

SUPPORTING STATEMENT**A. Justification:**

1. FCC Form 301 is used to apply for authority to construct a new commercial AM, FM, or TV broadcast station and to make changes to existing facilities of such a station. It may be used to request a change of a station's community of license by AM and non-reserved band FM permittees and licensees. In addition, FM licensees or permittees may request, by filing an application on FCC Form 301, upgrades on adjacent and co-channels, modifications to adjacent channels of the same class, and downgrades to adjacent channels. All applicants using this one-step process must demonstrate that a suitable site exists that would comply with allotment standards with respect to minimum distance separation and principal community coverage and that would be suitable for tower construction. For applicants to seek a community of license change through this one-step process, the proposed facility must be mutually exclusive with the applicant's existing facility, and the new facility must comply with the Commission's standards with respect to minimum distance separation and principal community coverage. Applicants availing themselves of this procedure must also attach to FCC Form 301 an exhibit demonstrating that the proposed community of license change comports with the fair, efficient, and equitable distribution of radio service, pursuant to Section 307(b) of the Communications Act of 1934, as amended (the "Act").

Similarly, to receive authorization for commencement of Digital Television ("DTV") operations, commercial broadcast licensees must file FCC Form 301 for a construction permit. The application may be filed anytime after receiving the initial DTV allotment and before mid-point in the applicant's construction period. The Commission will consider the application as a minor change in facilities. Applicants will not have to provide full legal or financial qualification information.

Moreover, to enhance the ability of federally recognized Native American Tribes to provide vital radio services to their citizens on Tribal lands, the Tribal Priority for use in its radio licensing procedures was adopted by the Commission. Therefore, FCC Form 301 is used by applicants when they are applying in a Threshold Qualifications Window for a Tribal Allotment that had been added to the FM Table of Allotments using the Tribal Priority under the "threshold qualifications" procedures.

This collection also includes the third party disclosure requirement of 47 CFR § 73.3580. This rule requires applicants to provide local public notice, in a newspaper of general circulation published in a community in which a station is located, of requests for new or major changes in facilities and for changes of a station's community of license by AM and non-reserved band FM permittees and licensees. The notice must be completed within 30 days of tendering the application and must be published at least twice a week for two consecutive weeks in a three-week period. A copy of the notice and the application must be placed in the station's public inspection file, pursuant to Section 73.3527.¹

Revised Information Collections Requirements:

On October 2, 2012, the Commission released the Notice of Proposed Rulemaking, *Expanding the Economic and Innovative Opportunities of Spectrum Through Incentive Auctions*, Docket No. 12-268, FCC 12-118 ("IA NPRM"). The IA NPRM contains rules and policies for the incentive auction mandated by Congress in the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 125 Stat. 156 (2012). Following the completion of the incentive auction process, all repacked² full power

¹ The recordkeeping information collection requirement is contained in OMB Control Number 3060-0214, which covers Section 73.3527.

television stations will need to file FCC Form 301 for their new channel facility. **This new requirement is provided in 47 C.F.R. § 73.3700.**

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. Agency Use of Information: FCC staff use the data to determine whether the applicants meet basic statutory requirements to become a Commission licensee/permittee and to assure that the public interest would be served by grant of the application.

3. Consideration Given to Information Technology: The Commission requires applicants to file FCC Form 301 electronically.

4. Effort to Identify Duplication and Use Similar Information: This agency does not impose a similar information collection on the respondents. There are no similar data available.

5. Effort to Reduce Small Business Burden: In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents. The Commission has limited the information requirements to those that are absolutely necessary for evaluating and processing the applications filed in a TQ Window and to deter possible abuses of the processes. Therefore, this information collection will not have a significant economic impact on small entities/businesses.

6. Less Frequent Data Collection: The frequency for filing the DTV station application will vary depending on the market. For all other uses of FCC Form 301, the frequency of filing is determined by the respondents. However, no new or modified AM, FM, TV, or DTV facilities can be obtained or modified without using FCC Form 301.

