

SUPPORTING STATEMENT

A. Justification

The revised information collection requirements for this collection are as follows:

1. On March 3, 2011, the Federal Communications Commission (FCC) released a Notice of Proposed Rulemaking (NPRM), MB Docket No. 10-71, FCC 11-31. Among other things, in this NPRM the Commission proposes to add a new Section 47 CFR 76.1601(b) that would require broadcast television stations and multichannel video programming distributors (MVPDs) to notify affected subscribers of the potential deletion of a broadcaster's signal a minimum of 30 days in advance of a retransmission consent agreement's expiration, unless a renewal or extension agreement has been executed, and regardless of whether the signal is ultimately deleted.

In addition, the FCC proposes to redesignate 47 CFR 76.1601 as 47 CFR 76.1601(a). This change will not affect the burden requirement.

These information collections requirements are also a part of this collection and have not changed since last approved by the Office of Management and Budget (OMB):

47 CFR 76.1601(a) requires that effective April 2, 1993, a cable operator shall provide written notice to any broadcast television station at least 30 days prior to either deleting from carriage or repositioning that station. Such notification shall also be provided to subscribers of the cable system.

47 CFR 76.1607 states that a cable operator shall provide written notice by certified mail to all stations carried on its system pursuant to the must-carry rules at least 60 days prior to any change in the designation of its principal headend.

47 CFR 76.1617(a) states within 60 days of activation of a cable system, a cable operator must notify all qualified Non-Commercial Education (NCE) stations of its designated principal headend by certified mail.

47 CFR 76.1617(b) states within 60 days of activation of a cable system, a cable operator must notify all local commercial and Non-Commercial Education (NCE) stations that may not be entitled to carriage because they either fail to meet the standards for delivery of a good quality signal to the cable system's principal headend, or may cause an increased copyright liability to the cable system.

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47 CFR 76.1617(c) states within 60 days of activation of a cable system, a cable operator must send by certified mail a copy of a list of all broadcast television stations carried by its system and their channel positions to all local commercial and noncommercial television stations, including those not designated as must-carry stations and those not carried on the system.

47 CFR 76.1708(a) states that the operator of every cable television system shall maintain for public inspection the designation and location of its principal headend. If an operator changes the designation of its principal headend, that new designation must be included in its public file.

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 Section 4(i) of the Communications Act of 1934, as amended.

2. The notices are used by broadcast stations to ascertain and exercise their must-carry rights. If adopted, 47 CFR 76.1601(b) would require broadcast television stations and MVPDs to notify affected subscribers of the potential deletion of a broadcaster's signal in advance of a retransmission consent agreement's expiration.
3. Use of information technology is not feasible in this situation.
4. This agency does not impose similar requirements on the respondents. There is no similar information available.
5. This existing information collection requirement does not have a significant impact on a substantial number of small businesses/entities. The information collection contained in proposed new 47 CFR 76.1601(b) could ensure that consumers have sufficient time to obtain access to particular broadcast signals by alternative means prior to the expiration of a retransmission consent agreement, and could encourage the successful completion of renewal retransmission consent agreements more than 30 days before an existing agreement expires. The improved successful completion of retransmission consent negotiations would benefit both broadcasters and MVPDs, including those that are smaller entities, as well as MVPD subscribers.
6. If cable system operators were not required to make these various notifications, then broadcast television stations would have no codified process for obtaining the information that they need in order to ascertain and exercise their must-carry rights. If broadcast television stations and MVPDs are not required to notify affected subscribers of the potential deletion of a broadcaster's signal in advance of a retransmission consent agreement's expiration, as would be

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required by proposed 47 CFR 76.1601(b), then subscribers may be unaware of a potential service disruption and renewal retransmission consent agreements may be completed less promptly.

7. There are no special circumstances associated with this collection of information.
8. The Commission published a Federal Register Notice (*see* 76 FR 17071) on March 28, 2011, seeking comments from the public on the proposed information collection requirements contained in this supporting statement. To date, no comments have been received from the public on the proposed information collection requirements.
9. There will be no payment or gifts given to respondents.
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. For existing Section 76.1601 (proposed to be moved to a new Section 76.1601(a)), we estimate that cable systems will issue approximately 3,300 notices to broadcast stations each year. We estimate 30 minutes per notice for preparing and mailing it. The notice to subscribers can be pre-printed on or mailed simultaneously with monthly billing statements at no additional measurable burden or cost.

3,300 notices issued by cable operators/year x 0.5 hours/notice = 1,650 hours

For proposed new Section 76.1601(b), we estimate that broadcast television stations and multichannel video programming distributors would issue approximately 100 notices to affected subscribers each year. We estimate two (2) hours per notice for preparing and distributing it.

100 notices issued by broadcast television stations and MVPDs/year x 2 hours/notice = 200 hours

For Sections 76.1607 and 76.1708, we estimate that changes in the designation of principal headend annually occur 300 times (300 notices issued annually) due to rebuilds or mergers of existing cable systems. Preparation of the notice and mailing it is estimated at one (1) hour.

300 notices issued by cable operators/year x 1 hour/notice = 300 hours

For Section 76.1617, we estimate that newly created cable systems may need an additional 500 notices to be issued each year. Preparation of the notices is estimated at 0.5 hours per notice.

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500 notices issued by cable operators/year x 0.5 hours/notice = 250 hours

Total Number of Annual Respondents = 3,380 Cable Systems, Other Multichannel Video Programming Distributors and Broadcasters

Total Number of Annual Responses =

3,300 notices + 100 notices + 300 notices + 500 notices = **4,200 notices**

Total Annual Burden Hours = 1,650 hrs. + 200 hrs. + 300 hrs. + 250 hrs = 2,400 hours

Annual "In-House" Cost: We estimate an average hourly wage of \$20.00 per hour for individuals tasked with the notification requirements.

3,300 notices x 0.5 hours/notice @ \$20.00/hr = \$33,000 (Section 76.1601 (proposed to be moved to a new Section 76.1601(a))

100 notices x 2 hours/notice @ \$20.00/hr = \$4,000 (proposed new Section 76.1601(b))

300 notices x 1 hour/notice @ \$20.00/hr = \$6,000 (Sections 76.1607 & 76.1708(a))

500 notices x 0.5 hours/notice @ \$20.00/hr = \$5,000 (Section 76.1617)

Total Annual In-House Cost: \$48,000

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

13. Annual Cost Burden:

(a) Total annualized capital/startup costs: None

(b) Total annual costs (O&M): None

(c) Total annualized cost requested: None

14. There is no cost to the Federal Government.

15. The Commission will have program changes to this information collection of +80 to the number of respondents, +100 to the annual number of responses and +200 to the annual burden hours if the proposed requirements contained in FCC 11-31 are adopted in a final rulemaking by

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the Commission.

16. These data will not be published for statistical use.

17. We do not seek approval to not display the expiration date for OMB approval of this information collection.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.