

SUPPORTING STATEMENT

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

As of the June 12, 2009 statutory digital television (DTV) transition deadline,¹ all full-power television stations stopped broadcasting in analog and are broadcasting only digital signals. Section 15.117(k) of the Commission's rules requires sellers of TV sets (and other TV receiver equipment) that do not contain a digital tuner to disclose to consumers at the point-of-sale² that such devices include only an analog tuner and, therefore, are not able to receive over-the-air TV broadcasts.³ The Commission adopted this labeling (disclosure) requirement in 2007 to protect consumers by ensuring that they are made aware at the point-of-sale about the limitations of analog-only television receivers.⁴ Note that, while the Commission's rules prohibit the manufacture or import of television receivers that do not contain a digital tuner, the rules do not prohibit the sale of analog-only television equipment from inventory.⁵ For this reason, the Commission decided it was necessary to impose this requirement. Although the DTV transition deadline has passed, analog-only TV equipment remains available in the marketplace and this disclosure requirement, therefore, remains necessary to continue to protect consumers. Accordingly, the Commission is seeking an extension of this information collection.

47 CFR 15.117(k) requires any person that displays or offers for sale or rent television receiving equipment that is not capable of receiving, decoding and tuning digital signals to place the Consumer Alert Disclosure⁶ conspicuously and in close proximity to such analog-only television broadcast receivers where they are offered for sale. The text should be in a size of type large enough to be clear, conspicuous and readily legible, consistent with the dimensions of the equipment and the label. The information may be printed on a transparent material and affixed to the screen, if the receiver includes a display, in a manner that is removable by the consumer and does not obscure the picture. If the receiver does not include a display, the Consumer Alert Disclosure must be in a prominent location on the device, such as on the top or front of the device, when displayed for sale, or the information in this format may be

¹ See 47 U.S.C. § 309(j)(14)(A).

² By "point of sale" we mean the place where televisions are displayed for consumers prior to purchase.

³ 47 C.F.R. § 15.117(k). Consumers with analog-only television equipment are not able to receive an over-the-air broadcast signal unless they get a digital TV or a box to convert the digital signals to analog or subscribe to pay TV service (such as cable or satellite).

⁴ See *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 03-15, Second Report and Order, 22 FCC Rcd 8776 (2007) ("Labeling Order"). The rule requires retailers and other sellers who choose to continue selling analog-only TV equipment to display a sign or label disclosing the limitations of analog-only equipment.

⁵ 47 C.F.R. § 15.117(i). As of March 1, 2007, the Commission requires that all new TV receiver equipment must include digital reception capability.

⁶ The Consumer Alert Disclosure must contain the following language: "This television receiver has only an analog broadcast tuner and will require a converter box after June 12, 2009, to receive over-the-air broadcasts with an antenna because of the Nation's transition to digital broadcasting. Analog-only TVs should continue to work as before with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products. For more information, call the Federal Communications Commission at 1-888-225-5322 (TTY: 1-888-835-5322) or visit the Commission's digital television website at: www.dtv.gov."

displayed separately immediately adjacent to each television broadcast receiver offered for sale and clearly associated with the analog-only model to which it pertains.

47 CFR 15.117(k) also requires any person that displays or offers for sale or rent television receiving equipment that is not capable of receiving, decoding and tuning digital signals to display the Consumer Alert Disclosure on analog-only television broadcast receivers that are for sale or rent by the retailer via direct mail, catalog, or electronic means (e.g., via internet). The disclosure shall be prominently displayed in close proximity to the images or descriptions of such television broadcast receivers, in clear and conspicuous print. The text should be in a size large enough to be clear, conspicuous, and readily legible, consistent with the dimensions of the advertisement or description.

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 1, 2(a), 3(33) and (52), 4(i) and (j), 7, 301, 303(r) and (s), 309, 336, 337, and 624(a) of the Communications Act of 1934, as amended.

2. Indicate how, by whom, and for what purpose the information is to be used.

Consumers expect that equipment sold as a “television” is and will continue to be able to receive over-the-air broadcast signals, and, if not, then such material information should be disclosed by retailers prior to purchase.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

This is a labeling (disclosure) requirement. The use of information technology is feasible in this situation.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This agency does not impose a similar information collection on the respondents. There are no similar data available.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information collection does not have a significant economic impact on a substantial number of small entities/businesses.

