% x 4.83 hours/form = 57 hours
 1,003 applications x 25% x 3 hours/form = 752 hours
 7 applications x 25% x 11.83 hours/form = 21 hours
 1 applications x 25% x 11.58 hours/form = 3 hours

TOTAL ANNUAL BURDEN HOURS = 7,727 HOURS⁶

The above estimate was based on the following data:

*We estimate that 50% of radio broadcast licensees will use a communications attorney to complete the legal portion and file the FCC Form 303-S. We estimate that it will take approximately 60 minutes (1 hour) to

⁶ The R&O, FCC 09-59, adds an additional 1,392 burden hours to this information collection. Also, the burden for the respondent to attach waiver showings/filings to the form/application pursuant to 47 CFR 73.3555(d) is accounted for in the burden estimate.

Title: Application for Renewal of Broadcast Station License, FCC Form 303-S; Section 73.3555(d), Daily Newspaper Cross-Ownership Rule

coordinate information with these attorneys.

*The remaining 50% of radio broadcast licensees will complete the general and legal portions and file the FCC Form 303-S themselves.

*We estimate that 75% of all TV broadcast licensees will use a communications attorney to complete the legal portion and file the FCC Form 303-S. We estimate that it will take

approximately 1.8 hours to coordinate information with these attorneys for full service TV licensees and 1 hour for TV translator licensees.

*The remaining 25% of TV broadcast licensees will complete the general and legal portions and file the FCC 303-S themselves.

ANNUAL "IN-HOUSE COST" - We estimate that the respondents would have an average salary of \$100,000/year (\$48.08/hour):

Radio Applicants contracting legal portion of form/meeting with contractors to coordinate information

1,300 applications x 50% x 1 hour/consultation x \$48.08	= \$31,252.00
268 applications x 50% x 1 hour/consultation x \$48.08	= \$ 6,442.72
600 applications x 50% x 1 hour/consultation x \$48.08	= \$14,424.00
500 applications x 50% x 1 hour/consultation x \$48.08	= \$12,020.00
4 applications x 50% x 1 hour/consultation x \$48.08	= \$ 96.16

Radio Applicants completing general and legal portion of form without outside contracting assistance/completing form themselves

1,300 applications x 50% x 3 hours/form x \$48.08	= \$93,756.00
268 applications x 50% x 3 hours/form x \$48.08	= \$19,328.16
600 applications x 50% x 3 hours/form x \$48.08	= \$43,272.00
500 applications x 50% x 3.25 hours/form x \$48.08	= \$39,065.00
4 applications x 50% x 4 hours/form x \$48.08	= \$ 384.64

TV Applicants contracting legal portion of form/meeting with contractors to coordinate information

154 applications x 75% x 1.83 hours/consultation x \$48.08	= \$10,162.43
47 applications x 75% x 1.83 hours/consultation x \$48.08	= \$ 3,101.52
1,003 applications x 75% x 1 hour/consultation x \$48.08	= \$36,168.18
7 applications x 75% x 1.83 hours/consultation x \$48.08	= \$ 461.93
1 applications x 75% x 1.83 hours/consultation x \$48.08	= \$ 65.99

TV Applicants completing general and legal portion of form without outside contracting assistance/completing the form themselves

154 applications x 25% x 11.58 hours/form x \$48.08	= \$21,435.51
47 applications x 25% x 4.83 hours/form x \$48.08	= \$ 2,728.66
1,003 applications x 25% x 3 hours/form x \$48.08	= \$36,168.18
7 applications x 25% x 11.83 hours/form x \$48.08	= \$ 995.38

Title: Application for Renewal of Broadcast Station License, FCC Form 303-S; Section 73.3555(d), Daily Newspaper Cross-Ownership Rule

$$1 \text{ applications} \times 25\% \times 11.58 \text{ hours/form} \times \$48.08 = \$ 139.19$$

$$\text{TOTAL ANNUAL "IN-HOUSE COST"} = \$371,467.65^7$$

13. Annual Cost Burden: We assume that the 50% of radio respondents and 75% of TV respondents would use a communications attorney to complete the legal portion of the FCC 303-S.

This communications attorney is estimated to have an average salary of \$200/hour.

Radio Applicants contracting legal portion of form

$$\begin{aligned} 1,300 \text{ applications} \times 50\% \times 2.33 \text{ hours} \times \$200 &= \$302,900 \\ 268 \text{ applications} \times 50\% \times 2.33 \text{ hours} \times \$200 &= \$ 62,444 \\ 600 \text{ applications} \times 50\% \times 2.33 \text{ hours} \times \$200 &= \$139,800 \\ 500 \text{ applications} \times 50\% \times 2.58 \text{ hours} \times \$200 &= \$129,000 \\ 4 \text{ applications} \times 50\% \times 3.33 \text{ hours} \times \$200 &= \$ 1,332 \end{aligned}$$

TV Applicants contracting legal portion of form

$$\begin{aligned} 154 \text{ applications} \times 75\% \times 10.08 \text{ hours} \times \$200 &= \$232,848 \\ 47 \text{ applications} \times 75\% \times 3.33 \text{ hours} \times \$200 &= \$ 23,477 \\ 1003 \text{ applications} \times 75\% \times 2.33 \text{ hours} \times \$200 &= \$350,549 \\ 7 \text{ applications} \times 75\% \times 10.33 \text{ hours} \times \$200 &= \$ 10,847 \\ 1 \text{ applications} \times 75\% \times 10.08 \text{ hours} \times \$200 &= \$ 1,512 \end{aligned}$$

