

**Title: Application for Renewal of Broadcast Station License, FCC Form 303-S; Section 73.3555(d), Daily Newspaper Cross-Ownership****SUPPORTING STATEMENT****A. Justification:****Revisions to the Information Collection Requirements Which Require Review and Approval from the Office of Management and Budget (OMB):**

1. FCC Form 303-S is used in applying for renewal of license for commercial or noncommercial AM, FM, TV, FM translator, TV translator, Class A TV, or Low Power TV, and Low Power FM broadcast station licenses. Licensees of broadcast stations must apply for renewal of their licenses every eight years. 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 Rule and Cable Principal Headend Location*, adopted and released on January 31, 2017. The R&O eliminated the requirement that commercial TV stations retain in their public inspection file copies of letters and emails from the public. As the Commission noted in the R&O, because commercial TV licensees will no longer be required to maintain correspondence under our rules, under the terms of 47 USC Section 308(d) they also will not be required to file a summary of correspondence received regarding violent programming with their renewal application (FCC Form 303-S). Consistent with this decision, we are revising Form 303-S to remove the references in the form to this requirement.

We are making the following specific changes to FCC Form 303-S:

On page 5 of the form, we are removing item 4 (Violent Programming).

On page 25 of the instructions, we are removing the paragraph titled "Item 4: Violent Programming."

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

This collection also includes the third party disclosure requirement of 47 CFR 73.3580. This rule requires local public notice of the filing of the renewal application. For AM, FM, Class A TV and TV stations, these announcements are made on-the-air. For FM/TV Translators and AM/FM/TV stations that are silent, the local public notice is accomplished through publication in a newspaper of general circulation in the community or area being served.<sup>1</sup>

47 CFR 73.3555 is also included in this information collection. Section 73.3555 states that in order to overcome the negative presumption set forth in 47 CFR 73.3555(d)(4) with respect to the combination of a major newspaper and television station, the applicant must show<sup>2</sup> by clear and convincing evidence that the co-owned major newspaper and station will increase the diversity of independent news outlets and increase competition among independent news sources in the market, and the factors set forth in 47 CFR 73.3555(d)(5) will inform this decision. (OMB approval was previously received for the information collection

<sup>1</sup> See OMB control number 3060-0214 for the burden associated with the recordkeeping requirement for the newspaper and broadcast notices pursuant to Section 73.3527.

<sup>2</sup> These showings are done via waiver showings/filings with the Commission.

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requirements contained in this rule section (waiver showings/filings)).

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, 307 and 308 of the Communications Act of 1934, as amended, and Section 204 of the Telecommunications Act of 1996.

**2. Agency Use of Information:** FCC staff use the information to assure that the necessary reports connected with the renewal application have been filed and that the licensee continues to meet basic statutory requirements to remain a licensee of a broadcast station. The local public notice informs the public that the station has filed for license renewal.

**3. Consideration Given to Information Technology:** The Commission requires applicants to file FCC Form 303-S electronically.

**4. Effort to Identify Duplication and Similar Information:** There are no similar information collections on 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. Therefore, this information collection will 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 will ultimately be determined by the expiration of the station license.

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

**8. Consultations with Persons outside the FCC:** Opportunity for public comment on this information collection requirement has been published in the *Federal Register* on April 17, 2017 (824 FR 18147). No comments under the Paperwork Reduction Act (PRA) were received from the public.

**9. Payment or Gift:** No payment or gift will be provided to respondents.

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

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

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**12. Estimate of Annual Burden and Annual Burden Hour Cost:** The following estimates are provided for the public burden<sup>3</sup> and based on the following data:

| <u>Service(s)</u>                   | <u>Number of Applications/Respondents</u> |
|-------------------------------------|---|
| Commercial AM/FM                    | 1,170                                     |
| Noncommercial FM                    | 403                                       |
| FM translators /LPFM                | 487                                       |
| AM/FM stations off-the-air          | 595                                       |
| Commercial TV                       | 173                                       |
| Noncommercial TV                    | 49  |
| Class A TV                          | 52  |
| LPTV/TV translators                 | 719                                       |
| TV stations off-the-air             | 375                                       |
| <b>TOTAL RESPONSES/RESPONDENTS:</b> | <b>4,023</b>                              |

\*We estimate that 50% of **radio broadcast licensees** will use a communications attorney to complete the legal portion and file the FCC Form 303-S. To coordinate with these attorneys, we expect **commercial AM/FM applicants** will require 1.5 hours and **non-commercial FM applicants** will require 1.33 hours.

585 applications x 1.5 hour = 878 hours (rounded)  
 202 applications x 1.33 hour = 269 hours (rounded)  
 244 applications x 1.5 hour = 366 hours  
 298 applications x 1.5 hour = 447 hours

\*The remaining 50% of **radio broadcast licensees** will complete the general and legal portions and file the FCC Form 303-S themselves.

