

SUPPORTING STATEMENT

A. Justification:

1. On November 29, 1999, the Community Broadcasters Protection Act of 1999 (CBPA), Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 - 1501A-598 (1999), codified at 47 U.S.C. Section 336(f), was enacted. That legislation provided that a low power television (LPTV) licensee should be permitted to convert the secondary status of its station to the new Class A status, provided it can satisfy certain statutorily-established criteria. The CBPA directs that Class A licensees be subject to the same license terms and renewal standards as full-power television licenses and that Class A licensees be accorded primary status as television broadcasters as long as they continue to meet the requirements set forth in the statute for a qualifying low power station. The CBPA sets out certain certification and application procedures for LPTV licensees seeking Class A designation, prescribes the criteria LPTV licensees must meet to be eligible for Class A licenses, and outlines the interference protection Class A applicants must provide to analog, digital, LPTV and TV translator stations.

The CBPA directs that Class A stations must comply with the operating requirements for full-service television broadcast stations. Therefore, beginning on the date of its application for a Class A license and thereafter, a station must be “in compliance” with the Commission’s operating rules for full-service television stations contained in 47 CFR Part 73. The following rules apply to Class A licensees:

47 CFR Section 73.673 requires Class A TV broadcasters to identify programs specifically designed to educate and inform children at the beginning of those programs, in a form that is at the discretion of the licensee, and to provide information, identifying such programs and the age groups for which they are intended, to publishers of program guides.

47 CFR Section 73.1125(d)(1) requires Class A licensees to notify the Commission when the main studio is relocated from one point to another within the locations described in 47 CFR Section 73.1125(a) or (c) and to a point outside the locations specified in 47 CFR Section 73.1125(a) or (c) to one within those locations.

47 CFR Section 73.1125(d)(2) requires Class A licensees must receive written authority from the FCC to locate a main studio outside the locations specified in 47 CFR Section 73.1125(a) or (c) before the main studio may be moved. Additionally, where the main studio is already authorized at a location outside the locations specified in 47 CFR Section 73.1125(a) or (c), and the licensee desires to specify a new location also located outside those locations, written authority must also be received from the Commission prior to the relocation of the main studio. Authority for these changes may be requested by filing a letter with an explanation of the proposed changes.

47 CFR Section 73.1212 requires a broadcast station to identify the sponsor of any matter for which consideration is provided. For matter advertising commercial products or services, generally the mention of the name of the product or service constitutes sponsorship identification. In the case of television political advertisements concerning candidates for public office, the sponsor shall be identified with letters, equal to or greater than four percent of the vertical height of the television screen. In addition, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, the licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter. Sponsorship announcements are waived with respect to the broadcast of "want ads" sponsored by an individual, but the licensee shall maintain a list showing the name, address and telephone number of each such advertiser. These lists shall be made available for public inspection.

47 CFR Section 73.1590 requires licensees of Class A stations to make audio and video equipment performance measurements for each main transmitter. These measurements and a description of the equipment and procedure used in making the measurements must be kept on file at the transmitter for two years. In addition, this information must be made available to the FCC upon request.

47 CFR Section 73.1615(c) requires notification to the FCC by a licensee of an AM, FM, TV or Class A TV station when it is in the process of modifying existing facilities as authorized by a construction permit and it becomes necessary to either discontinue operation or to operate with temporary facilities. If such licensee needs to discontinue operations or operate with temporary facilities for more than 30 days, then an informal letter request must be sent to the FCC prior to the 30th day.

47 CFR Section 73.1620 requires permittees of a Class A TV station to notify the FCC upon beginning of program tests. An application for license must be filed within 10 days of this notification.

