

SUPPORTING STATEMENT

A. Justification:

FCC Form 2100, Schedule B¹ is used by licensees and permittees² of Digital TV (“DTV”) broadcast stations to obtain a new or modified station license and/or to notify the Commission of certain changes in the licensed facilities of those stations.

FCC Form 2100, Schedule B may be used: (1) To cover an authorized construction permit (or auxiliary antenna), provided that the facilities have been constructed in compliance with the provisions and conditions specified on the construction permit; or (2) To implement modifications to existing licenses as permitted by 47 CFR 73.1675(c) or 73.1690(c).

Proposed Information Collection Requirements Which Require Review and Approval from the Office of Management and Budget (OMB):

On June 12, 2015, the Commission released a *First Order on Reconsideration and Notice of Proposed Rulemaking, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268 and MB Docket No. 15-137, FCC 15-67. This document contains proposed rules for channel sharing by and between full power and Class A television stations outside the context of the incentive auction.³ The proposed rules would allow full power stations to share a single channel with other full power or Class A stations. After sharing stations have obtained the necessary construction permits, implemented their shared facility, and initiated shared operations, full power sharing stations will use FCC Form 2100, Schedule B (formerly FCC Form 302-DTV) to apply for a license.

In addition, after sharing stations have obtained the necessary construction permits, implemented their shared facility, and initiated shared operations, a station relinquishing its channel would notify the Commission that it has terminated operation on that channel at the same time that the sharing stations file applications for license.

¹ FCC Form 302-DTV was renamed and encompassed by FCC Form 2100 and the electronic “Licensing Modernization.” The former FCC Form 302-DTV no longer exists, and its contents are fully contained within FCC Form 2100 and the “Licensing Modernization.” The former FCC Form 302-DTV is now named FCC Form 2100, Schedule B.

² A “permittee” is a party that has received a construction permit for a broadcast station. Once the permittee has constructed the station facilities according to the construction permit, it will file an application for a broadcast license. When the license application is granted, the permittee becomes a “licensee.”

³ Proposed new rule 47 CFR 73.3800 proposes to require that a full power TV channel sharing station relinquishing its channel notify the Commission that it has terminated operation pursuant to 47 CFR 73.1750 and each sharing station must file an application for license. Full power stations would file a license application on FCC Form 2100, Schedule B – formerly FCC Form 302-DTV. Class A stations would file a license application on FCC Form 2100, Schedule F – formerly FCC Form 302-CA (OMB Control No. 3060-0928).

OMB Control Number: 3060-0837

June 2015

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule B (Former FCC Form 302-DTV)

No changes to FCC Form 2100, Schedule B are required for it to be used to file applications for license for channel sharing outside the auction context; this collection is being changed to reflect the proposed use of the form for a new purpose – to apply for a license to channel share outside the context of the incentive auction. This collection is also being changed to reflect the burden associated notifying the Commission that a station relinquishing its channel has terminated operation on that channel.

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, and the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act).

2. **Agency Use of Information:** FCC staff use the data to confirm that the station has been built to terms specified in the outstanding construction permit, and to update FCC station files. Data is then extracted from FCC 2100, Schedule B for inclusion in the subsequent license to operate the station. The Commission reviews these applications to ensure that the minor changes made by the station will not have any significant impact on other stations and the public.

3. **Consideration Given to Information Technology:** The Commission requires applicants to file this form 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. Therefore, this information collection does not have a significant economic impact on a substantial number of small entities/businesses.

6. **Less Frequent Data Collection:** The frequency for filing is determined by the respondents, as necessary.

7. **Information Collection Circumstances:** This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. **Comments Received from the Public:** The Commission published a Notice in the Federal Register Notice on July 14, 2015 (*see* 80 FR 40957) seeking public comment on the requirements of this information collection. To date, no comments have been received from the public.

9. **Payment or Gift:** No payment or gift is provided to the respondents.

10. **Confidentiality of Information:** There is no need for confidentiality with this collection of information.

