

SUPPORTING STATEMENT

A. Justification:

1. Circumstance Necessitating Change to Information Collection:

In 2012, the Commission replaced the decades-old requirement that commercial and noncommercial television stations maintain public files at their main studios with a requirement to post most of the documents in those files to a central, online public file hosted by the Commission.¹ On December 17, 2014, the Commission adopted a *Notice of Proposed Rulemaking* (“*NPRM*”) in MB Docket No. 14-127, FCC 14-209, *In the Matter of Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*. The *NPRM* proposes to expand the requirement that public inspection files be posted to an FCC- hosted online public file database to cable operators, satellite TV (also referred to as “Direct Broadcast Satellite” or “DBS”) providers, broadcast radio licensees, and satellite radio (also referred to as “Satellite Digital Audio Radio Services” or “SDARS”) licensees. The Commission stated that its goal is to make information that these entities are already required to make publicly available more accessible while also reducing costs both for the government and the public sector. The Commission proposes to take the same general approach to transitioning these entities to the online file that it took with television broadcasters in 2012, tailoring the requirements as necessary to the different services. The Commission also proposed to take similar measures to minimize the effort and cost entities must undertake to move their public files online. Specifically, the Commission proposes to require entities only to upload to the online public file documents that are not already on file with the Commission or that the Commission maintains in its own database. The Commission also proposes to exempt existing political file material from the online file requirement and to require only that political file documents be uploaded on a going-forward basis.

With respect to broadcast radio licensees, the Commission proposes to commence the transition to an online file with commercial stations in larger markets with five or more full-time employees, while postponing temporarily all online file requirements for other radio stations. The *NPRM* also proposes a minor additional change to the existing public file requirements for radio licensees. It proposes to require stations to provide information to the online file regarding the location of the station’s main studio, which will help members of the public engage in an active dialogue with radio licensees regarding their service and also inform the public of the location of the station’s correspondence file and existing political file (until its retention period expires), both of which will be publicly available at the station.

With respect to cable operator public file requirements, the Commission proposes to phase-in the requirement to commence uploading political file documents to the online file for smaller cable systems and to exempt cable systems with fewer than 1,000 subscribers from all online public file requirements, either permanently or at least initially.

The *NPRM* proposes the following specific changes to the FCC’s rules:

¹ *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Second Report and Order*, 27 FCC Rcd 4535 (2012) (“*Second Report and Order*”).

Title: Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 76.1701 and 73.1943, Political Files

73.1943(d): The *NPRM* would revise this rule to state that, following the effective date of this subsection, a licensee or applicant must post the contents added to its political file to the online file hosted by the Commission. A station may retain in its political file maintained at the station the material required to be included in the political file prior to the effective date of this subsection.

73.3526(b): The *NPRM* would revise this rule to require commercial radio stations to place the material required to be retained in the public inspection file in the online file hosted by the Commission, with the exception of letters and emails from the public which shall be retained at the station. Radio stations not in the top 50 Nielsen Audio markets and those with fewer than five full-time employees would be permitted to continue to retain the public inspection file at the station until two years following the effective date of the Report and Order in MB Docket No. 14-127. Stations must also provide a link to the online file from the home page of their own websites, if they have one, and provide contact information for a station representative on their websites who can assist persons with disabilities with issues related to the content of the public files. Stations are also required to include in the online public file the station's main studio address and telephone number and the email address of the station's designated contact for questions about the public file.

With respect to the station's political file, new material must be placed in the online file hosted by the Commission, but existing political inspection file material shall continue to be retained at the station. Any radio station not in the top 50 Nielsen Audio markets and those with fewer than five full-time employees shall continue to retain the political file at the station until two years following the effective date of the Report and Order in MB Docket No. 14-127. For these stations, beginning two years following the effective date of the Report and Order in MB Docket No. 14-127, any new political file material must be placed in the online file hosted by the Commission, while other political file material may be retained at the station until the end of the retention period. Stations not required to place their political file on the Commission's website before two years following the effective date of the Report and Order in MB Docket No. 14-127 may choose to do so instead of retaining the political file at the station.

73.3527(b): The *NPRM* would revise this rule to require, beginning two years following the effective date of the Report and Order in MB Docket No. 14-127, noncommercial educational radio stations to place the material required to be retained in the public inspection file in the online file hosted by the Commission. At that time, these stations would also be required to place new political file material in the online file while other political file material may be retained at the station until the end of the retention period. Stations not required to place their political file on the Commission's website before two years following the effective date of the Report and Order in MB Docket No. 14-127 may choose to do so instead of retaining the political file at the station.

