

## SUPPORTING STATEMENT

### A. Justification:

1. 47 CFR Section 1.420(j) requires a petitioner seeking to withdraw or dismiss its expression of interest in allotment proceedings to file a request for approval. This request would include a copy of any related written agreement and an affidavit certifying that neither the party withdrawing its interest nor its principals has received any consideration in excess of legitimate and prudent expenses in exchange for dismissing/withdrawing its petition, the exact nature and amount of consideration received or promised, an itemization of the expenses for which it is seeking reimbursement, and the terms of any oral agreement. Each remaining party to any written or oral agreement must submit an affidavit within five (5) days of petitioner's request for approval stating that it has paid no consideration to the petitioner in excess of the petitioner's legitimate and prudent expenses and provide the terms of any oral agreement relating to the dismissal or withdrawal of the expression of interest.

The Commission is requesting an extension of this submission in order to receive the full three year clearance/approval 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 Section 154(i) of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to ensure that an expression of interest in applying for, constructing, and operating a station was filed under appropriate circumstances and not to extract payment in excess of legitimate and prudent expenses.

If this collection of information were not conducted, the potential and incentive for abuse of the Commission's processes would remain unchecked and abuses would continue.

3. We do not believe the use of information technology is feasible in this situation.

4. This agency does not impose a similar information collection on the respondents. There is 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. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities.

6. The frequency for this collection of information is determined by respondents, as necessary.

**Title: Section 1.420, Additional Procedures In Proceedings For Amendment of FM or TV Table of Allotments**

7. This collection of information requires each remaining party to any written or oral agreement to submit an affidavit within 5 days of the petitioner's request for approval to dismiss or withdraw its petition. It is necessary for the remaining parties to submit their affidavits within 5 days in order for the Commission to act on a request to dismiss a petition expeditiously and thereby prevent unnecessary delays in resolving application conflicts. This affidavit assures that a petition was withdrawn under appropriate circumstances.
8. The Commission published a Notice (76 FR 6132) in the *Federal Register* on February 3, 2011 seeking comment from the public on the information collection requirements contained in this supporting statement. No comments were received from the public as a result 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 15 petitioners will seek to have their expressions of interest dismissed or withdrawn annually. The respondents will consult with an outside attorney(s) in order to enable the attorney(s) to prepare the dismissals/withdrawals. We estimate that the respondents will spend 20 minutes (0.33 hours) each in consultation with the attorney(s).

We also estimate that 15 remaining parties will file affidavits stating that they have paid no consideration to the petitioner in excess of the petitioner's legitimate and prudent expenses. These respondents will consult with an outside attorney(s) in order to enable the attorney(s) to prepare the affidavits. We estimate that the respondents will spend 20 minutes (0.33 hours) each in consultation with the attorney(s).

This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

**Total Number of Annual Respondents:**

15 petitioners (seeking to have their expressions of interest dismissed or withdrawn)  
15 remaining parties (filing affidavits stating they have paid no consideration to petitioner)  
**30 respondents**

**Total Number of Annual Responses:**

15 petitions (seeking to have expressions of interest dismissed or withdrawn)

15 affidavits (stating no consideration to petitioner has been paid)

**30 responses**

**Total Annual Burden Hours:**

15 dismissal/withdrawal petitions x 0.33 hrs/attorney consultation/dismissal/withdrawal =	5 hrs.
15 affidavits x 0.33 hrs/attorney consultation/affidavit =	<u>5 hrs.</u>
	<b>10 hrs.</b>

**Annual “In-house” Cost:** We assume that the respondent would use a staff attorney for the completion and filing of the petition to withdraw or dismiss their expressions of interest. The remaining parties would also use a staff attorney for the completion and filing of the affidavit. We estimate that these respondents would spend approximately 20 minutes (0.33 hours) each in consultation with this attorney. We estimate that the respondents would have an average salary of \$100,000/year (\$48.08/hour).

15 dismissal/withdrawal petitions x 0.33 hrs./attorney consultation x \$48.08 =	\$237.99
15 no consideration affidavits x 0.33 hrs./attorney consultation x \$48.08 =	<u>\$237.99</u>
<b>Total Annual “In-house” Cost:</b>	<b>\$475.98</b>

13. Annual Cost Burden: We expect the respondent to contract with an attorney to complete and file the withdrawals or dismissals and affidavits. We estimate the attorney contract fee at \$200/hour and estimate the attorney will require two hours of work for completion of the withdrawals or dismissals and one hour of work for the affidavits.

15 dismissal/withdrawal petitions x 2 hours legal preparation x \$200/hour =	\$6,000
15 no consideration affidavits x 1 hour legal preparation x \$200/hour =	<u>\$3,000</u>
<b>Total Annual Cost Burden =</b>	<b>\$9,000</b>

14. Cost to the Federal Government. We expect 15 petitions for processing. The affidavits are processed as a part of the petition to dismiss or withdraw and are not counted for additional processing. The Commission will use paraprofessionals GS-12, step 5 (\$40.66/hour) to process these petitions.

15 dismissal/withdrawal petitions x 3.0 hours x \$40.66/hour = \$1,829.70

**Total Cost to the Federal Government = \$1,829.70**

15. There are no program changes or adjustments to this information collection.

16. The data will not be published.

17. 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 exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods**

No statistical methods are employed.