

SUPPORTING STATEMENT

A. Justification:

Revised Information Collection Requirements:

1. On January 29, 2010, the Commission released the Order, *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service* (“Order”), DA 10-208, MM Docket 99-325. The Order will allow:

(1) Eligible authorized FM stations to commence operation of FM digital facilities with digital effective radiated power (ERP) up to -14 dBc upon notice to the Commission on Form 335 (the licensee of a super-powered FM station must file an informal request for any increase in the station’s FM Digital ERP).

(2) Licensees to submit an application to the Media Bureau, in the form of an informal request, for any increase in FM Digital ERP beyond 6 dB.

(3) Licensees submitting such a request must use a simplified method set forth in the Order to determine the proponent station’s maximum permissible FM Digital ERP.

(4) In situations where the simplified method is not applicable due to unusual terrain or other environmental or technical considerations or when it produces anomalous FM Digital ERP results, the Bureau will accept applications for FM Digital ERP in excess of -14 dBc on a case-by-case basis when accompanied by a detailed showing containing a complete explanation of the prediction methodology used as well as data, maps and sample calculations.

(5) Finally, the Order implements interference mitigation and remediation procedures to resolve promptly allegations of digital interference to an authorized FM analog facility resulting from an FM Digital ERP power increase undertaken pursuant to the procedures adopted in the Order. Pursuant to these procedures, the affected analog FM station may file an interference complaint with the Bureau. In order to be considered by the Bureau, the complaint must contain at least six reports of ongoing (rather than transitory) objectionable interference. For each report of interference, the affected FM licensee must submit a map showing the location of the reported interference and a detailed description of the nature and extent of the interference being experienced at that location. Interference reports at locations outside a station’s protected analog contour will not be considered. The complaint must also contain a complete description of the tests and equipment used to identify the alleged interference and the scope of the unsuccessful efforts to resolve the interference.

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The following rule sections are covered by this information collection but do not require any additional OMB approval:

47 CFR 73.404(b) states in situations where interference to other stations is anticipated or actually occurs, AM licensees may, upon notification to the Commission, reduce the power of the primary Digital Audio Broadcasting (DAB) sidebands by up to 6 dB. Any greater reduction of sideband power requires prior authority from the Commission via the filing of a request for special temporary authority¹ or an informal letter request for modification of license.

47 CFR 73.404(e) states licensees (commercial and noncommercial AM and FM radio stations) must provide notification to the Commission in Washington, DC, within 10 days of commencing in-band, on channel (IBOC) digital operation.² The notification must include the following information:

- (1) call sign and facility identification number of the station;
- (2) date on which IBOC operation commenced;
- (3) certification that the IBOC DAB facilities conform to permissible hybrid specifications;
- (4) name and telephone number of a technical representative the Commission can call in the event of interference;
- (5) FM digital effective radiated power used and certification that the FM analog effective radiated power remains as authorized;
- (6) transmitter power output; if separate analog and digital transmitters are used, the power output for each transmitter;
- (7) if applicable, any reduction in an AM station's primary digital carriers;
- (8) if applicable, the geographic coordinates, elevation data, and license file number of the auxiliary antenna employed by an FM station as a separate digital antenna;
- (9) if applicable, for FM systems employing interleaved antenna bays, a certification that adequate filtering and/or isolation equipment has been installed to prevent spurious emissions in excess of the limits specified in § 73.317;
- (10) a certification that the operation will not cause human exposure to levels of radio frequency radiation in excess of the limits specified in § 1.1310 of the Commission's rules and is therefore categorically excluded from environmental processing pursuant to § 1.1306(b). Any station that cannot certify compliance must submit an environmental assessment ("EA") pursuant to § 1.1311 and may not commence IBOC operation until such EA is ruled upon by the Commission.

¹ Licensees may request special temporary authority (STA) to operate new or modified equipment. The requests must contain complete details about the proposed operation and the circumstances that fully justify and necessitate the grant of STA.

