

SUPPORTING STATEMENT

A. Justification:

1. Licensees and permittees of FM broadcast stations are required to file FCC Form 302-FM to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities of these stations.

History:

On October 22, 1998, the Commission adopted a *Report and Order* in MM Docket Nos. 98-43 (1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules, and Processes) and 94-149 (Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities). Among other things, this *Report and Order* substantially revised the FCC 302-FM to facilitate electronic filing by replacing narrative exhibits with the use of certifications and an engineering technical box.

The Commission is requesting an extension of this information collection order to receive the full three year OMB approval/clearance.

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), 303 and 308 of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to confirm that the station is built to the terms specified in the outstanding construction permit, and to update FCC station files. Data is then extracted from FCC 302-FM for inclusion in the subsequent license to operate the station.
3. The Commission requires applicants to file FCC Form 302-FM electronically.¹
4. No other agency imposes 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

¹ Paper-filed copies of FCC Form 302-FM will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Filers must plead with particularly the facts and circumstances warranting grant of a waiver. Waivers will not be routinely granted.

to minimize the burden on all respondents.

6. The frequency for this collection of information is determined by 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 (76 FR 53680) in the Federal Register on August 29, 2011 seeking comments on the information collection requirements contained in this collection. No comments were received from the public as a result of this Notice. (I will fill in once the 60 day FR notice publishes).
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. The following estimates are provided for public burden. We assume that there are 925 applications (700 FM License to cover CP (construction permit); 225 Modification of License). We assume that 100% of the respondents would complete the general portions of the form without outside assistance.

We also assume that 60% of the respondents would complete the legal portion of the application without outside assistance. The remaining 40% would contract with a communications attorney for the completion of the legal section. However, these applicants will consult with the attorney to provide the attorney the necessary information needed to complete the legal portion of the application.

50% of the respondents will complete the engineering portion of the application without outside assistance. Additionally, we assume remaining 50% of respondents would contract with a consulting engineer to complete the remaining engineering section of the application. These applicants will consult with the engineer to provide the engineer the necessary information needed to complete the engineering portion of the application.

It is estimated that the respondent would have an average salary of \$100,000/year (\$48.08/hour).

Total Number of Annual Respondents:

925 Licensees and Permittees of FM Broadcast Stations

Total Number of Annual Responses:

700 FM Licenses to Cover Construction Permits

225 Modification of Licenses

925 FCC 302-FM Applications (responses)

Annual Burden Hours:

Applicants completing general portion of form

700 applications x 100% x 1.0 hours = 700 hours

225 applications x 100% x 2.0 hours = 450 hours
1,150 hours

Applicants completing legal portion of form

700 applications x 60% x 1.0 hour = 420 hours

225 applications x 60% x 2.0 hours = 270 hours
690 hours

Applicants consulting with contract attorney to allow the attorney to complete legal portion of form

700 applications x 40% x 1.0 hour of consulting time with contract attorney = 280 hours

225 applications x 40% x 1.0 hour of consulting time with contract attorney = 90 hours
370 hours

Applicants completing engineering porting of form

700 applications x 50% x 1.0 hour = 350 hours

225 applications x 50% x 1.0 hour = 112.50 hours
462.50 hours

Applicants consulting with contract engineer to allow the engineer to complete the engineering portion of form

700 applications x 50% x 1.0 hour of consulting time with contract engineer = 350 hours

225 applications x 50% x 1.0 hour of consulting time with contract engineer = 112.50 hours
462.50 hours

hours

Total Annual Burden Hours:

1,150 hrs + 690 hrs + 370 hrs + 462.50 hrs + 462.50 hrs = **3,135 hrs**

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

Annualized “In House Cost” to Respondent:

Applicants completing general portion of form

Applicants completing legal portion of form

$$\begin{aligned}
 700 \text{ applications} \times 60\% \times 1.0 \text{ hours} \times \$48.08 &= \$20,193.60 \\
 225 \text{ applications} \times 60\% \times 2.0 \text{ hours} \times \$48.08 &= \$ 6,490.80 \\
 &\qquad\qquad\qquad \$26,684.40
 \end{aligned}$$

Applicants consulting with contract attorney to allow the attorney to complete legal portion of form

Applicants completing engineering porting of form

Applicants consulting with contract engineer to allow the engineer to complete the engineering portion of form

TOTAL “In-House” COSTS =

$\$55,292.00 + \$26,686.40 + \$24,280.40 + \$22,237.00 + \$22,237.00 = \$150,732.80$

13. **Annual Cost Burden:** We assume that 40% of the respondents would use a communications

attorney to complete the legal section of the application. We estimate that it will take the attorney 1 hour (\$300/hour) to complete this section of the application. We also assume that 50% of the respondents would use a consulting engineer to complete the engineering portion of this form. We estimate that it will take the engineer between 1 – 6 hours (\$250/hour) to complete this portion of the form.

An applicant must submit a fee for each application for license at \$170/application. Applications submitted for modifications to license which can be made without prior FCC approval are not subject to filing fees.

700 applications x 40% x 1 hours x \$300 = \$84,000
225 applications x 40% x 2 hours x \$300 = \$54,000

700 applications x 50% x 2 hours x \$250 = \$175,000
225 applications x 50% x 6 hours x \$250 = \$168,750

Fees:

700 applications x \$170/application = \$119,000
TOTAL ANNUAL COST BURDEN = \$600,750

14. Cost to the Federal Government: The Commission will use staff at the GS-11, step 5 level (\$33.92/hour), and clerical staff at the GS-5, step 5 level (\$18.50/hour) to process FCC 302-FM applications.

3.0 hours x \$33.92/hour x 925 applications = \$94,128.00
1 hour x \$18.50/hour x 925 applications = \$17,112.50
TOTAL COST TO FEDERAL GOVERNMENT = \$111,240.50

15. The Commission had adjustments/increases to the total annual cost burden of \$183,500 which were due to increases in outside consulting fees. There are no program changes for this 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 prevent the Commission from needing 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 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.