

SUPPORTING STATEMENT

A. Justification:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

On October 27, 2011, the Commission adopted a *Further Notice of Proposed Rulemaking* (“*FNPRM*”) in MM Docket 00-168, FCC 11-162, *In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*. The *FNPRM* proposes to largely replace the decades-old requirement that commercial and noncommercial television stations maintain a paper public file at their main studios with a requirement to submit documents for inclusion in an online public file to be hosted by the Commission.

The *FNPRM* proposes a few changes from the existing public file requirements. First, the *FNPRM* seeks comment on ways to streamline the information required to be kept in the file, and proposes that letters and emails from the public should be excluded from the online posting requirement, and instead be retained at the station in a correspondence file. The *FNPRM* also proposes that a few items should be added to the online public file. First, we propose that stations will need to include their main studio location in the online public file. Second, we propose that sponsorship identifications, now disclosed only on-air, also be disclosed in the online public file. The *FNPRM* also proposes to require disclosure of online of shared services agreements, some of which currently need to be included in the public file.¹ The *FNPRM* notes that the increased burdens imposed by including these new items will be offset in part by reducing burdens by placing the public file online in a database to be hosted by the Commission. Because more than a third of the required contents of the public file have to be filed with the Commission in our Consolidated DataBase System (“*CDBS*”) under current rules, we propose that we will import and update any information that must already be filed with the Commission electronically in *CDBS* to each station’s public file, which will be part of a database of all television station public files on the Commission’s website. This will create efficiencies for broadcasters, since they must currently upload such filings to *CDBS* and then also ensure that the same documents are included in the public file kept at the station. Under this mechanism, broadcasters would be responsible for uploading only those items not otherwise filed with the Commission or available on the Commission’s website. Under the proposed rules, television stations will need to link to the public inspection file hosted on the Commission’s website from the home page of its own website, if the station has a website.

¹ See 47 C.F.R. § 73.3526(e)(14)(requiring the retention of time brokerage agreements) and 73.3526(e)(16)(requiring the retention of joint sales agreements).

Title: Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 76.1701 and 73.1943, Political Files

The Commission first adopted a public inspection file requirement more than 40 years ago.² The public file requirement grew out of Congress' 1960 amendment of Sections 309 and 311 of the Communications Act of 1934.³ Finding that Congress, in enacting these provisions, was guarding "the right of the general public to be informed, not merely the rights of those who have special interests,"⁴ the Commission adopted the public inspection file requirement to "make information to which the public already has a right more readily available, so that the public will be encouraged to play a more active part in dialogue with broadcast licensees."⁵ In return for their exclusive use of public spectrum, broadcasters must operate and program their stations in the "public interest, convenience and necessity."⁶ This means that all stations must be responsive and accountable to their local community of license. The manner in which broadcasters communicate with their communities is a core function of their role as licensees. Specific items in the public file, listed below, include items that provide station information to the public, like ownership reports, contour maps, citizens agreements, EEO reports and quarterly lists of programs that the stations believe addressed important issues in their community. Access to the public inspection file allows the public to monitor a station's public interest performance. The information provided in a station's public file enables citizens to engage in an informed dialog with their local stations or to file complaints or petitions to deny the renewal of a station's license.⁷ Comments, complaints, and petitions to deny filed by the viewing public have long been a part of the regulatory and the renewal process.⁸ As part of the Commission's license renewal process, the Commission does not routinely monitor every aspect of stations' compliance with Commission rules; rather, it depends on viewers and listeners to provide information about whether stations are meeting their public interest obligations.

The following Information Collection Requirements are Part of This Collection and Have Been Approved By OMB:

47 CFR Sections 73.3526(a) and 73.3527(a) require that licensees and permittees of commercial and noncommercial educational (NCE) broadcast stations⁹ maintain a local public inspection file. The contents of the file vary according to type of service and status. A separate file shall be maintained for each station for which an application is pending or for which an authorization is outstanding. The public inspection file must be maintained so long as an authorization to operate the station is outstanding.

² *Report and Order in Docket No. 14864*, 4 R.R.2d 1664, 1667 (1965); recon. granted in part and denied in part 6 R.R.2d 1527 (1965)

³ 47 U.S.C. §§ 309,311.

