

SUPPORTING STATEMENT

A. Justification:

1. 47 CFR 73.623(c) requires applicants to submit a technical showing to establish that their proposed facilities will not result in additional interference to TV broadcast and Digital TV (DTV) operations. The Commission permits broadcasters to agree to proposed DTV facilities that do not conform to the initial allotment parameters, even though they might be affected by potential new interference. The Commission will consider granting applications on the basis of interference agreements if it finds that such grants will serve the public interest. These agreements must be signed by all parties to the agreement. In addition, the Commission needs the following information to enable such public interest determinations: a list of parties predicted to receive additional interference from the proposed facility; a showing as to why a grant based on the agreements would serve the public interest; and technical studies depicting the additional interference. The technical showings and interference agreements will be used by FCC staff to determine if the public interest would be served by the grant of the application and to ensure that the proposed facilities will not result in additional interference.

The Commission is requesting an extension of this information collection from OMB in order to receive the full three OMB clearance/approval for the information collection.

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. The technical showings and interference agreements will be used by FCC staff to determine if the public interest will be served by the grant of the application and to ensure that the proposed DTV broadcast facilities will not result in additional interference to existing TV and DTV broadcast facilities' operations and earlier filed applications for new or modified DTV facilities.

3. This collection involves agreements between Commission licensees. If a licensee chooses to use information technology, the Commission has no objection.

4. This agency does not impose 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.

6. The frequency of these negotiations and agreements are determined by the respondents.

7. This collection of information is consistent with the guidelines in 5 CFR § 1320.5.

8. The Commission published a Notice (75 FR 52746) in the *Federal Register* on August 27, 2010. No comments were received following publication of the Notice.

9. No payment or gift was provided to the respondents.
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 the Commission will receive 300 applications that include technical showings/interference agreements. The respondent will spend 5 hours in consultation with an attorney and engineer.

Total annual number of respondents = 300 applicants

Total annual number of responses = 300 agreements/showings

Total annual burden hours = 300 agreements/showings x 5 hours = 1,500 hours

Total Annual "In House" Cost: We estimate that the respondent will have an average salary of \$100,000/year (\$48.08/hour).

5 hours/consultation time/applicant x 300 applications x \$48.08/hour = **\$72,120**

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

13. The respondents will consult with an attorney and engineer to prepare these agreements. These consultants will coordinate interference agreements and perform interference analysis (technical showings). We estimate that legal coordination of interference agreements will take 10 hours and that engineering consultation for an interference analysis will take 40 hours. The cost for legal counsel is \$300/hour and for the consulting engineer \$250/hour.

\$250/hour x 300 applications x 40 hours/consulting engineer = \$3,000,000

\$300/hour x 300 applications x 10 hours/consulting attorney = \$ 900,000

Total Annual Cost Burden: \$3,900,000

14. There is no cost to the Federal Government.
15. There are no program changes. However, there are adjustments to the annual cost burden of +1,500,000 which are due to increases in hourly consultant fees.
16. The data will not be published.
17. The Commission will display the OMB approval of the expiration date for this information collection at 47 CFR § 0.408.
18. The Commission published a notice in the Federal Register seeking public comment on the information collection requirements contained in this supporting statement, *see* 75 FR 52746 published on August 27,

2010. In the notice the Commission stated the annual cost burden as \$2,400,000. With this submission, this figure is corrected to read as \$3,900,000. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ any statistical methods.