

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule C (Former FCC Form 346); 47 74.793(d); LPTV Out-of-Core Digital Displacement Application

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 346¹ is used by licensees/permittees/applicants when applying for authority to construct or make changes in a Low Power Television, TV Translator or TV Booster broadcast station.

To receive authorization for a new LPTV or TV Translator station applicants must file FCC Form 2100, Schedule C for a construction permit.

47 CFR Section 74.793(d) require that certain digital low power and TV translator stations submit information as to vertical radiation patterns as part of their applications (Form FCC Forms 346, now FCC Form 2100, Schedule C) for new or modified construction permits.

Applicants are also subject to the third party disclosure requirement of 47 CFR Section 73.3580. This section requires local public notice in a newspaper of general circulation of the filing of all applications for new or major changes in facilities. This notice must be completed within 30 days of the tendering of the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. A copy of this notice must be locally maintained along with the application.²

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 346. The Commission is implementing a new on-line (electronic) licensing system called “Licensing Management System” (LMS) in which all FCC licensing forms, including former FCC Form 346, will be combined into a single common form - FCC Form 2100. Former FCC Form 346 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 346 applicants will now be contained in Schedule C of FCC Form 2100. The substance of former FCC Form 346 remains the same in the new system/ form. The wording of each question applicable to former FCC Form 346 applicants in FCC Form 2100 is identical to that of the

¹ With this non-substantive change, FCC Form 346 is being renamed and encompassed by FCC Form 2100 and the electronic “Licensing Modernization” system. The former FCC Form 346 no longer exists, and its contents are fully contained within FCC Form 2100 and the “Licensing Modernization” system. Herein after former FCC Form 346 is renamed as FCC Form 2100, Schedule C.

² See OMB control number 3060-0214 for the burden and costs attached to the recordkeeping requirements for these notifications.

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former FCC Form 346. 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 346, which will now be a part of the LMS and FCC Form 2100. The minor non-substantive changes are highlighted below:

Change #1 – Former FCC Form 346 is now encompassed by FCC Form 2100, Schedule C and the LMS. 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 346 applicants are contained in Schedule C of FCC Form 2100. The substance, burden hours, and costs are not impacted.

This non-substantive change request to former FCC Form 346, now contained within FCC Form 2100, Schedule C and the LMS, needs OMB review and approval. There are no new burdens or cost associated with this non-substantive change.

History:

On July 15, 2011, the Commission adopted the Second Report and Order, *In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, FCC 11-110 (“*LPTV Digital Second Report and Order*”). This document contains rules and policies for low power television stations (“LPTV”)³ to transition from analog to digital broadcasting. Due to the Commission adopting these rules and policies to effectuate the low power digital transition, the *LPTV Second Report and Order* imposes new PRA burdens on licensees.

On September 17, 2010, the Commission adopted the Further Notice of Proposed Rulemaking, *In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MD Docket No. 03-185, FCC 10-172 (“*LPTV Digital Transition FNPRM*”). The document contained rules and policies for low power television stations (“LPTV”) to transition from analog to digital broadcasting. The Commission received preapproval for the information collection requirements that were contained in FCC 10-172 on November 26, 2010.

On September 9, 2004, the Commission adopted a Report and Order, FCC 04-220, MB Docket

³ The low power television service consists of LPTV, TV translator, and Class A stations. LPTV stations may radiate up to 3 kilowatts of power for stations operating on the VHF band (*i.e.*, channels 2 through 13), and 150 kilowatts of power for stations operating on the UHF band (*i.e.*, channels 14 through 69). By comparison, full-service stations on VHF channels 7 through 13 radiate up to 316 kilowatts of power, and stations on the UHF channels radiate up to 5,000 kilowatts of power. LPTV signals typically extend approximately 15 to 20 miles, while the signals of full-service stations can reach as far as 60 to 80 miles.

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Number 03-185, *In the Matter of Parts 73 and 74 of the Commission's Rules to Established Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*. To implement the new rules, the Commission revised the form to allow licensees/permittees/applicants to use the revised form to file for digital stations or for conversion of existing analog stations to digital stations.

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, 307, 308, and 309 of the Communications Act of 1934, as amended.

2. The data are used by FCC staff to determine if the applicant is qualified, meets basic statutory and treaty requirements and will not cause interference to other authorized broadcast services.