47 CFR Section 73.1635 allows licensees/permittees of broadcast stations to file a request for special temporary authority to operate a broadcast facility for a period not to exceed 180 days at a specified variance from the terms of the station authorization or requirements of the FCC rules applicable to the particular class of station. Specifically, permittees or licensees must submit a letter to the FCC describing the proposed operation and the need for such authority at least 10 days prior to the date of the proposed operation, except when the special temporary authority is necessitated by unforeseen circumstances. In such cases, parties may notify the FCC by alternative means (e.g., telephone, telegram, facsimile) followed by a letter of confirmation.

47 CFR Section 73.1870 requires that the licensee of a Class A TV broadcast station designate a chief operator of the station. Section 73.1870(b)(3) requires that this designation must be in writing and posted at the transmitter site. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station files.

47 CFR Section 73.1870(c)(3) requires that the chief operator, or personnel delegated and supervised by the chief operator, review the station records at least once each week to determine if required entries are being made correctly, and verify that the station has been operated in accordance with FCC rules and the station authorization. Upon completion of the review, the chief operator must date and sign the log, initiate any corrective action which may be necessary and advise the station licensee of any condition which is repetitive.

Class A licensees are subject to the political programming rules. These rules include 47 CFR Sections 73.1920, 73.1930, 73.1941, 73.1942, 73.1943 and 73.1944.

47 CFR Section 73.2080 provides that equal opportunity in employment shall be afforded by all broadcast stations to all qualified persons and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin or sex. Each broadcast shall establish, maintain and carry out a program to assure equal opportunity in every aspect of a broadcast station's policy and practice. Broadcasters are required to widely disseminate information about job openings to ensure that all qualified applicants, including minorities and women, are able to compete for jobs in the broadcast industry. The requirements afford broadcasters maximum flexibility in designing EEO programs appropriate in terms of the station's size, location, etc., while, at the same time, ensuring broad dissemination of information concerning every full-time vacancy.

47 CFR Section 73.3526 requires that each licensee of a Class A TV broadcast station maintain a file for public inspection. The contents of the file vary according to type of service and status. A separate file shall be maintained for each station for which an application is pending or for which an authorization is outstanding. The public inspection file must be maintained so long as an authorization to operate the station is outstanding. All requirements for the public inspection file are applicable to Class A TV licensees. Documentation sufficient to demonstrate that the Class A TV station continues to meet the eligibility requirements set forth at Section 73.6001 is also required.

47 CFR Section 73.3550 provides that requests for new or modified call signs may be made via the on-line call sign reservation and authorization system (FCC Form 380).

47 CFR Section 73.3598 requires that when a permit is subject to tolling because construction is encumbered due to an act of God, or when a construction permit is the subject of administrative or judicial review, Section 73.3598 requires a permittee to notify the Commission as promptly as possible and, in any event, within 30 days, and to provide supporting documentation. Tolling resulting from an act of God will normally cease six months from the date of the notification. A permittee must also notify the Commission promptly when a relevant administrative or judicial review is resolved. Any construction permit for which construction has not been completed shall be automatically forfeited upon expiration of the construction permit.

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47 CFR Section 73.6001 requires Class A licensees unable to continue to meet the minimum operating requirements for Class A television stations, or which elect to revert to LPTV status, to notify the Commission, in writing, and request a change in status.

47 CFR Section 73.6022(a) allows Class A TV stations to negotiate agreements with parties of authorized and proposed analog TV, DTV, LPTV, TV translator, and Class A TV stations, or other affected parties, to resolve interference concerns. A written and signed agreement must be submitted with each application or other request for action by the Commission.

47 CFR Section 73.6022(b) allows a Class A TV station displaced by a DTV channel allotment change to exchange channels with the DTV station, provided both parties consent in writing to the change and that the Class A TV station meets all applicable interference protection requirements on the new channel.

47 CFR Section 74.703 advises an applicant for a new low power TV, TV translator, or TV booster station or for a change in the facilities of such an authorized station that it will not be granted when it is apparent that interference will be caused. Applications can be granted where there is a written agreement between affected parties to accept interference or where it can be shown that interference will not occur due to terrain shielding and terrain dependent propagation methods. Any written agreement must be submitted with an application. Class A TV licensees will also be required to file the FCC Form 398, Children's Television Program Report. FCC Form 398 is approved under OMB Control Number 3060-0754.

