

SUPPORTING STATEMENT

A. Justification:

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

The Commission is revising this collection to reflect the Commission's adoption of a Report and Order¹ ("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. The R&O removes the requirements and the associated burdens of 47 CFR 73.1202 and 73.3526(e)(9). 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 the general public does not need principal headend location information, that information must be made available to certain entities, including the FCC and local television stations. The R&O requires cable operators to provide this information to the FCC, television stations, and franchisors upon request. In lieu of responding to individual requests for such information, operators may alternatively elect voluntarily to provide this information to the Commission for inclusion in the Commission's online public inspection file ("OPIF") database and may elect to make the information publicly available there.

The R&O made the following revisions to the information collection requirements:

47 CFR Section 73.1202 - The R&O removed this rule, reserved the rule section and removed the information collection requirements which were contained in it. The rule formerly required commercial broadcast stations to retain in the public inspection file written comments and suggestions from the public regarding operation of the station.

47 CFR Section 73.3526 - The R&O revised this rule to remove the references to the correspondence file in 73.3526(b)(1) and 73.3526(b)(2)(i) and to remove and reserve Section 73.3526(e)(9). Section 73.3526(e)(9) formerly required commercial broadcast stations to retain in their public inspection file written comments and suggestions received from the public regarding operation of the station.

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

¹ *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).

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for public inspection the designation and location of the cable system's principal headend.² On January 31, 2017, the Commission adopted the *R&O* which adopted the proposals in the *Public 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.

History:

In 2012, the Commission replaced the decades-old requirement that commercial and noncommercial television stations maintain public files at their main studios with a requirement to post most of the documents in those files to a central, online public file hosted by the Commission.³ On January 28, 2016, the Commission adopted a *Report and Order* ("*Expanded Online File R&O*") in MB Docket No. 14-127, FCC 16-4, *In the Matter of Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*.⁴ The *Expanded Online File R&O* expanded the requirement that public inspection files be posted to an FCC-hosted online public file database to cable operators, satellite TV (also referred to as "Direct Broadcast Satellite" or "DBS") providers, broadcast radio licensees, and satellite radio (also referred to as "Satellite Digital Audio Radio Services" or "SDARS") licensees. The Commission stated that its goal is to make information that these entities are already required to make publicly available more accessible while also reducing costs both for the government and the public sector. The Commission took the same general approach to transitioning these entities to the online file that it took with television broadcasters in 2012, tailoring the requirements as necessary to the different services. The Commission also took similar measures to minimize the effort and cost entities must undertake to move their public files online. Specifically, the Commission required entities to upload to the online public file only documents that are not already on file with the Commission or that the Commission maintains in its own database. The Commission also exempted existing political file material from the online file requirement and required that political file documents be uploaded only on a going-forward basis.

With respect to broadcast radio licensees, the Commission commenced the transition to an online file with commercial stations in larger markets with five or more full-time employees, while postponing temporarily all online file requirements for other radio stations. The *Expanded Online File R&O* also required stations to provide information to the online file regarding the location of the station's main studio.

² *Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, Notice of Proposed Rulemaking, 31 FCC Rcd 5796 (2016).

³ *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, *Second Report and Order*, 27 FCC Rcd 4535 (2012) ("*Second Report and Order*").

⁴ *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, *Report and Order*, MB Docket No. 14-127, FCC 16-4 (rel. January 29, 2016).

With respect to cable operator public file requirements, the *Expanded Online File R&O* phased-in the requirement to commence uploading political file documents to the online file for smaller cable systems and exempted cable systems with fewer than 1,000 subscribers from all online public file requirements.

The Commission first adopted a public inspection file requirement more than 40 years ago. The public file requirement grew out of Congress' 1960 amendment of Sections 309 and 311 of the Communications Act of 1934. Finding that Congress, in enacting these provisions, was guarding "the right of the general public to be informed, not merely the rights of those who have special interests," the Commission adopted the public inspection file requirement to "make information to which the public already has a right more readily available, so that the public will be encouraged to play a more active part in dialogue with broadcast licensees." In return for their exclusive use of public spectrum, broadcasters must operate and program their stations in the "public interest, convenience and necessity." This means that all stations must be responsive and accountable to their local community of license. The manner in which broadcasters communicate with their communities is a core function of their role as licensees. Specific items in the public file, listed below, include items that provide station information to the public, like ownership reports, contour maps, citizens agreements, EEO reports and quarterly lists of programs that the stations believe addressed important issues in their community. Access to the public inspection file allows the public to monitor a station's public interest performance. The information provided in a station's public file enables citizens to engage in an informed dialog with their local stations or to file complaints or petitions to deny the renewal of a station's license. Comments, complaints, and petitions to deny filed by the viewing public have long been a part of the regulatory and the renewal process. As part of the Commission's license renewal process, the Commission does not routinely monitor every aspect of stations' compliance with Commission rules; rather, it depends on viewers and listeners to provide information about whether stations are meeting their public interest obligations.

