

OMB Control Number: 3060-0920

October 2013

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

SUPPORTING STATEMENT

A. Justification:

1. **Circumstances Necessitating Change to Information Collection:** This submission is being made as a revision to an existing information collection pursuant to 44 U.S.C. § 3507. This submission covers revisions to FCC Form 318 and its accompanying instructions and worksheets. FCC Form 318 is required: (1) to apply for a construction permit for a new Low Power FM (LPFM) station; (2) to make changes in the existing facilities of such a station; (3) to amend a pending FCC Form 318 application; or (4) to propose mandatory time-sharing.

This submission covers revisions to the rules governing eligibility to apply for an LPFM station, ownership of LPFM stations and selection among mutually exclusive applicants¹ for LPFM stations. This submission also covers changes to the manner in which the Commission processes requests for waiver of the second-adjacent channel minimum distance separation requirements (“second-adjacent waivers”),² and the manner in which the Commission handles complaints of interference caused by LPFM stations operating pursuant to second-adjacent waivers. Lastly, this submission addresses changes to the technical rule governing complaints about and remediation of third-adjacent channel interference, and changes to the technical rule governing interference to the input signals of FM translator stations.³

To determine whether this information collection would affect individuals or households and thus have privacy impacts, the Commission conducted a Privacy Threshold Analysis (PTA). The PTA determined that the Media Bureau will collect information about individuals, *i.e.*, personally identifiable information or PII from individuals or households, who submit complaints of interference caused by low power FM stations. This information will include an individual’s home address, home telephone number, and/or other PII. However, because of the way that the information will be structured, the information in the interference complaints, *i.e.*, PII from individuals who submit these complaints, will be stored under the call signs and/or the facility ID numbers of the LPFM stations that are the subjects of the complaints. There will not be the ability to retrieve information by an individual’s name or other personal identifier. Therefore,

¹ Mutually exclusive applicants are identified by the FCC as applicants filing applications that conflict with each other.

² These requirements, set forth in 47 C.F.R. § 73.807, specify the minimum amount of distance that must separate an LPFM station from a full-service or FM translator station, and are designed to protect the technical integrity of the FM service.

³ FM translators rebroadcast the signals of other FM stations, called their primary stations. Some FM translators receive the signal of their primary stations via direct off-air reception. 47 C.F.R. § 73.809 addresses interference caused by LPFM stations to the reception of these input signals by FM translators.

OMB Control Number: 3060-0920

October 2013

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

the PII collected here is not being handled in a manner that meets the Privacy Act's definition of a "system of records."⁴ There will be no impacts under the Privacy Act.

Statutory authority for this collection of information is contained in Sections 154(i), 303, 308 and 325(a) of the Communications Act of 1934, as amended.

Revised Information Collection Requirements:

On December 4, 2012, the FCC released a Sixth Report and Order, Creation of a Low Power Radio Service, MM Docket No. 99-25, FCC 12-144. In the Sixth Report and Order ("Order"), the FCC revised Section 73.853(b) of the Commission's rules⁵ ("rules") to permit federally recognized Native American Tribes and Alaska Native Villages ("Native Nations") and entities owned or controlled by Native Nations (collectively, "Native Nation Applicants") to hold LPFM licenses. The FCC also revised its definition of local to specify that Native Nation Applicants are considered local throughout their Tribal lands. We note that the overall number of respondents may increase because these rule changes expand the universe of applicants eligible to apply for an LPFM station. We have revised the Form 318 to reflect these changes. We also have revised the Form 318 to specify new information collection requirements applicable to the other categories of applicants eligible to seek LPFM licenses.

In the Order, the FCC also modified its ownership rules. First, the FCC revised its cross-ownership rule to permit cross-ownership of an LPFM station and up to two FM translator stations. Second, the FCC amended its rules to permit Native Nation Applicants to seek up to two LPFM construction permits to ensure adequate coverage of Tribal lands. We have revised the Form 318 to reflect these changes.

