

SUPPORTING STATEMENT

A. Justification

1. Information Collection Requirements: Circumstances Necessitating Change to Information Collection:¹

The Commission is revising this collection to reflect the Commission's adoption of a Report and Order ("R&O") in MB Docket No. 16-161, FCC 17-3, *In the Matter of Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, adopted on January 31, 2017.² The R&O removes and reserves 47 C.F.R. Section 76.1708. This collection is being resubmitted as a result of the final rule – initially submitted at the proposed rule stage. The Commission is now seeking final approval from the information collection requirements from the Office of Management and Budget (OMB).

While it appears that the general public does not need access to it, principal headend information must be made available to certain entities, including the FCC and local television stations. The R&O requires that this information be made available upon request.

The R&O makes the following changes to the approved information collection requirements:

47 CFR 76.1708 currently requires the operator of every cable television system to maintain for public inspection the designation and location of its principal headend. If an operator changes the designation of its principal headend, that new designation must be included in its public file. The R&O removes and reserves this rule section.

On May 25, 2016, the Commission adopted a Notice of Proposed Rulemaking ("*Public Inspection File NPRM*") in MB Docket No. 16-161, FCC 16-62, proposing to eliminate two public inspection file requirements: (i) the requirement that commercial broadcast stations retain in their public inspection file copies of letters and emails from the public; and (ii) the requirement that cable operators maintain for public inspection the designation and location of the cable system's principal headend.³ The R&O adopted the proposals in the *Public*

¹ To the extent that the information collection requirements contained herein apply to Open Video System (OVS) operators and systems, any references herein to cable operators and systems shall be read to include OVS operators and systems. See *Amendment of Section 76.1506 of the Commission's Rules*, Order, 29 FCC Rcd 16253 (2014).

² *Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, Report and Order, MB Docket No. 16-161, FCC 17-3 (rel. January 31, 2017).

³ *Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, Notice of Proposed Rulemaking, 31 FCC Rcd 5796 (2016).

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Title: Section 76.1601, Deletion or Repositioning of Broadcast Signals; Section 76.1617, Initial Must-Carry Notice; Section 76.1607, Principal Headend

Inspection File NPRM to eliminate these rules. The *R&O* concludes that eliminating these public inspection file requirements will reduce the regulatory burdens on commercial broadcasters and cable operators without adversely affecting the general public, which does not need access to broadcaster correspondence or information regarding the location of a cable system's principal headend. Removing these public inspection file requirements will also enable commercial broadcasters and cable operators to make their entire public inspection file available online and permit them to cease maintaining a local public file, thereby further reducing regulatory burdens on these entities. While the Commission recently moved to an online public inspection file, there are privacy concerns associated with putting the correspondence file online and potential security concerns associated with putting information regarding the location of the principal headend online.

The information collection requirements listed below have not changed since last approved by OMB.

47 CFR 76.1601(a) requires that effective April 2, 1993, a cable operator shall provide written notice to any broadcast television station at least 30 days prior to either deleting from carriage or repositioning that station. Such notification shall also be provided to subscribers of the cable system.

47 CFR 76.1607 states that a cable operator shall provide written notice by certified mail to all stations carried on its system pursuant to the must-carry rules at least 60 days prior to any change in the designation of its principal headend.

47 CFR 76.1617(a) states within 60 days of activation of a cable system, a cable operator must notify all qualified Non-Commercial Education (NCE) stations of its designated principal headend by certified mail.

47 CFR 76.1617(b) states within 60 days of activation of a cable system, a cable operator must notify all local commercial and Non-Commercial Education (NCE) stations that may not be entitled to carriage because they either fail to meet the standards for delivery of a good quality signal to the cable system's principal headend, or may cause an increased copyright liability to the cable system.

47 CFR 76.1617(c) states within 60 days of activation of a cable system, a cable operator must send by certified mail a copy of a list of all broadcast television stations carried by its system and their channel positions to all local commercial and noncommercial television stations, including those not designated as must-carry stations and those not carried on the system.

This information collection does not affect individuals or households; thus, there are no impacts

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under the Privacy Act.

Statutory authority for this collection of information is contained in Section 4(i) of the Communications Act of 1934, as amended.

2. The notices are used by broadcast stations to ascertain and exercise their must-carry rights.
3. Use of information technology is not feasible in this situation.
4. This agency does not impose similar requirements on the respondents. There is no similar information available.
5. This existing information collection requirement does not have a significant impact on a substantial number of small businesses/entities.
6. If cable system operators were not required to make these various notifications, then broadcast television stations would have no codified process for obtaining the information that they need in order to ascertain and exercise their must-carry rights.
7. There are no special circumstances associated with this collection of information.
8. The Commission published a Federal Register Notice (see 81 FR 40617) on June 22, 2016 seeking comments from the public on the information collection requirements contained in this supporting statement. The Commission has not received any comments from the public on the information collection requirements.
9. There will be no payment or gifts given to 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. For Section 76.1601, we estimate that cable systems and OVS operators will issue approximately 3,300 notices to broadcast stations each year. We estimate 30 minutes per notice for preparing and mailing it. The notice to subscribers can be pre-printed on or mailed simultaneously with monthly billing statements at no additional measurable burden or cost.

3,300 notices issued by cable operators/OVS operators/year x 0.5 hours/notice = 1,650 hours

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For Sections 76.1607, we estimate that changes in the designation of principal headend annually occur 300 times (300 notices issued annually) due to rebuilds or mergers of existing cable systems and OVS operators. Preparation of the notice and mailing it is estimated at one (1) hour.

150 notices issued by cable operators/OVS operators/year x 1 hour/notice = 150 hours

For Section 76.1617, we estimate that newly created cable systems and OVS operators may need an additional 500 notices to be issued each year. Preparation of the notices is estimated at 0.5 hours per notice.

500 notices issued by cable operators/OVS operators/year x 0.5 hours/notice = 250 hours

Total Number of Annual Respondents = 3,300 Cable Systems and OVS Operators

Total Number of Annual Responses =

3,300 notices + 150 notices + 500 notices = **3,950 notices**

Total Annual Burden Hours = 1,650 hrs. + 150 hrs. + 250 hrs = 2,050 hours

Annual "In-House" Cost: We estimate an average hourly wage of \$20.00 per hour for individuals tasked with the notification requirements.

3,300 notices x 0.5 hours/notice @ \$20.00/hr = \$33,000 (Section 76.1601)

150 notices x 1 hour/notice @ \$20.00/hr = \$3,000 (Section 76.1607)

500 notices x 0.5 hours/notice @ \$20.00/hr = \$5,000 (Section 76.1617)

Total Annual In-House Cost: \$41,000

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

13. Annual Cost Burden:

(a) Total annualized capital/startup costs: None

(b) Total annual costs (O&M): None

(c) Total annualized cost requested: None

14. There is no cost to the Federal Government.

15. There are program changes as follows to this collection as a result of the information collection requirements adopted in FCC 17-3: there will be a reduction of 150 to the annual number of responses and 150 to the annual burden hours.

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

17. We do not seek approval to not display the expiration date for OMB approval of this information collection.

18. The Commission published a Federal Register Notice (see 81 FR 40617) on June 22, 2016 seeking comments from the public on the information collection requirements contained in this supporting statement. The recordkeeping requirement for this collection is being eliminated from this collection. Therefore, the recordkeeping requirement included in the published notice will not be a part of the approved information collection. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.