⁴ *Report and Order in Docket No. 14864*, 4 R.R.2d at 1666 (*citing, e.g.*, Senate Report No. 690, 86th Cong., 1st Sess., to accompany S. 1898, "New Pre-Grant Procedure" (Aug. 12, 1969) page 2).

⁵ *Report and Order in Docket No. 14864*, 4 R.R.2d 1664, 1667 (1965); recon. granted in part and denied in part 6 R.R.2d 1527 (1965).

⁶ 47 U.S.C. § 307(c)(1), 309(a).

⁷ *Office of Communication of United Church of Christ v. FCC*, 359 F.2d 994, 1009 (D.C. Cir., 1966).

⁸ *See Deregulation of Radio*, Second Report and Order, 96 FCC 2d 930 (1984).

⁹ These stations are licensed to nonprofit educational organizations for use in the advancement of educational programs.

Title: Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 76.1701 and 73.1943, Political Files

47 CFR Sections 73.3526(b) and 73.3527(b) require that the public inspection file be maintained at the main studio of the station. An applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license or at its proposed main studio.

47 CFR Sections 73.3526(c) and 73.3527(c) require the licensee/permittee to make the file available for public inspection at any time during regular business hours. All or part of this file may be maintained in a computer database as long as a computer terminal is made available to members of the public. Materials in the public file must be made available for review, printing or reproduction upon request.

Licensees that maintain their main studios and public file outside their communities of license¹⁰ are required to mail a copy of "The Public and Broadcasting"¹¹ to anyone requesting a copy. Licensees shall be prepared to assist members of the public in identifying the documents they may want to be sent to them by mail.

47 CFR Sections 73.3526(d) and 73.3527(d) require an assignor to maintain the public inspection file until such time as the assignment is consummated. At that time, the assignee is required to maintain the file.

47 CFR Sections 73.3526(e) and 73.3527(e) specify the contents of the public inspection files. Separate rule sections not subject to this information collection require the creation and submission to the Commission of many of the items that must be retained in the public inspection file. As such, the burden estimates for creation and submission of these documents are calculated in other information collections. The burden estimates included in this information collection pertain only to making these items publicly available. We have listed below some of the relevant information collections pertaining to the creation and submission of such documents. The documents to be retained in the public inspection files are as follows:

(a) A copy of the current FCC authorization to construct or operate the station, as well as any other documents necessary to reflect any modifications thereto or any conditions that the FCC has placed on the authorization;

(b) A copy of any application tendered for filing with the FCC, together with all related material, and copies of Initial Decision and Final Decisions in hearing cases. If petitions to deny are filed against the application, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition [Application for Construction Permit for Commercial Broadcast Station (OMB control number 3060-0027, FCC Form 301; Application for New Commercial or Noncommercial Educational Broadcast Station License (OMB

¹⁰ Every broadcast station is permitted or licensed to a designated community, the needs and interests of which the station primarily serves. The station is required to place a signal of a certain strength over the entirety of its community of license, and is required to provide programming to serve its community of license. See, e.g., 47 U.S.C. § 307(b); 47 C.F.R. §§ 73.24(i), 73.315(a).

¹¹ This manual provides a brief overview of the regulation of broadcast radio and television.

control number 3060-0029, FCC Form 340); Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications (OMB control number 3060-0031)];

(c) For commercial broadcast stations, a copy of every written citizen agreement;¹²

(d) A copy of any service contour maps, submitted with any application, together with any other information in the application showing service contours and/or main studio and transmitter location;

(e) A copy of the most recent, complete Ownership Report (FCC Form 323) filed with the FCC for the station, together with any statements filed with the FCC certifying that the current Report is accurate [Ownership Report for Broadcast Station (OMB control number 3060-0010, FCC Form 323); Ownership Report for Noncommercial Educational TV, FM or Standard Broadcast Station (OMB control number 3060-0084, FCC Form 323-E)];

(f) A political file of records required by 47 CFR Section 73.1943 concerning broadcasts by candidates for public office [Section 73.1942, Candidates Rates, 76.206, Candidates Rates, Section 76.1611, Political Cable Rates and Classes of Time (OMB control number 3060-0501)];

(g) An Equal Employment Opportunity File required by 47 CFR Section 73.2080 [Broadcast EEO Program Report, FCC Form 396 (OMB control number 3060-0113); Multi-Channel Video Program Distributor EEO Program Annual Report, (OMB control number 3060-1033, FCC Form 396-C)].