The FCC further modified the point system used to select among mutually exclusive LPFM applicants and set forth in Section 73.872 of the rules.⁶ First, the FCC revised the "established community presence" criterion to extend the "established community presence" standard in rural areas. Under the earlier version of the rule, an LPFM applicant was deemed to have an established community presence if it was physically headquartered or had a campus within ten miles of the proposed LPFM transmitter site, or if 75 percent of its board members resided within ten miles of the proposed LPFM transmitter site. The FCC changed the standard from ten to twenty miles for all LPFM applicants proposing facilities located outside the top fifty urban markets, for both the distance from transmitter and residence of board member standards. Second, the FCC modified the point system to award a point to Native Nation Applicants, when they propose to provide LPFM

⁴ See 5 U.S.C. § 552a(a)(5).

⁵ 47 C.F.R. § 73.853(b).

⁶ 47 C.F.R. § 73.872.

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

service to Tribal communities. Third, the FCC established additional points criteria related to maintenance and staffing of a main studio, commitments to locally originate programming and maintain and staff a main studio, and new entry into the broadcasting field. We have revised the Form 318 to reflect these changes to the point system. We note that the overall number of respondents may increase because the rule changes expand the universe of applicants eligible to claim points under the established community presence criterion, and award points to Native Nations Applicants and other applicants that previously were not eligible to claim them.⁷ In addition, there are new information collection requirements set forth in Form 318 and applicable to applicants claiming points under the Native Nations and main studio criteria. We have revised Form 318 to reflect these changes.

The FCC made a number of changes related to time-sharing. It adopted a requirement that parties submit voluntary time-sharing agreements via the Consolidated Database System. It revised the Commission's involuntary time-sharing policy. As a result of these changes, an LPFM applicant must submit the date on which it qualified as having an "established community presence." The FCC indicated that it may require certain LPFM applicants to indicate which 8-hour and 12-hour time slots they prefer. The FCC adopted a mandatory time-sharing policy similar to that applicable to full-service noncommercial educational (NCE) FM stations. We note that the overall number of respondents may increase because this rule change expands the universe of applicants eligible to apply for an LPFM station. We have revised the Form 318 to reflect these changes.

Finally, the FCC modified the manner in which it processes requests for second-adjacent waivers, modified the manner in which it handles complaints of interference caused by LPFM stations operating pursuant to second-adjacent waivers, amended the rule related to complaints about and remediation of third-adjacent channel interference, and amended the rule that sets forth the obligations of LPFM stations with respect to interference to the input signals of FM translator or FM booster stations. We have revised the Form 318 to reflect these changes.

On September 30, 2013, the Commission adopted FCC 13-134. FCC 13-134 made a minor change to 47 CFR 73.827(a). 47 CFR 73.827(a)(1)-(3) provide various methods by which the LPFM station can demonstrate that it will not cause interference to the input signal. The Commission made a slight change to 47 CFR 73.827(a)(1) – instead of demonstrating no interference at multiple locations, the Commission will allow the station to show no interference at one location. This is a minor tweak in the rule where the information collection/methodology is not impacted, but we are reducing the burden of the information being collected. The modified methodology simplifies the (a)(1) "no interference" showing to the

⁷ The change in the number of points awarded under the local program origination criterion will not impact the number of respondents.

OMB Control Number: 3060-0920

October 2013

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

calculation of a single signal strength ratio at a defined location and by eliminating the requirement to make the calculation at locations which would be irrelevant for determining potential interference. Also, Section 73.827(a)(1) is only one of 3 methods that an LPFM application can demonstrate that no interference will occur. Thus, overall, there is not any major change in the burden reported in the supporting statement since the burden reported incorporates all 3 variables.

There are no changes to FCC Form 318 as a result of this change request submission.

LPFM Rules and Related Rules and Policies with Information Collection Requirements:

47 CFR 73.807 sets forth minimum distance separation requirements for LPFM stations. LPFM stations may seek second-adjacent waivers by filing a Form 318 and supporting materials that demonstrate that their proposed operations will not result in interference to any authorized radio service. 47 C.F.R. 73.807 also sets forth the manner in which the FCC will handle complaints of interference caused by LPFM stations operating pursuant to second-adjacent waivers.

