

Title: Children's Television Requests for Preemption Flexibility**SUPPORTING STATEMENT****A. Justification:**

1. On September 26, 2006, the Commission adopted a *Second Order on Reconsideration and Second Report and Order* in MM Docket 00-167, FCC 06-143, *In the Matter of Children's Television Obligations of Digital Television Broadcasters*. The Second Order addressed several matters relating to the obligation of television licensees to provide educational programming for children and the obligation of television licensees and cable operators to protect children from excessive and inappropriate commercial messages. Among other things, the Second Order adopts a children's programming preemption policy. This policy requires all networks requesting preemption flexibility¹ to file a request with the Media Bureau by August 1 of each year. The request identifies the number of preemptions the network expects, when the program will be rescheduled, whether the rescheduled time is the program's second home, and the network's plan to notify viewers of the schedule change. Preemption flexibility requests are not mandatory filings. They are requests that may be filed by networks seeking preemption flexibility.

The Commission is requesting a three year extension of the information requirements contained in this supporting statement from the Office of Management and Budget (OMB).

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) and 303 of the Communications Act of 1934, as amended.

2. The information filed by networks requesting preemption flexibility will be used by the FCC staff evaluating the request to determine whether the network is in compliance with the FCC's children television rules and policies.

3. We do not believe that the use of information technology is feasible in this situation. The Commission does not expect that a large number of these requests due to the preemption policy only applying to networks. Therefore, it would be easier to receive the requests in paper form.

4. No other agency imposes a similar information collection on the respondents. There are no similar data available.

5. This information collection does not impose a significant economic impact on a substantial number of entities/businesses.

6. The preemption flexibility filings are part of the FCC's effort to enforce the requirements of the

¹ Among other things, the Second Order adopts a children's programming preemption policy with respect to core children's programming. Generally core programming is regularly scheduled programming. However, stations may have a preempt core programming for breaking news, sports, or other scheduling reasons. A program is counted as preempted only if it is not aired in a substitute time slot (otherwise known as a "second home") with an on-air notification of the schedule change occurring at the time of preemption during the previously scheduled episode. The on-air notification must announce the alternate date and time when the preempted show will air. The preemption flexibility policy permits networks that anticipate having to preempt core programming for the upcoming season or programming year to request flexibility to make such preemptions and still comply with the core programming processing guideline. The preemption flexibility policy would require networks requesting preemption flexibility to file a request with the Media Bureau by August 1 of each year. The request would identify the number of preemptions the network expects, when the program would be rescheduled, whether the rescheduled time is the program's second home, and the network's plan to notify viewers of the schedule change.

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Children’s Television Act of 1990, as required by that statute, and the Commission’s rules implementing that statute. The filings are intended as a means of giving networks more flexibility in meeting their children’s television obligations.

- 7. This collection of information is consistent with the guidelines in 5 CFR Section 1320.5(d)(2).
- 8. The Commission published a Notice (75 FR 4818) in the Federal Register on January 29, 2010 seeking comments on the information collection requirements contained in this supporting statement. No comments were received from the public as a result of the Notice.
- 9. No payment or gift was provided to the respondent.
- 10. There is no need for confidentiality with this collection of information.
- 11. This information collection does not address any private matters of a sensitive nature.
- 12. We estimate that there will be 15 network preemption requests filed with the Commission annually and each request will take 10 hours to prepare.

Total Number of Annual Respondents: 15 television licensees/cable operators

Total Number of Annual Responses: 15 preemption requests

Total Annual Burden Hours: 15 requests x 10 hours = 150 Hours

We assume that a network manager will prepare the request for preemption flexibility. It is estimated that the manager will have an average burden of 10 hours per request at an average salary of \$48.08/hour.

$$15 \text{ preemption requests} \times 10 \text{ hours} \times \$48.08/\text{hour} = \$7,212.00$$

Total Annual “In House” Cost: \$7,212.00

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

- 13. Provide an estimate of the total annual cost burden to respondents:

- a) Total capital or start up costs. **None**
- b) Total operation and maintenance costs. **None**
- c) Total costs. **None**

- 14. Cost to the Federal Government: Preemption requests will be reviewed and processed by a professional at the GS-15, step 5 level (\$67.21/hour).

Total Cost to the Federal Government: 15 preemption requests x 10 hrs x \$67.21/hr = \$10,081.50

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