

SUPPORTING STATEMENT**A. Justification:**

1. On March 13, 2003, the Commission adopted a Report and Order (R&O), *Amendment of the Commission's Rules for Implementation of its Cable Operations and Licensing System (COALS) to Allow for Electronic Filing of Licensing Applications, Forms, Registrations and Notifications in the Multichannel Video and Cable Television Service and the Cable Television Relay Service*, FCC 03-55. This R&O provided for electronic filing and standardized information collections. Under 47 CFR Section 76.1801, cable operators are required to file FCC Form 322 with the Commission prior to commencing operation of a community unit. FCC Form 322 identifies information about the system as well as a list of broadcast channels carried on the system. This form replaces the requirement that cable operators send a letter containing the same information.

The Commission is requesting a three year approval/clearance from the Office of Management (OMB) for this information collection.

Statutory authority for this collection of information is contained in Sections 154(i), 303, 308, 309, and 621 of the Communications Act of 1934, as amended.

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

2. Commission staff use the data to communicate with the cable system operator as necessary to ensure its obligations are met under Title VI of the Communications Act of 1934, as amended. The data is also used to provide the public with basic information about the cable system.

3. Mandatory electronic filing commenced on February 1, 2005. Paper versions of Form 322 will not be accepted for filing unless accompanied by a request for waiver of the electronic filing requirement.

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

5. This collection of information does not have a significant impact on a substantial number of small businesses.

6. If the Commission did not require the collection of this information, it would be unable to maintain contact with cable system operators to verify compliance with statutory requirements.

Section 76.1801, Registration Statement; Cable Community Registration, FCC Form 322

7. There are no special circumstances.
8. The Commission published a Notice (76 FR 67451) in the *Federal Register* on November 1, 2011 to seek comments from the public on the information collection requirements contained in this collection. No comments were received from the public.
9. There are no payments or gifts given to 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 601 cable system operators (respondents) will file one FCC Form 322 annually based on an average over the previous three years. The estimated number of filings per year is 601. The estimated average burden for each FCC Form 322 is 30 minutes (0.5 hours) per filing.

Total Number of Respondents: 601 Cable System Operators

Total Number of Responses: 601 FCC Form 322 filing

Total Annual Burden Hours: 601 FCC Form 322 filings x 0.5 hours = 301 hours rounded

Annual "In-house Cost": The respondent is estimated to have an average salary of \$100,000/year (\$48.08/hour).

$$601 \text{ FCC Form 322 filings} \times 0.5 \text{ hours/filings} \times \$48.08/\text{hour} = \mathbf{\$14,448.04}$$

Total Annual "In-house Cost": \$14,448.04

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

13. Estimated cost burden to respondents:

- a. Total annualized capital/start-up costs: **None**
- b. Total annual (operation and maintenance) costs: The Commission charges a fee of \$60 for each Form 322 filing.

$$\$60 \text{ filing fee} \times 601 \text{ annual filings} = \$36,060$$

Section 76.1801, Registration Statement; Cable Community Registration, FCC Form 322

c. Total annualized cost requested: = **\$36,060**

14. Cost to the Federal Government:

Annual FCC Form 322 filings: 601. Average processing time: 0.2 hours.

The Commission will use professional staff at the GS-12, step 5 level (\$40.66/hour) and paraprofessional staff at the GS-7, step 5 level (\$22.92/hour) to process FCC Form 322.

$$\begin{aligned}
0.1 \text{ hour} \times 601 \text{ filings} \times \$40.66/\text{hour} &= \$2,443.67 \\
0.1 \text{ hours} \times 601 \text{ filings} \times \$22.92/\text{hour} &= \underline{\$1,377.49} \\
&= \mathbf{\$3,821.16}
\end{aligned}$$

Total Cost to the Federal Government: \$3,821.16

15. There are no program changes to this collection. There are adjustments/decreases of 154 to the number of respondents, 154 to the number of annual responses, 77 to the annual burden hours and \$1,690 to the annual cost burden.

16. The results of this information collection will be published via the COALS online database.

17. The Commission seeks approval not to display the expiration date of this collection of information.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.