

**SUPPORTING STATEMENT****A. Justification:**

1. FCC Form 301,<sup>1</sup> is used to apply for authority to construct a new commercial AM, FM, or TV broadcast station and to make changes to existing facilities of such a station. It may be used to request a change of a station's community of license by AM and non-reserved band FM permittees and licensees. In addition, FM licensees or permittees may request, by filing through an application on FCC Form 2100, Schedule A, upgrades on adjacent and co-channels, modifications to adjacent channels of the same class, and downgrades to adjacent channels. All applicants using this one-step process must demonstrate that a suitable site exists that would comply with allotment standards with respect to minimum distance separation and principal community coverage and that would be suitable for tower construction. For applicants to seek a community of license change through this one-step process, the proposed facility must be mutually exclusive with the applicant's existing facility, and the new facility must comply with the Commission's standards with respect to minimum distance separation and principal community coverage. Applicants availing themselves of this procedure must also attach to FCC Form 2100, Schedule A an exhibit demonstrating that the proposed community of license change comports with the fair, efficient, and equitable distribution of radio service, pursuant to Section 307(b) of the Communications Act of 1934, as amended (the "Act").

Similarly, to receive authorization for commencement of Digital Television ("DTV") operations, commercial broadcast licensees must file FCC Form 2100, Schedule A for a construction permit. The application may be filed anytime after receiving the initial DTV allotment and before mid-point in the applicant's construction period. The Commission will consider the application as a minor change in facilities. Applicants will not have to provide full legal or financial qualification information.

This collection also includes the third party disclosure requirement of 47 CFR § 73.3580. This rule requires applicants to provide local public notice, in a newspaper of general circulation published in a community in which a station is located, of requests for new or major changes in facilities and for changes of a station's community of license by AM and non-reserved band FM permittees and licensees. The notice must be completed within 30 days of tendering the application and must be published at least twice a week for two consecutive weeks in a three-week period. A copy of the notice and the application must be placed in the station's public inspection file, pursuant to Section 73.3527.<sup>2</sup>

Finally, Consistent with actions taken by the Commission in the *Third R&O*,<sup>3</sup> Form 2100, Schedule A accommodates commercial FM applicants applying in a Threshold Qualifications Window ("TQ Window") for a Tribal Allotment.<sup>4</sup> A commercial FM applicant applying in the TQ Window, who was not the original proponent of the Tribal Allotment at the rulemaking stage, must demonstrate that it would have qualified in all respects to add the particular Tribal Allotment for which it is applying. Additionally, a petitioner seeking to add a Tribal Allotment to the FM Table of Allotments must file Form 2100, Schedule A when submitting its Petition for Rulemaking. The collection also accommodates applicants applying in a TQ Window for a Tribal Allotment that had been added to the FM Table of

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<sup>1</sup> With this non-substantive change, FCC Form 301 is being renamed and encompassed by FCC Form 2100 and the electronic "Licensing Modernization" system. The former FCC Form 301 no longer exists, and its contents are fully contained within FCC Form 2100 and the "Licensing Modernization" system. Herein after former FCC Form 301 is renamed as FCC Form 2100, Schedule A.

<sup>2</sup> The recordkeeping information collection requirement is contained in OMB Control Number 3060-0214, which covers Section 73.3527.

<sup>3</sup> *Third Report and Order*, MB Docket No. 09-52, FCC 11-190 (adopted Dec. 28, 2012) ("*Third R&O*").

<sup>4</sup> Office of Management and Budget (OMB) approved the information collection requirements contained in FCC 11-190 on April 27, 2012.

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Schedule A (Former FCC Form 301)

Allotments using the Tribal Priority under the new “threshold qualifications” procedures adopted in the *Third R&O*.

**Non-Substantive Change to this Information Collection:**

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 former FCC Form 301. The Commission is implementing a new on-line (electronic) licensing system called “Licensing Modernization” in which all FCC licensing forms, including former FCC Form 301, will be combined into a single common form - FCC Form 2100. Former FCC Form 301 is 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 301 applicants will now be contained in Schedule A of FCC Form 2100. The substance of former FCC Form 301 remains the same in the new system/ form. The wording of each question applicable to former FCC Form 301 applicants in FCC Form 2100 is identical to that of the former FCC Form 301, with one exception – “Alien Ownership,” which is discussed below as “Change #2” – but as stated, the substance remains the same. All that is changing is the name of the form and the order, in some cases, in which questions are asked. The burden hours and costs are not impacted by the minor non-substantive changes to the former FCC Form 301, 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 – Former FCC Form 301 is now encompassed by FCC Form 2100, Schedule A and the “Licensing Modernization” system. All submissions 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 301 applicants are contained in Schedule A of FCC Form 2100. The substance, burden hours, and costs are not impacted.

