

OMB Control Number: 3060-0928

June 2017

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule F (Formerly FCC 302-CA); 47 CFR 73.6028

## SUPPORTING STATEMENT

### 1. Justification:

The FCC Form 2100, Schedule F is used by Low Power TV (LPTV) stations that seek to convert to Class A status; existing Class A stations seeking a license to cover their authorized construction permit facilities; and Class A stations entering into a channel sharing agreement. The FCC Form 2100, Schedule F requires a series of certifications by the Class A applicant as prescribed by the Community Broadcasters Protection Act of 1999 (CBPA). Licensees will be required to provide weekly announcements to their listeners: (1) informing them that the applicant has applied for a Class A license and (2) announcing the public's opportunity to comment on the application prior to Commission action.

#### Revised Information Collection Requirements:

The Commission is submitting this revision to this information collection, which results from the provisions adopted in the FCC 17-29. On March 23, 2017, the Commission adopted the Report and Order, *Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction Context*, GN Docket No. 12-268, MB Docket No. 03-185, MB Docket No. 15-137, FCC 17-29 ("*Report and Order*"). This document approved channel sharing outside of the incentive auction context between full power, Class A, LPTV and TV translator stations.

Although there are no changes to the FCC Form 2100, Schedule F itself, there are changes to the substance, burden hours, and costs as described herein.

New requirements are as follows:

**Section 73.6028** permits Class A stations to seek approval to share a single television channel with LPTV, TV translator, full power and Class A television stations. Class A stations interested in terminating operations and sharing another station's channel must submit FCC Form 2100 Schedule F in order to complete the licensing of their channel sharing arrangement.

#### **Information Collection Requirements Which Have Not Changed Since Last Approved by OMB:**

**Section 73.3700(b)(3)** requires the licensee of each channel sharee station and channel sharer station to file an application for a license for the shared channel using FCC Form 2100 Schedule B (for a full power station) or F (for a Class A station) within six months of the date that the channel sharee station licensee receives its incentive payment pursuant to section 6403(a)(1) of the Spectrum Act.

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**Section 73.3700(h)(2)** states that, upon termination of the license of a party to a channel sharing assignees (CSA), the spectrum usage rights covered by that license may revert to the remaining parties to the CSA. Such reversion shall be governed by the terms of the CSA in accordance with 47 C.F.R. § 73.3700(h)(4)(E). If upon termination of the license of a party to a CSA only one party to the CSA remains, the remaining licensee may file an application to change its license to non-shared status using FCC Form 2100, Schedule B (for a full power licensee) or F (for a Class A licensee).

Section 73.3572(h) - Class A TV station licensees shall file a license application for either the flash cut channel or the digital companion channel they choose to retain for post-transition digital operations. Class A TV stations will retain primary, protected regulatory status on their desired post-transition digital channel. Class A TV applicants must certify that their proposed post-transition digital facilities meet all Class A TV interference protection requirements.

This information collection does not affect individuals, thus there are no impacts under the Privacy Act.

Statutory authority for this collection of information is contained in Sections 154(i), 307, 308, 309, and 319 of the Communications Act of 1934, as amended, the Community Broadcasters Protection Act of 1999, and the Middle Class Tax Relief and Job Creation Act of 2012.

2. The FCC staff use the data to confirm that the station meets the eligibility standards to convert their licenses to Class A status. Data is then extracted from FCC Form 2100, Schedule F for inclusion in the subsequent license to operate the station.
3. Form 2100, Schedule F must be filed electronically.
4. No other agency imposes 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 the burden on all respondents. Therefore, this collection of information will not have a significant economic impact on a substantial number of small entities/businesses.
6. Each licensee of a Class A station that is reassigned to a new channel following the Incentive Auction, or those Class A stations that are winning bidders that move from UHF-to-VHF or from High-VHF-to-Low-VHF, and those Class A channel sharee and sharer stations entering a channel sharing arrangement must file this form to obtain a new or modified station license and/or to notify the Commission of certain changes in the licensed facilities of those stations. For all other uses, the frequency of filing is determined by the respondents. However, no new or modified TV or DTV facilities can be licensed by a Class A station without using FCC Form 2100, Schedule F.