Stations must also provide a link to the online file from the home page of their own websites, if they have one, and provide contact information for a station representative on their websites who can assist persons with disabilities with issues related to the content of the public files. Stations are also required to include in the online public file the station's main studio address and telephone number and the email address of the station's designated contact for questions about the public file.

History:

On October 27, 2011, the Commission adopted a *Further Notice of Proposed Rulemaking* ("FNPRM") in MM Docket 00-168, FCC 11-162, *In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*. The FNPRM proposed to largely replace the decades-old requirement that commercial and noncommercial television stations maintain a paper public file at their main studios with a requirement to submit documents for inclusion in an online public file to be hosted by the Commission.

On April 27, 2012, the Commission adopted a *Second Report and Order* in MM Docket 00-168, FCC 12-44, *In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*. This document adopted the FNPRM proposal that commercial and noncommercial television stations be required to maintain a public inspection file to be located on the Commission's website instead of being maintained in the public file at the station.

The FNPRM proposed a few changes from the existing public file requirements, and the *Second Report and Order* adopted most but not all of those proposals. First, the FNPRM sought comment on ways to streamline the information required to be kept in the file, and proposed that letters and emails from the public should be excluded from the online posting requirement, and instead be retained at the station in a correspondence file. The *Second Report and Order* adopted this exemption.

The FNPRM also proposed that a few items should be added to the online public file. First, we proposed that TV stations include their main studio location in the online public file, which requirement was adopted in the *Second Report and Order*. Second, we proposed that sponsorship identifications, now disclosed only on-air, also be disclosed in the online public file. The FNPRM also proposed to require disclosure of online of shared services agreements, some of which currently need to be included in the public file. The FNPRM noted that the increased burdens imposed by including these new items will be offset in part by reducing burdens by placing the public file online in a database to be hosted by the Commission. The *Second Report and Order* declined to adopt new requirements, instead limiting this proceeding to merely transferring the existing public file online.

Because more than a third of the required contents of the public file have to be filed with the Commission in our Consolidated DataBase System ("CDBS") under current rules, we proposed in the FNPRM that we would import and update any information that must already be filed with the Commission electronically in CDBS to each station's public file, which will be part of a database of all television station public files on the Commission's website. We anticipated that this would create efficiencies for broadcasters, since they must currently upload such filings to CDBS and then also ensure that the same documents are included in the public file kept at the station. Under the proposed mechanism, broadcasters would be responsible for uploading only those items not otherwise filed with the Commission or available on the Commission's website. Under the proposed rules, television stations would need to link to the public inspection file hosted on the Commission's website from the home page of its own website, if the station has a website.

The *Second Report and Order* adopted this approach.

On November 22, 2011, the Commission submitted the *FNPRM*'s proposed information collection requirements for collection 3060-0214 to OMB for review and approval. In June 21, 2012, we obtained final approval for the information collection requirements that are contained in this collection, based on the final rules that were adopted in FCC 12-44.

The Commission first adopted a public inspection file requirement more than 40 years ago.² The public file requirement grew out of Congress' 1960 amendment of Sections 309 and 311 of the Communications Act of 1934.³ Finding that Congress, in enacting these provisions, was guarding "the right of the general public to be informed, not merely the rights of those who have special interests,"⁴ the Commission adopted the public inspection file requirement to "make information to which the public already has a right more readily available, so that the public will be encouraged to play a more active part in dialogue with broadcast licensees."⁵ In return for their exclusive use of public spectrum, broadcasters must operate and program their stations in the "public interest, convenience and necessity."⁶ This means that all stations must be responsive and accountable to their local community of license. The manner in which broadcasters communicate with their communities is a core function of their role as licensees. Specific items in the public file, listed below, include items that provide station information to the public, like ownership reports, contour maps, citizen's agreements, EEO reports and quarterly lists of programs that the stations believe addressed important issues in their community. Access to the public inspection file allows the public to monitor a station's public interest performance. The information provided in a station's public file enables citizens to engage in an informed dialog with their local stations or to file complaints or petitions to deny the renewal of a station's license.⁷ Comments, complaints, and petitions to deny filed by the viewing public have long been a part of the regulatory and the renewal process.⁸ As part of the Commission's license renewal process, the Commission does not routinely monitor every aspect of stations' compliance with Commission rules; rather, it depends on viewers and listeners to provide information about whether stations are meeting their public interest obligations.

