

**Application for Construction Permit for Commercial Broadcast Station, FCC Form 301; FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule A****SUPPORTING STATEMENT****A. Justification:**

1. FCC Form 301 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 301, 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 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>1</sup>

Finally, consistent with actions taken by the Commission in the *Third R&O*,<sup>2</sup> Form 301 accommodates commercial FM applicants applying in a Threshold Qualifications Window ("TQ Window") for a Tribal Allotment.<sup>3</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 301 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 Allotments using the Tribal Priority under the new "threshold qualifications" procedures adopted in the *Third R&O*.

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<sup>1</sup> The recordkeeping information collection requirement is contained in OMB Control Number 3060-0214, which covers Section 73.3527.

<sup>2</sup> *Third Report and Order*, MB Docket No. 09-52, FCC 11-190 (adopted Dec. 28, 2012) ("*Third R&O*").

<sup>3</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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On February 20, 2014, OMB approved the new FCC Form 2100, OMB Control No. 3060-0027.

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 and Management System.” However, until the particular broadcast service transitions to the new “Licensing and Management 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 and Management System” 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 and Management System” in which all FCC broadcast 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 and Management 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,” but as stated, the substance remains the same.

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 members use the data 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 television broadcast station construction permits applicants to file FCC Form 2100, Schedule A electronically through the “Licensing and Management System” and FCC Form 301 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 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 and FCC Form 301, the

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frequency of filing is determined by the respondents. However, no new or modified 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* (79 FR 65395) on November 4, 2014. 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:

<u>Services</u>	<u>Number of Applicants</u>
AM New & Major	50
AM Minor Change	250
With AM Multiple	
Ownership Showings	125
AM Community of License Minor Change Applications	15
FM New & Major	150
FM New with P4RM to Amend FM Table	
Using Tribal Priority <sup>4</sup>	10
FM New filed in TQ Window	15
FM Minor Change	1,000
With FM Multiple	
Ownership Showings	550
FM Community of License Minor Change Applications	60
TV Minor Change	200
DTV	1,220
With TV Multiple	
Ownership Showings	30
DTS	<u>100</u>
<b>Total Number of Respondents:</b>	<b>3,775 Licensees/Permittees</b>

<sup>4</sup> A petitioner seeking to add a Tribal Allotment to the FM Table of Allotments must file FCC Form 301 when submitting its Petition for Rule Making ("P4RM").

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<u>Number of Services</u>	<u>Respondent's Applications</u>	<u>Annual Hrly. Burden</u>	<u>Burden Hours</u>
AM New & Major	50	4.25 hours	212.5 hours
AM Minor Change With AM Multiple Ownership Showings	250	3.25 hours	812.5 hours
AM Community of License Minor Change Applications	125	6.25 hours	781.25 hours
	15	6 hours	90 hours
FM New & Major	150	4 hours	600 hours
FM New with P4RM to Amend FM Table Using Tribal Priority	10	4 hours	40 hours
FM New filed in TQ Window	15	4 hours	60 hours
FM Minor Change With FM Multiple Ownership Showings	1,000	3 hours	3,000 hours
FM Community of License Minor Change Applications	550	6 hours	3,300 hours
	60	5.50 hours	330 hours
TV Minor Change	200	3 hours	600 hours
DTV With TV Multiple Ownership Showings	1,220	3 hours	3,660 hours
	30	5 hours	150 hours
DTS <sup>5</sup>	100	3 hours	300 hours
Newspaper Requirements	3,436	1 hour	3,436 hours
<b>Totals:</b>	<b>7,211</b> <b>(responses)</b>		<b>17,372.25 hours</b> <b>(17,372 hrs. rounded)</b>

**Total Number of Responses: 7,211 Commercial Broadcast Station Construction Permit Applications - FCC Form 2100, Schedule A Filings, FCC Form 301 and Newspaper Notices**

**Total Annual Burden Hours: 17,372 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 and FCC Form 301. 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.

<sup>5</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.

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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>6</sup></u>	<u>Annual In-House Cost</u>
AM New & Major	50	4.25 hours	\$48.08	\$10,217.00
AM Minor Change	250	3.25 hours	\$48.08	\$39,065.00
AM Ownership Showings	125	6.25 hours	\$48.08	\$37,562.50
AM Community of License Change	15	6 hours	\$48.08	\$4,327.20
FM New & Major	150	4 hours	\$48.08	\$28,848.00
FM New with P4RM to Amend				
FM Table Using Tribal Priority	10	4 hours	\$48.08	\$1,923.20
FM New filed in TQ Window	15	4 hours	\$48.08	\$2,884.80
FM Minor Change	1,000	3 hours	\$48.08	\$144,240.00
FM Ownership Showings	550	6 hours	\$48.08	\$158,664.00
FM Community of License Change	60	5.50 hours	\$48.08	\$15,866.40
TV Minor Change	200	3 hours	\$48.08	\$28,848.00
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>\$835,257.78</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.

<sup>6</sup> Respondent is a commercial broadcast station construction permit applicant.

