

NON-SUBSTANTIVE CHANGE REQUEST JUSTIFICATION
OMB CONTROL NUMBER 3060-1178,
FCC Form 2100, Schedule 399, Reimbursement Form

The Commission is submitting this non-substantive change request to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act (PRA) of minor, non-substantive changes made to FCC Form 2100, Schedule 399, Reimbursement Form (Reimbursement Form or Form). The Reimbursement Form is a web-based electronic form containing previously approved information collections (under existing OMB control number 3060-1178).¹ In the *Incentive Auction R&O*,² the Commission adopted, among other things, rules for conducting the post-Incentive Auction transition, as required by the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act).³ The Commission delegated to the Media Bureau (Bureau) the authority to develop a form (*i.e.*, the Reimbursement Form) for use by eligible entities to claim reimbursement from the \$1.75 billion TV Broadcaster Relocation Fund (Fund) established by the Spectrum Act, and to adopt the necessary policies and procedures relating to allocations, draw downs, payments, obligations, and expenditures of money from the Fund in order to protect against waste, fraud and abuse and in the event of bankruptcy.⁴

The Bureau here seeks to slightly modify the previously approved, existing information collections contained in the Reimbursement Form. The minor modifications to the Form for which we now seek PRA approval are described in detail below. They are designed to make the Reimbursement Form more user-friendly and accessible by assisting filers in describing their claims, and to update the Reimbursement Form by integrating the recent revisions we adopted to the catalog of eligible reimbursement expenses (Catalog). For example, we have added a checkbox for applicants to indicate if they are seeking reimbursement for an upgrade, and a column in the cost chart at the end of the Form for entities to indicate if they are requesting partial reimbursement.⁵ The Catalog is embedded into the online-only Form, and will be used by eligible entities to claim reimbursement from the Fund throughout the reimbursement period.⁶

The changes to the Catalog include updated baseline prices for the listed expenses (which are not included in the Reimbursement Form), the addition of a small number of expense categories that appear in dropdown menus to certain questions on the Form, and the omission of

¹ The Commission previously sought, and, on March 17, 2016, obtained OMB approval for the information collection requirements contained in the Reimbursement Form (as well as those contained in 47 CFR § 73.3700(e)), which became effective on March 24, 2016, for a period of three years. *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, 81 FR 15649-01 Vol. 81, No. 57 (Mar. 24, 2016).

² *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, 6820 (2014) (*Incentive Auction R&O*).

³ 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). The rules governing these processes are codified at 47 CFR Parts 0, 1, 27, 73 and 74.

⁴ *Incentive Auction R&O*, 29 FCC Rcd 6820, para. 619.

⁵ *See e.g.*, *Incentive Auction R&O*, 29 FCC Rcd at 6822-23, para. 624 (“Eligible stations and MVPDs may elect to purchase optional equipment capability or make other upgrades at their own cost, but only the cost of the equipment without optional upgrades is a reimbursable expense.”).

⁶ The Spectrum Act established the \$1.75 billion Fund to reimburse reassigned broadcasters for their reasonable expenses resulting from the post-Incentive Auction channel reassignment and MVPDs that incur expenses associated with continuing to carry reassigned stations. Spectrum Act §6403(b)(4)(A).

other expense categories that no longer appear on the Form.⁷ After considering the comments we received in response to the updated Catalog, we have adopted the proposed updates to the Catalog, made the correspondingly minor modifications to the Reimbursement Form, and we now resubmit the Reimbursement Form to OMB for approval under the PRA of the changes resulting from these minor modifications.

The substance, burden hours, and costs under OMB Control Numbers 3060-1178 are not significantly impacted by the minor changes to the Reimbursement Form.⁸ As detailed below, we have integrated into the Reimbursement Form the recent updates made to the Catalog,⁹ which is partially embedded into the Form, and added features that render the Form more user-friendly to its users. The following is a list of the pertinent changes that we have made to the Reimbursement Form since OMB previously approved of its information collections, organized and displayed according to their section to which they correspond in the appended instrument.¹⁰

Changes to FCC Form 2100, Schedule 399, Reimbursement Form

⁷ In 2013, the Commission initially engaged Widely, Inc. (Widely), a third party contractor, to develop a catalog of potentially eligible expenses that were likely to be incurred by broadcasters and MVPDs as a result of the post-Incentive Auction channel transition, which we adopted after seeking comment. *See Media Bureau Seeks Comment on Catalog of Eligible Expenses and Other Issues Related to the Reimbursement of Broadcaster Channel Reassignment Costs*, GN Docket No. 12-268, Public Notice, 28 FCC Rcd 13787 (MB 2013) (*Catalog Comment PN*). We then sought comment on Widely's report and on the baseline cost estimates for the expenses that were listed in the Catalog. *See Media Bureau Seeks Comment on Widely Report and Catalog of Potential Expenses and Estimated Costs*, GN Docket No. 12-268, Public Notice, 29 FCC Rcd 2989 (MB 2014). After considering the comments, we released a public notice announcing that we would submit the Reimbursement Form to OMB for approval under the PRA, adopting the Catalog, and providing guidance on certain aspects of the reimbursement process. *See Media Bureau Finalizes Reimbursement Form for Submission to OMB and Adopts Catalog of Expenses*, GN Docket No. 12-268, Public Notice, 30 FCC Rcd 11701 (MB 2015). In order to update the Catalog, the Commission reengaged Widely to determine whether any of the expense categories or prices listed in the Catalog should be modified to more accurately reflect the current market for reimbursement-eligible services and equipment. We sought comment on the updates made to the Catalog's expense categories and prices, as well as a proposed economic methodology for updating its prices throughout the reimbursement period. *See Media Bureau Seeks Comment on Updates to Catalog of Reimbursement Expenses*, MB Docket No. 16-306, GN Docket No. 12-268, Public Notice, 31 FCC Rcd 11467 (MB 2016) (*Catalog Update Comment PN*). After considering the comments received in response to the *Catalog Update Comment PN*, we recently released a public notice adopting both the modifications made to the Catalog and the proposed economic methodology for adjusting the Catalog's prices. *Incentive Auction Task Force and Media Bureau Finalize Catalog of Reimbursement Expenses*, MB Docket No. 16-306, GN Docket No. 12-268, Public Notice, DA No. 17-154 (rel. Feb. 9, 2017).

