

SUPPORTING STATEMENT

A. Justification:

FCC Form 302-DTV¹ is used by licensees and permittees² of Digital TV (“DTV”) broadcast stations to obtain a new or modified station license and/or to notify the Commission of certain changes in the licensed facilities of those stations. It may be used: (1) To cover an authorized construction permit (or auxiliary antenna), provided that the facilities have been constructed in compliance with the provisions and conditions specified on the construction permit; or (2) To implement modifications to existing licenses as permitted by 47 C.F.R. Sections 73.1675(c) or 73.1690(c).

The Commission is submitting this non-substantive change request to the Office of Budget and Management (OMB) for approval of minor non-substantive changes made to FCC Form 302-DTV. The Commission plans to implement a new on-line (electronic) licensing system called “Licensing Modernization” in which all FCC licensing forms, including former FCC Form 302-DTV, will be combined into a single common form - FCC Form 2100. Thus, FCC Form 302-DTV will be encompassed by the “Licensing Modernization” system and the new common form - FCC Form 2100. General questions, which were formally asked in all licensing applications, will compose the body of FCC Form 2100. The questions pertinent only to former FCC Form 302-DTV applicants will now be contained in Schedule B of FCC Form 2100. The substance of the former FCC Form 302-DTV remains the same in the new system. The wording of each question applicable to former FCC Form 302-DTV applicants in FCC Form 2100 is identical to that of FCC Form 302-DTV, with two exceptions – “Alien Ownership” and “Main Studio Location,” which are discussed below as Change #2 and Change #3; but as stated, the substance remains the same. The burden hours and costs are not impacted by the minor non-substantive changes to former FCC Form 302-DTV, which will now be a part of the “Licensing Modernization” system and FCC Form 2100. The minor non-substantive changes are highlighted below:

Change #1 – FCC Form 302-DTV is now encompassed by common form FCC Form 2100, Schedule B and the “Licensing Modernization” system. All submission are now made on-line (electronically). Questions applicable to all licensing applicants are asked in the body of the common FCC Form 2100, and questions pertinent only to former FCC Form 302-DTV applicants are contained in Schedule B of FCC Form 2100. The substance, burden hours, and

¹ With this non-substantive change, FCC Form 302-DTV is being renamed and encompassed by FCC Form 2100 and the electronic “Licensing Modernization.” The former FCC Form 302-DTV no longer exists, and its contents are fully contained within FCC Form 2100 and the “Licensing Modernization.” Herein after former FCC Form 302-DTV is renamed as FCC Form 2100, Schedule B.

² A “permittee” is a party that has received a construction permit for a broadcast station. Once the permittee has constructed the station facilities according to the construction permit, it will file an application for a broadcast license. When the license application is granted, the permittee becomes a “licensee.”

costs are not impacted.

Change #2 – “Alien Ownership.” (Note: This change effects only those applicants changing their license status from commercial to noncommercial in their Schedule B submission.) In order to simplify an applicant’s compliance with section 310 of the Communications Act of 1934, as amended, the Commission will now ask the applicant if they are specifically in compliance with each component of section 310 of the Communications Act, as amended, relating to interest of aliens and foreign governments, rather than asking the general question if the applicant is in compliance. We have broken this question down so that the applicant has a better understanding of what it is certifying. The substance of the question remains the same, as does the cost and burden hours to respond to the question. The former FCC Form 302-DTV, at question 11, directed applicants changing from commercial to noncommercial status to include Section II of FCC Form 340 as an exhibit. FCC Form 340, Section II, question 7 reads:

Alien Ownership and Control. Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.

The new Form 2100 Alien Ownership certification reads (PLEASE NOTE: Initially only questions numbers 1 and 2 appear on the electronic Form 2100. If the applicant answers “no” to questions 1 and 2, question 3 through 9 do not appear. If the applicant answer “yes,” to either or both questions 1 and 2, then questions 3 through 6 appear. If the applicant proceeds to answer “no” to questions 3 through 6, then question 7 through 9 do not appear. If the applicant answers “yes” to any questions 3 through 6, then questions 7 through 9 appear.):

- 1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?
- 2) Is this application, as provided for under Section 310(b) of the Communications Act, for a broadcast, common carrier, aeronautical en route, or aeronautical fixed radio station Authorization?
- 3) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))
- 4) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))
- 5) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))

6) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))

7) Has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application?

8) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 7?

8a) Enter the File or Docket Number of the Petition for Declaratory Ruling that the applicant has filed for its foreign ownership in connection with this application pursuant to Section 310(b)(4) of the Communications Act. It is not necessary to file a request for a foreign ownership declaratory ruling if the applicant attaches a showing that the requested authorization(s) is exempt from the provisions of Section 310(b)(4).

9) Does the applicant's foreign ownership comply with the declaratory ruling(s) cited in response to Question 7?

Change #3: "Main Studio Location." In order to simplify and clarify an applicant's compliance with 47 C.F.R §73.1125, the Commission will now require the applicant to provide the address of the main studio, rather than only asking the general question if the applicant is in compliance with 47 C.F.R §73.1125. 47 C.F.R §73.1125 sets the requirements for the location of a station's main studio, thus by proving the address of the main studio, the applicant will better be able to certify compliance. The substance of the question remains the same, as does the cost and burden hours to respond to the question. Form 302-DTV, Section III, question 4 reads:

Main Studio Location. The main studio location complies with 47 C.F.R. Section 73.1125. (Applicant is then directed to answer yes or no)

The new Form 2100, Schedule B Alien Ownership certification reads:

Main Studio Location

The main studio location complies with 47 C.F.R. Section 73.1125. (Applicant is then directed to answer yes or no)

Country:

PO Box:

OMB Control Number: 3060-0837

May 2014

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule B (Former FCC Form 302-DTV)

Address Line 1:

Address Line 2:

City:

State:

Zip Code:

This non-substantive change request to former FCC Form 302-DTV, now contained within FCC Form 2100, Schedule B and the “Licensing Modernization system, needs OMB review and approval. There are no new burdens or cost associated with this non-substantive change.