47 CFR 73.809(b) states that an LPFM station will be provided an opportunity to demonstrate in connection with the processing of the commercial or NCE FM application that interference as described in paragraph (a) of this section is unlikely. If the LPFM station fails to so demonstrate, it will be required to cease operations upon the commencement of program tests by the commercial or NCE FM station.

47 CFR 809(c) states complaints of actual interference by an LPFM station subject to paragraphs (a) and (b) of this section must be served on the LPFM licensee and the Federal Communications Commission, attention Audio Services Division. The LPFM station must suspend operations within twenty-four hours of the receipt of such complaint unless the interference has been resolved to the satisfaction of the complainant on the basis of suitable techniques. An LPFM station may only resume operations at the direction of the Federal Communications Commission. If the Commission determines that the complainant has refused to permit the LPFM station to apply remedial techniques that demonstrably will eliminate the interference without impairment of the original reception, the licensee of the LPFM station is absolved of further responsibility for the complaint.

47 CFR 73.809(e) states that in each instance where suspension of operation is required, the licensee shall submit a full report to the FCC in Washington, DC, after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

47 CFR 73.810 requires a new LPFM station that is constructed on a third-adjacent channel and satisfies the third-adjacent channel minimum distance separations set forth in Section 73.807 to broadcast periodic announcements during the first year after licensing. It also sets forth requirements related to complaints about interference caused by the operation of an LPFM station on a third-adjacent channel.

47 CFR 73.827(a) states that, when an LPFM station proposes to operate near an FM translator station, the FM translator station is receiving its primary station signal off-air and the LPFM station proposes to operate on a third-adjacent channel to the primary station, the Commission will not authorize such LPFM operations unless the LPFM station proposes to locate its transmitter at least 2 kilometers from the FM translator station. In cases where the LPFM station is located within +/- 30 degrees of the azimuth between the FM translator station and its primary station, the Commission will not authorize such LPFM operations unless the LPFM station proposes to locate its transmitter at least 10 kilometers from the FM translator station. In cases where an LPFM station proposes to locate its transmitter within the "potential interference area," 47 CFR 73.827(a) permits the LPFM station to demonstrate that it will not cause interference to the input signal of the FM translator station at issue.

47 CFR 73.827(c) states that complaints of actual interference by an LPFM station to the direct reception off-air of the signal of an FM station on a third-adjacent channel by an FM translator or FM booster station must be served on the LPFM licensee and the Federal Communications Commission, attention Audio Services Division, Media Bureau. The LPFM station must suspend operations upon receipt of such complaint unless the interference has been resolved to the satisfaction of the complainant on the basis of suitable techniques. An LPFM station may only resume operations at the direction of the Federal Communications Commission. If the Commission determines that the complainant has refused to permit the LPFM station to apply remedial techniques that demonstrably will eliminate the interference without impairment of the original reception, the licensee of the LPFM station is absolved of further responsibility for the complaint.

47 CFR 73.850 permits the filing of share time applications. It also requires the submission to the Commission of agreements reached between share time applicant and current LPFM licensee, or a statement that the share time applicant and current LPFM licensee cannot reach agreement. Upon the Commission's issuance of a notice proposing a share time arrangement and grant of the share time application, the affected LPFM licensee may protest the proposed action, the share time applicant may oppose the protest and/or the proposed action, and the LPFM licensee may reply within the time limits delineated in the notice.

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

47 CFR 73.865 allows a change in the name of an LPFM licensee where no change in ownership or control is involved to be accomplished by a written notification by the licensee to the Commission. This section also prohibits assignment of an LPFM authorization or transfer of control of an LPFM permittee or licensee if (a) consideration exceeds the depreciated fair market value of the physical equipment and facilities, and/or (b) the transferee or assignee is incapable of satisfying all eligibility criteria that apply to a LPFM licensee. Transfers of control involving a sudden change of more than 50 percent of an LPFM's governing board shall not be deemed a substantial change in ownership or control, subject to the filing of an FCC Form 316.