Cable operators also have public and political file requirements modeled, in large part, on the longstanding broadcast requirements.⁹ In 1974, the Commission adopted a public inspection file

² Report and Order in Docket No. 14864, 4 R.R.2d 1664, 1667 (1965); recon. granted in part and denied in part 6 R.R.2d 1527 (1965).

³ 47 U.S.C. §§ 309,311.

⁴ Report and Order in Docket No. 14864, 4 R.R.2d at 1666 (citing, e.g., Senate Report No. 690, 86th Cong., 1st Sess., to accompany S. 1898, "New Pre-Grant Procedure" (Aug. 12, 1969) page 2).

⁵ Report and Order in Docket No. 14864, 4 R.R.2d 1664, 1667 (1965); recon. granted in part and denied in part 6 R.R.2d 1527 (1965).

⁶ 47 U.S.C. § 307(c)(1), 309(a).

⁷ Office of Communication of United Church of Christ v. FCC, 359 F.2d 994, 1009 (D.C. Cir., 1966).

⁸ See Deregulation of Radio, Second Report and Order, 96 FCC 2d 930 (1984).

⁹ Section 315 of the Communications Act, as amended by the Bipartisan Campaign Reform Act of 2002, applies political advertising rate disclosure and public file requirements to broadcast stations, cable systems, and DBS operators. See 47

requirement for cable, noting that “[i]f the public is to play an informed role in the regulation of cable television, it must have at least basic information about a local system’s operations and proposals.”¹⁰ The Commission also noted that “[r]equiring cable systems to maintain a public file merely follows our policy for broadcast licensees and is necessary for similar reasons”¹¹ and that “[t]hrough greater disclosure we hope to encourage a greater interaction between the Commission, the public, and the cable industry.”¹²

The requirements listed below have not changed since last approved by OMB. The only requirements that are impacted by FCC 14-209 are contained in Sections 73.1943(d), 73.3526(b), and 73.3527(b) and the proposed revisions are explained under question 1 of this supporting statement. All other requirements remain unchanged.

47 CFR Sections 73.3526(a) and 73.3527(a) require that licensees and permittees of commercial and noncommercial educational (NCE) broadcast stations¹³ maintain a local public inspection file. The contents of the file vary according to type of service and status. A separate file shall be maintained for each station for which an application is pending or for which an authorization is outstanding. The public inspection file must be maintained so long as an authorization to operate the station is outstanding.

47 CFR Sections 73.3526(b) and 73.3527(b) require that the public inspection file be maintained at the main studio of the station. An applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license or at its proposed main studio. The *Second Report and Order* changed this subsection to require commercial and noncommercial television stations to maintain their public inspection file in an online public file to be hosted by the Commission, instead of being maintained at the main studio of the station, with the exception of letters and emails from the public, which continue to be maintained at the station. Stations must also provide a link to the online file from the home page of their own websites, if they have one, and provide contact information for a station representative on their website who can assist persons with disabilities with issues related to the content of the public files. Stations are also required to include in the online public file the station’s main studio address and telephone number and the email address of the station’s designated contact for questions about the public file.

47 CFR Sections 73.3526(c) and 73.3527(c) require the licensee/permittee to make the file available for public inspection at any time during regular business hours. All or part of this file may be maintained in a computer database as long as a computer terminal is made available to members of the public. Materials in the public file must be made available for review, printing or reproduction upon request.

U.S.C. § 315.

¹⁰ Amendment of Part 76 of the Commission’s Rules and Regulations Relative to Obligations of Cable Television Systems to Maintain Public Inspection Files and Permit System Inspections, Report and Order, 48 F.C.C.2d 72, ¶ 1 (1974).

¹¹ Amendment of Part 76 of the Commission’s Rules and Regulations Relative to Obligations of Cable Television Systems to Maintain Public Inspection Files and Permit System Inspections, Notice of Proposed Rulemaking, 45 F.C.C.2d 669, ¶ 2 (1974).

¹² Id. at 672, ¶ 13.

¹³ These stations are licensed to nonprofit educational organizations for use in the advancement of educational programs.

Licensees that maintain their main studios and public file outside their communities of license¹⁴ are required to mail a copy of "The Public and Broadcasting"¹⁵ to anyone requesting a copy. Licensees shall be prepared to assist members of the public in identifying the documents they may want to be sent to them by mail.

47 CFR Sections 73.3526(d) and 73.3527(d) require an assignor to maintain the public inspection file until such time as the assignment is consummated. At that time, the assignee is required to maintain the file.

