

## SUPPORTING STATEMENT

### 1. Justification:

The FCC Form 2100, Schedule F is used by Low Power TV (LPTV) stations that seek to convert to Class A status; existing Class A stations seeking a license to cover their authorized construction permit facilities; and Class A stations entering into a channel sharing agreement. The FCC Form 2100, Schedule F requires a series of certifications by the Class A applicant as prescribed by the Community Broadcasters Protection Act of 1999 (CBPA). Licensees will be required to provide weekly announcements to their listeners: (1) informing them that the applicant has applied for a Class A license and (2) announcing the public's opportunity to comment on the application prior to Commission action.

The rules governing these processes are codified at 47 C.F.R. Parts 0, 1, 27, 73 and 74.

### 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*,<sup>1</sup> the *Channel Sharing Order on Reconsideration*,<sup>2</sup> and the *Second Channel Sharing Order On Reconsideration*,<sup>3</sup> which all adopted rules for holding an Incentive Auction, as required by the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act).<sup>4</sup> The Spectrum Act directs the Commission to hold a "reverse auction" in which broadcasters can voluntarily return some or all

---

<sup>1</sup> *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*").

<sup>2</sup> *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*").

<sup>3</sup> *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*").

<sup>4</sup> 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. 156 (2012) (Spectrum Act).

**Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule F (Formerly FCC 302-CA); 47 CFR 73.3572(h) and 47 CFR 73.3700(b)(3) and (h)(2)**

of their broadcast spectrum usage rights in exchange for incentive payments.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

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 channel sharing assignees (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 47 C.F.R. § 73.3700(h)(4)(E). 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).

---

<sup>5</sup> 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.”).

<sup>6</sup> 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”).

<sup>7</sup> 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).

<sup>8</sup> Spectrum Act §6403(b)(4)(A).

**OMB Control Number: 3060-0928**

**January 2016**

**Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule F (Formerly FCC 302-CA); 47 CFR 73.3572(h) and 47 CFR 73.3700(b)(3) and (h)(2)**

In addition, Form 2100, Schedule F 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 F 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 to dissolve a channel sharing agreement.

**Information Collection Requirements Which Have Not Changed Since Last Approved by OMB:**

Section 73.3572(h) - Class A TV station licensees shall file a license application for either the flash cut channel or the digital companion channel they choose to retain for post-transition digital operations. Class A TV stations will retain primary, protected regulatory status on their desired post-transition digital channel. Class A TV applicants must certify that their proposed post-transition digital facilities meet all Class A TV interference protection requirements.

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

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, the Community Broadcasters Protection Act of 1999, and the Middle Class Tax Relief and Job Creation Act of 2012.

2. The FCC staff use the data to confirm that the station meets the eligibility standards to convert their licenses to Class A status. Data is then extracted from FCC Form 2100, Schedule F for inclusion in the subsequent license to operate the station.
3. Form 2100, Schedule F must be filed electronically.
4. No other agency imposes a similar information collection on the respondents. There is no similar data available.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort

OMB Control Number: 3060-0928

January 2016

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule F (Formerly FCC 302-CA); 47 CFR 73.3572(h) and 47 CFR 73.3700(b)(3) and (h)(2)

to minimize the burden on all respondents. Therefore, this collection of information will not have a significant economic impact on a substantial number of small entities/businesses.

6. Each licensee of a Class A station that is reassigned to a new channel following the Incentive Auction, or those Class A stations that are winning bidders that move from UHF-to-VHF or from High-VHF-to-Low-VHF, and those Class A 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 Class A station without using FCC Form 2100, Schedule F.

7. This collection of information is consistent with the guidelines in 5 CFR § 1320.5(d)(2).

8. The Commission published a Notice in the *Federal Register* on November 12, 2015 (80 FR 69962) seeking comments on the information collection contained in this collection. No comments were received from the public as a result of the Notice.

9. No payment or gift was provided to the 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. The burden for this collection is as follows:

**FCC Form 2100, Schedule F:** 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;<sup>9</sup> that an additional 50 to 100 stations that submit winning bids will enter channel sharing agreements (and move to the channel of the

---

<sup>9</sup> 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.

**OMB Control Number: 3060-0928**

**January 2016**

**Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule F (Formerly FCC 302-CA); 47 CFR 73.3572(h) and 47 CFR 73.3700(b)(3) and (h)(2)**

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 Class A stations, as opposed to full-power 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 Class A 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 F applications for a license to cover a construction permit (“license applications”) and 100 applications to modify an existing license (“modifications”) will be filed by DTV stations with the Commission annually.<sup>10</sup> 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.<sup>11</sup> We estimate that the respondent will have an average salary of \$100,000/year (\$48.08/hour).<sup>12</sup>

---

<sup>10</sup> We note that this estimate includes the filing of amendments to these applications.

<sup>11</sup> The respondent’s time to consult with the outside engineer and outside attorney is included in the 2 hours.

<sup>12</sup> 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.

OMB Control Number: 3060-0928

January 2016

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule F (Formerly FCC 302-CA); 47 CFR 73.3572(h) and 47 CFR 73.3700(b)(3) and (h)(2)

Type of Filing	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
<b>Form 2100, Schedule F</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)
<b>Total</b>	<b>955</b>	<b>955</b>	<b>2 hours each</b>	<b>1,910 hours</b>	<b>\$48.08</b>	<b>\$91,833.00</b>

13. Annual Cost Burden to Respondents:

An application fee must be submitted with filing of the application (\$315/application).

Total Annual Cost Burden: 955 applications x \$315/application = **\$300,825**

**OMB Control Number: 3060-0928**

**January 2016**

**Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule F (Formerly FCC 302-CA); 47 CFR 73.3572(h) and 47 CFR 73.3700(b)(3) and (h)(2)**

14. Cost to the Federal Government: The Commission will use professionals at the GS-13, step 5 level (\$50.04/hour) and clerical personnel at the GS-5, step 5 level (\$19.15/hour) to process the FCC Form 2100, Schedule F applications.

Professional: 2.5 hours x \$50.04/hour x 955 applications = \$119,471.00 (rounded)  
Clerical: 1 hour x \$19.15 x 955 applications = \$ 18,288.00 (rounded)  
**Total Cost to the Federal Government: \$217,759.00**

15. 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: 434 respondents, 434 responses, 868 burden hours and \$152,340 in annual cost.

16. The data will not be published.

17. An extension of the waiver not to publish the expiration date on the form is requested. 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 Section 0.408.

18 There are no exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods:**

This information collection does not employ any statistical methods.