OMB 3060-0433 **October 2012**
Title: Basic Signal Leakage Performance Report, FCC Form 320

SUPPORTING STATEMENT

A. Justification

1. On August 3, 2012, the Commission released a Notice of Proposed Rulemaking, MB Docket No. 12-217; FCC 12-86. This rulemaking proposes to revise information collection 3060-0433 which supports the Commission's cumulative signal leakage calculation and reporting rules that would be codified at 47 CFR §§ 76.611 and 76.1803, as required by the obligation to manage the radio frequency spectrum, as codified at 47 USC 302 and 303. With this Notice of Proposed Rulemaking, the Federal Communications Commission is proposing that operators of digital cable systems calculate and report leakage at different thresholds than those required of analog systems. Currently, Section 76.611 requires operators of coaxial-cable television systems to tabulate leaks above a certain threshold, and prohibits them from operating if the accumulated leaks exceed a particular number. These thresholds were designed to protect over-the-air users of the spectrum from interference from analog cable systems. The NPRM proposes to adopt a lower threshold for digital systems in order to provide over-the-air users of the spectrum with an equivalent level of protection.

The NPRM does not propose that the form submitted pursuant to Section 76.1803 be changed.

The NPRM proposes to create a digital equivalency for the Commission's analog rules. As a result, these rules are designed to capture the same respondents previously covered by the Commission's analog rules, but who have transitioned, or are transitioning, to digital operation. Further, this digital equivalency is designed to take an equivalent amount of time to fulfill. As a result, absent external factors, the hourly estimated burden will not change as a result of this NPRM (there will not be an increase or decrease to the hourly burden). However, widespread industry consolidation has resulted in fewer, though larger, respondents, resulting in a decrease in the total number of estimated responses.

Requirements that have not changed and do not require additional OMB review and approval:

Section 76.611 states that cable television system operators and Multichannel Video Programming Distributors (MPVDs)[1] who use frequencies in the bands 108-137 and 225-400 MHz (aeronautical frequencies) are required to calculate a Cumulative Signal Leakage Index (CLI) derived under 47 CFR Section 76.611(a)(1) or the results of airspace measurements derived under 47 CFR Section 76.611(a)(2).

[1] The term "multichannel video programming distributor" means an entity engaged in the business of making available for purchase, by subscribers or customers, multiple channels of video programming. Such entities include, but are not limited to, a cable operator, Broadband Radio Service (BRS) and Educational Broadband Service (EBS) providers, a direct broadcast satellite service, a television receive-only satellite program distributor, and a satellite master antenna television system operator, as well as buying groups or agents of all such entities.

Section 76.1803 requires operators to file the results of this calculation with the Commission once each calendar year. This filing must include a description of the method by which compliance with basic signal leakage criteria is achieved and the method of calibrating the measurement equipment. This yearly filing is done on FCC Form 320, via the internet. These records must be retained by cable operators.

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 4(i), 302 and 303 of the Communications Act of 1934, as amended.

2. The data collected on the FCC Form 320 are used by Commission staff to ensure the safe operation of aeronautical and marine radio services, and to monitor for compliance of cable aeronautical usage in order to minimize future interference to these safety of life services.

3. We have enabled the use of information technology for cable operators and non-cable MVPDs to file the Form 320 electronically via the COALS website. Electronic filing of the FCC Form 320 will reduce the burden associated with this information collection requirement. In a Public Notice (DA-04-2117) dated July 14, 2004, the Commission informed MVPDs about the requirement that all Form 320 filings must be submitted electronically as of February 1, 2005.

4. This agency does not impose a similar information collection on the respondents.

5. This information requirement has an impact on small entities. However, to ensure the integrity of the nation's aircraft communications and navigation systems, it is imperative that all cable systems, regardless of system size, comply with this information collection requirement.

6. If this collection of information was not conducted, there would be a greater likelihood of harmful interference to aeronautical and marine radio services, leading to a greater risk to the safety of life and property.

7. There are no special circumstances associated with this collection of information.

8. The Commission published a Notice (77 FR 61351) in the *Federal Register* on October 9, 2012 seeking comments on the information collection requirements contained in this supporting statement. No comments were received from the public.

9. There will be no payment or gifts given to 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 FCC Form 320, Basic Signal Leakage Performance Report is filed annually by cable operators at the physical system identifier (PSID) level and by non-cable MPVDs with more than 1000 subscribers at the system level. There are an estimated 5,150 active PSIDs and 400 non-cable MPVD systems with more than 1000 subscribers. The average burden is estimated to be 20 hours per filing to perform ground-based or airspace measurements as prescribed by 47 CFR Section 76.611, to report the results of such measurements on FCC Form 320 and for maintaining copies of the files.

Total Number of Respondents:
5,150 Cable Systems & 400 Non-cable MPVDs = **5,550 respondents**

Total Number of Responses: 5,550 FCC Form 320 Filings

Total Annual Burden Hours: 5,550 FCC Form 320 Filings x 20 hours/filing = **111,000 hours**

Annual "In-house Cost":

Station engineers and administrative staff will review and prepare FCC Forms 320 before submitting them to the Commission.

	Total hours Per Filing	**Cost per hour**	**Cost per Filing**
Engineers	18 hours	$48.08	$ 865
Administrative	2 hours	$20.00	$ 40
	20 hours		$ 905

Total Annual "In-House Cost" = 5,550 FCC Form 320 Filings x $905/filing **= $5,022,750**

13. Annual Cost Burden: There are no annual costs associated with this collection of information.

14. Costs to the Federal Government.

FCC Form 320s estimated to be filed: 5,550. Average processing time per filing: 0.200 hours.

Engineer review: $48.35 per hour (GS-13, step 5); Paraprofessional review: $33.92 (GS-11, step 5)

	Total hours Per Application		**Cost per hour**		**Cost per Application**
Engineers	.080 hours	x	$48.35	=	$ 3.87
Paraprofessionals	.120 hours	x	$33.92	=	4.07
	.200 hours				$ 7.94

5,550 FCC Form Filings x $7.94/filing = $44,067

Total Cost to the Federal Government = $44,067

15. The Commission will have program changes of -370 to the number of respondents, -370 to the number of responses and -7,400 to the annual burden hours if the proposed requirements contained in FCC 12-86 are adopted in a final rulemaking.

16. The data will not be published for statistical use.

17. The Commission is seeking approval to not display the expiration date for OMB approval of this information collection. This will ensure that the form on the website will remain up-to-date. The expiration date of the form 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

No statistical methods are employed.