Change #2 – “Alien Ownership.” 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 301, question 7 read:

**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 electronic FCC 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?

**This non-substantive change request to former FCC Form 301, now contained within FCC Form 2100, Schedule A 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:** The data is used by FCC staff to determine whether commercial broadcast station construction permit applicants meet basic statutory requirements to become a Commission licensee/permittee and to assure that the public interest would be served by grant of the application.

3. **Consideration Given to Information Technology:** The Commission requires commercial broadcast station construction permits applicants to file FCC Form 2100, Schedule A electronically through the “Licensing Modernization” system.

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 filed in a TQ Window and to deter possible abuses of the processes. Therefore, this information collection will not have a significant economic impact on small entities/businesses.

6. **Less Frequent Data Collection:** The frequency for filing the DTV station construction permit application will vary depending on the market. For all other uses of FCC Form 2100, the frequency of filing is determined by the respondents. However, no new or modified AM, FM, TV, or DTV facilities can be obtained or modified without using FCC Form 2100, Schedule A.

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

8. **Public Comment Period:** Opportunity for public comment on this information collection requirement has been published in the *Federal Register* (77 FR 1486) on January 10, 2012. No comments were received from the public.

9. **Payment or Gift:** No payment or gift was provided to 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:** The following estimates are provided for public burden for this information collection:

FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule A (Former FCC Form 301)

<u>Services</u>	<u>Number of Applicants</u>
AM New & Major	476
AM Minor Change With AM Multiple Ownership Showings	250
AM Community of License Minor Change Applications	285
	66
FM New & Major	298
FM New with P4RM to Amend FM Table Using Tribal Priority <sup>5</sup>	20
FM New filed in TQ Window	40
FM Minor Change With FM Multiple Ownership Showings	1,200
FM Community of License Minor Change Applications	274
	145
TV Minor Change	200
DTV With TV Multiple Ownership Showings	1,220
DTS	30
	<u>100</u>
<b>Total Number of Respondents:</b>	<b>4,604 Licensees/Permittees</b>

<u>Number of Services</u>	<u>Respondent's Applications</u>	<u>Annual Hrly. Burden</u>	<u>Burden Hours</u>
AM New & Major	476	4.25 hours	2,023 hours
AM Minor Change With AM Multiple Ownership Showings	250	3.25 hours	812.50 hours
AM Community of License Minor Change Applications	285	6.25 hours	1,781.25 hours
	66	6 hours	396 hours
FM New & Major	298	4 hours	1,192 hours
FM New with P4RM to Amend FM Table Using Tribal Priority	20	4 hours	80 hours
FM New filed in TQ Window	40	4 hours	160 hours
FM Minor Change With FM Multiple Ownership Showings	1,200	3 hours	3,600 hours
FM Community of License Minor Change Applications	274	6 hours	1,644 hours
	145	5.50 hours	797.50 hours
TV Minor Change	200	3 hours	600 hours

<sup>5</sup> A petitioner seeking to add a Tribal Allotment to the FM Table of Allotments must file FCC Form 2100 when submitting its Petition for Rule Making (“P4RM”).

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Schedule A (Former FCC Form 301)

DTV	1,220	3 hours	3,660 hours
With TV Multiple Ownership Showings	30	5 hours	15 hours
DTS <sup>6</sup>	100	3 hours	300 hours
Newspaper Requirements	<u>3,436</u>	1 hour	<u>3,436 hours</u>
<b>Totals:</b>	<b>8,040</b>		<b>20,497.25 hours</b>
	<b>(responses)</b>		<b>(20,497 hrs. rounded)</b>

**Total Number of Responses: 8,040 Commercial Broadcast Station Construction Permit Applicants - FCC Form 2100, Schedule A Filings and Newspaper Notices****Total Annual Burden Hours: 20,497 hours**

We assume that commercial broadcast station construction permit applicants will consult with an outside attorney and a consulting engineer to complete an FCC Form 2100, Schedule A. The time spent in consultation with these attorneys and consulting engineer will vary depending upon the application type.

The Commission estimates that it will take the respondent one hour to fulfill the newspaper notice requirement.

We estimate that commercial broadcast station construction permit applicants would have an average salary of \$100,000/year (\$48.08/hour).

