

SUPPORTING STATEMENT¹

A. Justification

1. 47 CFR 76.1601 requires that effective April 2, 1993, a cable operator shall provide written notice to any broadcast television station at least 30 days prior to either deleting from carriage or repositioning that station. Such notification shall also be provided to subscribers of the cable system.

47 CFR 76.1607 states that cable operators shall provide written notice by certified mail to all stations carried on its system pursuant to the must-carry rules at least 60 days prior to any change in the designation of its principal headend.

47 CFR 76.1617(a) states within 60 days of activation of a cable system, a cable operator must notify all qualified Non-Commercial Education (NCE) stations of its designated principal headend by certified mail.

47 CFR 76.1617(b) states within 60 days of activation of a cable system, a cable operator must notify all local commercial and Non-Commercial Education (NCE) stations that may not be entitled to carriage because they either fail to meet the standards for delivery of a good quality signal to the cable system's principal headend, or may cause an increased copyright liability to the cable system.

47 CFR 76.1617(c) states within 60 days of activation of a cable system, a cable operator must send by certified mail a copy of a list of all broadcast television stations carried by its system and their channel positions to all local commercial and noncommercial television stations, including those not designated as must-carry stations and those not carried on the system.

47 CFR 76.1708(a) states that the operator of every cable television system shall maintain for public inspection the designation and location of its principal headend. If an operator changes the designation of its principal headend, that new designation must be included in its public file.

The Commission is requesting an extension of this submission in order to obtain the full three year clearance from OMB.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

¹ Although the discussion contained herein is framed in terms of cable, we clarify that Sections 76.1601, 16.1607, 76.1617, and 76.1708(a) (second sentence) also apply to open video systems (OVS) pursuant to Section 76.1506(g), and the estimates contained herein are intended to cover that applicability.

Title: Section 76.1601, Deletion or Repositioning of Broadcast Signals; Section 76.1617, Initial Must-Carry Notice; Sections 76.1607 and 76.1708, Principal Headend

Statutory authority for this collection of information is contained in Section 4(i) of the Communications Act of 1934, as amended.

2. The notices are used by broadcast stations to ascertain and exercise their must-carry rights.
3. Use of information technology is not feasible in this situation.
4. This agency does not impose similar requirements on the respondents. There is no similar information available.
5. This information collection requirement does not have a significant impact on a substantial number of small businesses/entities.
6. If cable system operators were not required to make these various notifications, then broadcast television stations would have no codified process for obtaining the information that they need in order to ascertain and exercise their must-carry rights.
7. There are no special circumstances associated with this collection of information.
8. The Commission published a Notice (78 FR 17663) in the *Federal Register* on March 22, 2013 seeking public comment for the information collection requirements contained in this supporting statement. No comments were received from the public as a result of the Notice.
9. There will be no payment or gifts given to respondents.
10. There is no need for confidentiality with this collection of information.
11. This collection of information does not address any private matters of a sensitive nature.
12. For Section 76.1601, we estimate that cable systems will issue approximately 3,300 notices to broadcast stations each year. We estimate 30 minutes per notice for preparing and mailing it. The notice to subscribers can be pre-printed on or mailed simultaneously with monthly billing statements at no additional measurable burden or cost.

3,300 notices issued by cable operators/year x 0.5 hours/notice = 1,650 hours

For Sections 76.1607 and 76.1708, we estimate that changes in the designation of principal headend annually occur 300 times (300 notices issued annually) due to rebuilds or mergers of existing cable systems. Preparation of the notice and mailing it is estimated at one (1) hour.

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300 notices issued by cable operators/year x 1 hour/notice = 300 hours

For Section 76.1617, we estimate that newly created cable systems may need an additional 500 notices to be issued each year. Preparation of the notices is estimated at 0.5 hours per notice.

500 notices issued by cable operators/year x 0.5 hours/notice = 250 hours

Total Number of Annual Respondents = 3,300 Cable Systems

Total Number of Annual Responses =
3,300 notices + 300 notices + 500 notices = **4,100 notices**

Total Annual Burden Hours = 1,650 hrs. + 300 hrs. + 250 hrs = 2,200 hours

Annual "In-House" Cost: We estimate an average hourly wage of \$20.00 per hour for individuals tasked with the notification requirements.

3,300 notices x 0.5 hours/notice @ \$20.00/hr = \$33,000 (Section 76.1601)
300 notices x 1 hour/notice @ \$20.00/hr = \$ 6,000 (Sections 76.1607 & 76.1708(a))
500 notices x 0.5 hours/notice @ \$20.00/hr = \$10,000 (Section 76.1617)

Total Annual In-House Cost: \$44,000

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

13. Annual Cost Burden: There is no annual cost for this collection of information.
14. There is no cost to the Federal Government.
15. There are no program changes or adjustments to this information collection.
16. These data will not be published for statistical use.
17. We do not seek approval to not display the expiration date for OMB approval of this information collection.
18. There are no exceptions to the Certification Statement.

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B. Collections of Information Employing Statistical Methods

No statistical methods are employed.