

SUPPORTING STATEMENT

A. Justification:

1. Reinstated of Information Collection Requirements: The Commission request to reinstate OMB control number 3060-0837. In 2008, we merged the requirements that were previously under this OMB control number into an existing information collection OMB control number 3060-0029, Application for TV Broadcast Station License, FCC Form 302-TV. Although the requirements were merged under the supporting statement, the forms themselves remained separate and only shared the same OMB control number. Since that time, we find the merging of these requirements under one OMB control number as ineffective causing delays for submission to OMB for review especially when the various requirements were revised by multiple Commission actions.

Form 302-DTV is used by licensees and permittees¹ of Digital TV (“DTV”) broadcast stations to obtain a new or modified station license and/or to notify the Commission of certain changes in the licensed facilities of those stations. It may be used: (1) To cover an authorized construction permit (or auxiliary antenna), provided that the facilities have been constructed in compliance with the provisions and conditions specified on the construction permit; or (2) To implement modifications to existing licenses as permitted by 47 C.F.R. Sections 73.1675(c) or 73.1690(c).

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 and 308 of the Communications Act of 1934, as amended.

2. Agency Use of Information: The data is used by FCC staff to confirm that the station has been built to terms specified in the outstanding construction permit, and to update FCC station files. Data is then extracted from FCC 302-DTV for inclusion in the subsequent license to operate the station. The Commission reviews these applications to ensure that the minor changes made by the station will not have any significant impact on other stations and the public.

3. Consideration Given to Information Technology: The Commission requires applicants to file this form electronically.

4. Effort to Identify Duplication and Use Similar Information: This agency does not impose a similar information collection on the respondents. There are no similar data available.

¹ A “permittee” is a party that has received a construction permit for a broadcast station. Once the permittee has constructed the station facilities according to the construction permit, it will file an application for a broadcast license. When the license application is granted, the permittee becomes a “licensee.”

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. The Commission has limited the information requirements to those that are absolutely necessary for evaluating and processing the applications. Therefore, the information collection does not have a significant economic impact on a substantial number of small entities/businesses.

6. **Less Frequent Data Collection:** The frequency for filing is determined by the respondents, as necessary.

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

8. **Comments Received from the Public:** The Commission published a Notice in the Federal Register Notice on February 10, 2010 (*see* 75 FR 6663) seeking public comment on the information collections contained in this supporting statement. No comments have been received from the public.

9. **Payment or Gift:** No payment or gift is provided to the respondents.

10. **Confidentiality of Information:** There is no need for confidentiality with 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:**

FCC Form 302-DTV: We estimate that 200 applications for a license to cover a construction permit (“license applications”) and 100 applications to modify an existing license (“modifications”) will be filed by DTV stations with the Commission annually.² We assume that the respondent (station licensee/permittee) will file this form. We estimate that the respondent will take two (2) hours to complete each application and file it. We assume that this time period of 2 hours for the completion and filing of each application will also include approximately 0.5 hours for the respondent to consult with a consulting engineer and 0.5 hours to consult with an outside attorney to assist the station in its preparation of the application’s engineering and legal sections, respectively.³ We estimate that the respondent will have an average salary of \$100,000/year (\$48.08/hour).⁴

² We note that this estimate includes the filing of amendments to these applications.

³ The respondent’s time to consult with the outside engineer and outside attorney is included in the 2 hours.

⁴ The Commission estimates that the average hourly salary for in-house personnel which includes station manager, engineer and attorney to be \$100,000/year or \$48.08/hour based on the fact that the Commission is unsure which station personnel will complete and file the applications for the station.

Type of Filing	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
Form 302-DTV						
License Applications	200	200	2 hr	400 hrs	\$48.08	\$19,232.00
Modifications	100	100	2 hr	200 hrs	\$48.08	\$9,616.00
Total	300	300		600 hrs		\$28,848.00

13. Annual Cost Burden to Respondents:

FCC Form 302-DTV: We estimate that each respondent station licensee/permittee will consult with a consulting engineer for 0.5 hours to assist the respondent in its preparation of the application’s engineering section and that each respondent station licensee/permittee will consult with an outside attorney for 0.5 hours to assist the respondent in its preparation of the application’s the legal section. We estimate that the consulting engineer will have an average salary of \$250/hour and the outside attorney will charge approximately \$300/hour.

Filing Fee: There is a \$285.00 filing fee for each license application filed by a commercial DTV station.⁵ Of the estimated 200 license applications that will be filed annually, we estimate that 90% or 180 of these applications will be filed by a commercial DTV station. The remaining 10% of the applications filed by noncommercial stations will not be subject to a filing fee. There is no filing fee for Form 302-DTV modifications, which can be made without prior Commission approval.

Type	Number of Forms	Consultant’s Burden	Total Annual Burden Hours	Consultant’s Hourly Fee or Application Fee	Cost Burden
Form 302-DTV					
License Application Engineering Consultant	200	0.5 hrs	100 hrs	\$250.00	\$25,000.00
License Application Outside Attorney	200	0.5 hrs	100 hrs	\$300.00	\$30,000.00
License Application Filing Fee	180 ⁶			\$285.00/fee	\$51,300.00
Modification Engineering Consultant	100	0.5 hrs	50 hrs	\$250.00	\$12,500.00
Modification Outside Attorney	100	0.5 hrs	50 hrs	\$300.00	\$15,000.00
Total					\$133,800.00

⁵ See 47 C.F.R. § 1.1104 (2009).

⁶ Only commercial stations are subject to the filing fee. Therefore, only 180 applicants will have to pay the filing fee. The remaining 20 applicants, estimated to be noncommercial stations, are not required to pay the filing fee.

14. **Cost to Federal Government:** The Commission will use professional staff at the GS-14, step 5 level (\$55.78/hour), paraprofessional staff at the GS-11, step 5 level (\$33.12/hour), and clerical staff at the GS-5/Step 5 level (\$18.07/hour) to process the FCC 302-DTV applications.

Clerical	0.50 hours x \$18.07/hour x 300 =	\$ 2,710.50
Paraprofessional	1.75 hours x \$33.12/hour x 300 =	\$ 17,388.00
Professional	5.25 hours x \$55.78/hour x 300 =	<u>\$ 87,853.50</u>
Total Cost to Federal Government =		\$107,952.00

15. **Reason for Changes in Burden or Cost:** This is a request to reinstate a previous OMB Control Number 3060-0837. As stated in paragraph 1, the requirements of this collection were merged into OMB Control Number 3060-0029 and the Commission now wants to separate the requirements. This will allow the Commission to operate more effectively with the information collections. Therefore, the Commission have program changes of +300 in the annual number of responses, +600 annual burden hours and +\$133,800 in costs to this information collection.

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

17. **Display of OMB Approval Date:** We request extension of the waiver not to publish the expiration date on the form. 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 § 0.408.

18. **Exceptions to the Certification Statement:** There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.