

## SUPPORTING STATEMENT

### A. Justification:

1. The FCC Form 302-CA is used by Low Power TV (LPTV) stations that seek to convert to Class A status and for existing Class A stations seeking a license to cover their authorized construction permit facilities. The FCC Form 302-CA requires a series of certifications by the Class A applicant as prescribed by the Community Broadcasters Protection Act of 1999 (CBPA). Licensees will be required to provide weekly announcements to their listeners: (1) informing them that the applicant has applied for a Class A license and (2) announcing the public's opportunity to comment on the application prior to Commission action.

### REVISED INFORMATION COLLECTION REQUIREMENTS:

On July 15, 2011, the Commission adopted the Second Report and Order, *In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, FCC 11-110 ("*LPTV Digital Second Report and Order*"). This document contains rules and policies for low power television stations ("LPTV")<sup>1</sup> to transition from analog to digital broadcasting. Due to the Commission adopting these rules and policies to effectuate the low power digital transition, the *LPTV Digital Second Report and Order* imposes new Paperwork Reduction Act (PRA) burdens on licensees. The new requirement that contain an information collection requirement is as follows:

**47 CFR Section 73.3572(h)** proposes that Class A station licensees shall file a minor change application (FCC Form 302-CA) for either the flash cut channel or the digital companion channel they choose to retain for post-transition digital operations and shall also certify that their proposed post-transition digital facilities meet all Class A TV interference protection requirements.

The Commission is making this submission to receive the final Office of Management and Budget (OMB) approval for the requirement and to add the burden hours and costs to OMB's inventory.

### History:

<sup>1</sup> The low power television service consists of LPTV, TV translator, and Class A stations. LPTV stations may radiate up to 3 kilowatts of power for stations operating on the VHF band (*i.e.*, channels 2 through 13), and 150 kilowatts of power for stations operating on the UHF band (*i.e.*, channels 14 through 69). By comparison, full-service stations on VHF channels 7 through 13 radiate up to 316 kilowatts of power, and stations on the UHF channels radiate up to 5,000 kilowatts of power. LPTV signals typically extend approximately 15 to 20 miles, while the signals of full-service stations can reach as far as 60 to 80 miles.

**OMB Control Number: 3060-0928**

**July 2011**

**Title: Application for Class A Television Broadcast Station Construction Permit or License, FCC Form 302-CA; 47 CFR 73.3572(h)**

On September 17, 2010, the Commission adopted the Further Notice of Proposed Rulemaking, *In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MD Docket No. 03-185, FCC 10-172 ("*LPTV Digital Transition FNPRM*"). The document contained rules and policies for low power television stations ("LPTV") to transition from analog to digital broadcasting. The Commission received preapproval from OMB for the information collection requirement, 47 CFR 73.3572(h), that was contained in FCC 10-172 on November 29, 2010.

On November 29, 1999, the CBPA was enacted. That legislation provided that a low power television licensee should be permitted to convert the secondary status of its station to the new Class A status, provided it can satisfy certain statutorily-established criteria. The CBPA directs that Class A licensees be subject to the same license terms and renewal standards as full-power television licensees, and that Class A licensees be accorded primary status as television broadcasters as long as they continue to meet the requirements set forth in the statute for a qualifying low-power station. The CBPA sets out certain certification and application procedures for LPTV licensees seeking Class A designation, prescribes the criteria LPTV must meet to be eligible for a Class A license, and outlines the interference protection Class A applicants must provide to analog, digital, LPTV and TV translator stations.

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

Statutory authority for this collection of information is contained in Sections 154(i), 307, 308, 309, and 319 of the Communications Act of 1934, as amended, and the Community Broadcasters Protection Act of 1999.

2. The FCC staff use the data to confirm that the station meets the eligibility standards to convert their licenses to Class A status. Data is then extracted from FCC Form 302-CA for inclusion in the subsequent license to operate the station.

3. On May 29, 2002, the Commission released Public Notice DA 02-1260 announcing the mandatory electronic filing of FCC Form 302. Mandatory electronic filing for these forms began on June 11, 2002. Paper versions of these forms will not be accepted for filing after June 10, 2002 unless accompanied by an appropriate request for waiver of the electronic filing requirement.

4. No other agency imposes a similar information collection on the respondents. There is no similar data available.

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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 collection of information will not have a significant economic impact on a substantial number of small entities/businesses.
6. The frequency for this collection of information is determined by the respondents, as necessary.
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 63766) in the *Federal Register* on October 18, 2010 seeking comments for the public on the information collection requirements contained in this supporting statement. No comments were received from the public.
9. No payment or gift was 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 400 applications will be filed and processed. The total average burden for this form is 2 hours per request. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

**Total Number of Annual Respondents: 400 LPTV stations**

**Total Number of Annual Responses: 400 FCC Form 302-CA Forms**

**Total Annual Burden Hours:**

**400 FCC Form 302-CA applications x 2.0 hours/application = 800 hours**

**Annual "In-house cost" burden:** We assume that the respondent will complete 50% of the estimated applications. An engineer at the station will complete the remaining 50%. The respondent and station engineer are both estimated to have an average salary of \$100,000/year (\$48.08/hour).

200 applications x 2.0 hours x \$48.08 =	\$19,232.00
200 applications x 2.0 hours x \$48.08 =	<u>\$19,232.00</u>
<b>Total Annual "In House" Cost Burden =</b>	<b>\$38,464.00</b>

13. An application fee must be submitted with filing of the application (\$285/application).

**Total Annual Cost Burden:** 400 applications x \$270/application = **\$108,000.00**

14. The Commission will use professionals at the GS-13, step 5 level (\$48.35/hour) and clerical personnel at the GS-5, step 5 level (\$18.50/hour) to process the FCC Form 302-CA applications.

Professional: 2.5 hours x \$48.35/hour x 400 applications	= \$48,350.00
Clerical: 1 hour x \$18.50 x 400 applications	= <u>\$ 7,400.00</u>
	\$55,750.00

**Total Cost to the Federal Government:** = \$55,750.00

15. There are program changes/increases of 350 to the number of respondents, of 350 to the annual number of responses, of 700 hours to the annual burden hours and 94,500 to the cost burden due to the adoption of the final rules contained in FCC 11-110.

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 forms upon the expiration of the clearance. OMB approval of the expiration date of the information collection will be displayed at 47 CFR Section 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.