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

73.3526(a) and 73.3527(a): 47 CFR Sections 73.3526(a) and 73.3527(a) require that licensees and permittees of commercial and noncommercial educational (NCE) broadcast stations maintain a public inspection file. The contents of the file vary according to type of service and status. A separate file shall be maintained for each station for which an application is pending or for which an authorization is outstanding. The public inspection file must be maintained so long as an authorization to operate the station is outstanding.

47 CFR Sections 73.3526(b) and 73.3527(b) require that the public inspection file be maintained at the main studio of the station. An applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license or at its proposed main studio. The 2012 *Second Report and Order* changed this subsection to require commercial and noncommercial television stations to maintain their public inspection file on an online public file to be hosted by the Commission, instead of being maintained at the main studio of the station, with the exception of letters and emails from the public, which were required to continue to be maintained at the station. The 2016 *Expanded Online File R&O* changed this subsection to require commercial and noncommercial radio stations to maintain their public inspection file in the Commission's online public file, with the exception of letters and emails from the public, which were required to continue to be maintained at the station. Commercial radio stations in the top 50 Nielsen Audio markets with 5 or more full-time employees were required to

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commence placing new public file material in the online public file on June 24, 2016. All other radio stations are permitted to continue to retain the public inspection file at the station until March 1, 2018, but may voluntarily transition to the online public file before that date. Stations must also provide a link to the online file from the home page of their own websites, if they have one, and provide contact information for a station representative on their websites who can assist persons with disabilities with issues related to the content of the public files. Stations are also required to include in the online public file the station's main studio address and telephone number and the email address of the station's designated contact for questions about the public file.

With respect to the station's political file, new material must be placed in the online file hosted by the Commission, but existing political inspection file material may continue to be retained at the station. Commercial radio stations in the top 50 Nielsen Audio with 5 or more full-time employees were required to commence placing new political file material in the online public file on June 24, 2016. All other radio stations may continue to retain the political file at the station until March 1, 2018. For these stations, beginning March 1, 2018, any new political file material must be placed in the online file hosted by the Commission, while other political file material may be retained at the station until the end of the retention period. Stations not required to place their political file on the Commission's website before March 1, 2018 may choose to do so instead of retaining the political file at the station.

47 CFR Sections 73.3526(c) and 73.3527(c) require the licensee/permittee to make the local public file available for public inspection at any time during regular business hours. All or part of this file may be maintained in a computer database as long as a computer terminal is made available to members of the public. Materials in the public file must be made available for review, printing or reproduction upon request.

Licensees that maintain their main studios and public file outside their communities of license⁵ are required to mail a copy of "The Public and Broadcasting"⁶ to anyone requesting a copy. Licensees shall be prepared to assist members of the public in identifying the documents they may want to be sent to them by mail.

47 CFR Sections 73.3526(d) and 73.3527(d) require an assignor to maintain the public inspection file until such time as the assignment is consummated. At that time, the assignee is required to maintain the file.

47 CFR Sections 73.3526(e) and 73.3527(e) specify the contents of the public inspection files. Separate rule sections not subject to this information collection require the creation and submission to the Commission of many of the items that must be retained in the public inspection file. As such, the burden

⁵ Every broadcast station is permitted or licensed to a designated community, the needs and interests of which the station primarily serves. The station is required to place a signal of a certain strength over the entirety of its community of license, and is required to provide programming to serve its community of license. *See, e.g.*, 47 U.S.C. § 307(b); 47 C.F.R. §§ 73.24(i), 73.315(a).

