

## SUPPORTING STATEMENT

### A. Justification:

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The information collection requirement covered by this Supporting Statement imposes a notification requirement on small cable operators that become ineligible for the exemption from the “material degradation” provisions of the Communications Act of 1934, as amended, which require cable operators, among other things, to carry high definition broadcast signals in HD.<sup>1</sup> In particular, the information collection requires that, beginning December 12, 2016, at the time a small cable system utilizing the HD carriage exemption offers any programming in HD, the system must give notice that it is offering HD programming to all broadcast stations in its market that are carried on its system. Cable operators must also keep records of such notification. This information collection requirement allows affected broadcast stations to monitor compliance with the requirement that cable operators transmit high definition broadcast signals in HD.

The Commission is requesting a three-year extension of this information collection from the Office of Management and Budget.

The Commission adopted the information collection requirement pursuant to its authority in Sections 4, 303, 614 and 615 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154, 303, 534 and 535.

There are no impacts under the Privacy Impact Act.

**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 information required to be disclosed will be used principally by broadcast stations to ensure that cable operators are complying with the “material degradation” provisions of Sections 614 and 615 of the Act by transmitting HD broadcast signals to their viewers in HD.

**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 technology, e.g., permitting electronic submission of responses, and**

<sup>1</sup> See Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, FCC 15-65 (released June 10, 2015).

**the basis for the decision of adopting this means of collection. Also describe any consideration of using information technology to reduce the burden.**

The information collection encompasses third party disclosure and recordkeeping requirements. The order adopting the information collection requirement does not mandate a specific form of notification; thus, compliance with the requirement could involve the use of electronic means.

**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 similar information collection requirements currently are imposed on the respondents.

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

The burdens associated with the information collection requirement are imposed on small cable operators that become ineligible for the HD carriage exemption as a result of their provision of HD programming after December 12, 2016. The information collection requirement was proposed, in part, by the American Cable Association and thus reflects the interests of affected small cable operators.

**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 collection is not conducted or is conducted less frequently, broadcast stations likely would not be able to monitor compliance with the HD carriage requirement as effectively as they could with the information collection.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5 (e.g. payment to respondents, disclosure of proprietary information, etc.):**

There are no special circumstances that would cause this information collection to be conducted in a manner inconsistent with the guidelines set forth in 5 CFR 1320.5.

**8. (a) 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 collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**(b) Describe efforts to consult with persons outside the agency to obtain their views on**

**the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**(c) Consultation with representatives of those from whom information is to be obtained, or those who must compile records, should occur at least once every three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained.**

The Commission published a notice in the Federal Register (83 FR 58564) on November 20, 2018 seeking comments from the public on the information collection requirement contained in this collection. No comments were received from the public.

**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 that is associated with this collection of information.

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

The information collection requirement relates to information that is not of a confidential nature.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

This information collection does not raise any questions or issues of a sensitive nature.

**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. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents if desirable. 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. Generally, estimates should not include burden hours for customary and usual business practices.**

**Provide estimates of annualized costs to respondents for the hour burdens for collection of information, identifying and using appropriate wage rate categories. The cost of**

**contracting out or paying out-side parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

We estimate that, of the approximately 34 cable systems subject to the information collection requirement, only 11 of them will be affected annually. We estimate further that beginning December 12, 2016, affected cable systems will provide approximately 11 notices annually (total) to in-market broadcast stations, and that the annual hour burden per respondent is 15 minutes (0.25 hours) per response and record kept.

**Total Number of Respondents: 11.**

**Total Number of Annual Responses: 11 notices and records kept.**

**Total Number of Burden Hours: 11 notices x 0.25 hours/notice = 3 hours (rounded).**

**Total Annual "In-House Cost":** We assume that each respondent will prepare, provide and keep record of the notification in-house, and that these tasks will be handled by an employee with an average salary of \$100,000/year (\$48.08/hour). Therefore, the in-house cost is as follows:

11 notices x 0.25 hours/notice x \$48.08 = **\$132.22**

**13. Provide an estimate of 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).**

**The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

We assume that respondents will use only in-house staff to comply with the information collection requirement; thus, we estimate that there will be no costs resulting from the information collection other than those specified in response to question 12 above (in-house cost).

**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), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Because the information collection requirement does not require affected cable operators to make filings with the FCC, we estimate that the annual cost to the Federal government resulting from this requirement is \$0.

**15. Explain reasons for any program changes or adjustments to this collection.**

There are no program changes or adjustments with this information collection.

**16. For collection of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The Commission does not intend to publish the results of this collection of information.

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

The Commission is not seeking approval not to display the expiration date for OMB approval of this collection of information.

**18. Explain each exception to the certification statement.**

There are no exceptions to the certification statement.

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

The Commission does not anticipate that the information collection will employ any statistical methods.