47 CFR 73.870 and 73.871 allow licensees and permittees to file minor change applications and minor amendments to pending FCC Form 318 applications by requesting authority for transmitter site relocation of up to 5.6 kilometers. LPFM applicants with mutually exclusive applications to file minor amendments and minor changes that reflect changes to time-sharing agreements, including universal agreements that supersede involuntary arrangements.

47 CFR 73.870 and 73.871 allow voluntary time-share applicants⁸ to relocate an LPFM transmitter to a central location by filing amendments to their pending FCC Form 318 applications.

47 CFR 73.870 and 73.871 allow a licensee or permittee to file a minor change application to relocate an LPFM transmitter to a common location or a location within 500 meters of another station operating on a third-adjacent channel in order to remediate interference to the other station.

47 CFR 73.870(d) states petitions to deny the tentative selectee from a group of mutually exclusive LPFM applications may be filed within 30 days of the release of a public notice designating one of the mutually exclusive applicants as the tentative selectee. 47 CFR 73.870(d) specifies that such petitions be filed in accordance with the procedures set forth at Section 73.3584. A copy of any petition to deny must be served on the applicant.

47 CFR 73.872(b) requires a party claiming eligibility for a point or points under the established community presence criterion and/or the Native Nations criterion to submit the documentation specified in Form 318 at the time of filing their applications. It also requires a party claiming eligibility for a point under the main studio criterion to specify the address and telephone number of the proposed main studio in FCC Form 318 at the time of filing its applications.

⁸ Voluntary time-share applicants are LPFM applicants who have the same point total and enter into an agreement together to share use of the frequency by submitting a time-share proposal within 30 days of the release of a public notice announcing the tie.

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

47 CFR 73.872(c) states if mutually exclusive applications have the same point total⁹, any two or more of the tied applicants may propose to share use of the frequency¹⁰ by submitting, within 90 days of the release of a public notice announcing the tie, a time-share proposal. Such proposals shall be treated as minor amendments to the time-share proponents' applications, and shall become part of the terms of the station authorization. Where such proposals include all of the tied applications, all of the tied applications will be treated as tentative selectees; otherwise, time-share proponents points will be aggregated to determine the tentative selectees.

(1) Time-share proposals shall be in writing and signed by each time-share proponent, and shall satisfy the following requirements:

- (i) The proposal must specify the proposed hours of operation of each time-share proponent;
- (ii) The proposal must not include simultaneous operation of the time-share proponents; and
- (iii) Each time-share proponent must propose to operate for at least 10 hours per week.

(2) Where a station is authorized pursuant to a time-sharing proposal, a change of the regular schedule set forth therein will be permitted only where a written agreement signed by each time-sharing permittee or licensee and complying with requirements in paragraphs (c)(1)(i) through (iii) of this section is filed with the Commission, Attention: Audio Division, Media Bureau, prior to the date of the change.

47 CFR 73.872(d)(2) states that, if a mutually exclusive group has three or fewer tied, grantable applications, the Commission will simultaneously grant these applications, assigning an equal number of hours per week to each applicant. The Commission will determine the hours assigned to each applicant by first assigning hours to the applicant that has been local, as defined in Section 73.853(b) of this Part, for the longest uninterrupted period of time, then assigning hours to the applicant that has been local for the next longest uninterrupted period of time, and finally assigning hours to any remaining applicant. The Commission will offer applicants an opportunity to voluntarily reach a time-sharing agreement. In the event that applicants cannot reach such agreement, the Commission will require each applicant subject to involuntary time-

⁹ For mutually exclusive applications, the FCC will give each applicant points to determine who should receive the license. The FCC will announce the list of mutually exclusive applicants, and their point totals, including tied applicants. Applicants can cooperate with each other to remove the conflicts in two ways. First, if all the mutually exclusive applicants agree, virtually any proposal to allocate the licenses can be submitted to the FCC. Second, any number of tied applicants can pool their points if they agree to a time-sharing proposal that grants at least 10 hours per week to each applicant. Applicants will have 30 days; measured from the day the FCC makes the announcement, to submit their written time-sharing agreement to the FCC. The FCC will put the announcement on its website. It may or may not give applicants individual notice.

