

SUPPORTING STATEMENT

A. Justification:

1. Each licensee/permittee of a noncommercial FM and TV broadcast station is required to file an Ownership Report for Noncommercial Educational Broadcast Station, FCC Form 323-E, within 30 days of the date of grant by the FCC of an application for an original construction permit. In addition, licensee/permittee must file FCC Form 323-E on the application date for a station license or with the license renewal application and every two years thereafter. Each licensee with a current, unmodified FCC Form 323-E on file with the Commission may electronically review its current Report, validate its accuracy, and be relieved of the obligation to file a new Biennial Ownership Report. The FCC 323-E must also be filed within 30 days of consummating authorized assignments or transfers of permits and licenses.

The Commission is requesting an extension of this information collection in order to receive the full three year approval/clearance from 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), 308 and 310 of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to determine whether the licensee/permittee is in compliance with Sections 308 and 310 of the Communications Act, as amended, and the Commission's ownership disclosure requirements.

3. On May 31, 2002, the Commission released Public Notice DA 02-1278 announcing the mandatory electronic filing of FCC Form 323-E. Mandatory electronic filing for this form began on July 1, 2002. Paper-filed copies of FCC Form 323-E will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Filers must plead with particularity the facts and circumstances warranting grant of a waiver. Waivers will not be routinely granted.

4. No other agency imposes a similar information collection on the respondents. Each licensee is required to file FCC Form 323-E at two-year intervals on the anniversary date of the filing of its station's license renewal application. However, a licensee owning multiple stations need file only one report every two years on the anniversary date of the station of its choice. Each permittee is required to file FCC Form 323-E within 30 days of the date of grant by the FCC of an application for original construction permit. To further alleviate filing duplicative information, the licensee/permittee may, if no changes have occurred in the information previously filed, merely validate that information.

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 small entities/businesses.
6. The frequency for this collection of information is biennially, as necessary, and at the time of renewal of the station license. Less frequent reporting could result in violations remaining undetected and becoming established in a manner contrary to the purpose of the Communications Act and the Commission's implementing regulations.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Commission published a Notice (75 FR 68788) in the *Federal Register* on November 16, 2010 seeking comments on the information collection requirements in this supporting statement. No comments were received from the public.
9. No payment or gift was provided to the respondent.
10. There is no need for confidentiality with this information collection.
11. This information collection does not address any private matters of a sensitive nature.
12. We estimate that 2,636 Ownership Reports, FCC Form 323-E, will be processed and filed within a 12-month period. The average burden for filing an Ownership Report is one hour for the respondent. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

Number of Annual Respondents: 2,636 Licensees/Permittees

Number of Annual Responses: 2,636 FCC 323-E Forms

Total Annual Burden Hours:

2,636 Ownership Reports (FCC Form 323-E) x 1.0 hour/report filing/respondent = **2,636 hours**

Total Annual "In-House" Cost: The average burden for filing a form FCC 323-E is one hour for the licensees/permittees (respondents). We estimate that these respondents would have an average salary of \$100,000 (\$48.07/hour).

2,636 Ownership Reports (FCC Form 323-E) x 1 hour/report x \$48.07/hour = **\$126,712.52**

13. ANNUAL COST BURDEN: We assume that the respondents would use their attorney to complete and file the FCC 323-E. The average amount of time required on Ownership Reports is 2 hours for the consulting attorney. We estimate that this attorney would have an average salary of \$300/hour.

Total Annual Cost Burden:

2,636 Ownership Reports (FCC Form 323-E) x 2 hours/report x \$300/hour = **\$1,581,600**

14. **Cost to the Federal Government:** The Commission will use paraprofessional staff at the GS-8 Level, step 5 (\$25.38/hour) to process the FCC 323-E. The work will take 0.5 hours.

Total Cost = 2,636 FCC Form 323-E x 0.5 hours/report x \$25.38/hour = **\$33,450.84**

15. The Commission had an adjustment to the total annual cost burden of +527,200 which are due to increases in consulting fees. There are no program changes to this information collection.

16. The data will not be published.

17. An extension of the waiver not to publish the expiration date on the form is requested. This will obviate the need for the Commission to update electronic files upon the expiration of the collection. OMB approval of the expiration date of the information collection will be displayed at 47 C.F.R. Section 0.408.

18. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.