

Title: Application for Transfer of Control of a Corporate Licensee or Permittee, or Assignment of License or Permit, for an FM or TV Translator Station, or a Low Power Television Station, FCC Form 345

SUPPORTING STATEMENT

A. Justification:

1. Filing of the FCC Form 345 is required when applying for authority for assignment of license or permit, or for consent to transfer of control of a corporate licensee or permittee for an FM or TV translator station, or low power TV station.

This collection also includes the third party disclosure requirement of 47 CFR Section 73.3580 (OMB approval was received for Section 73.3580 under OMB Control Number 3060-0031). 47 CFR Section 73.3580 requires local public notice in a newspaper of general circulation in the community in which the station is located or providing notice over the air of the filing of all applications for assignment of license/permit. This notice must be completed within 30 days of the tendering of the application. In addition, a copy of this notice and the application must be placed in the station's public inspection file pursuant to Sections 73.3526 and 73.3527.¹

Revised Information Collection Requirements Which Require OMB Approval:

On June 29, 2009, the Commission adopted a Report and Order, *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, MB Docket No. 07-172, FCC 09-59. In the 2009 Report and Order, the Commission adopted changes to the FM translator rules that allowed AM stations to use authorized FM translator stations² to rebroadcast the AM signal locally, retransmitting their AM programming as a "fill-in" service. The adopted cross-service translating rules limited FM translators to providing "fill-in" service only, specifically within the AM primary station's authorized service area.³

AM radio stations use Form 345 to apply for authority to assign or transfer such fill-in FM translator stations. Consistent with actions taken by the Commission in the 2009 Report and Order, the following changes were made to Form 345: Section III of Form 345 included a new certification concerning compliance with the AM station "fill-in" service requirements. Specifically, in the AM service, applicants certify that the coverage contour (1 mV/m) of the FM translator station is contained within the lesser of: (a) the 2 mV/m daytime contour of the AM primary station being rebroadcast, or (b) a 25-mile radius centered at the AM station's transmitter site.

On October 21, 2015, the Commission adopted a First Report and Order, *Further Notice of Proposed Rulemaking, and Notice of Inquiry, in Revitalization of the AM Radio Service*, MB Docket No. 13-249, FCC 15-142 (*AM Revitalization FNPRM*). On, February 23, 2017, consistent with actions proposed by the Commission in the *AM Revitalization FNPRM*, the Commission adopted a Second Report and Order, in *Revitalization of the AM Radio Service*, MB Dkt. No. 13-249, FCC 17-14 (*AM Revitalization Second R&O*). In the *AM Revitalization Second R&O*, the Commission adopted as proposed the following rule (and Form) changes to this information collection (the Commission received OMB preapproval on March 17, 2016):⁴ modify Section 74.1201(g) of the rules to provide that the coverage contour (1 mV/m) of an FM translator station rebroadcasting an AM radio station as its primary

¹ See OMB Control Number 3060-0214 for the burdens associated with the recordkeeping requirements for the newspaper and broadcast notices pursuant to 47 CFR Sections 73.3526 and 73.3527.

² FM translator stations are low power facilities licensed for the limited purpose of retransmitting the signals of either a full power radio station or another translator station. 47 C.F.R. § 74.1201.

³ As defined in 47 C.F.R. § 74.1201(d), the "primary station" is the AM or FM radio broadcast station radiating the signal to be retransmitted by the FM translator station.

⁴ OMB NOA March 17, 2016, ICR Reference Number 201511-3060-112.

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station must be contained within the *greater* of either the 2 mV/m daytime contour of the AM station, or a 25-mile radius centered at the AM station's transmitter site.⁵

Consistent with actions proposed by the Commission in the *AM Revitalization FNPRM*, the Commission in the *AM Revitalization Second R&O* also adopted as proposed the following change to Form 345 (the Commission received OMB pre-approval on March 17, 2016): Section III of Form 345 includes a new certification concerning compliance with the new AM station "fill-in" service requirements. Specifically, applicants will now certify that the 1 mV/m coverage contour of the FM translator station is contained within the greater of either: (a) the 2 mV/m daytime contour of the AM primary station being rebroadcast, or (b) a 25-mile radius centered at the AM station's transmitter site.⁶ The instructions for Section III – Assignee/Transferee have been revised to assist applicants with completing the modified question.

With this submission, the Commission is currently seeking to obtain OMB final approval for the preapproved revisions to Section 74.1201(g) of the rules and FCC Form 345 for this information collection (the Commission received OMB pre-approval on March 17, 2016). **There are no changes to the number of respondents, number of responses, annual burden hours, or annual cost for this collection from the preapproval of the proposed information collection requirements to the final information collection requirements, which were adopted in FCC 17-14.**

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 154(i) and 310 of the Communications Act of 1934, as amended.

2. **Agency Use of Information:** FCC staff uses the data to determine if the applicant meets basic statutory requirements to operate the station.

3. **Consideration Given to Information Technology:** These forms are required to be filed electronically. Paper versions are accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Waivers are not routinely granted, and filers should plead with particularity the facts and circumstances warranting grant of a waiver.

4. **Effort to Identify Duplication and Similar Information:** No other agency imposes a similar information collection on the respondents.

