

SUPPORTING STATEMENT

A. Justification:

FCC Form 2100, Schedule B (formerly FCC Form 302-DTV)¹ is used by licensees and permittees² of full power 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. It 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 C.F.R. Sections 73.1675(c) or 73.1690(c).

Revised Information Collection Requirements:

This submission is being made to the Office of Management (OMB) for the approval of information collection requirements contained in the Commission's *Incentive Auction Order*,³ the *Channel Sharing Order on Reconsideration*,⁴ and the *Second Channel Sharing Order On Reconsideration*,⁵ which adopted rules for holding an Incentive Auction, as required by the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act).⁶ The Spectrum Act directs the Commission to hold a

¹ The Commission implemented a new on-line (electronic) licensing system called "Licensing and Management System" in which all FCC broadcast licensing forms, including former FCC Form 302-DTV, were combined into a single common form - FCC Form 2100. FCC Form 302-DTV is 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 302-DTV applicants will now be contained in Schedule B of FCC Form 2100. OMB approved this non-substantive change to rename FCC Form 302-DTV as part of FCC Form 2100 and the electronic "Licensing and Management" system. The former FCC Form 302-DTV no longer exists, but is renamed as FCC Form 2100, Schedule B and its contents are fully contained within FCC Form 2100 and the "Licensing and Management" system.

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 *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket 12-268, Report and Order, FCC 14-50, 29 FCC Rcd 6567 (2014) ("*Incentive Auction R&O*").

⁴ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, First Order on Reconsideration and Notice of Proposed Rulemaking, GN Docket 12-268, MB Docket No. 15-137, FCC 15-67 (rel, June 12, 2015) ("*Channel Sharing Order*").

⁵ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Second Order on Reconsideration, GN Docket 12-268, MB Docket No. 15-137, FCC 15-139 (rel, October 21, 2015) ("*Second Channel Sharing Order*").

⁶ Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(j)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat.

“reverse auction” in which broadcasters can voluntarily return some or all of their broadcast spectrum usage rights in exchange for incentive payments.⁷ The Spectrum Act also requires the Commission to reorganize the broadcast television band, which will be accomplished by repacking stations, or moving broadcast stations to different channels.⁸ The Spectrum Act directs the Commission to hold a forward auction of the ultra-high frequency (UHF) spectrum obtained as a result of the reverse auction and channel repacking.⁹ This UHF spectrum will be auctioned as flexible-use licenses suitable for providing mobile broadband service. The Spectrum Act establishes a TV Broadcaster Relocation Fund (Fund) to reimburse reassigned broadcasters and multichannel video programming distributors (MVPDs) that incur expenses associated with continuing to carry relocated stations, for their reasonable expenses resulting from the post-auction channel reassignment.¹⁰

New requirements are as follows:

Section 73.3700(b)(3) requires the licensee of each channel sharee station and channel sharer station to file an application for a license for the shared channel using FCC Form 2100 Schedule B (for a full power station) or F (for a Class A station) within six months of the date that the channel sharee station licensee receives its incentive payment pursuant to section 6403(a)(1) of the Spectrum Act.

Section 73.3700(h)(2) states that, upon termination of the license of a party to a CSA, the spectrum usage rights covered by that license may revert to the remaining parties to the CSA. Such reversion shall be governed by the terms of the CSA in accordance with paragraph (h)(4)(E) of this section. If upon termination of the license of a party to a CSA only one party to the CSA remains, the remaining licensee may file an application to change its license to non-shared status using FCC Form 2100, Schedule B (for a full power licensee) or F (for a Class A licensee).

156 (2012) (Spectrum Act).

⁷ Spectrum Act § 6403(a)(1) (mandating “a reverse auction to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its broadcast television spectrum usage rights in order to make spectrum available for assignment through a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 6402.”).

⁸ Spectrum Act §6403(b)(1) (requiring the FCC to “make such reassignments of television channels as the Commission considers appropriate” and “reallocate such portions of such spectrum as the Commission determines are available”).

