

**SUPPORTING STATEMENT**

**A. Justification:**

1. 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 stations changing channel assignments may need to provide notice to multichannel video programming distributors (MVPDs) so that MVPDs can make the necessary changes to their channel lineups. Notice would be provided in the form of a letter to the MVPD by stations and would need to contain certain information which is explained in detail in the NPRM. **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 1, 4(i) and (j), 7, 154, 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, as amended.

2. MVPDs use the data to determine the changes they may need to make to their systems.
3. The notification is not filed with the Commission but rather provided to the MVPDs from stations changing channel assignments.
4. No other agency imposes a similar information collection on the respondents. There is no similar data available.
5. This information collection will not have a significant economic impact on a substantial number of small entities/businesses.
6. The frequency for this collection of information is one time for stations providing notice to MVPDs.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Commission published a notice in the Federal Register on November 21, 2012 seeking public comment on the information collection requirements contained in this supporting statement, *see* 77 FR 69934. To date, comments have been received from the public.
9. No payment or gift was provided to the respondents.
10. This information does not have to be kept confidential.
11. This information collection does not address any private matters of a sensitive nature.

12. We make the following estimates for the MVPD notice.

**MVPD Notice**

We estimate that a total of 2,254 full power and Class A television stations<sup>1</sup> will be required to provide the notification to MVPDs. We estimate that 90% of these filings (or 2,029 filings) will be made by the station or MVPD without outside consultation and will require two (2) hours preparation, while 10% of these filings (or 225 filings) will be contracted out to outside attorneys and will require one (1) hour of consultation with these outside parties.

Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents <sup>2</sup>	Annual In-House Cost
MVPD Notification- in-house prepared	2,029	2,029	2 hrs	4,058 hrs	\$48.08	\$195,108.64
MVPD Notification – prepared by outside attorney but requiring the respondent to consult with said attorney	225	225	1 hr consultation	225 hrs	\$48.08	\$10,818.00
<b>Total</b>	<b>2,254</b>	<b>2,254</b>		<b>4,283 hrs</b>		<b>\$205,926.64</b>

**13. ANNUAL COST BURDEN:**

An attorney would prepare the MVPD notification, estimated above to be 225 filings. We estimate that the average salary for the attorney is \$300/hour and take two hours to prepare per notification.

$$225 \text{ MVPD Notices prepared by Attorney} \times 2 \text{ hours/notification} \times \$300/\text{hour} = \underline{\$135,000}$$

**Annual Cost Burden = \$135,000**

**14. Cost to the Federal Government:**

There will be no cost to the government for this notice.

15. This is a new information collection. If the proposed requirements contained in FCC 12-118 are adopted in a final rulemaking 2,254 respondents, 2,254 responses, 4,283 burden hours and \$135,000 in annual cost will be added to OMB's inventory.

<sup>1</sup> This estimate is based on the current number of licensed full power television stations and Class A television stations.

<sup>2</sup> This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour.

**16.** No data will be publically available on an FCC database.

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

**18.** There are no exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods**

No statistical methods are employed.