

Non-Substantive Change to Information Collection 3060-0027

This non-substantive change request serves as an amendment to the February 2014 Supporting Statement, a non-substantive change request submitted to the Office of Budget and Management for approval of minor non-substantive changes made to FCC Form 301, OMB Control No. 3060-0027. The first footnote in the February 2014 Supporting Statement that was submitted to OMB stated:

“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.”

On February 20, 2014, OMB approved the new FCC Form 2100, OMB Control No. 3060-0027.

This change request submission provides clarification regarding the status of the new Form 2100 and the existing Form 301, and the scope of the new Form 2100’s implementation. While it is true that the Media Bureau ultimately intends to wholly replace the Form 301 with the Form 2100 for all full power broadcast services, the Commission is not yet totally discontinuing the use of the Form 301. The new Form 2100 will be used once the particular broadcast service (DTV, FM, AM) becomes operational in the new electronic on-line licensing system known as “Licensing Modernization.” However, until the particular broadcast service transitions to the new “Licensing Modernization” system, applicants in that broadcast service will continue to use the existing Form 301, filing the form through the current Media Bureau licensing system, the Consolidated Database System (“CDBS”). Therefore, for now, in the initial phase of the “Licensing Modernization” roll-out, the new Form 2100 is replacing the Form 301 only for the filing of full-service digital television construction permits. The Form 301 is still being used, under the name Form 301, to apply for authority to construct a new commercial AM or FM radio station and to make changes to the existing facilities of such an AM or FM station.

The Commission is implementing a new on-line (electronic) licensing system called “Licensing Modernization” in which all FCC licensing forms, including FCC Form 301, will be combined into a single common form - FCC Form 2100. FCC Form 301 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 FCC Form 301 applicants will now be contained in Schedule A of FCC Form 2100. The substance of FCC Form 301 remains the same in the new system/ form. The wording of each question applicable to FCC Form 301 applicants in FCC Form 2100 is identical to that of the 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 FCC Form 301, which will now be a part of the “Licensing Modernization” system and FCC Form 2100. The minor non-substantive changes that OMB approved on February 20, 2014 were as follows:

Change #1 – FCC Form 301 will be 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 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 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?

The updated supporting statement and instructions to FCC Form 2100 have been included with this change request submission to OMB.