⁹ Spectrum Act §6403(c)(1)(A) (requiring the FCC to conduct a “forward auction” to assign licenses for the use of spectrum reallocated from broadcast television as part of the incentive auction).

¹⁰ Spectrum Act §6403(b)(4)(A).

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In addition, Form 2100, Schedule B is being revised to accommodate the new channel sharing provisions by making the following changes:

- Adding an answer for the applicant to indicate that Schedule B is being filed to initiate a channel sharing agreement and to list the other station(s).
- Adding an answer for the applicant to indicate that the applicant is changing its status to non-sharing following the termination of a channel sharing agreement.

Statutory authority for this collection of information is contained in Sections 154(i), 307, 308, 309, and 319 of the Communications Act of 1934, as amended, and the Middle Class Tax Relief and Job Creation Act of 2012.

This information collection does not affect individuals, thus there are no Privacy Act impacts.

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, the information collection does not have a significant economic impact on a substantial number of small entities/businesses.

6. Less Frequent Data Collection: Each licensee of a full-power station that is reassigned to a new channel following the Incentive Auction, or those full-power stations that are winning bidders that move from UHF-to-VHF or from High-VHF-to-Low-VHF, and those full-power channel sharee and sharer stations entering a channel sharing arrangement must file this form to obtain a new or modified station license and/or to notify the Commission of certain changes in the licensed facilities of those stations. For all other uses, the frequency of filing is determined by the respondents. However, no new or modified TV or DTV facilities can be licensed by a full-power station without using FCC Form 2100, Schedule B.

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 November 12, 2015 (*see* 80 FR 69963) seeking public comment on the information collections contained in this supporting statement. 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 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:**

FCC Form 2100, Schedule B: The Commission estimates that between 500 and 1,300 broadcast stations could be reassigned to a new channel in their pre-auction band via the repacking process following the Incentive Auction;¹¹ that an additional 50 to 100 stations that submit winning bids will enter channel sharing agreements (and move to the channel of the station they are sharing with); that 15 to 50 stations that submit winning bids will move from high-VHF to low-VHF channels or from UHF to high-VHF or low-VHF; and that all licensees will comply with all applicable rules. The actual number in each of these categories cannot be known in advance of the auction, including the level of broadcaster participation in the reverse auction, which in turn will impact how much spectrum is repurposed and how many stations need to be assigned new channels. Similarly, the number of full-power stations, as opposed to Class A stations, that are reassigned or submit winning bids to move from high-VHF to low-VHF channels or from UHF to high-VHF or low-VHF cannot be estimated, and, thus, in order not to underestimate the burden in this submission, we will assume half of these stations are full-power stations. Solely for purposes of preparing the estimated data collection burden, we will use the upper end of these ranges. Therefore, we estimate that 725 (one-half of 1,450 potential channel-changing stations) FCC Forms 2100, Schedule B applications for a license to cover a

¹¹ We note that this estimate does not take into consideration the results of the optimization process, which will be used to determine the final television channel assignment plan. The Commission has determined that maximizing the number of stations assigned to their pre-auction channels is the first objective of its optimization plan. *See Broadcast Incentive Auction to Begin on March 29, 2016, Procedures for Competitive Bidding in Auction 1000, Including Initial Clearing Target Determination, Qualifying to Bid, and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, AU Docket No. 14-252, GN Docket 12-268, WT Docket No. 12-269, MB Docket No. 15-146, FCC 15-78, Public Notice, at para. 274 (rel. Aug. 11, 2015). Accordingly, the number of stations reassigned to new channels may be lower than the estimate contained in this submission. We have erred on the side of caution so as not to underestimate the potential burden.

