

SUPPORTING STATEMENT

A. Justification:

1. 47 CFR Section 1.420(j) requires a petitioner seeking to withdraw or dismiss its expression of interest in allotment proceedings to file a request for approval. This request would include a copy of any related written agreement and an affidavit certifying that neither the party withdrawing its interest nor its principals has received any consideration in excess of legitimate and prudent expenses in exchange for dismissing/withdrawing its petition, the exact nature and amount of consideration received or promised, an itemization of the expenses for which it is seeking reimbursement, and the terms of any oral agreement. Each remaining party to any written or oral agreement must submit an affidavit within five (5) days of petitioner's request for approval stating that it has paid no consideration to the petitioner in excess of the petitioner's legitimate and prudent expenses and provide the terms of any oral agreement relating to the dismissal or withdrawal of the expression of interest.

The Commission is requesting an extension of this submission in order to receive the full three year clearance/approval from OMB.

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 Section 154(i) of the Communications Act of 1934, as amended.

2. FCC staff use the data to ensure that an expression of interest in applying for, constructing, and operating a station is filed under appropriate circumstances and any payment is for legitimate and prudent expenses. If this information is not collected, the Commission's processes could be abused.

3. We do not believe the use of information technology is feasible in this situation.

4. This agency does not impose a similar information collection on the respondents. There is no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission makes an effort to minimize the burden on all respondents. As a result, this information collection does not have a significant economic impact on a substantial number of small entities.

6. The frequency for this collection of information is determined by respondents, as necessary.

7. Each remaining party to any written or oral agreement must submit an affidavit within five (5) days to the FCC of a petitioner's request for approval to dismiss or withdraw its petition. The FCC

Title: Section 1.420, Additional Procedures In Proceedings For Amendment of FM or TV Table of Allotments

will act on the request expeditiously to prevent unnecessary delays in resolving application conflicts. This affidavit assures that a petition is withdrawn under appropriate circumstances.

8. The Commission published a Notice (78 FR 72884) in the *Federal Register* on December 4, 2013, seeking public comment on these requirements contained in this supporting statement. 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 information collection does not address any private matters of a sensitive nature.

12. We estimate that 15 petitioners will request dismissals or withdrawals from allotment proceedings. They will consult with an outside attorney(s) to prepare the dismissals/withdrawals. We also estimate that 15 remaining parties will file affidavits regarding petitioner's legitimate and prudent expenses. These parties, too, will consult with an outside attorney(s) to prepare the affidavits. We estimate 20 minutes (0.33 hours) for both of the attorney consultations. These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

Total Number of Annual Respondents: 15 petitioners + 15 remaining parties = 30

Total Number of Annual Responses: 15 petitions + 15 affidavits = 30

Total Annual Burden Hours:

15 dismissal/withdrawal petitions x 0.33 hrs. = 5 hours

15 affidavits x 0.33 hrs. = 5 hours
10 hours

Annual "In-house" Cost: We expect the petitioner will use a staff attorney for the completion and filing of the petition to withdraw or dismiss. The remaining parties would also use a staff attorney for the completion and filing of the affidavit. We estimate approximately 20 minutes (0.33 hours) for each consultation with the attorney. We assume the attorney salary at \$100,000/year (\$48.08/hour).

15 petitions x 0.33 hrs. x \$48.08 = \$237.99

15 affidavits x 0.33 hrs. x \$48.08 = \$237.99

Total Annual "In-house" Cost: \$475.98

Title: Section 1.420, Additional Procedures In Proceedings For Amendment of FM or TV Table of Allotments

13. Annual Cost Burden: We expect the respondent to contract with an attorney to complete and file the petitions and affidavits. We estimate the attorney contract fee at \$300/hour, two (2) hours of work for the petitions and one (1) hour of work for the affidavits.

15 petitions x 2 hours x \$300/hour = \$ 9,000

15 affidavits x 1 hour x \$300/hour = \$ 4,500

Total Annual Cost Burden = \$13,500

14. Cost to the Federal Government. We expect 15 petitions for processing. The affidavits are processed as a part of the petitions and therefore are not counted for additional processing. The Commission will use paraprofessionals GS-12, step 5 (\$41.07/hour) to process these petitions.

Total Cost to the Federal Government = 15 petitions x 3.0 hours x \$41.07/hour = \$1,848.15

15. The Commission has adjustments/increases to the annual cost burden of \$4,500. This increase is due to an increase in the hourly rate for the contract attorney from \$200/hour to \$300/hour. There are no program changes to this collection.

16. The data will not be published.

17. OMB approval of the expiration date 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.