(h) A copy of the most recent edition of the manual entitled "The Public and Broadcasting;"

(i) For commercial broadcast stations, all written comments and suggestions (letters and electronic mail) received from the public regarding operation of the station;

(j) Material having a substantial bearing on a matter which is the subject of an FCC investigation or complaint to the FCC of which the applicant/permittee/licensee has been advised;

(k) For commercial radio and TV broadcast stations and non-exempt NCE broadcast stations, a list of programs that have provided the station's most significant treatment of community issues. This list is kept on a quarterly basis and contains a brief description of how each issue was treated;

¹² A citizen agreement is an agreement between a licensee and one or more citizens that deal with goals or proposed practices that affect station operations in the public interest in areas such as - but not limited to - programming and employments.

(l) For commercial TV broadcast stations, records sufficient to permit substantiation of the station's certification, in its license renewal application, of compliance with the commercial limits on children's television programming. The records must be placed in the public file quarterly. The FCC Form 398, Children's Television Programming Reports, reflecting efforts made by the licensee during the preceding quarter, and efforts planned for the next quarter, to serve the educational and informational needs of children must be placed in the public file quarterly [Children's Television Programming Report (OMB control number 3060-0754, FCC Form 398)];

(m) For NCE stations, a list of donors supporting specific programs. The list is to be retained for two years from the date of the broadcast of the specific program supported, and will be reserved for sponsors/underwriters of specific programming;

(n) Each applicant for renewal of license shall place in the public file a statement certifying compliance with the pre-filing and post-filing local public notice announcements. These statements shall be placed in the public file within 7 days of the last day of broadcast [Section 73.3580, Local Public Notice of Filing of Broadcast Applications (OMB control number 3060-0031)];

(o) Commercial radio and TV licensees who provide programming to another licensee's station, pursuant to time brokerage agreements, are required to keep copies of those agreements in their public inspection files, with confidential information blocked out where appropriate;

(p) Commercial TV stations must make an election between retransmission consent and must-carry status once every three years. Television stations that fail to make an election will be deemed to have elected must-carry status. This statement must be placed in the station's public inspection file. This rule codifies Section 325(b)(3)(B) of the Communications Act of 1934, as amended [Section 73.1601, Deletion of Repositioning of Broadcast Signals; Section 76.1617, Initial Must-Carry Notice; and Sections 76.1697 and 76.1708, Principal Headend (OMB control number 3060-0649)];

(q) NCE television stations requesting mandatory carriage on any cable system pursuant to 47 CFR Section 76.56 shall place in its public file the request and relevant correspondence; and

(r) Commercial radio and TV licensees who have entered into joint sales agreements must place the agreements in the public inspection file, with confidential and propriety information blocked out where appropriate.

(s) Full-power commercial and noncommercial educational ("NCE") TV broadcast stations are required to retain in their public inspection file a copy of their FCC Form 388 – DTV Consumer Education Quarterly Activity Report on a quarterly basis. The Report for each quarter is to be placed in the public inspection file by the tenth day of the succeeding calendar quarter. These Reports shall be retained in the public inspection file for one year. Broadcasters must publicize in an appropriate manner the existence and location of these Reports.

47 CFR Sections 73.1212(e), 73.1943 and 76.1701 require licensees of broadcast stations and every cable television system to keep and permit public inspection of a complete record (political file) of all requests for broadcast and cablecast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the system of such requests, and the charges made, if any, if the request is granted. The disposition includes the schedule of time purchased, when the spots actually aired, the rates charged, and the classes of time purchased. Also, when free time is provided for use by or on behalf of candidates, a record of the free time provided is to be placed in the political file as soon as possible and maintained for a period of two years. 47 CFR Sections 73.1212(e) and 76.1701 also require that, when an entity sponsors broadcast or cablecast material that concerns a political matter or a discussion of a controversial issue of public importance, a list must be maintained in the public file of the system that includes the sponsoring entity's chief executive officers, or members of its executive committee or of its board of directors [Sections 73.1212, 76.1615 and 76.1715, Sponsorship Identification (OMB control number 3060-0174); Section 73.1942, Candidates Rates, 76.206, Candidates Rates, Section 76.1611, Political Cable Rates and Classes of Time (OMB control number 3060-0501)].

The Commission is requesting an extension of this information collection for a three year period from OMB.

