

SUPPORTING STATEMENT

A. Justification:

1. Licensees and permittees of FM broadcast stations are required to file FCC Form 302-FM to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities of these stations.

History:

On October 22, 1998, the Commission adopted a *Report and Order* in MM Docket Nos. 98-43 (1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules, and Processes) and 94-149 (Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities). Among other things, this *Report and Order* substantially revised the FCC 302-FM to facilitate electronic filing by replacing narrative exhibits with the use of certifications and an engineering technical box.

The Commission is requesting an extension of this information collection order to receive the full three year OMB approval/clearance.

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), 303 and 308 of the Communications Act of 1934, as amended.

2. FCC staff reviews the FCC Form 302-FM to (1) confirm that the station is built according to the specifications in the outstanding construction permit, (2) update FCC station license files, and (3) extract data for inclusion in the subsequent license to operate the station.

3. The Commission requires applicants to file FCC Form 302-FM electronically.¹

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.

¹ Paper-filed copies of FCC Form 302-FM will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Filers must plead with particularity the facts and circumstances warranting grant of a waiver. Waivers will not be routinely granted.

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6. The frequency for this collection of information is determined by respondents, as necessary.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Commission published a Notice (82 FR 18147) in the Federal Register on April 17, 2017 seeking public comments on the information collection requirements. No comments were received.
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. We estimate the filing of 925 FCC Form 302-FM applications (700 FM Licenses for Construction Permits (CP) and 225 Modification of Licenses). We expect the respondents will require one to two hours complete the general section of the application form.

For the legal section of the application form, we expect 555 (60%) of the 925 respondents will complete the form without outside assistance. The remaining 370 (40%) respondents will consult and pay a communications attorney to complete the legal section of the application.

For engineering section of the application, 462 respondents will complete the form without outside assistance. The remaining 463 respondents will consult with an engineer for completion of the form. The consultation time is one hour for both legal and engineering. We estimate the respondent's salary at \$100,000/year (\$48.08/hour). These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

Number of Annual Respondents: 925 Licensees and Permittees of FM Broadcast Stations

Number of Responses:

700 FM Licenses for Construction Permits
225 Modification of Licenses
925 FCC 302-FM Applications (responses)

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Annual Burden Hours:

Applicants completing general section of form without outside assistance

700 applications x 1 hour = 700 hours
225 modifications x 2 hours = 450 hours
1,150 hours

Applicants completing legal section of form without outside assistance

420 applications x 1 hour = 420 hours
135 modifications x 2 hours = 270 hours
690 hours

Applicants consulting with contract attorney to allow the attorney to complete the legal section of the form

280 applications x 1 hour = 280 hours
90 modifications x 1 hour = 90 hours
370 hours

Applicants completing engineering section of form without outside assistance

350 applications x 1 hour = 350 hours
112 modifications x 1 hour = 112 hours
462 hours

Applicants consulting with contract engineer to allow the engineer to complete the engineering section of the form

350 applications x 1 hour = 350 hours
113 modifications x 1 hour = 113 hours
463 hours

Total Annual Burden Hours: 3,135

1,150 hrs + 690 hrs + 370 hrs + 462 hrs + 463 hrs = **3,135 hrs.**

Annualized "In House Cost" to Respondent:

Applicants completing general section of form without outside assistance

700 applications x 1 hour x \$48.08 = \$33,656.00
225 modifications x 2 hours x \$48.08 = \$21,636.00
\$55,292.00

Applicants completing legal section of form without outside assistance

420 applications x 1 hour x \$48.08 =	\$20,193.60
135 modifications x 2 hours x \$48.08 =	<u>\$12,981.60</u>
	\$33,175.20

Applicants consulting with a contract attorney to allow the attorney to complete legal section of form

280 applications x 1 hour x \$48.08 =	\$13,462.40
90 modifications x 1 hour x \$48.08 =	<u>\$ 4,327.20</u>
	\$17,789.60

Applicants completing engineering section of form without outside assistance

350 applications x 1 hour x \$48.08 =	\$16,828.00
112 modifications x 1 hour x \$48.08 =	<u>\$ 5,384.96</u>
	\$22,212.96

Applicants consulting with a contract engineer to allow the engineer to complete the engineering section of the form

350 applications x 1 hour x \$48.08 =	\$16,828.00
113 modifications x 1 hour x \$48.08 =	<u>\$ 5,433.04</u>
	\$22,261.04

TOTAL "In-House" COSTS =

$\$55,292.00 + \$33,175.20 + \$17,789.60 + \$22,212.96 + \$22,261.04 = \mathbf{\$150,730.80}$

13. **Annual Cost Burden:** We estimate that 370 respondents will use a communications attorney to complete the legal section of the application. We expect one hour to two hours are needed of attorney time at an hourly rate of \$300 per hour. We estimate that 463 of the respondents will use a consulting engineer to complete the engineering section of the application. We expect the engineer needs 2 – 6 hours (\$250/hour) to complete this section of the form.

The fee is \$170 for FCC Form 302-FM. Only the 700 applications for construction permits are required to pay the filing fee.

280 applications x 1 hour x \$300 =	\$84,000
90 modifications x 2 hours x \$300 =	\$54,000

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350 applications x 2 hours x \$250 =	\$175,000
113 modifications x 6 hours x \$250 =	\$169,500
700 applications x \$170 filing fee =	<u>\$119,000</u>
TOTAL ANNUAL COST BURDEN =	\$601,500

14. **Cost to the Federal Government:** The FCC will use staff at the GS-11, step 5 level (\$36.12/hour), and at the GS-5, step 5 level (\$19.70/hour) to process FCC 302-FM applications.

3 hours x \$36.12/hour x 925 applications =	\$100,233.00
1 hour x \$19.70/hour x 925 applications =	<u>\$ 18,222.50</u>
TOTAL COST TO FEDERAL GOVERNMENT =	\$118,455.50

15. There are no program changes or adjustments to this collection.

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 eliminate the need to update electronic files upon the expiration of the clearance. OMB approval of the expiration date 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.