47 CFR Sections 73.3526(e) and 73.3527(e) specify the contents of the public inspection files. Separate rule sections not subject to this information collection require the creation and submission to the Commission of many of the items that must be retained in the public inspection file. As such, the burden estimates for creation and submission of these documents are calculated in other information collections. The burden estimates included in this information collection pertain only to making these items publicly available. We have listed below some of the relevant information collections pertaining to the creation and submission of such documents.

The documents to be retained in the public inspection files are as follows:

- (a) A copy of the current FCC authorization to construct or operate the station, as well as any other documents necessary to reflect any modifications thereto or any conditions that the FCC has placed on the authorization;
- (b) A copy of any application tendered for filing with the FCC, together with all related material, and copies of Initial Decision and Final Decisions in hearing cases. If petitions to deny are filed against the application, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition [Application for Construction Permit for Commercial Broadcast Station (OMB control number 3060-0027, FCC Form 301; Application for New Commercial or Noncommercial Educational Broadcast Station License (OMB control number 3060-0029, FCC Form 340); Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications (OMB control number 3060-0031)];

¹⁴ Every broadcast station is permitted or licensed to a designated community, the needs and interests of which the station primarily serves. The station is required to place a signal of a certain strength over the entirety of its community of license, and is required to provide programming to serve its community of license. See, e.g., 47 U.S.C. § 307(b); 47 C.F.R. §§ 73.24(i), 73.315(a).

¹⁵ This manual provides a brief overview of the regulation of broadcast radio and television.

- (c) For commercial broadcast stations, a copy of every written citizen agreement;¹⁶
- (d) A copy of any service contour maps, submitted with any application, together with any other information in the application showing service contours and/or main studio and transmitter location;
- (e) A copy of the most recent, complete Ownership Report (FCC Form 323) filed with the FCC for the station, together with any statements filed with the FCC certifying that the current Report is accurate [Ownership Report for Broadcast Station (OMB control number 3060-0010, FCC Form 323); Ownership Report for Noncommercial Educational TV, FM or Standard Broadcast Station (OMB control number 3060-0084, FCC Form 323-E)];
- (f) A political file of records required by 47 CFR 73.1943 concerning broadcasts by candidates for public office [Section 73.1942, Candidates Rates, 76.206, Candidates Rates, Section 76.1611, Political Cable Rates and Classes of Time (OMB control number 3060-0501)];
- (g) An Equal Employment Opportunity File required by 47 CFR Section 73.2080 [Broadcast EEO Program Report, FCC Form 396 (OMB control number 3060-0113); Multi-Channel Video Program Distributor EEO Program Annual Report, (OMB control number 3060-1033, FCC Form 396-C)].
- (h) A copy of the most recent edition of the manual entitled "The Public and Broadcasting;"
- (i) For commercial broadcast stations, all written comments and suggestions (letters and electronic mail) received from the public regarding operation of the station;
- (j) Material having a substantial bearing on a matter which is the subject of an FCC investigation or complaint to the FCC of which the applicant/permittee/licensee has been advised;
- (k) For commercial radio and TV broadcast stations and non-exempt NCE broadcast stations, a list of programs that have provided the station's most significant treatment of community issues. This list is kept on a quarterly basis and contains a brief description of how each issue was treated;
- (l) For commercial TV broadcast stations, records sufficient to permit substantiation of the station's certification, in its license renewal application, of compliance with the commercial limits on children's television programming. The records must be placed in the public file quarterly. The FCC Form 398, Children's Television Programming Reports, reflecting efforts made by the licensee during the preceding quarter, and efforts planned for the next quarter, to serve the educational and informational needs of children must be placed in the public file quarterly [Children's Television Programming Report (OMB control number 3060-0754, FCC Form 398)];

¹⁶ A citizen agreement is an agreement between a licensee and one or more citizens that deal with goals or proposed practices that affect station operations in the public interest in areas such as - but not limited to - programming and employments.