¹⁰ The range of frequencies between 10 kilocycles per second to 300,000 megacycles per second in which radio waves can be transmitted. It can also refer to a frequency used for a specific radio station.

OMB Control Number: 3060-0920

October 2013

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

sharing to simultaneously and confidentially submit their preferred time slots to the Commission. The Commission will give preference to the applicant that has been local for the longest uninterrupted period of time. In the event an applicant neglects to designate its preferred time slots, staff will select a time slot for that applicant.

47 CFR 73.872(d)(3) states that groups of more than three tied, grantable applications will not be eligible for licensing under this section. Where such groups exist, the Commission will dismiss all but the applications of the three applicants that have been local, as defined in 47 CFR 73.853(b), for the longest uninterrupted periods of time. The Commission then will process the remaining applications as set forth in paragraph (d)(2) of 47 CFR 73.872.

47 CFR 73.877 requires each LPFM station to maintain a station log. Each log entry must include the time and date of observation and the name of the person making the entry. This log must contain entries of the information specified in this section.

47 CFR 73.878 requires licensees to make available to FCC representatives during regular business hours, the station records and logs. Upon request of the FCC, the licensee must mail (by either registered mail, return receipt requested, or certified mail, return receipt requested) the station records and logs. The licensee must retain the return receipt until such records are returned to the licensee.

Unattended operation. The Report and Order in MM Docket 99-25 requires that LPFM stations that will operate unattended will be required to advise the Commission by letter of the unattended operation and provide an address and telephone number where a responsible party can be reached during such times.¹¹

47 CFR 73.318 requires LPFM stations to resolve all complaints received on blanketing interference occurring within the immediate vicinity of the antenna site for one year after commencement of transmissions with new or modified facilities. Licensee shall provide technical information, notifications or assistance to complainants on remedies for blanketing interference.

47 CFR 73.1030 requires LPFM stations to coordinate, notify, and provide protection to the radio quiet zones at Green, West Virginia and at Boulder, Colorado. In addition, LPFM applicants in Puerto Rico will need to coordinate and notify Cornell University regarding the radio coordination zone on that island. This requirement is necessary to ensure that research work at these installations will not be disrupted.

¹¹ *Report and Order*, 15 FCC Rcd at 2251.

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

47 CFR 73.1207 requires that licensees of broadcast stations obtain written permission from an originating station prior to retransmitting any program or any part thereof. A copy of the written consent must be kept in the station's files and made available to the FCC upon request. 47 CFR Section 73.1207 also requires stations that use the National Bureau of Standards ("NBS") time signals to notify the NBS semiannually of use of time signals.

47 CFR 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 addition, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, 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 73.1230 requires that the station license and any other instrument of station authorization be posted in a conspicuous place at the place the licensee considers to be the principal control point of the transmitter.

47 CFR 73.1300 allows broadcast stations to be operated either attended or unattended. Regardless of which method is employed, licensees must employ written procedures and have them in the station's files to ensure compliance with the rules governing the Emergency Alert System.

47 CFR 73.1350 requires licensees of LPFM broadcast stations operating by remote control points at places other than the main studio or transmitter site locations to send written notifications containing the remote locations to the FCC within three days after commencing remote control operations from such points.

47 CFR 73.1610 requires the permittee of a new broadcast station to notify the FCC of its plans to conduct equipment tests for the purpose of making adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit and applicable engineering standards.

47 CFR 73.1620 requires that upon completion of construction of a LPFM station, the licensee may begin program tests upon notification to the Commission.

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

47 CFR 73.1750 requires a broadcast licensee to notify the FCC of permanent discontinuance of operation and to forward the station license and other instruments of authorization immediately after discontinuance of operation.

47 CFR 73.1943 requires licensees of broadcast stations to keep and permit public inspection of a complete record of all requests for broadcast time, together with an appropriate notation showing the disposition made by the licensee of such request.

