

## SUPPORTING STATEMENT

### A. Justification:

1. **Form 302-DTV** is used by licensees and permittees<sup>1</sup> of Digital TV (“DTV”) broadcast stations to obtain a new or modified station license and/or to notify the Commission of certain changes in the licensed facilities of those stations. It may be used: (1) To cover an authorized construction permit (or auxiliary antenna), provided that the facilities have been constructed in compliance with the provisions and conditions specified on the construction permit; or (2) To implement modifications to existing licenses as permitted by 47 C.F.R. Sections 73.1675(c) or 73.1690(c).

### Revised Information Collection 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 full power stations proposing channel sharing<sup>2</sup> need to file FCC Form 302-DTV to have their licenses re-issued for the shared 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 confirm that the station has been built to terms specified in the outstanding construction permit, and to update FCC station files. Data is then extracted from FCC 302-DTV for inclusion in the subsequent license to operate the station. The Commission reviews these applications to ensure that the minor changes made by the station will not have any significant impact on other stations and the public.

3. **Consideration Given to Information Technology:** The Commission requires applicants to file this form 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.

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<sup>1</sup> A “permittee” is a party that has received a construction permit for a broadcast station. Once the permittee has constructed the station facilities according to the construction permit, it will file an application for a broadcast license. When the license application is granted, the permittee becomes a “licensee.”

<sup>2</sup> Channel sharing is when stations submit a bid in a reverse action whereby a station or stations agree to relinquish its channel and share the operating channel of another station.

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. Therefore, the information collection does not have a significant economic impact on a substantial number of small entities/businesses.

6. **Less Frequent Data Collection:** The frequency for filing is determined by the respondents, as necessary.

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

8. **Comments Received from the Public:** The Commission published a Notice in the Federal Register Notice on November 21, 2012 (*see* 77 FR 69934) seeking public comment on the information collections contained in this supporting statement. To date, no comments have been received from the public.

9. **Payment or Gift:** No payment or gift is provided to the 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:**

**FCC Form 302-DTV:** We estimate that 200 applications for a license to cover a construction permit (“license applications”) and 100 applications to modify an existing license (“modifications”) will be filed by DTV stations with the Commission annually.<sup>3</sup> We assume that the respondent (station licensee/permittee) will file this form. We estimate that the respondent will take two (2) hours to complete each application and file it. We assume that this time period of 2 hours for the completion and filing of each application will also include approximately 0.5 hours for the respondent to consult with a consulting engineer and 0.5 hours to consult with an outside attorney to assist the station in its preparation of the application’s engineering and legal sections, respectively.<sup>4</sup> We estimate that the respondent will have an average salary of \$100,000/year (\$48.08/hour).<sup>5</sup>

We also estimate that a total of 1,783 full power television stations will file FCC Form 302-DTV following the incentive auction and repacking process. We estimate that 10% of these applications (or 178 applications) will be made by the station licensee without outside consultation and will require two (2) hours preparation,

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<sup>3</sup> We note that this estimate includes the filing of amendments to these applications.

<sup>4</sup> The respondent’s time to consult with the outside engineer and outside attorney is included in the 2 hours.

<sup>5</sup> The Commission estimates that the average hourly salary for in-house personnel which includes station manager, engineer and attorney to be \$100,000/year or \$48.08/hour based on the fact that the Commission is unsure which station personnel will complete and file the applications for the station.

while 90% of these applications (or 1,605 applications) will be contracted out to outside attorneys and will require one (1) hour of consultation with these outside parties.

Type of Filing	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
<b>Form 302-DTV</b>						
License Applications	200	200	2 hrs	400 hrs	\$48.08	\$19,232.00
Modifications	100	100	2 hrs	200 hrs	\$48.08	\$9,616.00
Post Incentive Auction License Application filed by station	178	178	2 hrs	356	\$48.08	\$17,116.48
Post Incentive Auction License Application filed by outside attorney/engineer after consultation with station	1,605	1,605	1 hr	1,605	\$48.08	\$77,168.04
<b>Total</b>	<b>2,083</b>	<b>2,083</b>		<b>2,561 hrs</b>		<b>\$123,132.52</b>

**13. Annual Cost Burden to Respondents:**

**FCC Form 302-DTV:** We estimate that each respondent station licensee/permittee will consult with a consulting engineer for 0.5 hours to assist the respondent in its preparation of the application’s engineering section and that each respondent station licensee/permittee will consult with an outside attorney for 0.5 hours to assist the respondent in its preparation of the application’s the legal section. We estimate that the consulting engineer will have an average salary of \$250/hour and the outside attorney will charge approximately \$300/hour.

**Filing Fee:** There is a \$285.00 filing fee for each license application filed by a commercial DTV station.<sup>6</sup> Of the estimated 200 license applications that will be filed annually, we estimate that 90% or 180 of these applications will be filed by a commercial DTV station. The remaining 10% of the applications filed by noncommercial stations will not be subject to a filing fee. There is no filing fee for Form 302-DTV modifications, which can be made without prior Commission approval.

<sup>6</sup> See 47 C.F.R. § 1.1104 (2009).

Type	Number of Forms	Consultant's Burden	Total Annual Burden Hours	Consultant's Hourly Fee or Application Fee	Cost Burden
<b>Form 302-DTV</b>					
License Application Engineering Consultant	200	0.5 hrs	100 hrs	\$250.00	\$25,000.00
License Application Outside Attorney	200	0.5 hrs	100 hrs	\$300.00	\$30,000.00
License Application Filing Fee	180 <sup>7</sup>			\$285.00/fee	\$51,300.00
Modification Engineering Consultant	100	0.5 hrs	50 hrs	\$250.00	\$12,500.00
Modification Outside Attorney	100	0.5 hrs	50 hrs	\$300.00	\$15,000.00
Post Incentive Auction License Application Engineering Consultant	1,783	0.5 hrs	892 hrs	\$250.00	\$223,000.00
Post Incentive Auction License Application Outside Attorney	1,783	0.5 hrs	892 hrs	\$300.00	\$267,600.00
Post Incentive Auction License Application Filing Fee	1,783			\$285.00/fee	\$508,155.00
<b>Total</b>					<b>\$1,132,555.00</b>

14. **Cost to Federal Government:** The Commission will use professional 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/Step 5 level (\$18.07/hour) to process the FCC 302-DTV applications.

Clerical	0.50 hours x \$18.07/hour x 2,083 =	\$ 18,819.91
Paraprofessional	1.75 hours x \$33.12/hour x 2,083 =	\$120,730.68
Professional	5.25 hours x \$55.78/hour x 2,083 =	<u>\$609,996.14</u>
<b>Total Cost to Federal Government =</b>		<b>\$749,546.73</b>

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, 1,961 burden hours and \$998,755 in annual cost will be added to OMB's inventory.

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

<sup>7</sup> Only commercial stations are subject to the filing fee. Therefore, only 180 applicants will have to pay the filing fee. The remaining 20 applicants, estimated to be noncommercial stations, are not required to pay the filing fee.

**OMB Control Number: 3060-0837**

**November 2012**

**Title: Application for DTV Broadcast Station License, FCC Form 302-DTV; 47 CFR Section 73.3700**

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.