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construction permit (“license applications”) and 100 applications to modify an existing license (“modifications”) will be filed by DTV stations with the Commission annually.¹² In addition, we estimate that 100 channel sharer stations and 100 channel sharee stations will file applications for a license to cover a construction permit (“license applications”) and 15 channel sharer stations and 15 channel sharee stations will file to change their status to indicate their channel sharing agreement has dissolved. We assume that the respondent (station licensee/permittee) will file this form. We estimate that the respondent will take two (2) hours to complete each application and file it. We assume that this time period of 2 hours for the completion and filing of each application will also include approximately 0.5 hours for the respondent to consult with a consulting engineer and 0.5 hours to consult with an outside attorney to assist the station in its preparation of the application’s engineering and legal sections, respectively.¹³ We estimate that the respondent will have an average salary of \$100,000/year (\$48.08/hour).¹⁴

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						
Relocating station license application	725	725	2 hrs	1,450	\$48.08	\$69,716.00
Channel sharer/sharee license Applications	200	200	2 hrs	400 hrs	\$48.08	\$19,232.00
Notification of dissolution of channel sharing agreement	30	30	2 hrs	60 hrs	\$48.08	\$2,885.00 (rounded)
Total	955	955	2 hours each	1,910 hours	\$48.08	\$264,993.00

¹² We note that this estimate includes the filing of amendments to these applications.

¹³ The respondent’s time to consult with the outside engineer and outside attorney is included in the 2 hours.

¹⁴ The Commission estimates that the average hourly salary for in-house personnel which includes station manager, engineer and attorney to be \$100,000/year or \$48.08/hour.

13. Annual Cost Burden to Respondents:

FCC Form 2100, Schedule B: We estimate that each respondent will consult with a consulting engineer for 0.5 hours to assist the respondent in its preparation of the application’s engineering section and that each respondent station licensee/permittee will consult with an outside attorney for 0.5 hours to assist the respondent in its preparation of the application’s the legal section. We estimate that the consulting engineer will have an average salary of \$250/hour and the outside attorney will charge approximately \$300/hour.

We estimate that licensees filing notifications of dissolution of channel sharing agreements will not incur outside costs.

Type	Number of Forms	Consultant’s Burden	Total Annual Burden Hours	Consultant’s Hourly Fee or Application Fee	Cost Burden
Form 2100, Schedule B					
Relocating station – outside attorney	725	0.5 hrs	362.5 hrs	\$300.00	\$108,750.00
Relocating station – outside engineering consultation	725	0.5 hrs	362.5hrs	\$250.00	\$90,625.00
Channel sharer/sharee license application – outside attorney	200	0.5 hrs	100 hrs	\$300.00	\$30,000.00
Channel sharer/sharee license application – outside engineering consultation	200	0.5 hrs	100 hrs	\$250.00	\$25,000.00
Total					\$254,375.00

Filing Fee: There is a filing fee of \$315.00 per application to cover an outstanding construction permit, applicable to relocating stations with outstanding construction permits. Of the estimated 725 license applications that will be filed to cover a construction permit we estimate that 90% or 653 of these applications will be filed by a commercial DTV station. The remaining 10% of the applications we estimate will be filed by noncommercial stations and will not be subject to a filing fee. There is no filing fee for modifications or to indicate channel sharing agreements, which can be made without prior Commission approval.

653 relocating full-power stations x \$315.00 = **\$205,695.00**

Total Annual Burden Cost: \$254,375.00 + \$205,695.00 = \$460,070.00

14. Cost to Federal Government: The Commission will use professional staff at the GS-14, step

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5 level (\$59.13/hour), paraprofessional staff at the GS-11, step 5 level (\$35.11/hour), and clerical staff at the GS-5/Step 5 level (\$19.15/hour) to process the FCC Form 2100, Schedule B applications.

Clerical	0.50 hours x \$19.15/hour x 955 =	\$ 9,144.00 (rounded)
Paraprofessional	1.75 hours x \$35.11/hour x 955 =	\$ 58,678.00 (rounded)
Professional	5.25 hours x \$59.13/hour x 955 =	<u>\$296,463.00 (rounded)</u>
Total Cost to Federal Government =		\$364,285.00

15. Reason for Changes in Burden or Cost: The Commission has program changes/increases to this collection which are due to the requirements adopted in FCC 14-50 and 15-67. These program changes/increases are as follows: 655 additional respondents; 655 additional responses; 1,310 additional burden hours and \$120,575.00 in annual cost.

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.