7. Information Collection Circumstances: This collection of information is consistent with the guidelines in 5 CFR § 1320.5(d)(2).

8. Public Comment Period: Opportunity for public comment on this information collection requirement has been published in the *Federal Register* (77 FR 69934) on November 21, 2012. To date, no comments were received from the public.

9. Payment or Gift: No payment or gift was provided to respondents.

10. Confidentiality of Information: There is no need for confidentiality with this information collection.

11. Justification for Sensitive Questions: This information collection does not address any private matters of a sensitive nature.

12. Estimate of Burden and Burden Hour Cost: The following estimates are provided for public burden for this information collection:

² Repacking occurs when stations are assigned a new operating channel following completion of the incentive auction process.

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Section 73.3700**

| <u>Services</u> | <u>Number of Applicants</u> |
|---|------------------------------------|
| AM New & Major | 476 |
| AM Minor Change | 250 |
| With AM Multiple | |
| Ownership Showings | 285 |
| AM Community of License Minor Change Applications | 66 |
| FM New & Major | 298 |
| FM New with P4RM to Amend FM Table Using Tribal Priority ³ | 20 |
| FM New filed in TQ Window | 40 |
| FM Minor Change | 1,200 |
| With FM Multiple | |
| Ownership Showings | 274 |
| FM Community of License Minor Change Applications | 145 |
| TV Minor Change | 200 |
| DTV | 1,220 |
| With TV Multiple | |
| Ownership Showings | 30 |
| DTS | 100 |
| Repacked Full Power Television Stations | <u>1,783⁴</u> |
| Total Number of Respondents: | 6,387 Licensees/Permittees |

| <u>Number of Services</u> | <u>Respondent's Applications</u> | <u>Annual Hrly. Burden</u> | <u>Burden Hours</u> |
|--|---|-----------------------------------|----------------------------|
| AM New & Major | 476 | 4.25 hours | 2,023 hours |
| AM Minor Change | 250 | 3.25 hours | 812.50 hours |
| With AM Multiple | | | |
| Ownership Showings | 285 | 6.25 hours | 1,781.25 hours |
| AM Community of License Minor Change Applications | 66 | 6 hours | 396 hours |
| FM New & Major | 298 | 4 hours | 1,192 hours |
| FM New with P4RM to Amend FM Table Using Tribal Priority | 20 | 4 hours | 80 hours |
| FM New filed in TQ Window | 40 | 4 hours | 160 hours |
| FM Minor Change | 1,200 | 3 hours | 3,600 hours |
| With FM Multiple | | | |
| Ownership Showings | 274 | 6 hours | 1,644 hours |

³ A petitioner seeking to add a Tribal Allotment to the FM Table of Allotments must file FCC Form 301 when submitting its Petition for Rule Making (“P4RM”).

⁴ This estimate is based on the current number of licensed full power television stations that are involved in repacking.

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Section 73.3700**

| | | | |
|--|--------------------|----------------|------------------------------|
| FM Community of License Minor Change Applications | 145 | 5.50 hours | 797.50 hours |
| TV Minor Change | 200 | 3 hours | 600 hours |
| DTV With TV Multiple Ownership Showings | 1,220 | 3 hours | 3,660 hours |
| | 30 | 5 hours | 15 hours |
| DTS ⁵ | 100 | 3 hours | 300 hours |
| Newspaper Requirements | 3,436 | 1 hour | 3,436 hours |
| Repacked TV Stations | <u>1,783</u> | <u>6 hours</u> | <u>10,698 hours</u> |
| Totals: | 9,823 | | 31,195.25 hours |
| | (responses) | | (31,195 hrs. rounded) |

Total Number of Responses: 9,823 FCC Form 301 Filings and Newspaper Notices

Total Annual Burden Hours: 31,195 hours

We assume that the respondent would consult with an outside attorney and a consulting engineer to complete an FCC Form 301. The time spent in consultation with these attorneys and consulting engineer will vary depending upon the application type.