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), 303 and 308 of the Communications Act of 1934, as amended.

2. Agency Use of Information: FCC staff use the data to confirm that the station has been built to terms specified in the outstanding construction permit, and to update FCC station files. Data is then extracted from FCC 2100, Schedule B for inclusion in the subsequent license to operate the station. The Commission reviews these applications to ensure that the minor changes made by the station will not have any significant impact on other stations and the public.

3. Consideration Given to Information Technology: The Commission requires applicants to file this form electronically.

4. Effort to Identify Duplication and Use Similar Information: This agency does not impose 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. The Commission has limited the information requirements to those that are absolutely necessary for evaluating and processing the applications. Therefore, the information collection does not have a significant economic impact on a substantial number of small entities/businesses.

6. Less Frequent Data Collection: The frequency for filing is determined by the respondents, as necessary.

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

8. Comments Received from the Public: The Commission published a Notice in the Federal

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Register Notice on December 6, 2012 (*see* 77 FR 72860) seeking public comment on the information collections contained in this supporting statement. No comments have been received from the public.

9. **Payment or Gift:** No payment or gift is provided to the respondents.

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

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

12. Estimate of Burden and Burden Hour Cost:

FCC Form 2100, Schedule B: We estimate that 200 applications for a license to cover a construction permit (“license applications”) and 100 applications to modify an existing license (“modifications”) will be filed by DTV stations with the Commission annually.³ We assume that the respondent (station licensee/permittee) will file this form. We estimate that the respondent will take two (2) hours to complete each application and file it. We assume that this time period of 2 hours for the completion and filing of each application will also include approximately 0.5 hours for the respondent to consult with a consulting engineer and 0.5 hours to consult with an outside attorney to assist the station in its preparation of the application’s engineering and legal sections, respectively.⁴ We estimate that the respondent will have an average salary of \$100,000/year (\$48.08/hour).⁵

Type of Filing	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
Form 2100, Schedule B						
License Applications	200	200	2 hrs	400 hrs	\$48.08	\$19,232.00
Modifications	100	100	2 hrs	200 hrs	\$48.08	\$9,616.00

³ We note that this estimate includes the filing of amendments to these applications.

⁴ The respondent’s time to consult with the outside engineer and outside attorney is included in the 2 hours.

⁵ The Commission estimates that the average hourly salary for in-house personnel which includes station manager, engineer and attorney to be \$100,000/year or \$48.08/hour based on the fact that the Commission is unsure which station personnel will complete and file the applications for the station.

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Type of Filing	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
Total	300	300		600 hrs		\$28,848.00

13. Annual Cost Burden to Respondents:

FCC Form 2100, Schedule B: We estimate that each respondent station licensee/permittee will consult with a consulting engineer for 0.5 hours to assist the respondent in its preparation of the application’s engineering section and that each respondent station licensee/permittee will consult with an outside attorney for 0.5 hours to assist the respondent in its preparation of the application’s the legal section. We estimate that the consulting engineer will have an average salary of \$250/hour and the outside attorney will charge approximately \$300/hour.

Filing Fee: There is a \$285.00 filing fee for each license application filed by a commercial DTV station.⁶ Of the estimated 200 license applications that will be filed annually, we estimate that 90% or 180 of these applications will be filed by a commercial DTV station. The remaining 10% of the applications filed by noncommercial stations will not be subject to a filing fee. There is no filing fee for Form 302-D modifications, which can be made without prior Commission approval.

Type	Number of Forms	Consultant’s Burden	Total Annual Burden Hours	Consultant’s Hourly Fee or Application Fee	Cost Burden
Form 2100, Schedule B					
License Application Engineering Consultant	200	0.5 hrs	100 hrs	\$250.00	\$25,000.00
License Application Outside Attorney	200	0.5 hrs	100 hrs	\$300.00	\$30,000.00
License Application Filing Fee	180 ⁷			\$285.00/fee	\$51,300.00
Modification Engineering Consultant	100	0.5 hrs	50 hrs	\$250.00	\$12,500.00
Modification Outside Attorney	100	0.5 hrs	50 hrs	\$300.00	\$15,000.00
Total					\$133,800.00

⁶ See 47 C.F.R. § 1.1104 (2009).

⁷ Only commercial stations are subject to the filing fee. Therefore, only 180 applicants will have to pay the filing fee. The remaining 20 applicants, estimated to be noncommercial stations, are not required to pay the filing fee.

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14. Cost to Federal Government: The Commission will use professional staff at the GS-14, step 5 level (\$57.13/hour), paraprofessional staff at the GS-11, step 5 level (\$33.92/hour), and clerical staff at the GS-5/Step 5 level (\$18.50/hour) to process the FCC Form 2100, Schedule B applications.

Clerical	0.50 hours x \$18.50/hour x 300 =	\$ 2,775.00
Paraprofessional	1.75 hours x \$33.92/hour x 300 =	\$ 17,808.00
Professional	5.25 hours x \$57.13/hour x 300 =	<u>\$ 89,979.75</u>
Total Cost to Federal Government =		\$110,562.75

15. Reason for Changes in Burden or Cost: There are no adjustments or program changes to this collection.

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

17. Display of OMB Approval Date: We request extension of the waiver not to publish the expiration date on the form. 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 CFR § 0.408.

18. Exceptions to the Certification Statement: There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.