(m) For NCE stations, a list of donors supporting specific programs. The list is to be retained for two years from the date of the broadcast of the specific program supported, and will be reserved for sponsors/underwriters of specific programming;

(n) Each applicant for renewal of license shall place in the public file a statement certifying compliance with the pre-filing and post-filing local public notice announcements. These statements shall be placed in the public file within 7 days of the last day of broadcast [Section 73.3580, Local Public Notice of Filing of Broadcast Applications (OMB control number 3060-0031)];

(o) Commercial radio and TV licensees who provide programming to another licensee's station, pursuant to time brokerage agreements, are required to keep copies of those agreements in their public inspection files, with confidential information blocked out where appropriate;

(p) Commercial TV stations must make an election between retransmission consent and must-carry status once every three years. Television stations that fail to make an election will be deemed to have elected must-carry status. This statement must be placed in the station's public inspection file. This rule codifies Section 325(b)(3)(B) of the Communications Act of 1934, as amended [Section 73.1601, Deletion of Repositioning of Broadcast Signals; Section 76.1617, Initial Must-Carry Notice; and Sections 76.1697 and 76.1708, Principal Headend (OMB control number 3060-0649)];

(q) NCE television stations requesting mandatory carriage on any cable system pursuant to 47 CFR Section 76.56 shall place in its public file the request and relevant correspondence; and

(r) Commercial radio and TV licensees who have entered into joint sales agreements must place the agreements in the public inspection file, with confidential and propriety information blocked out where appropriate.

Sections 73.1212(e), 73.1943 and 76.1701 require licensees of broadcast stations and every cable television system to keep and permit public inspection of a complete record (political file) of all requests for broadcast and cablecast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the system of such requests, and the charges made, if any, if the request is granted. The disposition includes the schedule of time purchased, when the spots actually aired, the rates charged, and the classes of time purchased. Also, when free time is provided for use by or on behalf of candidates, a record of the free time provided is to be placed in the political file as soon as possible and maintained for a period of two years. Sections 73.1212(e) and 76.1701 also require that, when an entity sponsors broadcast or cablecast material that concerns a political matter or a discussion of a controversial issue of public importance, a list must be maintained in the public file of the system that includes the sponsoring entity's chief executive officers, or members of its executive committee or of its board of directors. The *Second Report and Order* changed 73.1943 to indicate that commercial and noncommercial television stations will maintain their

public inspection file on an online public file to be hosted by the Commission on a going-forward basis. [Sections 73.1212, 76.1615 and 76.1715, Sponsorship Identification (OMB control number 3060-0174); Section 73.1942, Candidates Rates, 76.206, Candidates Rates, Section 76.1611, Political Cable Rates and Classes of Time (OMB control number 3060-0501)].

The personally identifiable information (PII) in this information collection is in part covered by the system of records notice (SORN), FCC/MB-1, “Ownership of Commercial Broadcast Stations,” 74 FR 59978 (2009). The Commission is currently drafting a Privacy Impact Assessment (PIA) for the records covered by this SORN.

The Commission also prepared a second system of records notice, FCC/MB-2, “Broadcast Station Public Inspection Files,” to cover the PII contained in the broadcast station public inspection files located on the Commission’s website.

Statutory authority for this collection of information is contained in Sections 151, 152, 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended.

2. Agency Use of Information:

The public and FCC use the information in the public file to evaluate information about the broadcast licensee's performance, to ensure that broadcast stations are addressing issues concerning the community which it is licensed to serve and to ensure that stations entering into time brokerage agreements comply with Commission policies pertaining to licensee control and to the Communications Act and the antitrust laws.¹⁷ Placing joint sales agreements in the public inspection file facilitates monitoring by the public, competitors and regulatory agencies.

Similarly, the public and the FCC use the information in the cable public file to allow them to play an informed role in the regulation of cable television and to encourage a greater interaction between the Commission, the public, and the cable industry.

Television broadcasters are required to send each cable operator in the station's market a copy of the election statement applicable to that particular cable operator. Placing these retransmission consent/must-

¹⁷ *In the Matter of Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests*, Report and Order, 14 FCC Rcd 12559, 12601 (1999); *Revision of Radio Rules and Policies*, Report and Order, 7 FCC Rcd 2755, 2789 (1992), recon., *Memorandum Opinion and Further Notice of Proposed Rule Making*, 7 FCC Rcd 6387 (1994), further recon., *Second Memorandum Opinion and Order*, 9 FCC Rcd 7183 (1994).

carry elections in the public file provide public access to documentation of station's elections which are used by cable operators in negotiations with television stations and by the public to ascertain why some stations are/not carried by the cable systems.

Maintenance of political files by broadcast stations and by cable television systems enables the public to assess money expended and time allotted to a political candidate and to ensure that equal access was afforded to other legally qualified candidates for public office.