6. Describe the consequence to federal programs or policy activities if the collection is not conducted or is conducted less frequently.

This labeling (disclosure) requirement is necessary to protect consumers of TV sets (and other TV

receiver equipment). It ensures that retailers and other sellers who choose to continue selling analog-only TV equipment will disclose to consumers at the point-of-sale about the limitations of analog-only equipment. Without this disclosure, consumers may incorrectly assume that all televisions must have a digital tuner.⁷ Without point of sale disclosure, consumers may inadvertently buy analog-only television equipment without understanding that such devices require some additional equipment for use. We also believe that the presence of a label or sign concerning the sale of analog-only television equipment will serve an educational function by informing and reminding consumers that all full-power television stations stopped broadcasting in analog and are now broadcasting only digital signals.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- a) requiring respondents to report information to the agency more often than quarterly;**
- b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- c) requiring respondents to submit more than an original and two copies of any document;**
- d) requiring respondents to retain records for more than three years;**
- e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- f) requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- h) requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances associated with this collection of information.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on data elements to be recorded, disclosed, or reported.

⁷ As noted above, the digital tuner mandate does not extend to retail sales of analog-only TV equipment from pre-March 1, 2007 inventory.

The Commission published a Notice in the *Federal Register* to allow the public to comment on this collection of information on April 26, 2010 (See 75 FR 21626). No comments were received from the public.

9. Explain any decision to provide any payment or gift to respondents.

No payment or gift was provided to the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no need for confidentiality with this collection of information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This collection of information does not address any private matters of a sensitive nature.

12. Provide an estimate of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Provide estimates of annualized costs to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

We estimate 1,000 retailers will label or display disclosures for five analog-only television receivers (sets, VCRs, etc.) each that are displayed on the sales floor or via direct mail, in a catalog, online or other electronic means.⁸ We estimate this activity will require 0.25 hours for each TV set or other type of TV broadcast receiver that is displayed.

Total Number of Annual Respondents: 1,000 Sellers of Analog-Only Television Receiving Equipment.

Total Number of Annual Responses: 1,000 retailers x 1 label/disclosure requirement each x 5 TV sets/each = **5,000 Consumer Alert Disclosures.**

Total Annual Burden Hours: 1,000 retailers x 1 label/disclosure requirement x 5 TV equipment each x 0.25 hrs./TV set = **1,250 hours.**

⁸ The Consumer Alert Disclosure is not required to be labeled or displayed on sets that are in a box unless the store puts all of the sets out on the sales floor. This disclosure requirement applies only to TV receivers that are displayed on the sales floor.

Total Annual “In-House” Cost: We assume that the seller/retailer will provide the disclosure labeling using staff at \$20 an hour: 1,000 retailers x 1 label/disclosure requirement x 5 TV equipment each x 0.25 hrs./TV set x \$20.00/hr. = **\$25,000 Total Annual “In-House” Cost.**

13. Provide an estimate of the total annual cost burden to respondents resulting from the collection of information. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Do not include the cost of any hour burden shown in Item 12.

- (a) Total annualized capital/startup costs: **None**
- (b) Total annual costs (O&M): **None**
- (c) Total annualized cost requested: **None**

14. Provide estimates of costs to the federal government. Provide a description of the method used to estimate costs, which should include quantification of hours, operational expenses such as equipment, overhead, printing, and support staff.

There is no cost to the Federal Government.

15. Unless this a new collection of information, explain the reasons for any program changes or adjustments.

The Commission has made adjustments to this information collection. We estimate a significant reduction in the number of sellers/retailers of analog-only TV sets (and other receiver equipment), as well as in the total number of analog-only TV sets available in the marketplace, as a result of the completion of the DTV transition to digital-only broadcasting. Therefore, the annual number of annual responses has decreased by -95,000 and the annual burden hours have decreased by -23,750 hours for this information collection.

There are no program changes to this information collection.

16. For collections of information whose results will be published, outline plans for tabulation, and publication.

The data will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

OMB approval of the expiration of the information collection will be displayed at 47 CFR 0.408.

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Title: Section 15.117, TV Broadcast Receivers

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18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions” of OMB Form 83-I.

There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.