The personally identifiable information (PII) in this information collection is in part covered by the system of records notice (SORN), FCC/MB-1, "Ownership of Commercial Broadcast Stations," 74 FR 59978 (2009). The Commission is currently drafting a Privacy Impact Assessment (PIA) for the records covered by this SORN. The Commission will perform a Privacy Threshold Analysis (PTA) and if needed a PIA for the other PII included in this information collection to determine if amending FCC/MB-1 or a new SORN, or both, are required.

Statutory authority for this collection of information is contained in Sections 151, 152, 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended.

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The data is used by the public and FCC to evaluate information about the broadcast licensee's performance, to ensure that broadcast stations are addressing issues concerning the community which it is licensed to serve and to ensure that stations entering into time brokerage agreements comply with Commission policies pertaining to licensee control and to the Communications Act and the antitrust laws. Placing joint sales agreements in the public inspection file facilitates monitoring by the public, competitors and regulatory agencies.

Title: Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 76.1701 and 73.1943, Political Files

Television broadcasters are required to send each cable operator in the station's market a copy of the election statement applicable to that particular cable operator. Placing these retransmission consent/must-carry elections in the public file provide public access to documentation of station's elections which are used by cable operators in negotiations with television stations and by the public to ascertain why some stations are/are not carried by the cable systems.

Maintenance of political files by broadcast stations and by cable television systems enables the public to assess money expended and time allotted to a political candidate and to ensure that equal access was afforded to other legally qualified candidates for public office.

Retention of the FCC Form 388 – DTV Consumer Education Quarterly Activity Report by broadcast stations in their public inspection files will be used by the public and FCC to evaluate broadcasters' consumer education efforts on the DTV Transition.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

These are recordkeeping and third party disclosure requirements. The changes proposed in the *FNPRM* will involve automated, electronic collection techniques. Currently, broadcast licensees have the option of maintaining all or part of their public file, including their political file in a computer database rather than in paper files. Therefore, instead of printing off all items and placing them in the public file, station may store materials on a computer that is available to the public. This is separate from an on-line public file requirement, since the materials do not need to be available via the internet. Cable system operators also have this option for their political files. The changes proposed in the *FNPRM* will require television licensees to instead post their "electronic" public files on the Commission's website, making the public files available over the Internet.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

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

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This information collection does not impose any significant economic impact on a substantial number of small businesses/entities. However, any entity can request a waiver of the Commission's rules, under 47 C.F.R. § 1.3, which allows the Commission to waive rules where good cause has been shown.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the information contained in the public file were not retained on a regular basis, the Commission and the public would not have timely information to evaluate a broadcaster's public service record. For example, the retransmission consent/must-carry election statements placed in the public file provide information not available elsewhere. As to the political files, if the required documentation was not retained, the public and competing legally qualified candidates running for public office would not have access to records to verify that equal rates and access were made available to all candidates.

7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that require respondents to report information more than quarterly, require a written response in fewer than 30 days of receipt, or submit more than an original and two copies of any document. With respect to proprietary trade secrets and confidential information, the Commission has instituted procedures to protect the confidentiality of any such information to the extent permitted by law. For example, licensees are explicitly authorized to redact information from contracts for the joint sale of advertising time that is confidential or proprietary in nature. See 73.3526(e)(16). The *FNPRM* proposes a rule to require the retention of additional shared service agreements, but also proposes to allow licensees to redact information that is proprietary in nature.

While the Commission has instituted procedures to protect confidential information, much of the public file is not confidential. A copy of the current FCC authorization to construct or operate the station must be retained in the public file until replaced by a new authorization. Applications tendered for filing shall be retained until final action has been taken on the application, except that applications for a new construction permit granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. A copy of contour maps shall be retained for as long as they reflect current, accurate information regarding the station. License renewal applications granted on a short-term basis shall be retained until final action has been taken on the license renewal application filed immediately following the shortened license term. Citizen agreements shall be retained for the term of the agreement. Ownership Reports and related materials shall be retained until a new, complete Ownership Report is filed with the FCC. The licensee need not retain a copy of the contracts listed in the Ownership Report so long as the licensee maintains an up-to-date list of such contracts in the file and provides copies of any contracts to requesting parties within 7 days. Political files required by Sections 73.1943 and 76.1701 shall be retained for a period of 2 years. A copy of the 1998 edition of the manual entitled "The Public and Broadcasting" must be retained at all

times. Material relating to an FCC investigation or complaint must be retained until notified in writing that the material may be discarded. Donor lists must be retained for two years. The certifications of compliance with the pre-filing and post-filing local public notice announcements of the filing of applications for renewal of license shall be retained for as long as the application to which it refers. Time brokerage agreements¹³ and joint sales agreements¹⁴ must be retained as long as the contract or agreement is in force.