47 CFR 73.3525 requires applicants for a construction permit for a broadcast station to obtain approval from the FCC to withdraw, dismiss or amend its application pursuant to a settlement agreement when that application is in conflict with another application pending before the FCC. This request for approval to withdraw, dismiss or amend an application should contain a copy of the agreement and an affidavit of each party to the agreement. In the event that the proposed withdrawal of a conflicting application would unduly impede achievement of a fair, efficient and equitable distribution of radio service, the FCC must issue an order providing further opportunity to apply for the facilities specified in the application(s) withdrawn.

47 CFR 73.3550 requests for call sign assignment for a LPFM station must be made using the Commission's electronic call sign system.

47 CFR 73.3598 allows an LPFM permittee unable to complete construction within the timeframe specified in the original construction permit may apply for an eighteen month extension upon a showing of good cause.

47 CFR 11.61(ii) states Direct Broadcast Satellite (DBS) providers, analog and digital class D non-commercial educational FM stations, and analog and digital LPTV stations are required to log the receipt of emergency alert system transmissions.

2. Agency Use of Information: FCC staff uses the data to determine whether an applicant meets basic statutory and regulatory requirements to become a Commission licensee and to ensure that the public interest would be served by grant of the application. In addition, the information contained within this information collection ensures that (1) the integrity of the FM spectrum is not compromised, (2) unacceptable interference will not be caused to existing radio services, (3) statutory requirements are met, and (4) the stations operate in the public interest.

3. Consideration Given to Information Technology: The Commission requires applicants to file FCC Form 318 electronically.

OMB Control Number: 3060-0920

October 2013

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

In addition, this information collection contains notification and recordkeeping requirements. The use of information technology is not feasible in these situations.

4. Effort to Identify Duplication and Use Similar Information: This agency does not impose a similar collection on the respondents. There is no similar data available.

5. Effort to Reduce Small Business Burden: This information collection will not have a significant economic impact on a substantial number of small entities/businesses.

6. Less Frequent Data Collection: The frequency for filing the FCC Form 318 applications for new stations and for major changes in existing stations will be limited to the Commission opening filing windows. For the filing of minor changes to existing facilities, the frequency of filing is determined by the respondents. However, no new or modified LPFM facility construction permits can be obtained without using FCC Form 318. If this information is not collected, the Commission cannot authorize new LPFM station construction permits.

With regard to the recordkeeping and notification requirements, the frequency for these collections of information is determined by respondents, as necessary.

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

8. Consultations with Persons Outside the FCC: The Commission has published a Federal Register Notice seeking public comment on the information collection requirements contained in this supporting statement (77 FR 74184) on December 13, 2012. No comments have been received from the public on the information collection requirements.

9. Payment or Gift: No payment or gift was provided to respondents.

10. Confidentiality of Information: The information collection does not address any confidential information. As noted in Question 1, the Commission conducted a PTA that determined that the Commission will collect PII from individuals or households who submit complaints of interference caused by low power FM stations. However, because of the way that the information will be structured, the PII in the interference complaints will be stored under the call signs and/or the facility ID numbers of the LPFM stations that are the subjects of the complaints. There will not be the ability to retrieve information by an individual's name or other personal identifier. Therefore, the PII collected here is not being handled in a manner that meets the Privacy Act's definition of a "system of records." There will be no impacts under the Privacy Act.

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

11. Justification for Sensitive Questions: This collection of information does not address any private matters of a sensitive nature. As noted in Questions 1 and 10, the Commission conducted a PTA which determined that the Commission will collect PII from individuals or households who submit complaints of interference caused by LPFM stations. However, because of the way that the information will be structured, the PII in the interference complaints will be stored under the call signs and/or the facility ID numbers of the LPFM stations that are the subjects of the complaints. There will not be the ability to retrieve information by an individual’s name or other personal identifier. Therefore, the PII collected here is not being handled in a manner that meets the Privacy Act’s definition of a “system of records.” There will be no impacts under the Privacy Act.