3. Consideration Given to Information Technology:

The changes adopted in the *Second Report and Order* and those proposed in the *NPRM* involve automated, electronic collection techniques. Currently, radio broadcast licensees and cable operators have the option of maintaining all or part of their public file, including their political file, in a computer database rather than in paper files. Therefore, instead of having to print all items and placing them in the public file, a station may store materials on a computer that is available to the public. This existing electronic option is not an on-line public file requirement, since the materials do not need to be available via the Internet. The changes adopted in the *Second Report and Order* require television licensees to instead post their "electronic" public files on the Commission's website, making the public files available over the Internet. Similarly, the changes proposed in the *NPRM* would require radio broadcasters and cable operators to post their public files on the Commission's website, making those files available over the Internet.

4. Effort to Identify Duplication and Similar Information: No other agency imposes a similar information collection on the respondents. There are no similar data available.

5. Effort to Reduce Small Business Burden: This information collection does not impose any significant economic impact on a substantial number of small businesses/entities. However, any entity can request a waiver of the Commission's rules, under 47 CFR 1.3, which allows the Commission to waive rules where good cause has been shown.

6. Less Frequent Data Collections:

If the information contained in the public file were not retained on a regular basis, the Commission and the public would not have timely information to evaluate a broadcaster's public service record or a cable operator's operations. For example, the retransmission consent/must-carry election statements placed in the public file provide information not available elsewhere. As to the political files, if the required documentation was not retained, the public and competing legally qualified candidates running for public office would not have access to records to verify that equal rates and access were made available to all candidates.

7. Explain any special circumstances associated with this Collection:

With the exception of the political file, there are no special circumstances that require respondents to report information more than quarterly. The Communications Act and the Commission's rules require

Title: Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 76.1701 and 73.1943, Political Files

that broadcasters place information into the political file “as soon as possible.”¹⁸ The Commission has long interpreted “as soon as possible” to mean “immediately absent unusual circumstances.”¹⁹ Therefore, consistent with the existing political file rules and statute, the *Second Report and Order* requires that TV stations must upload records to their online political file “immediately absent unusual circumstances.”²⁰ Cable operators must place information in their political file “immediately.”²¹ Whether maintained at the station or online, the contents of the political file are time-sensitive.²² A candidate has only seven days from the date of his or her opponent’s appearance to request equal opportunities for an appearance.²³

There are no special circumstances that require a written response in fewer than 30 days of receipt, or submit more than an original and two copies of any document.

With respect to proprietary trade secrets and confidential information, the Commission has instituted procedures to protect the confidentiality of any such information to the extent permitted by law. For example, licensees are explicitly authorized to redact information from contracts for the joint sale of advertising time that is confidential or proprietary in nature. *See* 73.3526(e)(16).

While the Commission has instituted procedures to protect confidential information, much of the public file is not confidential. A copy of the current FCC authorization to construct or operate the station must be retained in the public file until replaced by a new authorization. Applications tendered for filing shall be retained until final action has been taken on the application, except that applications for a new construction permit granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. A copy of contour maps shall be retained for as long as they reflect current, accurate information regarding the station. License renewal applications granted on a short-term basis shall be retained until final action has been taken on the license renewal application filed immediately following the shortened license term. Citizen agreements shall be retained for the term of the agreement. Ownership Reports and related materials shall be retained until a new, complete Ownership Report is filed with the FCC. The licensee need not retain a copy of the contracts listed in the Ownership Report so long as the licensee maintains an up-to-date list of such contracts in the file and provides copies of any contracts to requesting parties within 7 days. Political files required by Sections 73.1943 and 76.1701 shall be retained for a period of 2 years. A copy of the 1998 edition of the manual entitled "The Public and Broadcasting" must be retained at all times. Material relating to an FCC investigation or complaint must be retained until notified in writing that the material may be discarded. Donor lists must be retained for two years. The certifications of compliance with the pre-filing and post-filing local public notice announcements of the filing of

¹⁸ 47 U.S.C. § 315(e)(3); 47 C.F.R. § 73.1943(c).

¹⁹ Section 73.1943(c) of the Commission’s rules provides that “[a]ll records required by this paragraph shall be placed in the political file as soon as possible As soon as possible means immediately absent unusual circumstances.” 47 C.F.R. § 73.1943(c).

²⁰ *Second Report and Order* at ¶ 55.

²¹ 47 C.F.R. § 76/1701(c).

²² See 47 C.F.R. § 73.1943(c).

²³ See 47 C.F.R. § 73.1941(c).

applications for renewal of license shall be retained for as long as the application to which it refers. Time brokerage agreements²⁴ and joint sales agreements²⁵ must be retained as long as the contract or agreement is in force.

Letters and electronic mail messages issues/program lists, and records concerning commercial limits and Children's Television Programming Reports must be retained until final action has been taken on the station's next license renewal application. Television station's must-carry/retransmission election statements shall be retained for the duration of the three-year election period to which the statement applies.

