

## SUPPORTING STATEMENT

### A. Justification:

1. On December 16, 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. Low power television and television translator stations (collectively "LPTV stations") will be required to include certain terms in their channel sharing agreements (CSAs) and to file their CSAs with the Commission. **This new requirement is provided in 47 C.F.R. § 74.800.**

The CSA must be filed with the Commission with the Form 2100 Schedule C application for construction permit (OMB control number 3060-0016).

There is no specified format for the CSA but it must contain provisions covering:

a. Access to facilities, including whether each licensee will have unrestrained access to the shared transmission facilities; b. Allocation of bandwidth within the shared channel; c. Operation, maintenance, repair, and modification of facilities, including a list of all relevant equipment, a description of each party's financial obligations, and any relevant notice provisions; d. Transfer/assignment of a shared license, including the ability of a new licensee to assume the existing CSA; e. Termination of the license of a party to the CSA, including reversion of spectrum usage rights to the remaining parties to the CSA and f. A provision affirming compliance with the channel sharing requirements in the rules including a provision requiring that each channel sharing licensee shall retain spectrum usage rights adequate to ensure a sufficient amount of the shared channel capacity to allow it to provide at least one Standard Definition (SD) program stream at all times.

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 1, 4(i) and (j), 7, 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, as amended.

2. The Commission will use data to determine compliance with the channel sharing rules.
3. An electronic copy of the CSA will be filed with the Commission.
4. No other agency imposes a similar information collection on the respondents. There is no similar data available.
5. This information collection will not have a significant economic impact on a substantial number of small

entities/businesses.

6. The frequency for this collection of information is one time for channel sharing stations.
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 February 18, 2016 seeking public comment on the information collection requirements contained in this supporting statement, *see* 81 FR 8199. The Commission did not receive any comments from the public on the information collection requirements.
9. No payment or gift was provided to the respondents.
10. This information does not have to be kept confidential unless requested by the filing station(s).
11. This information collection does not address any private matters of a sensitive nature.
12. The Commission make the following estimates for the CSA filing requirements.

We estimate that a total of 100 LPTV stations will be required to file with the Commission a copy of their CSA. We estimate that 10% of these filings (or 10 filings) will be made by the station without outside consultation and will require one (1) hour preparation, while 90% of these filings (or 90 filings) will be contracted out to outside attorneys and will require one (1) hour of consultation with these outside parties.

<b>Type</b>	<b># of Respondents</b>	<b># of Responses</b>	<b>Burden Hours of Respondents</b>	<b>Annual Burden Hours</b>	<b>Hourly Salary of Respondents<sup>1</sup></b>	<b>Annual In-House Cost</b>
LPTV Station CSA Filing-in-house prepared	10	10	1 hr	10 hrs	\$48.08	\$480.80
LPTV Station CSA Filing – prepared by outside attorney but requiring the respondent to consult with said attorney	90	90	1 hr consultation	90 hrs	\$48.08	\$4,327.20
<b>Total</b>	<b>100</b>	<b>100</b>		<b>100 hrs</b>		<b>\$4,808.00</b>

**13. ANNUAL COST BURDEN:**

<sup>1</sup> This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour.

An attorney would prepare the LPTV CSA filing, estimated above to be a total of 90 filings. We estimate that the average salary for the attorney is \$300/hour and it will take the attorney 2 hours per filing.

90 incentive auction CSA filings prepared by Attorney x 2 hours x \$300/hour = \$54,000

**Annual Cost Burden: \$54,000**

**14. Cost to the Federal Government:**

We estimate the government will use legal staff at the GS-14, step 5 level (\$59.13/hour) to review the LPTV CSAs for compliance with the rules. We expect the review to take roughly 2 hours per filing.

100 CSAs x \$59.13 x 2 hours/filing = \$11,826.00

**Cost to the Federal Government: \$11,826.00**

15. This is a new information collection. The 100 respondents, 100 responses, 100 burden hours and \$54,000 in annual cost will be added to OMB's inventory because of the information collection requirements contained in FCC 15-175.

16. The data will be publically available in the FCC reference room.

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

18. There are no exceptions to the Certification Statement.

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

No statistical methods are employed.