Letters and electronic mail messages issues/program lists, and records concerning commercial limits and Children's Television Programming Reports must be retained until final action has been taken on the station's next license renewal application. Television station's must-carry/retransmission election statements shall be retained for the duration of the three-year election period to which the statement applies.

These retention periods are necessary to provide the public and the FCC timely information to evaluate the station's performance during its entire license term or over the life of a contract.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.

The Commission published a notice in the *Federal Register* seeking public comment on the information collections contained in this supporting statement, see 76 FR 72144, published November 22, 2011. To date, no comments have been received from the public.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift was provided to the respondent.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

Most of the documents comprising the public file consist of materials that are not of a confidential nature. See Response to Question 7 describing those materials. With respect to any such documents that may contain proprietary trade secrets and confidential information, the Commission has instituted procedures to protect the confidentiality of any such information to the extent permitted by law. For

¹³ "Time brokerage," also known as "local marketing," is the sale by a broadcast licensee of discrete blocks of time to a "broker" that supplies the station with programming to fill that time and sells the commercial spot announcements in that block. Confidential information in these agreements may be redacted. See also 47 CFR § 73.3613(d)(1).

¹⁴ A Joint Sales Agreement is an agreement authorizing a broker to sell advertising time for the brokered station in return for a fee paid to the licensee. See also 47 CFR § 73.3613(d)(2).

example, licensees are explicitly authorized to redact information from contracts for the joint sale of advertising time that is confidential or proprietary in nature, and the proposal to require other shared services agreements also allows for the redaction of information that is confidential or proprietary in nature.

Respondents complying with the information collection requirements may request that the information they submit be withheld from disclosure. If confidentiality is requested, such requests will be processed in accordance with the Commission's rules, 47 CFR § 0.459.

Should respondents submit any PII as part of the information collection requirements, the FCC has a system of records, FCC/MB-1, "Ownership of Commercial Broadcast Stations," that may partially cover this PII, as noted in Questions 1 and 11. Based on the results of the PTA, the Commission may determine that it may need to amend FCC/MB-1, to create a new SORN, or that both are required.

11. Provide additional justification for any questions of a sensitive nature.

This information collection does not address any private matters of a sensitive nature. Any PII that is submitted as part of the information collection requirements may be covered in part by the system of records notice, FCC/MB-1, as noted in Questions 1 and 10. Based on the results of the PTA, the Commission may determine that it may need to amend FCC/MB-1, to create a new SORN, or that both are required. In addition, the Commission will redact any other personal information before it becomes available for public inspection, at the request of the submitter.

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

The public burden is estimated as follows:

Respondents	Number of Respondents/ Responses	Respondent's Hourly Burden	Total Annual Burden	Hourly In- House Cost	Annual In- House Cost
<i>Local Public Inspection Files:</i>					
<i>(1) General Maintenance</i>					
Commercial Radio Stations	11,311	52 hours	588,172 hrs.	\$15.54/hr.	\$9,140,192.80
Noncommercial Education Radio Stations	3,417	104 hours	355,368 hrs.	\$15.54/hr.	\$5,522,418.70
Commercial TV Stations	1,382	55 hours	76,010hrs.	\$15.54/hr.	\$1,181,195.40
Noncommercial Educational TV Stations	392	73 hours	28,616 hrs.	\$15.54/hr.	\$444,692.64
Class A Television Stations	515	55 hours	28,325 hrs.	\$15.54/hr.	\$440,170.50
<i>(2) Community_Issue List</i>					
Commercial Radio Stations	11,311	52 hours	588,172 hrs.	\$26.00/hr.	\$15,292,472
Commercial TV Stations	1,382	52 hours	71,864 hrs.	\$26.00/hr.	\$1,868,464
Class A Television Stations	515	52 hours	26,780 hrs.	\$26.00/hr.	\$696,280
<i>(3) Commercial Limits</i>					
Commercial TV Stations	1,382	26 hours	35,932 hrs.	\$26.00/hr.	\$934,232.00
Class A Television Stations	515	26 hours	13,390 hrs.	\$26.00/hr.	\$348,140.00
<i>(4) Must Carry/Retransmission Consent</i>					
Noncommercial					