⁶ This manual provides a brief overview of the regulation of broadcast radio and television.

estimates for creation and submission of these documents are calculated in other information collections. The burden estimates included in this information collection pertain only to making these items publicly available. We have listed below some of the relevant information collections pertaining to the creation and submission of such documents. The documents to be retained in the public inspection files are as follows:

- (a) A copy of the current FCC authorization to construct or operate the station, as well as any other documents necessary to reflect any modifications thereto or any conditions that the FCC has placed on the authorization;
- (b) A copy of any application tendered for filing with the FCC, together with all related material, and copies of Initial Decision and Final Decisions in hearing cases. If petitions to deny are filed against the application, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition [Application for Construction Permit for Commercial Broadcast Station (OMB control number 3060-0027, FCC Form 301; Application for New Commercial or Noncommercial Educational Broadcast Station License (OMB control number 3060-0029, FCC Form 340); Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications (OMB control number 3060-0031)];
- (c) For commercial broadcast stations, a copy of every written citizen agreement;⁷
- (d) A copy of any service contour maps, submitted with any application, together with any other information in the application showing service contours and/or main studio and transmitter location;
- (e) A copy of the most recent, complete Ownership Report (FCC Form 323) filed with the FCC for the station, together with any statements filed with the FCC certifying that the current Report is accurate [Ownership Report for Broadcast Station (OMB control number 3060-0010, FCC Form 323); Ownership Report for Noncommercial Educational TV, FM or Standard Broadcast Station (OMB control number 3060-0084, FCC Form 323-E)];
- (f) A political file of records required by 47 CFR Section 73.1943 concerning broadcasts by candidates for public office [Section 73.1942, Candidates Rates, 76.206, Candidates Rates, Section 76.1611, Political Cable Rates and Classes of Time (OMB control number 3060-0501)];
- (g) An Equal Employment Opportunity File required by 47 CFR Section 73.2080 [Broadcast EEO Program Report, FCC Form 396 (OMB control number 3060-0113); Multi-Channel Video

⁷ A citizen agreement is an agreement between a licensee and one or more citizens that deal with goals or proposed practices that affect station operations in the public interest in areas such as - but not limited to - programming and employments.

Program Distributor EEO Program Annual Report, (OMB control number 3060-1033, FCC Form 396-C)].

(h) A copy of the most recent edition of the manual entitled "The Public and Broadcasting;"

(i) Material having a substantial bearing on a matter which is the subject of an FCC investigation or complaint to the FCC of which the applicant/permittee/licensee has been advised;

(j) For commercial radio and TV broadcast stations and non-exempt NCE broadcast stations, a list of programs that have provided the station's most significant treatment of community issues. This list is kept on a quarterly basis and contains a brief description of how each issue was treated;

(k) For commercial TV broadcast stations, records sufficient to permit substantiation of the station's certification, in its license renewal application, of compliance with the commercial limits on children's television programming. The records must be placed in the public file quarterly. The FCC Form 398, Children's Television Programming Reports, reflecting efforts made by the licensee during the preceding quarter, and efforts planned for the next quarter, to serve the educational and informational needs of children must be placed in the public file quarterly [Children's Television Programming Report (OMB control number 3060-0754, FCC Form 398)];

(l) For NCE stations, a list of donors supporting specific programs. The list is to be retained for two years from the date of the broadcast of the specific program supported, and will be reserved for sponsors/underwriters of specific programming;

(m) Each applicant for renewal of license shall place in the public file a statement certifying compliance with the pre-filing and post-filing local public notice announcements. These statements shall be placed in the public file within 7 days of the last day of broadcast [Section 73.3580, Local Public Notice of Filing of Broadcast Applications (OMB control number 3060-0031)];

(n) Commercial radio and TV licensees who provide programming to another licensee's station, pursuant to time brokerage agreements, are required to keep copies of those agreements in their public inspection files, with confidential information blocked out where appropriate;

(o) Commercial TV stations must make an election between retransmission consent and must-carry status once every three years. Television stations that fail to make an election will be deemed to have elected must-carry status. This statement must be placed in the station's public inspection file. This rule codifies Section 325(b)(3)(B) of the Communications Act of 1934, as amended [Section 73.1601, Deletion of Repositioning of Broadcast Signals; Section 76.1617, Initial Must-Carry Notice; and Sections 76.1697 and 76.1708, Principal Headend (OMB control number 3060-0649)];

(p) NCE television stations requesting mandatory carriage on any cable system pursuant to 47 CFR

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Section 76.56 shall place in its public file the request and relevant correspondence; and

(q) Commercial radio and TV licensees who have entered into joint sales agreements must place the agreements in the public inspection file, with confidential and propriety information blocked out where appropriate.

