

2013

OMB Control Number: 3060-xxxx

Title: AM Station Modulation Dependent Carrier Level (MDCL) Notification Form; FCC Form 338

SUPPORTING STATEMENT

A. Justification:

New Information Collection Requirements:

On October 31, 2013, the Commission released the Notice of Proposed Rule Making, *Revitalization of the AM Radio Service* (“NPRM”), FCC 13-139, MB Docket 13-249. In the *NPRM*, the Commission recognized that in September 2011, the Media Bureau (“Bureau”) had released an *MDCL Public Notice*,¹ in which it stated that it would permit AM stations, by rule waiver or experimental authorization, to use transmitter control techniques that vary either the carrier power level or both the carrier and sideband power levels as a function of the modulation level. This allows AM licensees to reduce power consumption while maintaining audio quality and their licensed station coverage areas. These techniques are known as Modulation Dependent Carrier Level (“MDCL”) control technologies.

There are two basic types of MDCL control technologies. In one type, the carrier power is reduced at low modulation levels and increased at higher modulation levels.² In the other type, there is full carrier power at low modulation levels and reduced carrier power and sideband powers at higher modulation levels.³ Use of any of these MDCL control technologies reduces the station’s antenna input power to levels not permitted by Section 73.1560(a) of the Commission’s Rules.

The *MDCL Public Notice* permitted AM station licensees wanting to use MDCL control technologies to seek either a permanent waiver of Section 73.1560(a) for those licensees already certain of the particular MDCL control technology to be used, or an experimental authorization pursuant to Section 73.1510 of the Rules for those licensees wishing to determine which of the MDCL control technologies would result in maximum cost savings and minimum effects on the station’s coverage area and audio quality.⁴ Since release of the *MDCL Public Notice*, 33 permanent waiver requests and 20 experimental requests authorizing use of MDCL control technologies have been granted by the Bureau.

AM station licensees using MDCL control technologies have reported significant savings on electrical power costs and few, if any, perceptible effects on station coverage area and audio quality. Accordingly, the *NPRM* tentatively concluded that use of MDCL control technologies reduces AM broadcasters’ operating costs while maintaining a station’s current level of service to the public, without interference to other stations. The Commission therefore, proposed wider implementation of MDCL control technologies by amending Section 73.1560(a) of the Rules,⁵ to provide that an AM station may commence operation using MDCL control technology without prior Commission authority, provided that the AM station licensee notifies the Commission of the station’s MDCL control operation within 10 days after commencement of such operation using the Bureau’s Consolidated Database System (“CDBS”).

¹ *Media Bureau to Permit Use of Energy-Saving Transmitter Technology by AM Stations*, Public Notice, 26 FCC Rcd 12910 (MB 2011) (“*MDCL Public Notice*”).

² Adaptive Carrier Control (“ACC”), Dynamic Amplitude Modulation (“DAM”), and Dynamic Carrier Control (“DCC”) are examples of this type of MDCL control technology.

³ Amplitude Modulation Compadding (“AMC”) is this type of MDCL control technology.

⁴ 47 C.F.R. § 73.1510. Effective May 29, 2013, Section 73.1510 was deleted, and experimental authorizations for licensed broadcast stations are now governed by 47 C.F.R. § 5.203.

⁵ 47 C.F.R. § 73.1560(a). AM stations not using MDCL control technologies are required to adhere to the limits on antenna input power currently specified in Section 73.1560(a).

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The *NPRM* solicits comments on the proposed rule change, as well as on the potential adverse effects of allowing AM stations to commence MDCL control technology operation without prior Commission authority. The *NPRM* also seeks comment as to the potential adverse effects, if any, of MDCL control technology implementation on other AM stations.

Consistent with the *NPRM*'s proposal to allow AM broadcasters to implement MDCL technologies without prior authorization, by electronic notification within 10 days of commencing MDCL operations, the Commission created FCC Form 338, AM Station Modulation Dependent Carrier Level (MDCL) Notification. In addition to the standard general contact information, FCC Form 338 solicits minimal technical data, as well as the date that MDCL control operation commenced. This new information collection regarding FCC Form 338 needs OMB review and approval.