<u>Services</u>	<u>Number of Applications</u>	<u>Respondent's Hrly. Burden</u>	<u>Hrly. Wage of Respondent<sup>7</sup></u>	<u>Annual In-House Cost</u>
AM New & Major	476	4.25 hours	\$48.08	\$97,265.84
AM Minor Change	250	3.25 hours	\$48.08	\$39,065.00
AM Ownership Showings	285	6.25 hours	\$48.08	\$85,642.50
AM Community of License Change	66	6 hours	\$48.08	\$19,039.68
FM New & Major	298	4 hours	\$48.08	\$57,311.36
FM New with P4RM to Amend				
FM Table Using Tribal Priority	20	4 hours	\$48.08	\$3,846.40
FM New filed in TQ Window	40	4 hours	\$48.08	\$7,692.80
FM Minor Change	1,200	3 hours	\$48.08	\$173,088.00
FM Ownership Showings	274	6 hours	\$48.08	\$79,043.52
FM Community of License Change	145	5.50 hours	\$48.08	\$38,343.80
TV Minor Change	200	3 hours	\$48.08	\$28,848.00

<sup>6</sup> DTS technologies are covered under 47 CFR § 73.626, which authorizes the use of distributed transmission system ("DTS") technologies in the digital television ("DTV") service and also authorized changes to FCC Form 2100, Schedule A that are necessary to accommodate applications for a DTS facility.

<sup>7</sup> Respondent is a commercial broadcast station construction permit applicant.

FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization,  
Schedule A (Former FCC Form 301)

DTV	1,220	3 hours	\$48.08	\$175,972.80
TV Multiple Ownership Showings	30	5 hours	\$48.08	\$7,212.00
DTS	100	3 hours	\$48.08	\$14,424.00
Newspaper Notices	3,436	1 hour	\$48.08	<u>\$165,202.88</u>
<b>Total Annual "In House" Cost:</b>				<b>\$991,998.58</b>

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

**13. Cost to Respondents:** We assume that commercial broadcast station construction permit applicants would use an attorney (\$300/hour) and a consulting engineer (\$250/hour) to complete the FCC Form 2100, Schedule A.

An AM, FM, or TV applicant must give local public notice of the filing of its application for a new station or for a major change in facilities. This notice must be published in a local newspaper of general circulation at least twice a week for two consecutive weeks in a three-week period. The cost of this publication is estimated to be \$113.25.

<u>Services</u>	<u>Hrly. Wage of Consultant</u>	<u>Consultant's Hrly. Burden</u>	<u>Number of Applications</u>	<u>Annual Cost Burden</u>
<b><u>AM:</u></b>				
New & Major	\$300	7 hours	476	\$ 999,600
	\$250	89.25 hours	476	\$10,620,750
Minor Change	\$300	2 hours	250	\$ 150,000
	\$250	88.25 hours	250	\$5,515,625
Multiple Ownership Showings	\$300	18 hours	285	\$1,539,000
	\$250	92.25 hours	285	\$6,572,813
Community of License Change	\$300	12 hours	66	\$ 237,600
	\$250	100 hours	66	\$1,650,000
<b><u>FM:</u></b>				
New & Major	\$300	7 hours	298	\$ 625,800
	\$250	71 hours	298	\$5,289,500
FM New with P4RM to Amend FM Table Using Tribal Priority	\$300	7 hours	20	\$ 42,000
	\$250	71 hours	20	\$ 355,000
FM New filed in TQ Window	\$300	7 hours	40	\$ 84,000
	\$250	71 hours	40	\$ 710,000
Minor Change	\$300	2 hours	1,200	\$ 720,000
	\$250	69 hours	1,200	\$20,700,000

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Schedule A (Former FCC Form 301)

Multiple Ownership Showings	\$300 \$250	28 hours 73 hours	274 274	\$ 2,301,600 \$ 5,000,500
Community of License Change	\$300 \$250	6 hours 94 hours	145 145	\$ 261,000 \$ 3,407,500
<b>TV:</b>				
Minor Change	\$300 \$250	2 hours 45 hours	200 200	\$ 120,000 \$2,250,000
<b>DTV:</b>				
	\$300 \$250	2 hours 34 hours	1,220 1,220	\$ 732,000 \$10,370,000
Multiple Ownership Showings	\$300 \$250	13 hours 48 hours	30 30	\$ 117,000 \$ 360,000
<b>DTS:</b>				
	\$300 \$250	1 hour 45 hours	100 100	\$ 30,000 <u>\$1,125,000</u>
<b>Total AM/FM TV and DTV:</b>				<b>\$81,886,288</b>