47 CFR Sections 73.1212(e), 73.1943 and 76.1701 require licensees of broadcast stations and every cable television system to keep and permit public inspection of a complete record (political file) of all requests for broadcast and cablecast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the system of such requests, and the charges made, if any, if the request is granted. The disposition includes the schedule of time purchased, when the spots actually aired, the rates charged, and the classes of time purchased. Also, when free time is provided for use by or on behalf of candidates, a record of the free time provided is to be placed in the political file as soon as possible and maintained for a period of two years. 47 CFR Sections 73.1212(e) and 76.1701 also require that, when an entity sponsors broadcast or cablecast material that concerns a political matter or a discussion of a controversial issue of public importance, a list must be maintained in the public file of the system that includes the sponsoring entity's chief executive officers, or members of its executive committee or of its board of directors. Section 73.1943(d) requires licensees and applicants to post all of the contents added to its political file after the effective date of this paragraph in the political file component of its online public file hosted by the Commission. A station must retain in its political file maintained at the station, at the location specified in §73.3526(b) or §73.3527(b), all material required to be included in the political file and added to the file prior to the effective date of this paragraph, unless the station elects voluntarily to place these materials in the Commission's online public file. The online political file must be updated in the same manner as paragraph (c) of this section. [Sections 73.1212, 76.1615 and 76.1715, Sponsorship Identification (OMB control number 3060-0174); Section 73.1942, Candidates Rates, 76.206, Candidates Rates, Section 76.1611, Political Cable Rates and Classes of Time (OMB control number 3060-0501)].

Satellite Radio Licensees - Satellite Radio (also referred to as "Satellite Digital Audio Radio Services" or "SDARS") licensees are required to comply with the Commission's EEO broadcast rules and policies, including public file obligations and periodic submissions to the Commission. See *Applications for Consent to the Transfer of Control of Licenses, XM Satellite Radio Holdings Inc., Transferor, to Sirius Satellite Radio Inc., Transferee*, 23 FCC Rcd 12348, 12426, ¶ 174, and note 551 (2008) ("*XM-Sirius Merger Order*"). See also *Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band*, 12 FCC Rcd 5754, 5791-92, ¶¶ 91-92 (1997) ("*SDARS Order*"), FCC 97-70.⁸

The personally identifiable information (PII) in this information collection is in part covered by the

⁸ SDARS licensees must also comply with the Commission's political broadcasting requirements, including the requirement to maintain a political file. The burdens associated with those requirements are reflected in OMB Control No. 3060-1207.

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system of records notice (SORN), FCC/MB-1, "Ownership of Commercial Broadcast Stations," 74 FR 59978 (2009). The Commission is currently drafting a Privacy Impact Assessment (PIA) for the records covered by this SORN.

The Commission has also prepared a second system of records notice, FCC/MB-2, "Broadcast Station Public Inspection Files," that will cover the PII contained in the broadcast station public inspection files to be located on the Commission's website. The Commission is also drafting a PIA for the records covered by this SORN.

Statutory authority for this collection of information is contained in Sections 151, 152, 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended.

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The public and FCC use the information in the public file to evaluate information about the broadcast licensee's performance, to ensure that broadcast stations are addressing issues concerning the community which it is licensed to serve and to ensure that stations entering into time brokerage agreements comply with Commission policies pertaining to licensee control and to the Communications Act and the antitrust laws.⁹ Placing joint sales agreements in the public inspection file facilitates monitoring by the public, competitors and regulatory agencies.

Television broadcasters are required to send each cable operator in the station's market a copy of the election statement applicable to that particular cable operator. Placing these retransmission consent/must-carry elections in the public file provide public access to documentation of station's elections which are used by cable operators in negotiations with television stations and by the public to ascertain why some stations are/are not carried by the cable systems.

