

Title: Section 74.787, Digital Licensing; Section 74.790, Permissible Service of Digital TV Translator and LPTV Stations; Section 74.794, Digital Emissions, Section 74.796, Modification of Digital Transmission Systems and Analog Transmission Systems for Digital Operation; Section 74.798, LPTV Digital Transition Consumer Education Information; Protection of Analog LPTV

## SUPPORTING STATEMENT

### A. Justification

#### Proposed Information Collection Requirements:

1. On December 18, 2015, the Commission released a Third Report and Order and Fourth Notice of Proposed Rulemaking, *In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, FCC 15-175. This document contains final rules and policies for a digital-to-digital replacement digital replacement translator to permit full power television stations to continue to provide service to viewers that may have otherwise lost service as a result of the station being "repacked" in the Commission's incentive auction process.

47 CFR Section 74.787(a)(5)(v) states that an application for an digital to digital replacement translator may be filed by a full power television station that can demonstrate that a portion of its digital service area will not be served by its full, post-incentive auction digital facilities. The service area of the replacement translator shall be limited to only a demonstrated loss area. However, an applicant for a replacement digital television translator may propose a *de minimis* expansion of its full power pre-transition analog service area upon demonstrating that it is necessary to replace its post-incentive auction digital loss area.<sup>1</sup>

#### History:

On July 15, 2011, the Commission adopted the Second Report and Order, *In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, FCC 11-110 ("*LPTV Digital Second Report and Order*"). This document contains rules and policies for low power television stations ("*LPTV*")<sup>2</sup> to transition from analog to digital broadcasting. Due to the Commission adopting these rules and policies to effectuate the low power digital transition, the *LPTV Digital Second Report and Order* imposed Paperwork Reduction Act (PRA) burdens on licensees.

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<sup>1</sup> The Commission made a submission to the Office of Management and Budget (OMB) at the Notice of Proposed Rulemaking stage (FCC 14-151) and the proposed information collection requirements were adopted as proposed in FCC 15-175. The Commission is now seeking OMB final approval for the information collection requirements contained in this collection.

<sup>2</sup> The low power television service consists of LPTV, TV translator, and Class A stations. LPTV stations may radiate up to 3 kilowatts of power for stations operating on the VHF band (*i.e.*, channels 2 through 13), and 150 kilowatts of power for stations operating on the UHF band (*i.e.*, channels 14 through 69). By comparison, full-service stations on VHF channels 7 through 13 radiate up to 316 kilowatts of power, and stations on the UHF channels radiate up to 5,000 kilowatts of power. LPTV signals typically extend approximately 15 to 20 miles, while the signals of full-service stations can reach as far as 60 to 80 miles.

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Due to the Commission initiating these new services, the Commission adopted a number of rules and regulations entailing PRA burdens on licensees and manufacturers. These rules have already been approved by the Office of Management and Budget (OMB)<sup>3</sup> and are as follows:

- a. **47 CFR Section 74.787(a)(2)(iii)** provides that mutually exclusive LPTV and TV translator applicants for companion digital stations will be afforded an opportunity to *submit* in writing to the Commission, settlements and engineering solutions to resolve their situation.
- b. **47 CFR Section 74.787(a)(3)** provides that mutually exclusive applicants applying for construction permits for new digital stations and for major changes to existing stations in the LPTV service will similarly be allowed to *submit* in writing to the Commission, settlements and engineering solutions to rectify the problem.
- c. **47 CFR Section 74.787(a)(4)** provides that mutually exclusive displacement relief applicants filing applications<sup>4</sup> for digital LPTV and TV translator stations may be resolved by submitting settlements and engineering solutions in writing to the Commission.
- d. **47 CFR Section 74.787(a)(5)(v)** states that a license for a digital-to-digital replacement television translator will be issued only to a full-power television broadcast station licensee that demonstrates in its application a loss in the station's pre-auction digital service area as a result of the broadcast television spectrum incentive auction, including the repacking process, conducted under section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. No. 112-96). "Pre-auction digital service area" is defined as the geographic area within the full power station's noise-limited contour (as set forth in Public Notice, DA 15-1296, released November 12, 2015). The service area of the digital-to-digital replacement translator shall be limited to only the demonstrated loss area within the full power station's pre-auction digital service area, provided that an applicant for a digital-to-digital replacement television translator may propose a *de minimis* expansion of its full power pre-auction digital service area upon demonstrating that the expansion is necessary to replace a loss in its pre-auction digital service area.
- e. **47 CFR Section 74.790(f)** permits digital TV translator stations to originate emergency warnings over the air deemed necessary to protect and safeguard life and property, and to originate local public service announcements (PSAs) or messages seeking or acknowledging financial support necessary for its continued operation. These announcements or messages shall not exceed 30 seconds each, and be broadcast no more than once per hour.
- f. **47 CFR Section 74.790(e)** requires that a digital TV translator station shall not retransmit the programs and signal of any TV broadcast or DTV broadcast station(s) without prior written

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<sup>3</sup> These rules remain unchanged since last approved by OMB.

<sup>4</sup> This refers to two or more applications for displacement relief that cannot both be granted because of potential interference.