² IBOC digital operations permit the licensee to introduce digital operation efficiently and rapidly.

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History:

In October 2002, the Commission released the *First Report and Order, Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service* (“*First Order*”), FCC 02-286, MM Docket 99-325, (67 FR 78193). Pursuant to this First Order, the Commission selected in-band, on-channel (IBOC) as the technology that permits AM and FM radio broadcasters to introduce digital operations efficiently and rapidly.

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

Statutory authority for this collection of information is contained in Sections 154(i), 303, 310, and 533 of the Communications Act of 1934, as amended.

2. The data is used by the FCC staff to track the rate at which radio stations make the transition from analog to digital operation or increase the power levels of their digital operations; to confirm continuing compliance with radio frequency radiation (RFR) exposure restrictions; to provide updated transmitter output power (TPO) levels for FM stations; and to assist in the resolution of interference complaints, if any, which may result from digital operations.
3. Applicants/licensees must electronically notify the Media Bureau of any power increase of their FM Digital ERP of up to 6 dB within 10 days of commencement using the Digital Notification Form 335 available in the Media Bureau’s Consolidated Database System (“CDBS”) Electronic Filing System (https://licensing.fcc.gov/prod/cdbs/forms/prod/cdbs_ef.htm). All other applications pursuant to this Order must be filed on paper.
4. No other agency imposes a similar information collection on the respondents. There are 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 information collection will not have a significant economic impact on a substantial number of small entities/businesses.
6. Foregoing the digital notification would deprive Commission staff of the means to assess the rate of digital conversion in the radio broadcasting service. In addition, the Commission would not be able to resolve expeditiously any cases of interference from digital operations without the information included in the digital notification letter.
7. There are no special circumstances associated with this collection of information.
8. The Commission published a Notice in the *Federal Register* on March 5, 2010 (see 75 FR 10263) seeking public comment for the information collection requirements contained in this supporting statement. The Commission received no comments from the public as a result of the publication of the Notice.

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- 9. No payment or gift was provided to the respondent.
- 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. The following estimates are provided for annual public burden:

Rule Sections	Number of Respondents	Number of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents ³	Annual In-House Cost
73.404(b) and (e)	350	350	2	700	\$48.08	\$33,656
Non-Rule Requirements						
Super-powered Stations Informal Application for any increase in Digital ERP	25	25	2	50	\$48.08	\$2,404.00
Electronic Notification of 6 dB Increase using Digital Notification Form 335	600	600	1	600	\$48.08	\$28,848
Informal Application for increase beyond 6 dB - Simplified Method	300	300	1	300	\$48.08	\$14,424
Case-by-case Showing for increase beyond 6 dB where Simplified Method is unavailable	25	25	2	50	\$48.08	\$2,404
Interference Complaints	10	10	8	80	\$48.08	\$3,846.40
Totals:	1,310	1,310		1,780 hours		\$85,582.40

³ The Commission estimates the average salary at \$100,000/year or \$48.08/hour for in-house personnel who include the station manager, engineer and attorney.

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13. Annual Cost Burden to Respondents: The respondent will hire engineering and legal consultants to help fulfill the various information collection requirements contained in this collection.⁴

Type	Number of Forms	Consultant's Burden	Total Annual Burden Hours	Consultant's Hourly Fee	Cost Burden
Super-Powered Stations:					
Engineering Consultant	25	6 hrs	150 hrs	\$250.00	\$37,500
Outside Attorney	25	2 hrs	50 hrs	\$300.00	\$15,000
Electronic Notification of 6 dB Increase using Digital Notification Form 335					
Outside Attorney	600	1 hr	600 hrs	\$300.00	\$180,000
Informal Application for increase beyond 6 dB using Simplified Method:					
Engineering Consultant	300	1 hr	300	\$250.00	\$75,000
Outside Attorney	300	1 hr	300	\$300.00	\$90,000
Case-by-case Showing for increase beyond 6 dB where Simplified Method is unavailable:					
Engineering Consultant	25	12 hrs	300	\$250.00	\$75,000
Outside Attorney	25	4 hrs	100	\$300.00	\$30,000
Interference Complaints:					
Engineering Consultant	10	32 hrs	320	\$250.00	\$80,000
Outside Attorney	10	8 hrs	80	\$300.00	\$24,000
TOTAL:					\$606,500