3. On May 13, 2002, the Commission released Public Notice DA 02-1087 announcing the mandatory electronic filing of these forms. Mandatory electronic filing for these forms began on May 21, 2002. Paper-filed copies of the form will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Waivers will not be routinely granted and filers should plead with particularity the facts and circumstances warranting grant of a waiver.

4. No other agency imposes a similar information collection on the respondents. There are no similar data available.

5. 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.

6. The frequency for filing is determined by respondents, as necessary.

7. This collection of information is consistent with the guidelines in 5 CFR Section 1320.5(d)(2).

8. The Commission published a Notice in the *Federal Register* on November 6, 2013 (78 FR 66704) seeking public comments on the proposed information collection requirements contained in this supporting statement. No comments were received from the public.

9. No payment or gift was provided to respondents.

10. There is no need for confidentiality with this collection of information.

11. This collection of information does not address any private matter.

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12. We estimate that applicants/licensees/permittees will prepare and file 3,500 applications annually. The estimated average burden on each applicant/licensee is nine and a half (9.5) hours.⁴ The respondents will complete the legal portion of the form which requires approximately seven (7) hours and using in-house station engineers to complete a portion of the engineering portion of the form which requires approximately two and a half (2.5) hours.

The respondents' estimated salary are \$100,000/year (\$48.08/hour). The station engineers' salary are estimated at \$60,000/year (\$30.00/hour).

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

Total Number of Annual Respondents: 3,500 Licensees/Applicants/Permittees

Total Number of Annual Responses: 3,500 FCC Form 2100, Schedule C Applications

Annual Burden Hours:

3,500 applications x 2.5 hours to complete in-house engineering review = 8,750 hours
3,500 applications x 7 hours to complete legal portion of the form = 24,500 hours

Total Annual Burden Hours:

33,250 hours

Annual "In-house cost":

3,500 applications x 2.5 hours to complete in-house engineering review x \$30.00/hour = \$262,500
3,500 applications x 7 hours to complete legal portion of the form x \$48.08/hour = \$1,177,960

Total Annual "In House" Cost:

\$1,440,460

13. In addition to "in-house" staff work, each applicant/licensee/permittees will require use a communications attorney and a consulting engineer to assist in preparing and filing FCC Form 2100, Schedule C. We estimate these attorneys will spend approximately 1 hour reviewing the form and will charge approximately \$300/hour for the legal review. We also assume that a consulting engineer will spend approximately 17 hours to complete certain engineering aspects of FCC Form 2100, Schedule C and will charge the respondent \$250/hour for the engineering services. In addition, each applicant/licensee must submit a \$545 application fee with FCC Form 2100,

⁴ These burden hours account for the additional hours respondents will require to complete the requirements of 47 CFR Section 74.793(d) and 74.787(c) and the revised form.

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Schedule C.

As required by the third party disclosure requirements of 47 CFR Section 73.3580, the applicant/licensee must give local public notice of the filing of its application for a new or 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—four public notice advertisements in all. We estimate the cost of this publication to be \$113.25/publication.

3,500 applications x 1 hour/consulting attorney x \$300/hour =	\$ 1,050,000
3,500 applications x 17 hours/consulting engineer x \$250/hour =	\$14,875,000
3,500 applications x \$545/application =	\$ 1,907,500
3,500 notices x 4 notices/applicant x \$113.25/publication =	<u>\$ 1,585,500</u>
Total Annual Burden Cost: \$19,418,000	

14. The Commission will use legal and engineering staff at the GS-14, step 5 level (\$57.70/hour); clerical staff at the GS-5, step 5 level (\$18.69/hour) and paraprofessional staff at the GS-9, step 5 level (\$28.32/hour) to review and process these applications.

Attorney	3 hrs. x \$57.70/hour x 3,500 applications =	\$ 605,850
Engineer	11 hrs. x \$57.70/hour x 3,500 applications =	\$2,221,450
Clerical	5 hrs. x \$18.69/hour x 3,500 applications =	\$ 327,075
Paraprofessional	4 hrs. x \$28.32/hour x 3,500 applications =	<u>\$ 396,480</u>
Total Cost to the Federal Government =		\$3,550,855

15. There are no program changes or adjustments with this collection.

16. The data will not be published.

17. An extension of the waiver not to publish the expiration date on the form is requested. 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 Section 0.408.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.