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), 307, 308, 309, and 319 of the Communications Act of 1934, as amended and the Community Broadcasters Protection Act of 1999.

2. The information collections contained within this submission will ensure that the integrity of the TV spectrum is not compromised. It will also ensure that unacceptable interference will not be caused to existing radio services and that statutory requirements are met. These rules will ensure that the stations are operated in the public interest.

3. These information collections contain notifications and recordkeeping requirements. The use of information technology is not feasible in these situations.

4. No other agency imposes a similar information collection on the respondents. There is no similar data available.

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5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents.
6. The frequency for this collection of information is determined by the respondents, as necessary.
7. This collection of information is consistent with the guidelines in 5 C.F.R. Section 1320.5(d)(2).
8. The Commission published a Notice (78 FR 13056) in the *Federal Register* on February 26, 2013 seeking comment from the public on the information collection requirements contained in this collection. No comments were received from the public.
9. No payment or gift was provided to the respondents.
10. There is no need for confidentiality with this collection of information.
11. This collection of information does not address any private matters of a sensitive nature.
12. The following is provided for burden estimates for the Class A rules.

Number of Respondents: 430

Number of Responses: 10,850

RULE SECTION	NUMBER of RESPONSES	LICENSEE BURDEN	TOTAL BURDEN	HOURLY IN-HOUSE COST	TOTAL IN-HOUSE COST
73.673	430	0.017 hours x 6 programs/ week x 52 weeks	2,281 hours	\$48.08/hour	\$109,670.48
	430	0.083 hours x 6 programs/week x 52 weeks	11,135 hours	\$48.08/hour	\$535,370.80
73.1125(d)(1)	25	0.5 hours	12.5 hours	\$48.08/hour	\$601.00
73.1125(d)(2)	25	2.0 hours	50 hours	\$48.08/hour	\$2,404.00
73.1212	430	40 broadcasts/ station x 0.1 hrs/broadcast	1,720 hours	\$48.08/hour	\$82,697.60
	430	2 political spots/ station x 0.0003 hrs/broadcast	.26 hours	\$48.08/hour	\$12.50
73.1590	430	18.0 hours	7,740 hours	\$48.08/hour	\$372,139.20

73.1615(c)	25	0.5 hours	12.5 hours	\$48.08/hour	\$601.00
	25	0.5 hours	12.5 hours	\$48.08/hour	\$601.00
73.1620	430	1.0 hours	430 hours	\$48.08/hour	\$20,674.40
73.1635	50	4.0 hours	200 hours	\$48.08/hour	\$9,616.00
	50	1.0 hours	50 hours	\$48.08/ hour	\$2,404.00
	50	1.0 hours	50 hours	\$48.08/hour	\$2,404.00
73.1870(b)(3)	430	0.166 hours	71 hours	\$48.08/hour	\$3,413.68
73.1870(c)(3)	430	26.0 hours	11,180 hours	\$48.08/hour	\$537,534.40
73.1920	200	0.5 hours	100 hours	\$48.08/hour	\$4,808.00
73.1930	200	3.0 hours	600 hours	\$48.08/hour	\$28,848.00
73.1941	430	0.5 hours	215 hours	\$48.08/hour	\$10,337.20
73.1942	430	0.5 hrs/disclosure x 25 disclosures	5,375 hours	\$48.08/hour	\$258,430.00
	430	20.0 hrs x 2 times/year	17,200 hours	\$48.08/hour	\$826,976.00
	430	2 hrs x 2 times/ election period	1,720 hours	\$48.08/hour	\$82,697.60
73.1943	430	0.25 hrs x 25 broadcasts/year	2,688 hours	\$48.08/hour	\$129,239.04
73.1944	430	0.5 hours	215 hours	\$48.08/hour	\$10,337.20
73.2080	430	42.0 hours	18,060 hours	\$48.08/hour	\$868,324.80
	430	52.0 hours	22,360 hours	\$48.08/hour	\$1,075,068.80
73.3526	430	2.5 hrs/wk x 52 weeks	55,900 hours	\$48.08/hour	\$2,687,672.00
	430	0.5 hrs/wk x 52 weeks	11,180 hours	\$48.08/hour	\$537,534.40
	430	1.0 hours/wk x 52 weeks	22,360 hours	\$48.08/hour	\$1,075,068.80
73.3550	300	0.166 hours	49.8 hours	\$48.08/hour	\$2,394.38
	300	0.25 hours	75 hours	\$48.08/hour	\$3,606.00
73.3598	50	0.5 hours	25 hours	\$48.08/hour	\$1,202.00
	50	0.25 hours	12.5 hours	\$48.08/hour	\$601.00
74.703	250	2.0 hours	500 hours	\$48.08/hour	\$24,040.00
	250	0.25 hours	62.50 hours	\$48.08/hour	\$3,005.00