Maintenance of political files by broadcast stations and by cable television systems enables the public to assess money expended and time allotted to a political candidate and to ensure that equal access was afforded to other legally qualified candidates for public office.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information

⁹ *In the Matter of Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests*, Report and Order, 14 FCC Rcd 12559, 12601 (1999); [Revision of Radio Rules and Policies, Report and Order, 7 FCC Rcd 2755, 2789 \(1992\)](#), [recon., Memorandum Opinion and Further Notice of Proposed Rule Making, 7 FCC Rcd 6387 \(1994\)](#), [further recon., Second Memorandum Opinion and Order, 9 FCC Rcd 7183 \(1994\)](#).

technology, *e.g.*, permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

This collection involves automated electronic collection techniques. These items require radio and television licensees, cable operators, and SDARS licensees to post their public files to the Commission's website, making the public files available over the Internet.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

No other agency imposes a similar information collection on the respondents. There are no similar data available.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This information collection does not impose any significant economic impact on a substantial number of small businesses/entities. However, any entity can request a waiver of the Commission's rules, under 47 C.F.R. § 1.3, which allows the Commission to waive rules where good cause has been shown.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the information contained in the public file were not retained on a regular basis, the Commission and the public would not have timely information to evaluate a broadcaster's public service record. For example, the retransmission consent/must-carry election statements placed in the public file provide information not available elsewhere. As to the political files, if the required documentation was not retained, the public and competing legally qualified candidates running for public office would not have access to records to verify that equal rates and access were made available to all candidates.

7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

With the exception of the political file, there are no special circumstances that require respondents to report information more than quarterly. The Communications Act and the Commission's rules require

that broadcasters and cable operators place information into the political file “as soon as possible.”¹⁰ The Commission has long interpreted “as soon as possible” to mean “immediately absent unusual circumstances.”¹¹ TV and radio stations and cable operators upload records to their online political file “immediately absent unusual circumstances.”¹² Whether maintained at the station or online, the contents of the political file are time-sensitive.¹³ A candidate has only seven days from the date of his or her opponent’s appearance to request equal opportunities for an appearance.¹⁴

There are no special circumstances that require a written response in fewer than 30 days of receipt, or submit more than an original and two copies of any document.

With respect to proprietary trade secrets and confidential information, the Commission has instituted procedures to protect the confidentiality of any such information to the extent permitted by law. For example, licensees are explicitly authorized to redact information from contracts for the joint sale of advertising time that is confidential or proprietary in nature. *See* 73.3526(e)(16).

While the Commission has instituted procedures to protect confidential information, much of the public file is not confidential. A copy of the current FCC authorization to construct or operate the station must be retained in the public file until replaced by a new authorization. Applications tendered for filing shall be retained until final action has been taken on the application, except that applications for a new construction permit granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. A copy of contour maps shall be retained for as long as they reflect current, accurate information regarding the station. License renewal applications granted on a short-term basis shall be retained until final action has been taken on the license renewal application filed immediately following the shortened license term. Citizen agreements shall be retained for the term of the agreement. Ownership Reports and related materials shall be retained until a new, complete Ownership Report is filed with the FCC. The licensee need not retain a copy of the contracts listed in the Ownership Report so long as the licensee maintains an up-to-date list of such contracts in the file and provides copies of any contracts to requesting parties within 7 days. Political files required by Sections 73.1943 and 76.1701 shall be retained for a period of 2 years. A copy of the 1998 edition of the manual entitled “The Public and Broadcasting” must be retained at all times. Material relating to an FCC investigation or complaint must be retained until notified in writing that the material may be discarded. Donor lists must be retained for two years. The certifications of compliance with the pre-filing and post-filing local public notice announcements of the filing of applications for renewal of license shall be retained for as long as the application to which it refers. Time

¹⁰ 47 U.S.C. § 315(e)(3); 47 C.F.R. §§ 73.1943(c), 76.1701(c).

¹¹ Section 73.1943(c) of the Commission’s rules provides that “[a]ll records required by this paragraph shall be placed in the political file as soon as possible As soon as possible means immediately absent unusual circumstances.” 47 C.F.R. § 73.1943(c). *See also* 47 C.F.R. § 76.17019c).

¹² *Second Report and Order* at ¶ 55 and *R&O* at ¶ 27.

¹³ *See* 47 C.F.R. § 73.1943(c).

¹⁴ *See* 47 C.F.R. § 73.1941(c).

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brokerage agreements¹⁵ and joint sales agreements¹⁶ must be retained as long as the contract or agreement is in force.

Issues/program lists and records concerning commercial limits and Children's Television Programming Reports must be retained until final action has been taken on the station's next license renewal application. Television station's must-carry/retransmission election statements shall be retained for the duration of the three-year election period to which the statement applies.