14. Cost to Federal Government: The Commission will use professional staff at the GS-15/Step 5 (\$67.21/hour), GS-14/Step 5 level (\$57.13/hour), paraprofessional staff at the GS-11/Step 5 level (\$33.92/hour), and clerical staff at the GS-5/Step 5 level (\$18.50).

Sections 73.404(b) and (e):

Clerical	1 hour x \$18.50/hour x 350 =	\$6,475.00
TOTAL		\$ 6,475.00

Super-Powered Stations Informal Application:

Clerical	1 hour x \$18.50/hour x 25 =	\$ 462.50
Paraprofessional	2 hours x \$33.92/hour x 25 =	\$1,696.00
Professional	4 hours x \$57.13/hour x 25 =	<u>\$5,713.00</u>
TOTAL		\$7,871.50

⁴ There is no filing fee associated with this collection. See 47 C.F.R. § 1.1104 (2009). Also, consultants are not needed for the information collection requirements contained under Section 73.404(b) and (e). Those requirements will be fulfilled by in-house staff and are covered under question #12 of this supporting statement. We estimate that the consulting engineer will have an average salary of \$250/hour and the outside attorney will charge approximately \$300/hour.

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Electronic Notifications of 6 dB increase using Digital Notification, Form 335:⁵

Professional	1 hour x \$57.13 x 350 =	\$19,995.50
Professional	1 hour x \$67.21 x 350 =	<u>\$23,523.50</u>
TOTAL		\$43,519.00

Informal Application for increase beyond 6 dB using Simplified Method:

Clerical	1 hour x \$18.50/hour x 300 =	\$ 5,550.00
Paraprofessional	1 hour x \$33.92/hour x 300 =	\$10,176.00
Professional	1 hour x \$57.13/hour x 300 =	<u>\$17,139.00</u>
TOTAL		\$ 32,865.00

Case-by-Case Showing for increase beyond 6 dB where Simplified Method is unavailable:

Clerical	1 hour x \$18.50/hour x 25 =	\$ 462.50
Paraprofessional	1 hour x \$33.92/hour x 25 =	\$1,696.00
Professional	4 hours x \$57.13/hour x 25 =	<u>\$5,713.00</u>
TOTAL		\$7,871.50

Interference Complaints:

Clerical	1 hour x \$18.50/hour x 10 =	\$ 185.00
Paraprofessional	1 hour x \$33.92/hour x 10 =	\$ 339.20
Professional	16 hours x \$57.13/hour x 10 =	<u>\$ 571.30</u>
TOTAL		\$ 1,095.50

The total cost: \$85,351.00

15. The Commission had adjustments of -360 to the annual number of responses and -720 hours to the total annual burden hours. These adjustments were due to decreases in the number of respondents and responses under Section 73.404(b) and (e).

The Commission also had program changes/increases of +1,080 to the annual burden hours and +\$606,500 to the annual cost burden. These program changes are due to the adoption of information collection requirements contained in DA 10-208.

16. The data will not be published.

17. A waiver not to publish the expiration date is requested, because this information does not involve an FCC form. OMB approval of the expiration date of the information collection will be displayed at 47 CFR § 0.408.

18. There are no exceptions to the Certification Statement.

⁵ Staff members at the GS-14 and 15 grade levels are involved with the review of digital notifications.

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B. Collections of Information Employing Statistical Methods.

No statistical methods are employed.