

Supporting Statement

A. Justification

The Commission is seeking OMB approval for an extension of this currently approved information collection.

FCC Form 387: FCC Form 387 is used by licensees and permittees of full-power television stations to detail their digital television (DTV) transition status and to report the completion of their transition – specifically, that they have begun operating their full facility as authorized by the post-transition DTV Table Appendix B.¹ The DTV transition deadline passed on June 12, 2009, meaning that full-power television stations may now broadcast only in digital.² However, there are still some full-power TV stations that, because of a “tolling” event,³ have not commenced digital broadcasting (and so are off-the-air) or that are not operating at their full, authorized digital facility. Therefore, such stations are required to file the FCC Form 387 if and when they commence full, authorized digital operations.⁴

History:

- The Commission established the requirement to file the FCC Form 387 in the 2007 *Third DTV Periodic Report and Order* in MB Docket No. 07-91.⁵

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

¹ 47 C.F.R. 73.622(i). The DTV construction timetable established by the Commission is set forth in 47 C.F.R. § 73.624(d)(1).

² See 47 U.S.C. § 309(j)(14)(A).

³ Since the passage of the DTV transition deadline, TV stations may obtain an extension of time to construct or complete their full, authorized DTV facility only pursuant to the tolling provision in Section 73.3598 of the rules. 47 C.F.R. § 73.3598(b). Section 73.3598 provides that the period of construction for an original construction permit will toll when construction is prevented due to (one of the following circumstances): (1) an act of God (e.g., floods, tornados, hurricanes, earthquakes, etc.); (2) the grant of the permit is the subject of administrative or judicial review (i.e., petitions for reconsideration and applications for review of the grant of a construction permit pending before the Commission and any judicial appeal); (3) construction is delayed by a cause of action pending in court related to requirements for construction or operation of the station (e.g., zoning or environmental requirements, pending bankruptcy court action); or (4) international coordination where resolution of the international coordination issue is truly beyond the control of the station (e.g., where the failure to obtain coordination will not permit the station to construct facilities sufficient to replicate its analog coverage area). The information collection covering tolling notifications is located in OMB Control No. 3060-0386.

⁴ *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Report and Order, 23 FCC Rcd 2994, 3013, ¶ 35 (2007) (“*Third DTV Periodic Report and Order*”).

⁵ *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Report and Order, 23 FCC Rcd 2994, 3079, ¶ 185 (2007) (“*Third DTV Periodic Report and Order*”).

Statutory authority for this collection of information is contained in Sections 1, 4(i) and (j), 7, 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, 47 U.S.C 151, 154(i) and (j), 157, 301, 302a, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337.

2. Full-power TV stations are required to file the FCC Form 387 if and when they commence full, authorized digital operations. The information obtained through this form is used to assist the Commission, industry, and the public in assessing the status of TV stations' digital operations. These filings are publicly available on the Commission's website.
3. The Commission requires applicants to file FCC Form 387 electronically.
4. This agency does not impose similar information collection requirements on respondents.
5. This collection of information will not have a significant economic impact on small businesses/entities.
6. The collection is necessary to ensure that all full-power television broadcast stations complete construction of their final, post-transition (digital) facilities.
7. There are no special circumstances associated with this collection of information.
8. The Commission published a Federal Register Notice (76 FR 3890) on January 21, 2011 seeking public comment for the information collection requirements contained in this information collection. No comments were received from the public.
9. No payment or gift is provided to the 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. We estimate that approximately 20 stations have not yet reported commencement of full, authorized digital operations, meaning that these stations will need to make additional Form 387 updates/filings. We estimate that these stations will each need to make one final update.

We estimate that it will take respondents an average of 2 hours to complete and file this form. Our estimate includes the time to read the instructions, look through existing records, gather the required data, and actually complete and review the form, including the time to consult with the attorney and engineer. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

Total Number of Annual Respondents:

- **20 full-power television broadcast licensees/permittees**

Total Annual Responses:

- 20 stations filing Form 387 x 1 filing = **20 responses**

Total Annual Burden Hours:

- 20 stations filing Form 387 x 1 filing x 2 hrs/filing = **40 hours**

Total “In-House Cost”: The respondent is estimated to have an average salary of \$100,000/year (\$48.08/hour).

- 20 stations filing Form 387 x 1 filing x 2 hrs/filing x \$48.08/hr = **\$1,923.20**

13. Annual Cost Burden: We assume that the respondent would use a consulting engineer to assist with the engineering analysis necessary to answer certain questions on FCC Form 387 and have a consulting attorney help with reviewing the applicable rules and policies and analyzing the issues presented on the form.

We estimate that the average respondent would use 2 hours of attorney time (\$300/hour) and 2 hours of consulting engineer time (\$250/hour) to complete this form.

- \$300/legal consultant x 20 responses x 2 hours/filing = **\$12,000**
- \$250/engineering consultant x 20 responses x 2 hours/filing = **\$10,000**
- **Total Annual Burden Cost:** **\$22,000**

14. The Commission will use legal and engineering staff at the GS-14, step 5 level (\$57.13/hour) to process these forms. We estimate that, on average, each form requiring processing will require 30 minutes (0.5 hours) of attorney time and 1 hour of engineering time to process.

- 20 filings x 0.5 hr/attorney review x \$57.13/hr = **\$ 571.30**
- 20 filings x 1 hour/engineering review x \$57.13/hr = **\$1,142.60**
- **Total Cost to the Federal Government:** **\$1,713.90**

15. The Commission had adjustments/decreases to the number of respondents of -617, -1,254 to the number of annual responses, -2,508 to the annual burden hours and -\$869,800 to the annual cost burden. These adjustments are due the majority of station having completed their DTV transition to full-authorized DTV operations. They have fulfilled the requirement.

16. The data collected by FCC Form 387 is posted on the Commission's website in order to assist the Commission, industry, and the public to assess the progress of each station's transition to digital television.

17. The Commission requests an extension of the waiver not to publish the expiration date on FCC Form 387. This waiver will obviate the need to update electronic files upon the expiration of the clearance. 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.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.