These retention periods are necessary to provide the public and the FCC timely information to evaluate the station's performance during its entire license term or over the life of a contract.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.

The Commission published a notice in the *Federal Register* seeking public comment on the information collections contained in this supporting statement, *see* 81 FR 40617, published June 22, 2016. No comments were received from the public on the information collection requirements.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift was provided to the respondent.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

Most of the documents comprising the public file consist of materials that are not of a confidential nature. See Response to Question 7 describing those materials. With respect to any such documents that may contain proprietary trade secrets and confidential information, the Commission has instituted procedures to protect the confidentiality of any such information to the extent permitted by law. For example, licensees are explicitly authorized to redact information from contracts for the joint sale of advertising time that is confidential or proprietary in nature, and the proposal to require other shared services agreements also allows for the redaction of information that is confidential or proprietary in nature.

¹⁵ "Time brokerage," also known as "local marketing," is the sale by a broadcast licensee of discrete blocks of time to a "broker" that supplies the station with programming to fill that time and sells the commercial spot announcements in that block. Confidential information in these agreements may be redacted. *See also* 47 CFR § 73.3613(d)(1).

¹⁶ A Joint Sales Agreement is an agreement authorizing a broker to sell advertising time for the brokered station in return for a fee paid to the licensee. *See also* 47 CFR § 73.3613(d)(2).

Respondents complying with the information collection requirements may request that the information they submit be withheld from disclosure. If confidentiality is requested, such requests will be processed in accordance with the Commission’s rules, 47 CFR § 0.459.

Should respondents submit any PII as part of the information collection requirements, the FCC has an existing system of records, FCC/MB-1, “Ownership of Commercial Broadcast Stations,” that may partially cover this PII, as noted in Questions 1 and 11. In addition, the Commission has prepared a second system of records notice, FCC/MB-2, “Broadcast Station Public Inspection Files,” that will cover the PII contained in the broadcast station public inspection files to be located on the Commission’s website. The Commission is also drafting a PIA for the records covered by this SORN.

11. Provide additional justification for any questions of a sensitive nature.

This information collection does not address any private matters of a sensitive nature. Any PII that is submitted as part of the information collection requirements may be covered in part by the system of records notice, FCC/MB-1, as noted in Questions 1 and 10. In addition, the Commission will redact any other personal information before it becomes available for public inspection, at the request of the submitter. The Commission has also prepared a second system of records notice, FCC/MB-2, “Broadcast Station Public Inspection Files,” that will cover the PII contained in the broadcast station public inspection files to be located on the Commission’s website. The Commission is also drafting a PIA for the records covered by this SORN.

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

The public burden is estimated as follows:

Respondents	Number of Responses	Respondent’s Hourly Burden	Total Annual Burden	Hourly In-House Cost	Annual In-House Cost
<i>Local Public Inspection Files:</i>					
<i>(1) General Maintenance</i>					
Commercial Radio Stations	11,395	44 hours	501,380 hrs.	\$15.54/hr.	\$7,791,445
Noncommercial Educational Radio Stations	4,096	40 hours	163,840 hrs.	\$15.54/hr.	\$2,546,074

Respondents	Number of Responses	Respondent's Hourly Burden	Total Annual Burden	Hourly In-House Cost	Annual In-House Cost
Commercial TV Stations	1,387	49 hours	67,963 hrs.	\$15.54/hr.	\$1,056,145
Noncommercial Educational TV Stations	395	45 hours	17,775 hrs.	\$15.54/hr.	\$276,224
Class A Television Stations	409	49 hours	20,041 hrs.	\$15.54/hr.	\$311,437
SDARS Licensees¹⁷	1	1 hour	1 hour	\$15.54/hr.	\$15.54
<i>(2) Community Issue List</i>					
Commercial Radio Stations	11,395	52 hours	592,540 hrs.	\$26.00/hr.	\$15,406,040
Noncommercial Educational Radio Stations	4,096	52 hours	212,992 hrs.	\$26.00/hr.	\$5,537,792
Commercial TV Stations	1,387	52 hours	72,124 hrs.	\$26.00/hr.	\$1,875,224
Noncommercial Educational TV Stations	395	52 hours	20,540 hrs.	\$26.00/hr.	\$534,040
Class A Television Stations	409	52 hours	21,268 hrs.	\$26.00/hr.	\$552,968
<i>(3) Commercial Limits</i>					
Commercial TV Stations	1,387	26 hours	36,062 hrs.	\$26.00/hr.	\$937,612
Class A Television Stations	409	26 hours	10,634 hrs.	\$26.00/hr.	\$276,484

¹⁷ This respondent makes up the majority of its universe of respondents. Therefore, OMB approval is needed for this collection.