**Title: Section 74.787, Digital Licensing; Section 74.790, Permissible Service of Digital TV Translator and LPTV Stations; Section 74.794, Digital Emissions, Section 74.796, Modification of Digital Transmission Systems and Analog Transmission Systems for Digital Operation; Section 74.798, LPTV Digital Transition Consumer Education Information; Protection of Analog LPTV**

consent of such station(s). A digital TV translator operator electing to multiplex<sup>5</sup> signals must negotiate arrangements and obtain written consent of involved DTV station licensee(s).

- g. 47 CFR Section 74.790(g)** requires a digital LPTV station who transmits the programming of a TV broadcast or DTV broadcast station received prior written consent of the station whose signal is being transmitted.
- h. 47 CFR Section 74.794** mandates that digital LPTV and TV translator stations operating on TV channels 22-24, 32-36 and 38 with a digital transmitter not specifically FCC-certificated for the channel purchase and utilize a low pass filter<sup>6</sup> or equivalent device rated by its manufacturer to have an attenuation <sup>7</sup> of at least 85 dB in the GPS<sup>8</sup> band. The licensees must retain with their station license a description of the low pass filter or equivalent device with the manufacturer's rating or a report of measurements by a qualified individual.
- i. 47 CFR Section 74.796(b)(5)** requires digital LPTV or TV translator station licensees that modify their existing transmitter by use of a manufacturer-provided modification kit would need to purchase the kit and must notify the Commission upon completion of the transmitter modifications. In addition, a digital LPTV or TV translator station licensees that modify their existing transmitter and do not use a manufacturer-provided modification kit, but instead perform custom modification (those not related to installation of manufacturer-supplied and FCC-certified equipment) must notify the Commission upon completion of the transmitter modifications and shall certify compliance with all applicable transmission system requirements.
- j. 47 CFR Section 74.796(b)(6)** provides that operators who modify their existing transmitter by use of a manufacturer-provided modification kit must maintain with the station's records for a period of not less than two years, and will make available to the Commission upon request, a description of the nature of the modifications, installation and test instructions, and other material provided by the manufacturer, the results of performance-tests and measurements on the modified transmitter, and copies of related correspondence with the Commission. In addition, digital LPTV and TV translator operators who custom modify their transmitter must maintain with the station's records for a period of not less than two years, and will make available to the Commission upon request, a description of the modifications performed and performance tests, the results of performance-tests and

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<sup>5</sup> Multiplex or multi-casting is a feature of DTV that will allow broadcasters to offer multiple standard definition TV programs in a single digital signal.

<sup>6</sup> A Low Pass Filter is an electronic filter used to block unwanted high frequency signals while allowing lower frequency signals to pass through.

<sup>7</sup> Signal strength over a certain distance.

<sup>8</sup> This is a Global Positioning Service.

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measurements on the modified transmitter, and copies of related correspondence with the Commission.

- k. *Protection of Analog LPTV.*** In situations where protection of an existing analog LPTV or translator station without a frequency offset prevents acceptance of a proposed new or modified LPTV, TV translator, or Class A station, the Commission requires that the existing non-offset station install at its expense offset equipment and notify the Commission that it has done so, or, alternatively, negotiate an interference agreement with the new station and notify the Commission of that agreement.
- l. **47 CFR 74.798**** requires all stations in the low power television services to provide notice of their upcoming digital transition to their viewers.

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 47 U.S.C. 301 of the Communications Act of 1934, as amended.

2. Most of the collections of information involved, whether reporting, recordkeeping, will be used by licensees and by the Commission to ensure the opportunity for harmful interference between licensees, broadcast and wireless, will be kept to a minimum. Other rules in this submission offer certain digital services, such as programming public service announcements for the purpose of educating the public about the digital transition.
3. The Commission expects that automatic information technology will be used where appropriate in this collection of information. In regards to 47 CFR 74.798, broadcasters may choose to provide the required information to their viewers via their regular over-the-air broadcast signal (e.g., via PSAs, information crawls, snipes, or tickers).
4. The Commission does not impose 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 to minimize burdens on all respondents, regardless of size. The Commission is aware that many licensees are small entities who operate with limited budgets and has provided such smaller entities with as much flexibility and minimum increased burden as possible. For example, low power broadcasters have been given additional time (as compared to full-service broadcasters) to transition from analog to digital service. Additionally, with respect to 47 CFR 74.798, although the requirement may impose some costs on small broadcasters, they will also ensure that small broadcasters continue to retain their audiences after the transition by fully informing viewers of the steps necessary to keep watching. Small broadcasters rely completely on their viewing audiences for their revenue stream, so this benefit should far outweigh any costs for this temporary requirement.