Respondents	Number of Respondents/ Responses	Respondent's Hourly Burden	Total Annual Burden	Hourly In- House Cost	Annual In- House Cost
Educational TV stations	392	50 hours	19,600 hrs.	\$26.00/hr.	\$509,600.00
Commercial TV Stations	1,382	50 hours	69,100 hrs.	\$26.00/hr.	\$1,796,600.00
Class A Television Stations	515	50 hours	25,750 hrs.	\$26.00/hr.	\$669,500.00
<i>Political Files:¹⁵</i>					
Commercial Broadcast Stations	13,208	15 hours	198,120 hrs.	\$26/hour	\$5,151,120.00
Noncommercial Broadcast Stations	4,668	1 hour	4,668 hrs.	\$26/hour	\$121,368.00
Low Power TV	2,172	1 hour	2,172 hrs.	\$26/hour	\$56,472.00
Cable Systems	5,374	5 hours	26,870 hrs.	\$18/hour	\$483,660.00
TOTALS:	59,833		2,158,909 hours		\$44,656,578.04

Total Number of Annual Respondents: 25,422 Licensees/Permittees/Cable Operators

Total Number of Annual Responses: 59,833 (responses)

Total Annual Burden Hours: 2,158,909 Hours

Total Annual "In-house" Cost: \$44,656,578.04

¹⁵ These figures represent a combined annual hourly burden average among all stations in the listed categories. We note that annual burden hours at individual stations will vary widely as the amount of candidate time purchased at the station--information for which must be placed in the political file--will vary based upon how attractive a station's/system's demographics/format are to political buyers and where a particular year falls in the four-year presidential election cycle. This cycle includes: the presidential election year--presidential primaries and general elections for president, 435 seats in the House of Representatives and one third of the U.S. Senate seats; the so-called "mid-term" election year--primaries and general elections for all seats in the House of Representatives and one third of the U.S. Senate seats; and two years with elections which deal almost entirely with state and local elections, with perhaps an occasional special federal election. We note that every year in the cycle would have some state and local elections.

13. Provide estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).

- (a) Total annualized capital/startup costs: 2,289 respondents¹⁶ x 350 scanned pages/respondent x \$1 per page = \$801,150.00¹⁷
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: \$801,150.00

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expenses that would not have been incurred without this collection of information.

The Commission estimates that the initial outlay for the proposed changes will be approximately \$500,000, and that annual costs will be approximately 30 percent of the initial costs, or \$150,000, for IT operations and general attributable overhead.

15. Explain the reasons for any program changes or adjustments reported for this information collection.

The increased burdens imposed by the proposed requirements in the *FNPRM* will be offset in part by reducing burdens by placing the public file online in a database to be hosted by the Commission. Because more than a third of the required contents of the public file have to be filed with the Commission in our Consolidated DataBase System (“CDBS”) under current rules, we propose that we will import and update any information that must already be filed with the Commission electronically in CDBS to each station’s public file, which will be part of a database of all television station public files on the Commission’s website. This will create efficiencies for broadcasters, since they must currently upload such filings to CDBS and then also ensure that the same documents are included in the public file kept at the station. Further efficiencies will be created as members of the public that wish to view the public file will no longer be visiting the station to do so, thereby enabling stations to reduce staff resources currently dedicated to assisting and overseeing members of the public that wish to view the file.

Therefore, this collection has program changes/decreases of 17,906 to the annual burden hours. Also, there are program changes/increases to the annual cost burden of \$801,150.00 for the proposed requirements contained in FCC 11-162.

¹⁶ This number of respondents was calculated as follows: 1,382 commercial TV station + 392 noncommercial educational TV stations + 515 class A TV stations = 2,289 respondents.

¹⁷ We believe that most documents to be included in the online public file are already retained electronically. Some documents may need to be scanned to be electronically available, and the costs of this task are reflected in the capital/startup costs.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The data will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection (IC), explain the reasons that display would be inappropriate.

OMB approval of the expiration date of the information collection will be displayed at 47 C.F.R. Section 0.408.

18. Explain any exceptions to the Certification Statement.

There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.