Respondents	Number of Responses	Respondent's Hourly Burden	Total Annual Burden	Hourly In-House Cost	Annual In-House Cost
<i>(4) Must Carry/Retransmission Consent</i>					
Noncommercial Educational TV stations	395	50 hours	19,750 hrs.	\$26.00/hr.	\$513,500
Commercial TV Stations	1,387	50 hours	69,350 hrs.	\$26.00/hr.	\$1,803,100
Class A Television Stations	409	50 hours	20,450 hrs.	\$26.00/hr.	\$531,700
<i>Political Files:¹⁸</i>					
Commercial Broadcast Stations	13,191	15 hours	197,865 hrs.	\$26/hour	\$5,144,490
Noncommercial Broadcast Stations	4,491	1 hour	4,491 hrs.	\$26/hour	\$116,766
Low Power TV	1,917	1 hour	1,917 hrs.	\$26/hour	\$49,842
Cable Systems	4,413	5 hours	22,065 hrs.	\$18/hour	\$397,170
TOTALS:	63,364		2,073,048 hours		\$45,658,068.54

Total Number of Annual Respondents: 41,695 Licensees/Permittees/Cable Operators/SDARS

Total Number of Annual Responses: 63,364 (responses)

¹⁸ These figures represent a combined annual hourly burden average among all stations in the listed categories. We note that annual burden hours at individual stations will vary widely as the amount of candidate time purchased at the station--information for which must be placed in the political file--will vary based upon how attractive a station's/system's demographics/format are to political buyers and where a particular year falls in the four-year presidential election cycle. This cycle includes: the presidential election year--presidential primaries and general elections for president, 435 seats in the House of Representatives and one third of the U.S. Senate seats; the so-called "mid-term" election year--primaries and general elections for all seats in the House of Representatives and one third of the U.S. Senate seats; and two years with elections which deal almost entirely with state and local elections, with perhaps an occasional special federal election. We note that every year in the cycle would have some state and local elections.

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Total Annual Burden Hours: 2,073,048 Hours

Total Annual “In-house” Cost: \$45,658,069 (rounded)

13. Provide estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).

- (a) Total annualized capital/startup costs: 15,491 respondents¹⁹ x \$236.74²⁰= \$3,667,339.34 (rounded to \$3,667,339)
- (b) Total annual costs (O&M): None
- (c) **Total annualized cost requested: \$3,667,339 (rounded)**

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expenses that would not have been incurred without this collection of information.

The Commission estimates that the annual costs attributable to radio will be approximately \$200,000 for IT operations and overhead.²¹

15. Explain the reasons for any program changes or adjustments reported for this information collection.

The Commission has the following program changes to this collection as a result of the information collection requirements adopted in FCC 17-3: +16,733 to the number of respondents, -1,010 to the number of annual responses, -20,101 to the annual burden hours and +\$13,967 in the annual costs.

¹⁹ This number of respondents was calculated as follows: 11,395 commercial radio stations + 4,096 noncommercial educational radio stations = 15,491 respondents.

²⁰ As part of the cost benefit analysis, the Commission reviewed all of the television public files for the Baltimore DMA. This review indicated that stations, on average, may need to spend \$394.56 in one-time capital costs in order to out-source the scanning of the existing public files. While stations may choose to scan and upload these files in-house at lower costs, for purposes of this information collection, we are assuming that stations will choose to out-source this work. We are assuming that the capital costs for radio stations to comply with online file requirements will be less than the costs for TV stations because radio public files are smaller than TV public files. We estimate that radio public files are 60% as large as TV public files and that the cost to radio stations therefore will be only 60% of the costs to TV stations.

²¹ We estimate that the total annual cost to maintain the online files will be \$250,000. We estimate that 80% of these costs are attributable to radio, or \$200,000 annual.

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16. For collections of information whose results will be published, outline plans for tabulation and publication.

The data will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection (IC), explain the reasons that display would be inappropriate.

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

18. Explain any 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.