The Commission estimates that it will take the respondent one hour to fulfill the newspaper notice requirement.

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

| Services | Number of Applications | Respondent's Hrly. Burden | Hrly. Wage of Respondent | Annual In-House Cost |
|-----------------------------------|-------------------------------|----------------------------------|---------------------------------|-----------------------------|
| AM New & Major | 476 | 4.25 hours | \$48.08 | \$97,265.84 |
| AM Minor Change | 250 | 3.25 hours | \$48.08 | \$39,065.00 |
| AM Ownership Showings | 285 | 6.25 hours | \$48.08 | \$85,642.50 |
| AM Community of License Change | 66 | 6 hours | \$48.08 | \$19,039.68 |
| FM New & Major | 298 | 4 hours | \$48.08 | \$57,311.36 |
| FM New with P4RM to Amend | | | | |
| FM Table Using Tribal Priority | 20 | 4 hours | \$48.08 | \$3,846.40 |
| FM New filed in TQ Window | 40 | 4 hours | \$48.08 | \$7,692.80 |
| FM Minor Change | 1,200 | 3 hours | \$48.08 | \$173,088.00 |
| FM Ownership Showings | 274 | 6 hours | \$48.08 | \$79,043.52 |

⁵ DTS technologies are covered under 47 CFR § 73.626, which authorizes the use of distributed transmission system (“DTS”) technologies in the digital television (“DTV”) service and also authorized changes to FCC Form 301 that are necessary to accommodate applications for a DTS facility.

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Section 73.3700**

| | | | | |
|--------------------------------|-------|--------------------------------------|---------|-----------------------|
| FM Community of License Change | 145 | 5.50 hours | \$48.08 | \$38,343.80 |
| TV Minor Change | 200 | 3 hours | \$48.08 | \$28,848.00 |
| DTV | 1,220 | 3 hours | \$48.08 | \$175,972.80 |
| TV Multiple Ownership Showings | 30 | 5 hours | \$48.08 | \$7,212.00 |
| DTS | 100 | 3 hours | \$48.08 | \$14,424.00 |
| Newspaper Notices | 3,436 | 1 hour | \$48.08 | \$165,202.88 |
| Repacked Minor Change | 1,783 | 6 hours | \$48.08 | <u>\$514,359.84</u> |
| | | Total Annual "In House" Cost: | | \$1,506,358.42 |

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

13. Cost to Respondents: We assume that the applicant would use an attorney (\$300/hour) and a consulting engineer (\$250/hour) to complete the FCC Form 301.

An AM, FM, or TV applicant must give local public notice of the filing of its application for a new station or for a major change in facilities. This notice must be published in a local newspaper of general circulation at least twice a week for two consecutive weeks in a three-week period. The cost of this publication is estimated to be \$113.25.

| <u>Services</u> | <u>Hrly. Wage of Consultant</u> | <u>Consultant's Hrly. Burden</u> | <u>Number of Applications</u> | <u>Annual Cost Burden</u> |
|--|---------------------------------|----------------------------------|-------------------------------|---------------------------|
| AM: | | | | |
| New & Major | \$300 | 7 hours | 476 | \$ 999,600 |
| | \$250 | 89.25 hours | 476 | \$10,620,750 |
| Minor Change | \$300 | 2 hours | 250 | \$ 150,000 |
| | \$250 | 88.25 hours | 250 | \$5,515,625 |
| Multiple Ownership Showings | \$300 | 18 hours | 285 | \$1,539,000 |
| | \$250 | 92.25 hours | 285 | \$6,572,813 |
| Community of License Change | \$300 | 12 hours | 66 | \$ 237,600 |
| | \$250 | 100 hours | 66 | \$1,650,000 |
| FM: | | | | |
| New & Major | \$300 | 7 hours | 298 | \$ 625,800 |
| | \$250 | 71 hours | 298 | \$5,289,500 |
| FM New with P4RM to Amend FM Table Using Tribal Priority | \$300 | 7 hours | 20 | \$ 42,000 |
| | \$250 | 71 hours | 20 | \$ 355,000 |
| FM New filed in | | | | |