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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 April 13, 2017 (82 FR 17828) seeking comments on the information collection contained in this collection. No comments were received from the public as a result of the Notice.
9. No payment or gift was provided to the 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. The burden for this collection is as follows:

**FCC Form 2100, Schedule F:** The Commission estimates that between 500 and 1,300 broadcast stations could be reassigned to a new channel in their pre-auction band via the repacking process following the Incentive Auction;<sup>1</sup> that an additional 50 to 100 stations that submit winning bids will enter channel sharing agreements (and move to the channel of the station they are sharing with); that 15 to 50 stations that submit winning bids will move from high-VHF to low-VHF channels or from UHF to high-VHF or low-VHF; and that all licensees will comply with all applicable rules. The actual number in each of these categories cannot be known in advance of the auction, including the level of broadcaster participation in the reverse auction, which in turn will impact how much spectrum is repurposed and how many stations need to be assigned new channels. Similarly, the number of Class A stations, as opposed to full-power stations, that are reassigned or submit winning bids to move from high-VHF to low-VHF channels or from UHF to high-VHF or low-VHF cannot be estimated, and, thus, in order not to underestimate the burden in this submission, we will assume half of these stations are Class A stations. Solely for purposes of preparing the estimated data collection burden, we will use the

upper end of these ranges. Therefore, we estimate that 725 (one-half of 1,450 potential channel-changing stations) FCC Forms 2100, Schedule F applications for a license to cover a construction permit (“license applications”) and 100 applications to modify an existing license (“modifications”)

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<sup>1</sup> We note that this estimate does not take into consideration the results of the optimization process, which will be used to determine the final television channel assignment plan. The Commission has determined that maximizing the number of stations assigned to their pre-auction channels is the first objective of its optimization plan. See *Broadcast Incentive Auction to Begin on March 29, 2016, Procedures for Competitive Bidding in Auction 1000, Including Initial Clearing Target Determination, Qualifying to Bid, and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, AU Docket No. 14-252, GN Docket 12-268, WT Docket No. 12-269, MB Docket No. 15-146, FCC 15-78, Public Notice, at para. 274 (rel. Aug. 11, 2015). Accordingly, the number of stations reassigned to new channels may be lower than the estimate contained in this submission. We have erred on the side of caution so as not to underestimate the potential burden.

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will be filed by DTV stations with the Commission annually.<sup>2</sup> In addition, we estimate that 100 channel sharer stations and 100 channel sharee stations will file applications for a license to cover a construction permit (“license applications”) in conjunction with auction-related channel sharing (“auction channel sharing”). Finally, we estimate that 20 channel sharing stations will file applications (“license applications”) to implement their shared channel outside of the auction context (“non-auction channel sharing”). We assume that the respondent (station licensee/permittee) will file this form. We estimate that the respondent will take two (2) hours to complete each application and file it. We assume that this time period of 2 hours for the completion and filing of each application will also include approximately 0.5 hours for the respondent to consult with a consulting engineer and 0.5 hours to consult with an outside attorney to assist the station in its preparation of the application’s engineering and legal sections, respectively.<sup>3</sup> We estimate that the respondent will have an average salary of \$100,000/year (\$48.08/hour).<sup>4</sup>

<b>Type of Filing</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</b>	<b>Annual In-House Cost</b>
<b>Form 2100, Schedule F</b>						
Relocating station license application	725	725	2 hrs	1,450	\$48.08	\$69,716.00
Channel sharer/sharee license Applications	200	200	2 hrs	400 hrs	\$48.08	\$19,232.00
Notification of dissolution of channel sharing agreement	30	30	2 hrs	60 hrs	\$48.08	\$2,884.80
Non-auction channel sharing license applications	20	20	2 hrs	40 hrs	\$48.08	\$1,923.20

<sup>2</sup> We note that this estimate includes the filing of amendments to these applications.

<sup>3</sup> The respondent’s time to consult with the outside engineer and outside attorney is included in the 2 hours.

<sup>4</sup> The Commission estimates that the average hourly salary for in-house personnel which includes station manager, engineer and attorney to be \$100,000/year or \$48.08/hour.

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Type of Filing	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
<b>Total</b>	<b>975</b>	<b>975</b>	<b>2 hours each</b>	<b>1,950 hours</b>	<b>\$48.08</b>	<b>\$95,679.00</b>

13. Annual Cost Burden to Respondents:

An application fee must be submitted with filing of the application (\$315/application).

Total Annual Cost Burden: 975 applications x \$315/application = **\$307,125.00**

14. Cost to the Federal Government: The Commission will use professionals at the GS-13, step 5 level (\$51.48/hour) and clerical personnel at the GS-5, step 5 level (\$19.70/hour) to process the FCC Form 2100, Schedule F applications.

Professional: 2.5 hours x \$51.48/hour x 975 applications = \$100,386.00  
Clerical: 1 hour x \$19.70 x 975 applications = \$ 19,207.50  
**Total Cost to the Federal Government: \$119,593.50**

15. The Commission has program changes/increases to this collection which are due to the requirements adopted in FCC 17-29. These program changes/increases are as follows: 20 respondents, 20 responses, 40 burden hours and \$6,300.00 in annual cost.

16. The data will not be published.

17. An extension of the waiver not to publish the expiration date on the form is requested. This will obviate the need for the Commission to update electronic forms upon the expiration of the clearance. OMB approval of the expiration date of the information collection will be displayed at 47 CFR Section 0.408.

18 There are no exceptions to the Certification Statement.

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

This information collection does not employ any statistical methods.