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

⁵ The Commission did not adopt, as proposed in the *AM Revitalization FNPRM*, the 40-mile limitation language "but the FM translator's 1 mV/m contour may not extend beyond a 40-mile radius centered at the AM station's transmitter site," and has therefore submitted a non-substantive change request in the interest of simplifying compliance for applicants. This is a non-substantive change to the language that was pre-approved by OMB. There is no change in the number of respondents, number of responses, annual burden hours, or annual cost for this pre-approved collection.

⁶ *Id.*

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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 Collections:** The frequency for this collection of information is determined by respondents, as necessary.

7. **Information Collection Circumstances:** This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. **Consultations with Persons outside the FCC:** The Commission published a notice in the *Federal Register* seeking public comment on the information collections contained in this supporting statement, see 81 FR 2818, published January 19, 2016. To date, the Commission did not receive any comments from the public.

9. **Payment or Gift:** No payment of gift was provided to the respondents.

10. **Confidentiality of Information:** There is no need for confidentiality with this collection of information.

11. **Justification for Sensitive Questions:** This collection of information does not address any private matters of a sensitive nature.

12. **Estimate of Burden and Burden Hour Cost:** We estimate that 1,700 FCC Form 345 applications will be filed and processed annually. The average burden is 1.25 hour for the respondent to review FCC Form 345 once it has been completed by an outside attorney. In addition, the filing of a newspaper notice will take the respondent (1) hour per notice or 5 minutes to broadcast each broadcast notice required under 47 CFR Sections 73.3580(c) and 73.3580(d).

Total Annual Number of Respondents: 1,700 Licensees/Permittees

Total Annual Number of Responses:

1,700 FCC Form 345 Applications
 500 Section 73.3580(c) and (g) Newspaper Notices
500 Section 73.3580(d) Broadcast Notices
2,700 responses

Total Annual Burden Hours:

1,700 FCC Form 345 Applications x 1.25 hours/application	=	2,125 hours
500 Newspaper Notices ⁷ (Section 73.3580(c) and (g)) x 1 hour/notice	=	500 hours
500 Broadcast Notices ⁸ (Section 73.3580(d)) x 0.084 hr. (5 mins.)/notice	=	<u>42 hours</u>
		2,667 hours

⁷ We estimate that 50% of the respondents will meet the requirements of Section 73.3580 by providing notice in the newspaper to the public of the filing of an application for assignment of license/permit.

⁸ Broadcast notices require a broadcast station licensee to give notice of the filing of an application for assignment of license/permit by broadcasting announcements on the broadcaster's station. We estimate that 50% of the respondents will meet the requirements of Section 73.3580 by broadcasting their notices over the air.

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These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

Total Annual "In-House" Cost: We assume that 100% of the respondents would convey to their attorneys their desire to effectuate an assignment of license or transfer of control of a broadcast license and that they would review the work done by the attorney. We estimate that this will take approximately 1 hour per application. We estimate this respondent will have an average salary of \$100,000/year (\$48.08/hour).

1,700 FCC Form 345 Applications x 1.25 hours/application x \$48.08/hr.	=	\$102,170.00
500 Newspaper Notices (Sections 73.3580(c) and (g)) x 1 hr/notice x \$48.08/hr.	=	\$ 24,040.00
500 Broadcast Notices (Section 73.3580(d)) x 0.084 hr./notice x 48.08/hr	=	<u>\$ 2,019.36</u>
		\$128,229.36

13. Annual Cost Burden: We assume that the respondent would use an attorney to complete and file the FCC 345. We estimate that this attorney will require 7.25 hours to complete this work and has an average salary of \$300/hour. A licensee must also submit a fee for each application by a commercial broadcast station for assignment or transfer at \$150/request. Of the 1,700 applications, we expect 1,360 applications (or 80% of the applications) to be filed by commercial stations. The remaining 340 applications (or 20% of the applications) do not submit a fee with their applications.

Applicants must give local public notice of the filing of its application for an assignment of license/permit. We estimate that 50% of the respondents (500) will have their notices published in the newspaper to meet notification requirements of Section 73.3580. The cost of this publication is estimated to be \$113.25/publication. The broadcast notices will not incur an additional cost due to the broadcast station licensees providing the notice over the air, no newspaper publication is required.

1,700 Forms 345 x 7.25 hrs. attorney processing x \$300/hr	=	\$3,697,500
1,360 feeable applications x \$150/application	=	\$ 204,000
\$113.25/publication x 500 applications (Section 73.3580(c) and (g))	=	<u>\$ 56,625</u>
Total Annual Cost Burden	=	\$3,958,125

14. Cost to the Federal Government. The Commission will use staff at the GS-5, step 5 level (\$19.15/hour) and GS-13, step 5 level (\$50.04 /hour) to process these applications.

\$19.15 x 1 hour/processing x 1,700 applications	=	\$ 32,555.00
\$50.04 x 2 hours/processing x 1,700 applications	=	<u>\$170,136.00</u>
Total Cost to the Federal Government	=	\$202,691 .00

15. Reason for Changes in Burden or Cost: There are no program changes to this collection because the form revisions did not have an impact on the burden hours or cost for this collection. There are adjustments/increases of \$47,600 which are due to increases in filing fees.

16. Plans for Publication: The data will not be published.

17. Display of OMB Approval Date: An extension of the waiver not to publish the expiration date on the form is requested. This will prevent the Commission from needing to update electronic files upon the

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expiration of the clearance. The expiration date of the information collection will be displayed at 47 C.F.R. Section 0.408.

18. **Exceptions to the Certification Statement:** There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.