585 applications x 3.5 hours = 2,048 hours (rounded)  
 201 applications x 3.33 hours = 669 hours (rounded)  
 243 applications x 3.5 hours = 851 hours (rounded)  
 297 applications x 4.5 hours = 1,337 hours (rounded)

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<sup>3</sup> Broadcast licenses are typically granted for eight (8) year periods. The annual number of respondents/applications is calculated by the total number of licensed stations/applications divided by eight (8).

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\*We estimate that 75% of all **TV broadcast licensees** will use a communications attorney to complete the legal portion and file the FCC Form 303-S. We expect **commercial TV licensees** will require 1.95 hours, **noncommercial TV licensees** will require 1.83 hours, **TV translator licensees** will require 1.25 hours and the remaining TV broadcast licensees will take 2 hours to coordinate information with outside counsel.

|                               |                       |
|-------------------------------|-----------------------|
| 130 applications x 1.95 hours | = 254 hours (rounded) |
| 37 applications x 1.83 hours  | = 68 hours (rounded)  |
| 39 applications x 1.2 hour    | = 47 hours (rounded)  |
| 539 applications x 1.25 hour  | = 674 hours (rounded) |
| 281 applications x 2 hours    | = 562 hours           |

\*The remaining 25% of TV broadcast licensees will complete the general and legal portions and file the FCC 303-S themselves.

|                               |                       |
|-------------------------------|-----------------------|
| 43 applications x 11.95 hours | = 514 hours (rounded) |
| 12 applications x 4.83 hours  | = 58 hours (rounded)  |
| 13 applications x 3.2 hours   | = 42 hours (rounded)  |
| 180 applications x 3.25 hours | = 585 hours           |
| 94 applications x 12 hours    | = 1,128 hours         |

**TOTAL ANNUAL BURDEN HOURS = 10,797 HOURS<sup>4</sup>**

**Annual “In-House Cost”** - We estimate that respondents would have an average salary of \$100,000/year (\$48.08/hour):

\*We estimate that 50% of radio broadcast licensees will use a communications attorney to complete the legal portion and file the FCC Form 303-S. To coordinate with these attorneys, we expect **commercial AM/FM applicants** will require 1.5 hours and **non-commercial FM applicants** will require 1.33 hours.

|  |            |
|--|------------|
| 585 applications x 1.5 hour x \$48.08  | = \$42,190 |
| 202 applications x 1.33 hour x \$48.08 | = \$12,917 |
| 244 applications x 1.5 hour x \$48.08  | = \$17,597 |
| 298 applications x 1.5 hour x \$48.08  | = \$21,492 |

<sup>4</sup> The burden for the respondent to attach waiver showings/filings to the form/application pursuant to 47 CFR 73.3555(d) is accounted for in the burden estimate.

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\*The remaining 50% of radio broadcast licensees will complete the general and legal portions and file the FCC Form 303-S themselves.

585 applications x 3.5 hour x \$48.08 = \$98,444  
 201 applications x 3.33 hour x \$48.08 = \$32,181  
 243 applications x 3.5 hour x \$48.08 = \$40,892  
 297 applications x 4.5 hour x \$48.08 = \$64,259

\*We estimate that 75% of all **TV broadcast licensees** will require a communications attorney to complete the legal portion and file the FCC Form 303-S. To coordinate with these attorneys, we expect **commercial TV licensees** will require 1.95 hours, **noncommercial TV licensees** will require 1.83 hours, **TV translator licensees** will require 1.25 hours and the remaining TV broadcast licensees will take 2 hours to coordinate information with outside counsel.

130 applications x 1.95 hours x \$48.08 = \$12,188  
 37 applications x 1.83 hours x \$48.08 = \$3,255  
 39 applications x 1.2 hour x \$48.08 = \$2,250  
 539 applications x 1.25 hour x \$48.08 = \$32,394  
 281 applications x 2 hours x \$48.08 = \$27,021

\*The remaining 25% of TV broadcast licensees will complete the general and legal portions and file the FCC 303-S themselves.

43 applications x 11.95 hours x \$48.08 = \$24,706  
 12 applications x 4.83 hours x \$48.08 = \$2,787  
 13 applications x 3.2 hour x \$48.08 = \$2,000  
 180 applications x 3.25 hour x \$48.08 = \$28,127  
 94 applications x 12 hours x \$48.08 = \$54,232

**TOTAL ANNUAL "IN-HOUSE COST" = \$518,932**

**13. Annual Cost Burden:** We expect 50% of 2,655 (rounded) radio broadcast licensees and 75% of 1,368 TV broadcast licensees will require a communications attorney to complete the legal portion of the FCC 303-S at an estimated of \$300/hour.