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| | | | | |
|-----------------------------|-------|----------|-------|--------------|
| TQ Window | \$300 | 7 hours | 40 | \$ 84,000 |
| | \$250 | 71 hours | 40 | \$ 710,000 |
| Minor Change | \$300 | 2 hours | 1,200 | \$ 720,000 |
| | \$250 | 69 hours | 1,200 | \$20,700,000 |
| Multiple Ownership Showings | \$300 | 28 hours | 274 | \$ 2,301,600 |
| | \$250 | 73 hours | 274 | \$ 5,000,500 |
| Community of License Change | \$300 | 6 hours | 145 | \$ 261,000 |
| | \$250 | 94 hours | 145 | \$ 3,407,500 |

TV:

| | | | | |
|--------------|-------|----------|-----|-------------|
| Minor Change | \$300 | 2 hours | 200 | \$ 120,000 |
| | \$250 | 45 hours | 200 | \$2,250,000 |

DTV:

| | | | | |
|--|-------|----------|-------|--------------|
| | \$300 | 2 hours | 1,220 | \$ 732,000 |
| | \$250 | 34 hours | 1,220 | \$10,370,000 |

| | | | | |
|-----------------------------|-------|----------|----|------------|
| Multiple Ownership Showings | \$300 | 13 hours | 30 | \$ 117,000 |
| | \$250 | 48 hours | 30 | \$ 360,000 |

| | | | | |
|-------------|-------|----------|-------|--------------|
| Repacked TV | \$300 | 2 hours | 1,783 | \$1,069,800 |
| | \$250 | 34 hours | 1,783 | \$15,155,500 |

| | | | | |
|--------------------------------|-------|----------|-----|---------------------|
| <u>DTS:</u> | \$300 | 1 hour | 100 | \$ 30,000 |
| | \$250 | 45 hours | 100 | \$1,125,000 |
| Total AM/FM TV and DTV: | | | | \$98,111,588 |

| <u>Fees:</u> | | <u>Number of Applications</u> | <u>Fee Cost</u> | <u>Total Fee Cost</u> |
|--|--|--------------------------------------|------------------------|------------------------------|
| AM New & Major | | 476 | \$3,310 | \$1,575,560 |
| AM Minor Change | | 250 | \$ 830 | \$ 207,500 |
| AM Multiple Ownership Showings | | 285 | \$3,310 | \$ 943,350 |
| AM Community of License Change | | 66 | \$ 830 | \$ 54,780 |
| FM New & Major | | 298 | \$3,485 | \$1,038,530 |
| FM New with P4RM to Amend FM Table Using | | | | |

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Section 73.3700**

| | | | |
|--------------------------------|-------|---------|--------------------|
| Tribal Priority | 20 | \$3,485 | \$ 69,700 |
| FM New filed in TQ Window | 40 | \$3,485 | \$ 139,400 |
| FM Minor Change | 1,200 | \$ 830 | \$ 996,000 |
| FM Multiple Ownership Showings | 274 | \$2,980 | \$ 816,520 |
| FM Community of License Change | 145 | \$ 830 | \$ 120,350 |
| TV Minor Change | 200 | \$ 830 | \$ 166,000 |
| Repacked TV | 1,783 | \$ 830 | \$1,479,890 |
| DTV | 1,220 | \$ 830 | \$ 1,012,600 |
| TV Multiple Ownership Showings | 30 | \$3,720 | \$ 111,600 |
| DTS | 100 | \$ 830 | <u>\$ 83,000</u> |
| Fee Total: | | | \$8,814,780 |

985⁶ new/major/community of license change applications x 4 x \$113.25 = **\$446,205** in publication costs

Annual Cost Burden: \$98,111,588 + \$8,814,780 + 446,205 = **\$107,372,573**

14. Cost to Federal Government: The Commission will use legal and engineering staff at the GS-14/Step 5 level (\$55.78/hour), paraprofessional staff at the GS-11/Step 5 level (\$33.12/hour), and clerical staff at the GS-5 level/Step 5 level (\$18.07/hour) to process these applications.

