

**SUPPORTING STATEMENT**

**A. Justification:**

1. The FCC Form 302-CA is used by Low Power TV (LPTV) stations that seek to convert to Class A status and for existing Class A stations seeking a license to cover their authorized construction permit facilities. The FCC Form 302-CA requires a series of certifications by the Class A applicant as prescribed by the Community Broadcasters Protection Act of 1999 (CBPA). Licensees will be required to provide weekly announcements to their listeners: (1) informing them that the applicant has applied for a Class A license and (2) announcing the public's opportunity to comment on the application prior to Commission action.

**History:**

On November 29, 1999, the CBPA was enacted. That legislation provided that a low power television licensee should be permitted to convert the secondary status of its station to the new Class A status, provided it can satisfy certain statutorily-established criteria. The CBPA directs that Class A licensees be subject to the same license terms and renewal standards as full-power television licensees, and that Class A licensees be accorded primary status as television broadcasters as long as they continue to meet the requirements set forth in the statute for a qualifying low-power station. The CBPA sets out certain certification and application procedures for LPTV licensees seeking Class A designation, prescribes the criteria LPTV must meet to be eligible for a Class A license, and outlines the interference protection Class A applicants must provide to analog, digital, LPTV and TV translator stations.

The Commission is seeking an extension of this information collection in order to receive the full three year approval/clearance from OMB for this collection.

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

Statutory authority for this collection of information is contained in Sections 154(i), 307, 308, 309, and 319 of the Communications Act of 1934, as amended, and the Community Broadcasters Protection Act of 1999.

2. The FCC staff use the data to confirm that the station meets the eligibility standards to convert their licenses to Class A status. Data is then extracted from FCC Form 302-CA for inclusion in the subsequent license to operate the station.

3. On May 29, 2002, the Commission released Public Notice DA 02-1260 announcing the mandatory electronic filing of FCC Form 302. Mandatory electronic filing for these forms

**OMB Control Number: 3060-0928**

**October 2009**

**Title: Application for Class A Television Broadcast Station Construction Permit or License, FCC Form 302-CA**

began on June 11, 2002. Paper versions of these forms will not be accepted for filing after June 10, 2002 unless accompanied by an appropriate request for waiver of the electronic filing requirement.

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 collection of information 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 the respondents, as necessary.
7. This collection of information is consistent with the guidelines in 5 CFR § 1320.5(d)(2).
8. The Commission published a Notice (74 FR 41904) in the *Federal Register* on August 19, 2009. No comments were generated as a result of the Notice.
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.
12. We estimate that 50 applications will be filed and processed. The total average burden for this form is 2 hours per request. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

**Total Number of Annual Respondents: 50 LPTV stations**

**Total Number of Annual Responses: 50 FCC Form 302-CA Forms**

**Total Annual Burden Hours:**

**50 FCC Form 302-CA applications x 2.0 hours/application = 100 hours**

Title: Application for Class A Television Broadcast Station Construction Permit or License, FCC Form 302-CA

Annual "In-house cost" burden: We assume that the respondent will complete 50% of the estimated applications. An engineer at the station will complete the remaining 50%. The respondent and station engineer are both estimated to have an average salary of \$100,000/year (\$48.08/hour).

25 applications x 2.0 hours x \$48.08 =	\$2,404.00
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<b>Total Annual "In House" Cost Burden =</b>	<b>\$4,808.00</b>

13. An application fee must be submitted with filing of the application (\$285/application).

**Total Annual Cost Burden:** 50 applications x \$270/application = **\$13,500.00**

14. The Commission will use professionals at the GS-13, step 5 level (\$47.21/hour) and clerical personnel at the GS-5, step 5 level (\$18.07/hour) to process the FCC Form 302-CA applications.

Professional: 2.5 hours x \$47.21/hour x 50 applications	= \$5,901.25
Clerical: 1 hour x \$18.07 x 50 applications	<u>= \$ 903.50</u>
	\$6,804.75

**Total Cost to the Federal Government:** = \$6,804.75

15. There are no program changes or adjustments to this information collection.

16. The data will not be published.

17. An extension of the waiver not to publish the expiration date on the form is requested. This will obviate the need for the Commission to update electronic forms upon the expiration of the clearance. OMB approval of the expiration date of the information collection will be displayed at 47 CFR Section 0.408.

18 There are no exceptions to the Certification Statement.

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

This information collection does not employ any statistical methods.