**Radio broadcast licensees**

585 applications x 2.75 hours x \$300 = \$482,625  
 202 applications x 2.58 hours x \$300 = \$156,348  
 244 applications x 2.75 hours x \$300 = \$201,300  
 298 applications x 3.75 hours x \$300 = \$335,250

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**TV broadcast licensees**

130 applications x 10.45 hours x \$300 = \$407,550  
 37 applications x 3.33 hours x \$300 = \$ 36,963  
 39 applications x 2.45 hours x \$300 = \$ 28,665  
 539 applications x 2.5 hours x \$300 = \$404,250  
 281 applications x 10.5 hours x \$300 = \$ 885,150

**Total: \$2,938,101**

**Fees:** A licensee must submit a \$170 fee per application for each commercial application by a AM/FM/TV broadcast station and a \$60 fee per application for each FM/TV Translator and LPTV broadcast station.

1,343 Commercial AM/FM/TV x \$170 = \$ 228,310  
 1,206 Low Power/Translators x \$60 = \$ 72,360  
**Total : \$300,670**

**Public Notice costs:** An AM, FM, TV, Class A TV or LPTV licensee must give local public notice, over-the-air announcement, of the renewal application filing (47 CFR 73.3580). There is no direct cost to the licensee for this announcement. AM/FM/TV stations (off-the-air) must give local public notice by publishing an announcement six (6) times in a newspaper of general circulation in the community or area served. FM/TV Translator stations must give local public notice by publishing an announcement once in a newspaper of general circulation in the community or area served. We estimate this cost at \$250.00/publication.

1,022 AM/FM/TV/Class A TV stations off-the-air x 6 publications x \$250/publication = \$1,533,000  
 1,206 FM/TV Translators x 1 publication x \$250/publication = \$ 301,500  
**Total : \$1,834,500**

**TOTAL ANNUAL COST BURDEN TO RESPONDENTS: = \$5,073,271**

**14. Cost to the Federal Government.** The Commission will use professional staff at the GS-13/Step 5 level (\$51.48/hour), paraprofessional staff at the GS-11/Step 5 level (\$36.12/hour), and clerical staff at the GS-5 level/Step 5 level (\$19.70/hour) to process the FCC 303-S.

**Commercial TV Applications (estimated): 173**

**Average processing time: 2.5 hours**

Clerical 1.0 hours x \$19.70/hour x 173 = \$ 3,408  
 Paraprofessional 1.5 hours x \$51.48/hour x 173 = \$ 13,359  
**= \$ 16,767**

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**Noncommercial TV Applications (estimated): 49**

**Average processing time: 1.5 hours**

|                  |           |   |                   |                   |
|------------------|-----------|---|-------------------|-------------------|
| Clerical         | 1.0 hours | x | \$19.70/hour x 49 | = \$ 965          |
| Paraprofessional | 0.5 hours | x | \$51.48/hour x 49 | = <u>\$ 1,261</u> |
|                  |           |   |                   | = <b>\$ 2,226</b> |

**LPTV/TV Translator Applications (estimated): 719**

**Average processing time: 1.0 hours**

|                   |           |   |                    |                   |
|-------------------|-----------|---|--------------------|-------------------|
| Clerical          | .75 hours | x | \$19.70/hour x 719 | = \$10,623        |
| Paraprofessionals | .25 hours | x | \$36.12/hour x 719 | = <u>\$ 6,493</u> |
|                   |           |   |                    | = <b>\$17,116</b> |

**All Other Applications (estimated): 3,082**

**Average processing time: 1.55 hours**

|                  |            |   |                      |                    |
|------------------|------------|---|----------------------|--------------------|
| Clerical         | 1.25 hours | x | \$19.70/hour x 3,082 | = \$75,919         |
| Paraprofessional | 0.15 hours | x | \$36.12/hour x 3,082 | = \$16,698         |
| Professional     | 0.15 hours | x | \$51.48/hour x 3,082 | = <u>\$23,799</u>  |
|                  |            |   |                      | = <b>\$116,416</b> |

**Total Cost to the Federal Government: = \$135,758**

**15. Reason for Changes in Burden or Cost:** The Commission has the following adjustments to this information collection which are due to the Commission reevaluating the figures for this collection: +202 to the number of respondents, +202 to the annual number of responses, +394 to the annual burden hours and +\$1,186,913 to the annual cost. There are program changes to this collection which are due the information collection requirements eliminated in FCC 17-3, however, the program changes are offset by the adjustments to this collection.

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

**17. Display of OMB Approval Date:** We are seeking continued approval to not display the expiration date on FCC Form 303-S. OMB approval of the expiration date of the information collection will be displayed at 47 CFR 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.