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<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	50	\$ 105,000
	\$250	89.25 hours	50	\$1,115,625
Minor Change	\$300	2 hours	250	\$ 150,000
	\$250	88.25 hours	250	\$5,515,625
Multiple Ownership Showings	\$300	18 hours	125	\$ 675,000
	\$250	92.25 hours	125	\$2,882,813
Community of License Change	\$300	12 hours	15	\$ 54,000
	\$250	100 hours	15	\$ 375,000
<b><u>FM:</u></b>				
New & Major	\$300	7 hours	150	\$ 315,000
	\$250	71 hours	150	\$2,662,500
FM New with P4RM to Amend FM Table Using Tribal Priority	\$300	7 hours	10	\$ 21,000
	\$250	71 hours	10	\$ 177,500
FM New filed in TQ Window	\$300	7 hours	15	\$ 31,500
	\$250	71 hours	15	\$ 266,250
Minor Change	\$300	2 hours	1,000	\$ 600,000
	\$250		69 hours	1,000
\$17,250,000				
Multiple Ownership Showings	\$300	28 hours	550	\$ 4,620,000
	\$250	73 hours	550	\$10,037,500
Community of License Change	\$300	6 hours	60	\$ 108,000
	\$250	94 hours	60	\$ 1,410,000
<b><u>TV:</u></b>				
Minor Change	\$300	2 hours	200	\$ 120,000
	\$250	45 hours	200	\$2,250,000
<b><u>DTV:</u></b>				
Multiple Ownership Showings	\$300	2 hours	1,220	\$ 732,000
	\$250	34 hours	1,220	\$10,370,000
Multiple Ownership Showings	\$300	13 hours	30	\$ 117,000
	\$250	48 hours	30	\$ 360,000

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<b><u>DTS:</u></b>	\$300	1 hour	100	\$ 30,000
	\$250	45 hours	100	<u>\$1,125,000</u>
		<b>Total AM/FM TV and DTV:</b>		<b>\$63,476,313</b>

<b><u>Fees:</u></b>	<b><u>Number of Applications</u></b>	<b><u>Fee Cost</u></b>	<b><u>Total Fee Cost</u></b>
AM New & Major	50	\$3,310	\$ 165,500
AM Minor Change	250	\$ 830	\$ 207,500
AM Multiple Ownership Showings	125	\$3,310	\$ 413,750
AM Community of License Change	15	\$ 830	\$ 12,450
FM New & Major	150	\$3,485	\$ 522,750
FM New with P4RM to Amend FM Table Using Tribal Priority	10	\$3,485	\$ 34,850
FM New filed in TQ Window	15	\$3,485	\$ 52,275
FM Minor Change	1,000	\$ 830	\$ 830,000
FM Multiple Ownership Showings	550	\$2,980	\$ 1,639,000
FM Community of License Change	60	\$ 830	\$ 49,800
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>\$5,301,075</b>

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275<sup>7</sup> new/major/community of license change applications x 4 x \$113.25 = **\$124,575** in publication costs

**Annual Cost Burden:** \$63,476,313 + \$5,301,075 + \$124,575 = **\$68,901,963**

**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 = 225<sup>8</sup>

225 applications x \$57.70/hour x 41 hours =	\$532,282.50
225 applications x \$57.70/hour x 20 hours =	\$259,650.00
225 applications x \$34.26/hour x 1 hour =	\$ 7,708.50
225 applications x \$18.69/hour x 2 hours =	<u>\$ 8,410.50</u>
	<b>\$808,051.50</b>

Minor AM Applications = 250  
 AM Multiple Ownership Showings = 125  
 AM Community of License Change Minor Applications = 15

277 applications x \$57.70/hour x 1 hour =	\$ 15,982.90
277 applications x \$57.70/hour x 30 hours =	\$479,487.00
(No GS-11 Step-5 paraprofessional review required)	
277 applications x \$18.69/hour x 2 hours =	<u>\$ 10,354.26</u>
	<b>\$505,824.16</b>

Minor FM Applications = 1,000  
 FM Multiple Ownership Showings = 550  
 FM Community of License Change Minor Applications = 60

1,610 applications x \$57.70/hour x 1 hour =	\$ 92,897.00
1,610 applications x \$57.70/hour x 20 hours =	\$1,857,940.00
(No GS-11 Step 5 paraprofessional review required)	
1,610 applications x \$18.69/hour x 2 hours =	<u>\$ 60,181.80</u>
	<b>\$2,011,018.80</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

<sup>7</sup> This number was calculated as follows: 50 AM New & Major Applications + 150 FM New & Major Applications + 15 AM Community of License Change Applications + 60 FM Community of License Change Applications = 275 Applications.

<sup>8</sup> This number was calculated as follows: 50 AM New & Major Applications + 150 FM New & Major Applications + 25 FM New Tribal-related applications = 225 Applications.



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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: \$5,573,816.46**

15. **No Changes in Burden or Cost:** The Commission has the following adjustments to this collection which are due to the Commission reevaluating the burden and cost for this collection: -829 to the number of respondents, -829 to the number of annual responses, -3,125 to the annual burden hours and -\$21,757,419 to the annual cost burden.

There are no 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.