12. Estimate of Burden and Burden Hour Cost: We assume that the respondents will complete FCC Form 318 themselves. The respondents have an average salary of \$100,000/year (\$48.08/hour). Also, the respondents would use a station engineer to complete the portions of this information collection pertaining to rules included in this collection. The station engineers would have an average salary of \$100,000/year (\$48.08/hour). The annual burden to the respondent is as follows:

<u>Applications or Rule Sections</u>	<u>Number of Responses</u>	<u>Respondent’s Burden</u>	<u>Total Annual Burden Hours</u>	<u>Total Hourly In-House Cost</u>	<u>Annual In-House Cost</u>
New LPFM Applications	3,500 ¹²	1.5 hours	5,250 hours	\$48.08	\$252,420
LPFM Applications w/minor changes ¹³	80	0.75 hours	60 hours	\$48.08	\$2,884.80
LPFM applications technically accept	13	4 hours	52 hours	\$48.08	\$2,500.16
LPFM Applications	100 ¹⁴	6 hours	600 hours	\$48.08	\$28,848.00

¹² This reflects the number of applications for new LPFM stations the FCC expects to be filed during an upcoming window filing period. Each respondent will file its application once during the filing period.

¹³ The burden for Sections 73.870 and 73.871 are included under these filings.

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

<u>Applications or Rule Sections</u> w/major amendments	<u>Number of Responses</u>	<u>Respondent's Burden</u>	<u>Total Annual Burden Hours</u>	<u>Total Hourly In-House Cost</u>	<u>Annual In-House Cost</u>
Waiver requests	50 ¹⁵	1 hour	50 hours	\$48.08	\$2,404.00
73.809(b)	10	2 hours	20 hours	\$48.08	\$961.60
73.809(c)	30	0.5 hours	15 hours	\$48.08	\$721.20
73.809(e)	3	1 hour	3 hours	\$48.08	\$144.24
73.807	50	0.5 hours	25 hours	\$48.08	\$1,202.00
	50	0.5 hours	25 hours	\$48.08	\$1,202.00
73.810					
73.827(a)	200	0.5 hours	100 hours	\$48.08	\$4,808.00
73.827(c)	50	0.5 hours	25 hours	\$48.08	\$1,202.00
73.850	100	1.5 hours	150 hours	\$48.08	\$7,212.00
73.865	50	4 hours	200 hours	\$48.08	\$9,616.00
73.870(d)	15	2 hours	30 hours	\$48.08	\$1,442.40
73.872(b)	2,850	0.5 hours	1,425 hours	\$48.08	\$68,514.00
73.872(c)	200	2 hours	400 hours	\$48.08	\$19,232.00
73.872(d)(2)	15	1 hour	15 hours	\$48.08	\$721.20
73.872(d)(3)	15	1 hour	15 hours	\$48.08	\$721.20
73.877	1,200	12 hours	14,400 hours	\$48.08	\$692,352.00
73.878	10	1 hour	10 hours	\$48.08	\$480.80
11.61	1,200	0.5 hours x 12 months	7,200 hours ¹⁶	\$48.08	\$346,176.00
73.318	25	2 hours	50 hours	\$48.08	\$2,404.00
73.1030	10	0.5 hours	5 hours	\$48.08	\$240.40
73.1207	50	0.5 hours	25 hours	\$48.08	\$1,202.00
	50	2 hours	100 hours	\$48.08	\$4,808.00
73.1212	12,000 ¹⁷	0.1 hours	1,200 hours	\$48.08	\$57,696.00

¹⁴ This reflects the number of LPFM applications with major amendments the FCC expects to be filed during an upcoming window filing period. Each respondent will file its application once during the filing period.

¹⁵ These new waiver filings are pursuant to 47 CFR 87.807 and 47 CFR 87.809.

¹⁶ This burden was calculated as follows: 1,200 responses x 0.5 hrs./month x 12 months = 7,200 hours.

¹⁷ The total number of responses was calculated as follows: 1,200 responses x 10 broadcast/station = 12,000 responses.