These retention periods are necessary to provide the public and the FCC timely information to evaluate the station's performance during its entire license term or over the life of a contract.

8. Public Comment Period:

The Commission published a notice in the Federal Register seeing comments from the public on the information collection requirements contained in this collection (see 80 FR 8031) on February 13, 2015. To date, no comments have been received from the public.

9. Payment or Gift:

No payment or gift was provided to the respondent associated with this collection of information.

10. Confidentiality of Information:

Most of the documents comprising the public file consist of materials that are not of a confidential nature. See Response to Question 7 describing those materials. With respect to any such documents that may contain proprietary trade secrets and confidential information, the Commission has instituted procedures to protect the confidentiality of any such information to the extent permitted by law. For example, licensees are explicitly authorized to redact information from contracts for the joint sale of advertising time that is confidential or proprietary in nature, and the proposal to require other shared services agreements also allows for the redaction of information that is confidential or proprietary in nature.

Respondents complying with the information collection requirements may request that the information they submit be withheld from disclosure. If confidentiality is requested, such requests will be processed in accordance with the Commission's rules, 47 CFR § 0.459.

²⁴ "Time brokerage," also known as "local marketing," is the sale by a broadcast licensee of discrete blocks of time to a "broker" that supplies the station with programming to fill that time and sells the commercial spot announcements in that block. Confidential information in these agreements may be redacted. *See also* 47 CFR § 73.3613(d)(1).

²⁵ A Joint Sales Agreement is an agreement authorizing a broker to sell advertising time for the brokered station in return for a fee paid to the licensee. *See also* 47 CFR § 73.3613(d)(2).

Should respondents submit any PII as part of the information collection requirements, the FCC has an existing system of records, FCC/MB-1, “Ownership of Commercial Broadcast Stations,” that may partially cover this PII, as noted in Questions 1 and 11. In addition, the Commission prepared a second system of records notice, FCC/MB-2, “Broadcast Station Public Inspection Files,” that covers the PII contained in the broadcast station public inspection files to be located on the Commission’s website. The Commission will revise appropriate privacy requirements as necessary to include any entities and information added to the online public file in this proceeding.

11. Provide additional justification for any questions of a sensitive nature.

This information collection does not address any private matters of a sensitive nature. Any PII that is submitted as part of the information collection requirements may be covered in part by the system of records notice, FCC/MB-1, as noted in Questions 1 and 10. In addition, the Commission will redact any other personal information before it becomes available for public inspection, at the request of the submitter.

12. Estimate of Burden and Burden Hour Cost:

The public burden is estimated as follows:

Respondents	Number of Responses	Respondent's Hourly Burden	Total Annual Burden	Hourly In-House Cost	Annual In-House Cost
<i>Local Public Inspection Files:</i>					
(1) General Maintenance					
Commercial Radio Stations	11,357	45 hours	511,065 hrs.	\$15.54/hr.	\$7,941,950
Noncommercial Educational Radio Stations	4,075	40 hours	163,000 hrs.	\$15.54/hr.	\$2,533,020
Commercial TV Stations	1,367	50 hours	68,350 hrs.	\$15.54/hr.	\$1,062,159
Noncommercial Educational TV Stations	396	45 hours	17,820 hrs.	\$15.54/hr.	\$276,923

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Respondents	Number of Responses	Respondent's Hourly Burden	Total Annual Burden	Hourly In-House Cost	Annual In-House Cost
Class A Television Stations	473	50 hours	23,650 hrs.	\$15.54/hr.	\$367,521
<i>(2) Community Issue List</i>					
Commercial Radio Stations	11,357	52 hours	590,564 hrs.	\$26.00/hr.	\$15,354,664
Commercial TV Stations	1,367	52 hours	71,084hrs.	\$26.00/hr.	\$1,848,184
Class A Television Stations	473	52 hours	24,596 hrs.	\$26.00/hr.	\$639,496
<i>(3) Commercial Limits</i>					
Commercial TV Stations	1,367	26 hours	35,542 hrs.	\$26.00/hr.	\$924,092
Class A Television Stations	473	26 hours	12,298 hrs.	\$26.00/hr.	\$319,748
<i>(4) Must Carry/Retransmission Consent</i>					
Noncommercial Educational TV stations	396	50 hours	19,800 hrs.	\$26.00/hr.	\$514,800
Commercial TV Stations	1,367	50 hours	68,350 hrs.	\$26.00/hr.	\$1,777,100
Class A Television Stations	473	50 hours	23,650 hrs.	\$26.00/hr.	\$614,900
<i>Political Files:</i> ²⁶					