The following rule section is covered by this information collection and requires OMB approval:

47 CFR 73.1560(a)(1) specifies the limits on antenna input power for AM stations. AM stations using MDCL control technologies are not required to adhere to these operating power perimeters. AM stations may, without prior Commission authority, commence MDCL control technology use, provided that within ten days after commencing such operation, the licensee submits an electronic notification of commencement of MDCL operation using FCC Form 338.

This information collection does not affect individuals; therefore, there are no impacts under the Privacy Act.

Statutory authority for this collection of information is contained in Sections 154(i), 303, 310, and 533 of the Communications Act of 1934, as amended.

2. **Agency Use of Information:** FCC staff use the data to determine if an AM station is using MDCL control technology before inspecting an AM station and performing field strength measurements thereon. Additionally, the staff will use the data to track the rate at which AM radio stations implement MDCL technology.

3. **Consideration Given to Information Technology:** AM station licensees must electronically notify the Media Bureau of the station's MDCL control operation within 10 days of commencement of such operation using the FCC Form 338 – AM Station MDCL Notification, available in the Media Bureau's Consolidated Database System ("CDBS") Electronic Filing System (https://licensing.fcc.gov/prod/cdbs/forms/prod/cdbs_ef.htm).

4. **Effort to Identify Duplication and Use Similar Information:** No other agency imposes a similar information collection on the respondents. There are no similar data available.

5. **Effort to Reduce Small Business Burden:** In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/businesses.

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6. **Less Frequent Data Collection:** The frequency for this collection of information is determined by respondents, as necessary. If this collection were not conducted, the Commission could not carry out its statutory duties under Section 301 of the Communications Act of 1934, as amended.

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 published a Notice in the *Federal Register* on November 20, 2013 (see 78 FR 69629) seeking public comment for the information collection requirements contained in this supporting statement. To date, the Commission received no comments from the public as a result of the publication of the Notice.

9. **Payment or Gift:** No payment or gift was provided to the respondent.

10. **Confidentiality of Information:** There is no need for confidentiality with this collection of information.

11. **Justification for Sensitive Questions:** This collection of information does not address any private matters of a sensitive nature.

12. **Estimate of Burden and Burden Hour Costs:** The following estimates are provided for annual public burden:

	Number of Respondents	Number of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents ⁶	Annual In-House Cost
Electronic Notification of AM Station MDCL Control Operation using FCC Form 338	100	100	1	100	\$48.08	\$4,808
Totals:	100	100		100 hours		\$4,808

13. **Annual Cost Burden to Respondents:** Due to the simplicity of the preparation and filing of FCC Form 338 – AM Station MDCL Notification, AM station licensee respondents will not need to hire engineering and legal consultants to fulfill the information collection requirements contained in this collection.⁷ The

⁶ The Commission estimates the average salary at \$100,000/year or \$48.08/hour for in-house personnel who include the station manager, engineer and attorney.

⁷ There is no filing fee associated with this collection. See 47 C.F.R. § 1.1104.

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requirements will be fulfilled by in-house staff and are covered under Question #12 of this Supporting Statement.

14. **Cost to Federal Government:** There will be an initial cost of \$30,000 for the Commission to implement the electronic filing of FCC Form 338 – AM Station MDCL Notification in the Media Bureau’s Consolidated Database System (“CDBS”), but there will be little or no cost to the Federal Government beyond this initial cost.

Initial Implementation of FCC Form 338 – AM Station MDCL Notification – in the Media Bureau’s CDBS:

TOTAL	\$30,000.00
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15. If the proposed requirements are adopted by the Commission in a final rulemaking, the following will be added to the OMB’s inventory: 100 respondents, 100 responses and 100 burden hours. The proposed requirements are related to the FCC Form 338 – AM Station MDCL Notification under Section 73.1560(a) (1).

16. The data will not be published.

17. The Commission does not intend to seek approval not to display the expiration date for OMB approval of this information.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods.

No statistical methods are employed.