New & Major Change AM/FM/TV Applications = 834⁷

| | |
|--|-----------------------|
| 834 applications x \$55.78/hour x 41 hours = | \$1,907,341.30 |
| 834 applications x \$55.78/hour x 20 hours = | \$ 930,410.40 |
| 834 applications x \$33.12/hour x 1 hour = | \$ 27,622.08 |
| 834 applications x \$18.07/hour x 2 hours = | <u>\$ 30,140.76</u> |
| | \$2,895,514.54 |

Minor AM Applications = 250

⁶ This number was calculated as follows: 476 AM New & Major Applications + 298 FM New & Major Applications + 66 AM Community of License Change Applications + 145 FM Community of License Change Applications = 985 Applications.

⁷ This number was calculated as follows: 476 AM New & Major Applications + 298 FM New & Major Applications + 60 FM New Tribal-related applications = 834 Applications.

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AM Multiple Ownership Showings = 285

AM Community of License Change Minor Applications = 66

| | |
|--|-----------------------|
| 601 applications x \$55.78/hour x 1 hour = | \$ 33,523.78 |
| 601 applications x \$55.78/hour x 30 hours = | \$1,005,713.40 |
| (No GS-11 Step-5 paraprofessional review required) | |
| 601 applications x \$18.07/hour x 2 hours = | <u>\$ 21,720.14</u> |
| | \$1,060,957.32 |

Minor FM Applications = 1,200

FM Multiple Ownership Showings = 274

FM Community of License Change Minor Applications = 145

| | |
|--|--------------|
| 1,619 applications x \$55.78/hour x 1 hour = | \$ 90,307.82 |
|--|--------------|

| | |
|--|-----------------------|
| 1,619 applications x \$55.78/hour x 20 hours = | \$1,806,156.40 |
| (No GS-11 Step 5 paraprofessional review required) | |
| 1,619 applications x \$18.07/hour x 2 hours = | <u>\$ 58,510.66</u> |
| | \$1,954,974.88 |

Minor TV Applications = 200

DTV Applications = 1,220

TV Multiple Ownership Showings = 30

Repacked TV Applications = 1,783

| | |
|--|-----------------------|
| 3,233 applications x \$55.78/hour x 1 hour = | \$ 180,336.74 |
| 3,233 applications x \$55.78/hour x 20 hours = | \$3,606,734.80 |
| 3,233 applications x \$33.12/hour x 6 hours = | \$ 642,461.76 |
| 3,233 applications x \$18.07/hour x 2 hours = | <u>\$ 116,840.62</u> |
| | \$4,546,373.80 |

DTS Applications = 100

(No GS-14 Step 5 legal review required)

| | |
|--|---------------------|
| 100 applications x \$55.78/hour x 20 hours = | \$111,560.00 |
| 100 applications x \$33.12/hour x 6 hours = | \$ 19,872.00 |
| 100 applications x \$18.07/hour x 2 hours = | <u>\$ 3,614.00</u> |
| | \$135,046.00 |

Total Cost to the Federal Government: **\$10,592,866.54**

15. Reason for Changes in Burden or Cost: If the proposed requirements contained in FCC 12-118 are adopted in a final rulemaking by the Commission 1,783 respondents, 1,783 responses, 10,698 burden hours and \$16,562,701 in annual cost will be added to OMB's inventory.

The Commission also has adjustments to the annual cost burden of \$150,490 which are due to increases in filing fees for FM New and Major Applications from \$2,980 to \$3,485.

16. Plans for Publication: The data will not be published.

17. Display of OMB Approval Date: We request extension of the waiver not to publish the expiration date on the form. 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 § 0.408.

18. Exceptions to the Certification Statement: There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.