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Respondents	Number of Responses	Respondent's Hourly Burden	Total Annual Burden	Hourly In-House Cost	Annual In-House Cost
Commercial Broadcast Stations	13,197	15 hours	197,955hrs.	\$26/hour	\$5,146,830
Noncommercial Broadcast Stations	4,471	1 hour	4,471 hrs.	\$26/hour	\$116,246
Low Power TV	2,001	1 hour	2,001 hrs.	\$26/hour	\$52,026
Cable Systems	5,292	5 hours	26,460 hrs.	\$18/hour	\$476,280
TOTALS:	59,902		1,860,656 hours		\$39,965,939

Total Number of Annual Respondents: 24,961 Licensees/Permittees/Cable Operators

Total Number of Annual Responses: 59,902 responses

Total Annual Burden Hours: 1,860,656 Hours

Total Annual "In-house" Cost: \$39,965,939

²⁶ These figures represent a combined annual hourly burden average among all stations in the listed categories. We note that annual burden hours at individual stations will vary widely as the amount of candidate time purchased at the station--information for which must be placed in the political file--will vary based upon how attractive a station's/system's demographics/format are to political buyers and where a particular year falls in the four-year presidential election cycle. This cycle includes: the presidential election year--presidential primaries and general elections for president, 435 seats in the House of Representatives and one third of the U.S. Senate seats; the so-called "mid-term" election year--primaries and general elections for all seats in the House of Representatives and one third of the U.S. Senate seats; and two years with elections which deal almost entirely with state and local elections, with perhaps an occasional special federal election. We note that every year in the cycle would have some state and local elections.

13. Annual Cost Estimate:

- (a) Total annualized one-time capital/startup costs: 15,432 respondents²⁷ x \$236.74²⁸ = \$3,653,371.68 (rounded to \$3,653,372.00)
- (b) Total annual costs (O&M): None
- (c) Total annualized one-time startup cost requested: **\$3,653,372.00**

14. Cost to Federal Government:

The Commission estimates that the initial outlay to expand the online public file database to include radio will be approximately \$960,000, and that annual costs attributable to radio will be approximately \$200,000 for IT operations and overhead.²⁹ The Commission plans to complete the online expansion IT effort in 2015. Over the three year period of this collection, the total cost attributable to radio will be \$1,360,000³⁰, or an average of **\$453,333** per year.³¹

15. Reason for Changes in Burden or Cost: If the proposed requirements are adopted by the Commission in a final rulemaking, 403 respondents, 846 responses, and \$2,771,136 in annual costs will be added to OMB's inventory. The Commission will also have a reduction in the annual burden hours of 297,424 hours.

There are no adjustments to this collection.

16. Plans for Publication:

²⁷ This number of respondents was calculated as follows: 11,357 commercial radio stations + 4,075 noncommercial educational radio stations = 15,432 respondents.

²⁸ As part of the cost benefit analysis of the *Second Report and Order*, the Commission reviewed all of the television public files for the Baltimore DMA. This review indicated that stations, on average, may need to spend \$394.56 in one-time capital costs in order to out-source the scanning of the existing public files. While stations may choose to scan and upload these files in-house at lower costs, for purposes of this information collection, we are assuming that stations will choose to out-source this work. We are assuming that the capital costs for radio stations to comply with online file requirements will be less than the costs for TV stations because radio public files are smaller than TV public files. We estimate that radio public files are 60% as large as TV public files and that the cost to radio stations therefore will be only 60% of the cost to TV stations.

²⁹ We estimate that the total initial cost to expand the online file as proposed in the *NPRM* to include radio, cable, DBS and SDARS will be \$1.2 million, and that total annual costs to maintain the online file will be \$250,000. We estimate that 80% of these costs are attributable to radio, as the number of radio entities proposed to be added to the online file is approximately 80% of the total number of entities the *NPRM* proposes to add to the online file database for a total of \$960,000 for the first year and \$200,000 thereafter.

³⁰ This number was calculated as follows: \$960,000 + \$200,000 + \$200,000 = \$1,360,000.

³¹ This number was calculated as follows: \$1,360,000 ÷ 3 = \$453,333.

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The data will not be published.

17. Display of OMB Approval Date:

OMB approval of the expiration date of the information collection will be displayed at 47 C.F.R. Section 0.408.

18. Exceptions to the Certification Statement:

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.