

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve the establishment of a new information collection titled, "Application for Permit to Deliver Programs to Foreign Broadcast Stations (FCC Form 308) – 47 C.F.R. 73.3545." Pursuant to 47 C.F.R. Section 73.3545, applicants use the FCC Form 308 to apply, under Section 325(c) of the Communications Act of 1934, as amended, for authority to locate, use, or maintain a studio in the United States for the purpose of supplying program material to a foreign radio or TV broadcast station whose signals are consistently received in the United States, or for extension of existing authority.

Section 73.3545 states that "application under section 325(c) of the Communications Act for authority to locate, use, or maintain a broadcast studio in connection with a foreign station consistently received in the United States, should be made on FCC Form 308, "Application for Permit to Deliver Programs to Foreign Broadcast Stations." An informal application may be used by applicants holding an AM, FM or TV broadcast station license or construction permit. Informal applications must, however, contain a description of the nature and character of the programming proposed, together with other information requested on Page 4 of Form 308."

Broadcasters are also subject to the local public notice provisions stated in Section 73.3580 of Subpart H. The Commission adopted Section 73.3580 in order to ensure that the public is informed of a station's filing of an application or amendment by advertisements in local newspapers. The public is kept abreast of the stations' existence in a local area or plans to locate in a specific local area through such advertisements. Section 73.3580 also requires that certain applications be maintained on file for public inspection at a stated address in the community in which the station is located or is proposed to be located.

Almost all applicants submit the FCC Form 308 to the Commission. However, applicants have the option to submit an informal application to the Commission by letter in lieu of the form. During the past year, the Commission received only one informal application.

Currently, the FCC Form 308 is only available to the public in paper form. The Commission is requesting OMB approval of a revised FCC Form 308, in Excel format, that will be made available to the public on the FCC Forms page of the FCC's website, www.fcc.gov <<http://www.fcc.gov/>>. This is beneficial to the public because the form will be readily available on the Commission's website 24 hours a day/7 days a week. Furthermore, it saves time and postage costs for FCC staff because the form does not have to be mailed to the applicant and reduces the agency's printing costs.

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The form was revised to make it more user friendly, and to include questions to obtain only the legal and technical information that are essential to grant authority to U.S. broadcasters to supply program material to a foreign radio or TV broadcast station whose signals are consistently received in the U.S., or to extend the current authority. After the applicant completes the form, it is mailed to the U.S. Bank along with the application fee. Then, it is forwarded to the International Bureau. The exceptions are fee exempt applications, which are filed directly with the FCC Secretary's Office and then forwarded to the Bureau.

In the past, fewer than 10 entities filed the FCC Form 308 with the Commission annually. At that time, the Commission sought advice from the OMB Desk Officer and the OMB Desk Officer concluded that the form was not subject to PRA rules because less than 10 entities filed the application each year. However, due to an increase in the number of entities who file the application from 8 to 26 entities, the Commission is requesting OMB approval of the form.

The FCC Form 308 does not affect individuals and, therefore, is not subject to the Privacy Act of 1974, as amended.

The Commission has authority for this collection pursuant to Section 325(c) of the Communications Act of 1934, as amended.

2. The information collected pursuant to the rules set forth in 47 CFR Part 73, Subpart H, are applicable to all AM, FM, TV and Class A TV broadcast services, including both commercial and noncommercial stations. Subpart H consists of rules related to the licensing and operation of such stations such as the station license period; station main studio location; transferring a station; antenna structure, marking and lighting; station inspections by the FCC; broadcasting emergency information; and processing of international broadcast station applications. If this information were not collected from the respondents on the application form, the Commission would not be able to ensure that commercial and noncommercial radio and television broadcasters meet the legal and technical requirements essential to operate radio and TV stations and to prevent harmful interference among broadcast stations and other telecommunications facilities.

Broadcasters are subject to the local public notice provisions stated in Section 73.3580 of Subpart H. The Commission adopted Section 73.3580 in order to ensure that the public is informed of a station's filing of an application or amendment by advertisements in local newspapers. The public is kept abreast of the stations' existence in a local area or plans to locate in a specific local area through such advertisements. Section 73.3580 also requires that certain applications be maintained on file for public inspection at a stated address in the community in which the station is located or is proposed to be located. If the Commission did not collect this information from the respondents, the public would not be informed of the existence of new broadcast stations within their local communities. The availability of such information serves

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the public interest by ensuring that all members of the public are aware of the existence of various radio and TV broadcast services so that they can make informed choices as American consumers.

3. Currently, the FCC Form 308 is in paper form. However, the Commission is requesting OMB approval of an Excel version of the form. After OMB approval of the form, it will be made available to the public on the forms page of the FCC's website. This form can be printed from the webpage and completed by hand. Approximately 20 percent of the information will be collected electronically since the application will be retrieved from the Commission's website. Within 5-7 years, the Commission plans to make the FCC Form 308 available to the public in the Consolidated Licensing System (CLS). The CLS will be developed within the next 5-7 years and will house all FCC applications for various domestic and international telecommunications services, including but not limited to, licenses for broadcast, earth stations and satellite services.