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:

FCC Form 2100, Schedule B: The Commission estimates that 250 applications for a license to cover a construction permit (“CP license applications”) and 100 applications to modify an existing license (“license modifications”) will be filed by DTV stations with the Commission annually.⁴ We expect the respondents (station licensee/permittee) will file this form and will require two (2) hours to complete/file each application. Included in the two hour time frame, the respondents will spend 0.5 hours with both a consulting engineer and attorney to complete this application process time. The Commission estimates that the respondent will have an average salary of \$100,000/year (\$48.08/hour).⁵

Type of Filing	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
Form 2100, Schedule B						
License Applications – CP	250	250	2 hrs	500 hrs	\$48.08	\$24,040
License Modifications	100	100	2 hrs	200 hrs	\$48.08	\$9,616
Notifications		50 ⁶	0.50 hrs	25 hrs	\$48.08	\$1,202
Total	350	400		725 hrs		34,858

13. Annual Cost Burden to Respondents:

⁴ The Commission notes that this estimate includes the filing of amendments to these applications.

⁵ The Commission estimates the salary for the station’s in-house personnel (station manager, engineer and attorney) at \$100,000/ year or \$48.08. The Commission is unable to identify which station personnel will complete/ file the applications for the station.

⁶ These are responses that the 50 full power TV channel sharing stations relinquishing their channel file to notify the Commission that it has terminated operations. These respondents is already accounted for under the license applications – CP section above.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule B (Former FCC Form 302-DTV)

FCC Form 2100, Schedule B: The Commission expects each respondent will use a consulting engineer and attorney to assist in completing/filing of the application. The consulting engineer/attorney will require 0.5 hours each to complete their work. We estimate the salary at \$250/hour for the consulting engineer and \$300/hour for consulting attorney.

Filing Fee: The license application filing fee is \$285.00 for a commercial DTV station.⁷ We estimate that 225 of the 250 respondents will file for such a license. The other 25 respondents will file license applications for noncommercial stations which are not subject to a filing fee.

Type	Number of Forms	Consultant's Burden	Total Annual Burden Hours	Consultant's or Application Fee	Cost Burden
Form 2100, Schedule B					
License Application – CP Engineering Consultant	250	0.5 hrs	125 hrs	\$250.00	\$31,250.00
License Application - CP Consulting Attorney	250	0.5 hrs	125 hrs	\$300.00	\$37,500.00
License Application Fee	225 ⁸			\$285.00/fee	\$564,125.00
License Modification - Engineering Consultant	100	0.5 hrs	50 hrs	\$250.00	\$12,500.00
License Modification - Consulting Attorney	100	0.5 hrs	50 hrs	\$300.00	\$15,000.00
Total					\$160,375.00

14. Cost to Federal Government: The Commission will use professional staff at the GS-14, step 5 level (\$58.28/hour), paraprofessional staff at the GS-11, step 5 level (\$34.60/hour), and clerical staff at the GS-5/Step 5 level (\$18.88/hour) to process the FCC Form 2100, Schedule B applications. There is no real processing time for the notifications that are received at the Commission.

Clerical	0.50 hours x \$18.88/hour x 350 =	\$ 3,304.00
Paraprofessional	1.75 hours x \$34.60/hour x 350 =	\$ 21,192.50
Professional	5.25 hours x \$58.28/hour x 350 =	<u>\$107,089.50</u>
Total Cost to Federal Government =		\$131,586.00

15. Reason for Changes in Burden or Cost: If the proposed requirements in FCC 15-67 are

⁷ See 47 CFR 1.1104 (2009).

⁸ Out of 250 respondents, 225 will file applications for DTV commercial stations. The remaining 25 respondents will file applications for noncommercial stations where no fee is required.

OMB Control Number: 3060-0837

June 2015

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule B (Former FCC Form 302-DTV)

adopted in a final rulemaking by the Commission, the following program changes/increases will be added to the OMB inventory: 50 to the number of respondents, 100 to the number of responses, 125 to the annual burden hours and \$26,575 to the annual cost burden.

16. Plans for Publication: The data will not be published.

17. Display of OMB Approval Date: The Commission requests the extension of the waiver not to publish the expiration date on the form. This will eliminate the need 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.