<b>Fees:</b>	<b>Number of Applications</b>	<b>Fee Cost</b>	<b>Total Fee Cost</b>
AM New & Major	476	\$3,310	\$1,575,560
AM Minor Change	250	\$ 830	\$ 207,500
AM Multiple Ownership Showings	285	\$3,310	\$ 943,350
AM Community of License Change	66	\$ 830	\$ 54,780
FM New & Major	298	\$3,485	\$1,038,530
FM New with P4RM to Amend FM Table Using Tribal Priority	20	\$3,485	\$ 69,700
FM New filed in TQ Window	40	\$3,485	\$ 139,400
FM Minor Change	1,200	\$ 830	\$ 996,000
FM Multiple Ownership Showings	274	\$2,980	\$ 816,520



FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule A (Former FCC Form 301)

FM Community of License Change	145	\$ 830	\$ 120,350
TV Minor Change	200	\$ 830	\$ 166,000
DTV	1,220	\$ 830	\$ 1,012,600
TV Multiple Ownership Showings	30	\$3,720	\$ 111,600
DTS	100	\$ 830	<u>\$ 83,000</u>
<b>Fee Total:</b>			<b>\$7,334,890</b>

985<sup>8</sup> new/major/community of license change applications x 4 x \$113.25 = **\$446,205** in publication costs

**Annual Cost Burden:** \$991,998.58 + \$81,886,288 + \$7,334,890 + 446,205 = **\$90,659,381.58**  
**(\$90,659,382 rounded)**

**14. Cost to Federal Government:** The Commission will use legal and engineering staff at the GS-14/Step 5 level (\$57.70/hour), paraprofessional staff at the GS-11/Step 5 level (\$34.26/hour), and clerical staff at the GS-5 level/Step 5 level (\$18.69/hour) to process these applications.

New & Major Change AM/FM/TV Applications = 834<sup>9</sup>

834 applications x \$57.70/hour x 41 hours =	\$1,972,993.80
834 applications x \$57.70/hour x 20 hours =	\$ 962,436.00
834 applications x \$34.26/hour x 1 hour =	\$ 28,572.84
834 applications x \$18.69/hour x 2 hours =	<u>\$ 31,174.92</u>
	<b>\$2,995,177.56</b>

Minor AM Applications = 250  
 AM Multiple Ownership Showings = 285  
 AM Community of License Change Minor Applications = 66

601 applications x \$57.70/hour x 1 hour =	\$ 34,677.70
601 applications x \$57.70/hour x 30 hours =	\$1,040,331.00
(No GS-11 Step-5 paraprofessional review required)	
601 applications x \$18.69/hour x 2 hours =	<u>\$ 22,465.38</u>
	<b>\$1,097,474.08</b>

Minor FM Applications = 1,200

<sup>8</sup> This number was calculated as follows: 476 AM New & Major Applications + 298 FM New & Major Applications + 66 AM Community of License Change Applications + 145 FM Community of License Change Applications = 985 Applications.

<sup>9</sup> This number was calculated as follows: 476 AM New & Major Applications + 298 FM New & Major Applications + 60 FM New Tribal-related applications = 834 Applications.

FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization,  
 Schedule A (Former FCC Form 301)

FM Multiple Ownership Showings = 274  
 FM Community of License Change Minor Applications = 145

1,619 applications x \$57.70/hour x 1 hour =	\$ 93,416.30
1,619 applications x \$57.70/hour x 20 hours =	\$1,868,326.00
(No GS-11 Step 5 paraprofessional review required)	
1,619 applications x \$18.69/hour x 2 hours =	<u>\$ 60,518.22</u>
	<b>\$2,022,260.52</b>

Minor TV Applications = 200  
 DTV Applications = 1,220  
 TV Multiple Ownership Showings = 30

1,450 applications x \$57.70/hour x 1 hour =	\$ 83,665.00
1,450 applications x \$57.70/hour x 20 hours =	\$1,673,300.00
1,450 applications x \$34.26/hour x 6 hours =	\$ 298,062.00
1,450 applications x \$18.69/hour x 2 hours =	<u>\$ 54,201.00</u>
	<b>\$2,109,228.00</b>

DTS Applications = 100

(No GS-14 Step 5 legal review required)	
100 applications x \$57.70/hour x 20 hours =	\$115,400.00
100 applications x \$34.26/hour x 6 hours =	\$ 20,556.00
100 applications x \$18.69/hour x 2 hours =	<u>\$ 3,738.00</u>
	<b>\$139,694.00</b>

**Total Cost to the Federal Government: \$8,363,834.16**

15. **No Changes in Burden or Cost:** This non-substantive change will not increase the burden or coast to commercial television broadcast construction permit applicants.

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.