⁸ To the extent that the addition of questions on the Reimbursement Form are not offset by the omission of other questions, the new questions will offer users of the Form a way to describe information that they otherwise would have still had to describe in narrative form (e.g., checkboxes to allow users to indicate if they are seeking an upgrade, or adding questions for "Combiner output splitter/switcher for dual feed lines" or "Rent Temporary" as a type of antenna change).

⁹ *See Catalog Update Comment PN*, 31 FCC Rcd 11467.

¹⁰ In addition to changes noted below, the Commission has also corrected some typos and made some word changes for clarification purposes. (e.g., the question, "[i]s antenna located on or in close proximity to an antenna farm" was changed to "[w]ill antenna be located on or in close proximity to an antenna farm," and there "Number of Panels" was changed to "Number of Panels/Bays.").

Section III.B.1, Broadcaster Estimated or Actual Transition Expenses, Transmitters

New Question: “Is this a request for upgraded equipment?”

- o *Upload Documentation if so.*

(Retuning Costs) - Question 3(a)(1):

- *Deleted Question: “Existing Transmitter Issue.”*
- *New Question: “New IOT Tubes: Select the Number of Tubes (including accessories) needed” [Dropdown where user selects a number, 0 - 9, to indicate number of tubes]*

(New Transmitter) Question 3(b)(1):

- *Deleted Category from Dropdown: “Low-VHF.”*

Section III.B.2, Broadcaster Estimated or Actual Transition Expenses, Antenna Changes

New Question: “Is this a request for upgraded equipment?”

- o *Upload Documentation if so.*

Question 1(a) – (Antenna added):

- *New Antenna Type Expense Category added to Dropdown: “Rent Temporary.”*

Question 3(b)(2) – (New Antenna Description):

- *Deleted Question: “Is antenna in operating condition?”*
- *Added Category to Antenna Type Dropdown Menu: “Broadband Slot.”*

Question 3(c)(1) – (Other Antenna Costs - Combiner for Shared Antenna):

- *New Sub-Question if Yes: “Combiner output splitter/switcher for dual feed lines?”*

Question 3(c)(2) – (Other Antenna Costs – Other Antenna Expenses Not Listed):

- *New Question, with sub-options: “Do you require the separate purchase of the Elbow Complex?”*
 - o *New Sub-options, if Yes: “Broadband” or “Single Channel.”*
 - o *New Dropdown: “Feed Line Size” select “3 1/8’, 4 1/16’, 6 1/8’, 7 3/16’, or 8 3/16’.”*
- *New Question: “Do you require the separate purchase of Side Mount Brackets for high power antenna?”*
- *New Question: “Do you require separate purchase of pattern scatter analysis for a side mount high or medium power antenna?”*
- *New Question: “Do you require the sweep testing of transmission line and antenna?”*

Section III.B.3, Broadcaster Estimated or Actual Transition Expenses, Transmission Line Changes

New Question: “Is this a request for upgraded equipment?”

- o *Upload Documentation if so.*

Question 2(e) – (Existing Transmission Line Expenses):

- *New sub-option to Existing Transmission Line Description: “Other” [If selected, prompted to enter the “Segment Length” in feet]*

Question 3(a) – (New Transmission Line Expenses):

- Deleted sub-option from Diameter Dropdown for Flexible Foam transmission line: 2 ¼’
- Deleted sub-option from Diameter Dropdown for Flexible Air transmission line: 2 ¼’
- New sub-option for Rigid transmission line segment length: “Other” [If selected, prompted to enter the “Segment Length” in feet]

Question 3(c)(5) – (Other Transmitter Costs):

- New sub-option, if Yes: “Type”

Section III.B.4, Broadcaster Estimated or Actual Transition Expenses, Tower Equipment

- New Question: “Is this a request for upgraded equipment?”
 - o Upload Documentation if so.

Section III.B.5, Broadcaster Estimated or Actual Transition Expenses, Outside Professional Services

Question 1(a)(3) – (Attorney and Other Outside Consultant Costs):

- New Checkbox Question: “Prepare or Review FCC Form 399 for Reimbursement.”
- New Question: “Address transition timing and coordination issues w/ other stations and wireless providers.”

Question 1(b)(1) – (Other Expenses):

- New Checkbox Sub-Questions under Permit and Filing Costs: (1) “FCC Construction Permit Minor Change”; (2) “FCC License to Cover Application”; and (3) “FCC Special Temporary Authority Application.”

APPENDIX A – COST CHART

- New Column added: “Partial Payment Request.”

Based on the foregoing, we conclude that there is no change in the burden hours to comply with FCC Form 2100, Schedule 399, Reimbursement Form, OMB Control Number 3060-1178.