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6. DTV is a new service which potentially offers many benefits to licensees and prospective licensees and to the viewing public.
7. No special circumstances exist with this collection of information.
8. The Commission published a Notice in the *Federal Register* on November 28, 2014 (79 FR 70824) to seek public comment on the information collections contained in this supporting statement. To date, no comments have been received from the public.
9. Respondents will not receive any payments.
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 Commission estimates the burdens as follows:<sup>9</sup>

<b>Requirements or Rule Sections</b>	<b>Number of Responses</b>	<b>Respondent's Burden Hour</b>	<b>Total Burden Hrs</b>	<b>Hrly. Cost</b>	<b>Total In-House Cost</b>
a. Sec. 74.787(a)(2)(iii)	1,440	3	4,320	\$50	\$ 216,000
b. Sec. 74.787(a)(3)	1,000	3	3,000	\$50	\$ 150,000
c. Sec. 74.787(a)(4)	1,000	3	3,000	\$50	\$ 150,000
d. Sec. 74.787(a)(5)(i)	100 <sup>10</sup>	1	100	\$50	\$ 5,000
e. Sec. 74.787(a)(5)(i)	10 <sup>11</sup>	0.50	5	\$50	\$ 250
f. Sec. 74.787(a)(5)(v)	100	1	100	\$50	\$ 5,000
g. Sec. 74.790(f)	4,000	1	4,000	\$50	\$ 200,000
h. Sec. 74.790(e)	4,000	1.75	7,000	\$50	\$ 350,000
i. Sec. 74.790(g)	4,236	1	4,236	\$50	\$ 211,800
j. Sec. 74.794	750	0.50	375	\$50	\$ 18,750
k. Sec. 74.796(b)(5)	3,000	1.5	4,500	\$50	\$ 225,000
l. Sec. 74.796(b)(6)	1,500	1	1,500	\$50	\$ 75,000
m. Protect analog LPTV	750	3	2,250	\$50	\$ 112,500
n. Sec. 74.798	5,500	4	22,000	\$50	\$1,100,000

<sup>9</sup> These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

<sup>10</sup> These filings account for filings submitted in order to show a full-service station's post-transition analog loss area.

<sup>11</sup> These responses account for applicants seeking to propose a *de minimis* expansion of their full-service pre-transition analog service areas, and who must therefore demonstrate that *de minimis* expansion is necessary to replace their post-transition analog loss areas.

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<b>TOTALS:</b>	<b>27,386</b>	<b>56,386</b>	<b>\$2,819,300</b>
	<b>(responses)</b>	<b>(Burden Hours)</b>	<b>(In-house Cost)</b>

**Total Number of Respondents: 8,445**

200 Full Service TV Stations

2,451 LPTV Stations

5,359 Translator Stations

435 Class A Stations**8,445 Full Service TV Stations, LPTV, TV Translator, and Class A Stations****Total Number of Responses: 27,386****Total Annual Burden Hours: 56,386 hours****Total "In-house" Cost: \$2,819,300**

13. Annual Cost Burden: We assume that the respondent would use a consulting engineer (\$250/hour) to conduct the study under 47 CFR Sections 74.787(a)(5)(i) and (v). In addition, we have also listed start-up costs associated with this information collection that are associated with the low power DTV transition, which is still on-going to this date. Some of the requirements contained in this collection do not have costs associated with them.

1. Section 74.787(a)(5)(i)	220 engineering hours x \$250/hour =	\$ 55,000
2. Section 74.787(a)(5)(v)	220 engineering hours x \$250/hour =	\$ 55,000
3. Section 74.790(e)	1,000 purchases x \$15,000/purchase =	\$15,000,000
4. Section 74.790(f)	4,000 purchases x \$8,000/purchase =	\$32,000,000
5. Section 74.794	7,250 purchases x \$1,248/purchase =	\$ 9,048,000
6. Section 74.796(b)(6)	1,125 purchases x \$5,000/purchase =	\$ 5,625,000
7. Protection of analog stations	725 purchases x \$10,000/purchase =	<u>\$ 7,250,000</u>
<b>Total Annual Cost Burden:</b>		<b>\$69,033,000</b>

14. Cost to the Federal Government: The Commission will use engineering staff, GS-14, step 5 (\$59.13/hour) to review attachments to FCC Form 346 pursuant to Section 74.787, settlement agreements, and technical issues. Industry Analysts, GS-13, step 5 (\$50.04/hour) will review certain notification issues. The average processing time for this work is 0.5 to 2 hours.

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1,720 settlement agreements x 2 hours x \$59.13/hour	=	\$203,407.20
200 attachments pursuant to Section 74.787 x 1 hour x \$59.13/hour	=	\$ 11,826.00
10 attachments pursuant to Section 74.787 x 0.5 hours x \$59.13/hour	=	\$ 295.65
1,520 submissions with notification issues x 0.50 hours x 50.04/hour	=	<u>\$ 38,030.40</u>
<b>Total Cost to the Federal Government:</b>		<b>\$253,559.25</b>

15. There are program changes/increases to this collection as follows: 100 to the number of respondents, 100 to the number of responses, 100 to the annual burden hours and \$55,000 to the annual cost. These program changes are due to the Commission creating a new digital-to-digital replacement translator service contained in FCC 15-175 for 47 CFR Section 74.787(a)(5)(v).

16. The data will not be published for statistical use.

17. The expiration date of OMB approval for this information collection will be displayed at 47 CFR 0.408.

18. There are no other exceptions to the Certification Statement.

**B. Collections of Information employing statistical methods:**

No statistical methods are employed.