A licensee must submit a fee for each commercial application by a AM/FM/TV broadcast station at \$150/application. The fee for each FM/TV Translator broadcast station filed is \$55/application.

$$\begin{aligned} 1,454 \text{ Commercial AM/FM/TV} \times \$150 &= \$218,100 \\ 1,603 \text{ Translators} \times \$55 &= \$ 88,165 \\ 507 \text{ Commonly Owned AM/FM/TV and Translators} \times \$205 &= \$103,935 \end{aligned}$$

An AM, FM, TV or LPTV licensee must also give local public notice of the filing of the renewal application over-the-air in accordance with 47 CFR Section 73.3580. There is no direct cost to the licensee for the over-the-air announcement. AM/FM/TV stations that are off-the-air must give local public notice by publishing an announcement 6 times in a newspaper of general circulation in the community or area being served. FM/TV Translator stations must give local public notice by publishing an announcement once in a newspaper of general circulation in the community or area served. The cost of this publication is estimated to be \$226.00/publication.

$$\begin{aligned} 5 \text{ AM/FM/TV stations off-the-air} \times 6 \text{ publications} \times \$226/\text{publication} &= \$ 6,780 \\ 2,110 \text{ FM/TV Translators} \times \text{publication} \times \$226/\text{publication} &= \$476,860 \end{aligned}$$

⁷ The R&O, FCC 09-59, adds an additional in-house cost of \$260,040.68 to this information collection.

Title: Application for Renewal of Broadcast Station License, FCC Form 303-S; Section 73.3555(d), Daily Newspaper Cross-Ownership Rule

TOTAL ANNUAL COST BURDEN TO RESPONDENTS: \$2,148,549⁸

14. Cost to the Federal Government. The Commission will use professional staff at the GS-13/Step 5 level (\$47.21/hour), paraprofessional staff at the GS-11/Step 5 level (\$33.12/hour), and clerical staff at the GS-5 level/Step 5 level (\$18.07/hour) to process the FCC 303-S.

Radio/Translator Applications estimated to be filed: 1,973

Average processing time: 1.0 hour

Clerical	0.75 hours	x	\$18.07/hour x 2,168 =	\$29,381.82
Paraprofessional	0.166 hours	x	\$33.12/hour x 2,168 =	11,919.49
Professional	0.083 hours	x	\$47.21/hour x 2,168 =	8,495.16
U.S. Bank			\$1.90 x 2,168 =	<u>4,119.20</u>
				\$53,915.67

Commonly Owned Radio/Translator Applications estimated to be filed: 500

Average processing time: 1.25 hour

Clerical	0.917 hours	x	\$18.07/hour x 500 =	\$8,285.10
Paraprofessional	0.25 hours	x	\$33.12/hour x 500 =	4,140.00
Professional	0.083 hours	x	\$47.21/hour x 500 =	1,959.22
U.S. Bank			\$1.90 x 500 =	<u>950.00</u>
				\$15,334.32

Commercial TV Applications estimated to be filed: 166

Average processing time: 2.25 hours

Clerical	0.83 hours	x	\$18.07/hour x 166 =	\$ 2,489.69
Paraprofessional	1.42 hours	x	\$47.21/hour x 166 =	11,128.34
U.S. Bank			\$1.90 x 166 =	<u>315.40</u>
				\$13,933.43

Noncommercial TV Applications estimated to be filed: 47

Average processing time: 1.25 hours

Clerical	0.83 hours	x	\$18.07/hour x 47 =	\$704.91
Paraprofessional	0.42 hours	x	\$47.21/hour x 47 =	<u>931.93</u>
				\$1,636.84

⁸ The R&O, FCC 09-59, adds an additional cost burden of \$418,214 to this information collection.

OMB Control Number: 3060-0110

July 2009

Title: Application for Renewal of Broadcast Station License, FCC Form 303-S; Section 73.3555(d),
Daily Newspaper Cross-Ownership Rule

LPTV/TV Translator Applications estimated to be filed: 1,003

Average processing time: .67 hours

Clerical	.50 hours	x	\$18.07/hour x 1003	= \$9,062.11
Paraprofessionals	.084 hours	x	\$33.12/hour x 1003	= 2,790.42
U.S. Bank			\$1.90 x 1,003	= <u>1,905.70</u>
				\$13,758.23

Total Processing Costs = \$98,578.49

30% Overhead Costs = \$29,573.55

Total Cost to the Federal Government: \$128,152.04

15. **Reason for Changes in Burden or Cost:** We have a program change to the annual burden hours and cost burden due to the Commission adopting *Report and Order*, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, MB Docket No. 07-172, FCC 09-59. The annual burden hours have increased by a +1,392 hours and an increase in the cost of a +\$418,214.

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

17. **Display of OMB Approval Date:** We are seeking approval to not display the expiration date of this collection. By displaying the expiration date on this form we are limiting its use to only three years. OMB approval of the expiration date of the information collection will be displayed at 47 CFR Section 0.408.

18. **Exceptions to the Certification Statement:** There are exceptions to the Certification Statement for the following items: number of respondents, estimated time per response, annual burden hours and annual cost burden. These numbers were different as published in the Commission's 60-day Federal Register Notice (see 72 FR 62616) from what is currently stated in this supporting statement due to revisions that were made to collection 3060-0110. These revisions were due to other rulemakings outside of FCC 09-59. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

There are no statistical methods employed.