

### **Justification of Non-substantial changes to Collection 3060-1173**

The Commission is submitting this non-substantial change request submission to the Office of Management and Budget (OMB) to amend the application dismissal procedures that were approved under OMB control number 3060-1173.

On March 19, 2012, the Commission adopted the *Fourth Report and Order and Third Order on Reconsideration (Fourth Report and Order)* in the low power FM (LPFM) proceeding. The Commission proposed to facilitate the processing of the 6,500 FM translator applications then-remaining from the 2003 Auction No. 83 filing window by imposing a national cap of 50 applications and a market-based cap of one application per applicant per market for 156 identified markets (the 150 largest markets plus six additional markets with multiple pending translator applications, defined in the *Fourth Report and Order* as the “Appendix A Markets”). Translator applicants with more than 50 pending applications and/or more than one pending application in the Appendix A Markets were required to request the dismissal of their applications in excess of those limits by letter (“Dismissal Letter”). The Commission received OMB approval for the filing requirement on July 24, 2012.

On November 30, 2012, the Commission adopted the *Fifth Order on Reconsideration and Sixth Report and Order (Fifth Order)* which increases the application cap adopted in the *Fourth Report and Order* to allow (but does not require) applicants to pursue up to 70 applications nationally provided that: (a) no more than 50 applications are in Appendix A Markets, and (b) those applications that are not in Appendix A Markets: (i) would not preclude approval of a future LPFM application at the proposed transmitter site, and (ii) cannot overlap with the contour of any other pending translator application or authorization held by that applicant. The *Fifth Order* also allows (but does not require) translator applicants to prosecute up to 3 translator applications in Appendix A Markets, rather than only 1 application, subject to conditions similar to those specified in romanets (i) and (ii) in the preceding sentence. This modification came as the result of several petitions for reconsideration filed against the *Fourth Report and Order*.

We estimate that the increases in the translator application caps will reduce the number of Dismissal Letters from 300 to 195 and reduce the total annual hour burden for applicants from 600 hours to 439 hours. The applicants’ in-house costs, as well as the Federal Government’s cost burden, also will drop.