OMB Control Number: 3060-0920

October 2013

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

<u>Applications or Rule Sections</u>	<u>Number of Responses</u>	<u>Respondent's Burden</u>	<u>Total Annual Burden Hours</u>	<u>Total Hourly In-House Cost</u>	<u>Annual In-House Cost</u>
	1,200 ¹⁸	0.0025 hours	3 hours	\$48.08	\$144.24
73.1230	1,200	0.085 hours	102 hours	\$48.08	\$4,904.16
73.1300	20	1 hour	20 hours	\$48.08	\$961.60
73.1350	1	0.5 hours	0.50 hours	\$48.08	\$24.04
73.1610	10	0.5 hours	5 hours	\$48.08	\$240.40
73.1620	1,200	0.5 hours	600 hours	\$48.08	\$28,848.00
73.1750	50	0.5 hours	25 hours	\$48.08	\$1,202.00
73.1943	200	0.25 hours	50 hours	\$48.08	\$2,404.00
73.3525	500	4 hours	2,000 hours	\$48.08	\$96,160.00
73.3550	1,200	0.75 hours	900 hours	\$48.08	\$43,272.00
73.3598	200	1 hour	200 hours	\$48.08	\$9,616.00
Unattended operation letters	30	0.5 hours	15 hours	\$48.08	\$721.20
TOTALS	27,737 (responses)		35,370.50 (35,371hours rounded)		\$1,700,613.64

Total Number of Annual Respondents: 21,019 respondents (w/multiple responses)

Total Number of Annual Responses: 27,737 (responses)

Total Annual Burden Hours: 35,371 Hours (rounded)

Total Annual "In-House" Cost: \$1,700,613.64

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 consulting engineer (\$250/hour) to complete some of the information collections. The rule sections involved include the following:

¹⁸ The total number of responses was calculated as follows: 1,200 responses x 1 broadcast/station = 1,200 responses.

OMB Control Number: 3060-0920

October 2013

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

Section 73.318	25 responses x 4 hours x \$250/hour =	\$25,000
Section 73.809 ¹⁹	10 responses x 4 hours x \$250/hour =	\$10,000
	3 responses x 3 hours x \$250/hour =	\$ 2,250
Section 73.1030	10 responses x 1 hour x \$250/hour =	<u>\$ 2,500</u>
Total Annual Cost Burden:		\$39,750

14. **Cost to the Federal Government.** The Commission will use legal and engineering staff at the GS-14 level, step 5 (\$57.14/hour), paraprofessional staff at the GS-11 level, step 5 (\$33.92/hour) and clerical staff at the GS-5 level, step 5 (\$18.50/hour) to process these applications, FCC Form 318. The Commission will use staff at the GS-11 step 5 (\$33.92/hour) to process documents/notices received as a result of the rule sections involved with this information collection. The average processing time for these documents is 2 hours per document received.

0.083 hours data processing x 3,743 applications x \$18.50/hour =	\$ 5,747.38
0.5 hours clerical x 3,743 applications x \$18.50/hour =	\$ 34,622.75
1.5 hours legal x 3,743 applications x \$57.14/hour =	\$320,812.53
1.5 hours engineer x 3,743 applications x \$57.14/hour =	\$320,812.53

0.5 hour paraprofessional x 3,743 applications x \$33.92/hour =	\$ 63,481.28
2 hours paraprofessional x 5,579 documents/notices x \$33.92/hour =	<u>\$378,479.36</u>
Total Cost to the Federal Government:	\$1,123,955.83

15. The Commission had a program change/decrease of 100 burden hours to this collection. This decrease is due to the impact that FCC 13-~~134~~ had on the information collection requirements that are contained in Section 73.827(a). There are no adjustments to this collection.

16. **Plans for Publication:** The data will not be published.

17. **Display of OMB Approval Date:** An extension of the waiver not to publish the expiration date on the form is requested. 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 C.F.R. Section 0.408.

¹⁹ Section 73.809(c) does not have cost attached to it.

OMB Control Number: 3060-0920

October 2013

Title: Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; Sections 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318

18. There are exceptions to the certification statement which are due to this non-substantive change request submission.

B. Collections of information employing statistical methods.

No statistical methods are employed.