4. These information collection requirements are not duplicated elsewhere in the Commission's rules.

5. These information collection requirements do not have a significant impact on a substantial number of small entities. The total number of entities subject to the Commission's broadcast rules is approximately 26 and only a small percentage, if any, of the 26 could be categorized as a small entity. Also, the paperwork burdens accounted for in this collection are minimal.

6. Without this collection of information, the Commission would not be able to ascertain whether the main studio owner in the US meets various legal requirements or the foreign broadcast facility, which receives and retransmits programming from the main studio in the U.S. meets various technical requirements that prevent harmful interference to other broadcast stations or telecommunications facilities.

7. This information collection does not contain any new information collection requirements that are not consistent with the general information collection guidelines in 5 C.F.R. § 1320.6.

8. A 60-day notice was published in the Federal Register (74 FR 45204) to solicit comments from the public on the information collection requirements contained in this supporting statement. The 60-day comment period began on September 1, 2009 and ended on November 2, 2009. No comments were received from the public.

9. The Commission does not provide any payment or gift to respondents.

10. There is no need for confidentiality pertaining to the information collection requirements in this collection.

11. This collection does not contain questions of a sensitive nature.

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12. An estimate of the annual burden hours for the 26 respondents is as follows:

FCC Form 308	Number of Responses	Frequency of Response & Hours	Number of Responses X Hour/Response = Burden Hours
47 CFR 73.3545 Complete FCC Form 308 for authority to locate, use, or maintain a studio in the U.S.	22	1 hour/response On-occasion	22 hours
47 CFR 73.3545 Informal application made by letter for authority to locate, use or maintain a studio in the U.S.	1	1 hour/response On-occasion	1 hour
47 CFR 73.3545 Complete FCC Form 308 for Special Temporary Authority (STA)	3	2 hours/response On-occasion	6 hours
47 CFR 73.3580 Local public notice provisions to inform public of stations' existence in local area or plans to relocate in a specific local area	22	1 hour/response On-occasion	22 hours
47 CFR 73.3580 Recordkeeping requirement – Certain applications must be maintained on file for public inspection at a stated address in the community in which the station is located or is proposed to be located	22	1 hour/ recordkeeping requirement/response	22 hours
Total:	70 Annual Responses	1 - 2 Hours Per Response	73 Annual Burden Hours

The annual “in-house costs” to the applicants is calculated as follows: 73 annual burden hours x \$60/hour = \$4,380.00 Therefore, the total annual “in-house cost” to the respondents for this collection of information is \$4,380.00.

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13. The cost estimates are as follows: (a) total capital and start-up cost component: \$0. and (b) total operation and maintenance and purchase of services component: \$26,451. A cost summary is provided below.

FCC Form 308	Responses	Hours	Costs	Total
Application Fees ¹	23	N/A	\$95 per application	\$2,185
Outside Legal/Engineering Assistance	26	2 Hours per submission	\$275 ² per hour	\$14,300
Newspaper notices pursuant to 47 CFR § 73.3580 ³	22	N/A	\$453 ⁴	\$9,966
Total:				\$26,451 Total Estimated Costs

¹ There is no application fee for filing a Special Temporary Authority (STA) with the Commission. However, applicants who choose to file an informal application with the Commission by letter pay the same fee as applicants who file the FCC Form 308 with the Commission.

² The Commission calculated the hourly salary for the attorney as \$300.00/hour and the engineer as \$250/hour for an average figure of \$275.00/hour.

³ This notice must be published in a local newspaper of general circulation at least twice a week for two consecutive weeks in a three-week period (4 publications).

⁴ This figure was calculated as follows: 113.25 publication fee/notice x 4 publications = \$453 in publication costs.

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14. The estimates of annualized cost to the Federal government is summarized in the chart below. As shown in the chart, the annualized costs to the Federal government are \$18,634.00.

Federal Government Staff	Number of Staff	Salary Per Hour	Annual Burden Hours	Annualized Costs
GS-12/Step 5 Telecommunications Support Specialist	1	\$39.70	33	\$1,310.00
GS-15/Step 5 Engineers	3	\$65.62	66	\$12,993.00
GS-15/Step 5 Attorney	1	\$65.62	66	\$4,331.00
	4			\$18,634.00

15. There are program increases of +73 annual burden hours and +\$26,451 in annual cost burden for this new information collection. There are no adjustments to this collection.

16. The results of this information collection requirement will not be published for statistical use.

17. We are seeking approval to not display the expiration date for OMB approval of this information collection. The Commission will use an edition date in lieu of the OMB expiration date. Additionally, the OMB expiration date and OMB control number are “displayed” in 47 CFR 0.408.

18. On September 1, 2009, a 60-day notice was published in the Federal Register (74 FR 45204). The Commission stated in the notice that the total annual burden hours are 22 hours; the estimated time per response as 1 hour; number of respondents and responses as 22 each, and the annual cost burden as \$10,890. With this submission we are correcting these numbers to read as follows: annual burden hours as 73 hours; the estimated time per response is 1 – 2 hours; the number of respondents is 26; the number of responses is 70, and the annual cost is \$26,451. There are no other exceptions to the Certification Statement.

Part B. Collections of Information Employing Statistical Methods:

Not applicable. This information collection does not employ statistical methods.