

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, stations that are repacked¹ to new channel assignments will be required to conduct consumer education, including on-air announcements of their new channel assignments, and to submit a Form 390 to report on their activities. **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(i), 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, as amended.

2. FCC staff will use the data to determine reimbursements for stations and MVPDs. FCC staff will review for compliance with legal regulations.

3. All FCC Form 390 will be filed electronically via the Commission’s auction filing system.

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 seeking reimbursement based on actual, documented expenses and twice for stations seeking advance payment based upon estimated expenses.

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 not 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.

¹ Repacked occurs when stations that are assigned a new operating channel following completion of the incentive auction process.

11. This information collection does not address any private matters of a sensitive nature.

12. We make the following estimates for consumer education including FCC Form 390.

Consumer Education and FCC Form 390

We estimate that a total of 2,254 full power and Class A television stations² will be required to submit FCC Form 390 to report on their band transition consumer education activity. We estimate that 90% of these filings (or 2,030 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 224 filings) will be contracted out to outside attorneys and will require one (1) hour of consultation with these outside parties. The on-air education options will not require any outside assistance.

Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents ³	Annual In-House Cost
FCC Form 390 – in-house filed	2,030	2,030	2 hrs	4,060 hrs	\$48.08	\$195,204.80
FCC Form 390 – filed by outside attorney but requiring the respondent to consult with said attorney	224	224	1 hr consultation	224 hrs	\$48.08	\$10,769.92
On-Air Education – Option 1	564 ⁴	564	85 hrs	47,940 hrs	\$48.08	\$2,304,955.20
On-Air Education – Option 2	1,127 ⁵	1,127	26 hrs	29,302 hrs	\$48.08	\$1,408,840.16
On-Air Education – Option 3	563 ⁶	563	11 hrs	6,193 hrs	\$48.08	\$297,759.44
Total	4,508	4,508		87,719 hrs		\$4,217,529.52

13. ANNUAL COST BURDEN:

² This estimate is based on the current number of licensed full power television stations and licensed Class A television stations.

³ This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour.

⁴ This estimates the number of broadcasters that will use Option One to provide on-air education.

⁵ This estimates the number of broadcasters that will use Option Two to provide on-air education.

⁶ This estimates the number of NCE broadcasters that will use Option Three to provide on-air education. FCC 12-118 explains in detail the various on-air education options that are available for respondents to use.

An attorney would prepare and submit FCC Form 390, estimated above to be 224 filings. We estimate that the average salary for the attorney is \$300/hour and will take 2 hours processing time per filing.

$$\begin{array}{r} 224 \text{ FCC Form 390 filed by Attorney} \times 2 \text{ hours/filing} \times \$300/\text{hour} = \quad \underline{\$134,400} \\ \text{Annual Cost Burden} = \quad \underline{\$134,400} \end{array}$$

14. Cost to the Federal Government:

We estimate the government will use legal staff at the GS-14, step 5 level (\$57.13/hour). We expect the review of for FCC Form 390 to take from roughly 2 hours per filing.

$$\begin{array}{r} 2,254 \text{ FCC Form 390} \times \$57.13/\text{hr.} \times 2 \text{ hours/filing} = \quad \underline{\$257,542.04} \\ \text{Cost to the Federal Government:} \quad \underline{\$257,542.04} \end{array}$$

15. This is a new information collection. If the proposed requirements contained in FCC 12-118 are adopted in a final rulemaking 4,508 respondents, 4,508 responses, 87,719 burden hours and \$134,400 in annual cost will be added to OMB's inventory.

16. The data will be publically available on 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.