73.6001	50	1.0 hours	50 hours	\$48.08/hour	\$2,404.00
73.6022(a)	250	2.0 hours	500 hours	\$48.08/hour	\$24,040.00
73.6022(b)	100	2.0 hours	200 hours	\$48.08/hour	\$9,616.00
FCC 398	430	4.5 hours/qtr x 4 quarters	7,740 hours	\$48.08/hour	\$372,139.20
TOTALS	10,850		202,133 hours		\$9,718,533.48

*Annual "In-house Cost": The respondent is estimated to have an average salary of \$100,000/year (\$48.08/hour).

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

13. Annual Cost Burden: We assume that the respondent would use a contract attorney (\$300/hour) and consulting engineer (\$250/hour) to complete some of the information collection.

Section 73.1125(d)(2)	25 x 1.0 hours x \$300	= \$7,500.00
	25 x 2.0 hours x \$250	= \$12,500.00
Section 73.1615	25 x 0.5 hours x \$300	= \$3,750.00
Section 73.1635	50 x 1.0 hours x \$300	= \$15,000.00
	50 x 2.0 hours x \$250	= \$25,000.00
	50 x 3.0 hours x \$300	= \$45,000.00
Section 73.3550	300 x 0.25 hours x \$300	= \$22,500.00
Section 73.3598	50 x 0.25 hours x \$300	= \$3,750.00
Section 74.703	250 x 8.0 hours x \$250	= \$500,000.00
Section 73.6022	250 x 8.0 hours x \$250	= \$500,000.00
	100 x 2.0 hours x \$300	= \$60,000.00
	100 x 8.0 hours x \$250	= \$200,000.00
FCC Form 398	430 x 1.0 hours x 4 x \$300	= <u>\$516,000.00</u>
	Total annual cost burden =	\$1,911,000.00

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14. Cost to the Federal Government: The Commission will use clerical staff at the GS-5, step 5 level (\$18.50/hour), paraprofessional staff at the GS-9, step 5 level (\$28.04/hour), engineering staff at the GS-13, step 5 level (\$48.35/hour) and legal staff at the GS-14, step 5 level (\$57.13/hour) to process applications.

430 applications x 1 hour x \$18.50	=	\$ 7,955.00
430 applications x 1.5 hours x \$48.35	=	\$31,185.75
430 applications x 1 hour x \$57.13	=	\$24,565.90
430 applications x 1 hour x \$28.04	=	<u>\$12,057.20</u>
Total Cost:		\$75,763.85

15. There are no program changes to this collection. There are adjustments of -70 to the number of respondents, -1,400 to the number of annual responses, -32,488 to the annual burden hours and -\$84,000 to the annual cost burden.

16. The data will not be published.

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 other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.