

## SUPPORTING STATEMENT

## A. Justification:

**Non-Substantive Changes to the Information Collection Requirements Which Require Review and Approval from the Office of Management and Budget (OMB):**

1. Current FCC Form 303-S<sup>1</sup> 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 submitting this non-substantive change request to the Office of Management and Budget (OMB) for approval of minor non-substantive changes made to (current) FCC Form 303-S, Application for Renewal of Broadcast Station License (FCC Form 303-S). FCC Form 303-S is used to apply for renewal of license of a commercial or noncommercial educational AM, FM, TV, Class A TV, FM translator, TV translator, Low Power TV or Low Power FM broadcast station in the current Media Bureau database system, the “Consolidated Database System” (CDBS). The Media Bureau is transitioning to a new on-line (electronic) licensing database system called the “Licensing Management System” (LMS) in which all Media Bureau broadcast applications and reporting forms will eventually be filed. In effect, the database transition requires a corresponding design conversion of all existing CDBS forms. The Media Bureau is currently developing electronic, LMS-compatible versions of various broadcast station application and reporting forms, such as this Form 2100, Schedule 303-S – Renewal of Broadcast Station License (LMS Renewal Application) as part of the database transition.

In general, the new LMS Renewal Application will replicate the FCC Form 303-S. The form sections and substance of the individual questions essentially remain the same. As with the (current) FCC Form 303-S, the LMS Renewal Application requires applicants to certify compliance with statutory and regulatory requirements. The application is presented primarily in a “Yes/No” certification format and contains places for submitting explanatory exhibits where appropriate. In one instance, as outlined below as Change #2, the Online Public Inspection File questions in the LMS Renewal Application have been updated from the corresponding Local Public File questions in the (current) FCC Form 303-S. This update reflects the recent rule changes, which now require that all public information for broadcast stations be posted online at a central site hosted by the FCC. OMB has already approved the Commission’s transition from a “Local Public File” requirement to the “Online Public Inspection File” requirement.

In the initial phase of the LMS roll-out, the LMS Renewal Application is replacing FCC Form 303-S only for the filing of renewal of Radio broadcast station license applications in LMS (e.g., AM, FM, FM translator, Low Power FM). The Commission will subsequently roll-out the use of the LMS Renewal Application for TV broadcast stations at a later date.<sup>2</sup>

The respondents, burden hours and costs of this Information Collection are not impacted by the minor non-substantive changes to the FCC Form 303-S, which will now be a part of the LMS Renewal Application. The minor non-substantive changes are highlighted below:

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<sup>1</sup> Pursuant to this non-substantive change, CDBS – based FCC Form 303-S will be renamed “Form 2100, Schedule 303-S – Renewal of Broadcast Station License” and eventually encompassed within the new on-line (electronic) licensing database system called the Licensing Modernization System. Accordingly, the title of this Information Collection is also being changed.

<sup>2</sup> Until the Commission’s subsequent roll-out of the new LMS Renewal Application, FCC Form 303-S will continue to be used by TV broadcast stations in the CDBS system.

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Change #1 – To accommodate the Media Bureau’s database transition from CDBS to LMS, FCC Form 303-S will be replaced by a LMS-compatible LMS Renewal Application. The certification-based questions and explanatory exhibit format remain the same. The substance, respondents, burden hours, and costs of Information Collection OMB Control No. 3060-0110 are not impacted.

Change #2 – FCC Form 303-S, Sections III and IV, Question 3, “Local Public File,” will be renamed as “Online Public Inspection File” question in the new LMS Renewal Application.

This simply tracks the Commission’s recent adoption of a series of Orders<sup>3</sup> requiring broadcast licensees to post their public inspection files to an FCC-hosted online database.<sup>4</sup>

**This non-substantive change request to FCC Form 303-S, which will now be contained in the LMS Renewal Application and the new online LMS licensing database system, requires OMB review and approval. There are no new burdens or costs associated with this non-substantive change.**

**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 a renewal application. For AM, FM, Class A TV and TV stations, these announcements are broadcast on-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.

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 the LMS Renewal Application electronically.

**4. Effort to Identify Duplication and Similar Information:** There are no similar information collections

<sup>3</sup> In 2012, the Commission adopted online public inspection file rules for television broadcasters that required them to post public file documents to a central, FCC-hosted online database rather than maintaining files locally at their main studios. *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, FCC 12-44, 27 FCC Rcd 4535 (2012). In January 2016, the Commission adopted an expanded online public file order, *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, Report and Order, FCC 16-4, 31 FCC Rcd 526 (2016), in which it added cable operators, DBS providers, broadcast radio licensees, and satellite radio licensees to the list of entities required to post their public inspection files to the FCC-hosted online database.

<sup>4</sup> The rules adopted in the Commission’s online public file orders were previously approved by OMB under Information Collection OMB Control No. 3060-0214. Final approval for the information collection requirements in FCC 12-44 were approved by OMB on June 21, 2012. See Notice of Action OMB ICR Reference Number 201205-3060-005. Final approval for the information collection requirements in FCC 16-4 were approved by OMB on May 4, 2016. See Notice of Action OMB ICR Reference Number 201602-3060-020.

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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 was last published in the *Federal Register* on April 17, 2017 (82 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.

**12. Estimate of Annual Burden and Annual Burden Hour Cost:**<sup>5</sup> The following estimates are provided for the public burden<sup>6</sup> and based on the following data:

<u>Service(s)</u>	<u>Number of Applications/Respondents</u>
Commercial AM/FM	1,420
Noncommercial FM	516
FM translators/LPFM	1,253
AM/FM stations off-the-air	595
Commercial TV	169
Noncommercial TV	52
Class A TV	49
LPTV/TV translators	697
TV stations off-the-air	375
<b>TOTAL RESPONSES/RESPONDENTS:</b>	<b>5,126</b>

\*We estimate that 50% of **radio broadcast licensees** will use a communications attorney to complete the general and legal portions and file the LMS Renewal Application. To coordinate information with these attorneys, we expect **commercial AM/FM applicants** will require 1.5 hours

<sup>5</sup> The updates to the “number of applications/respondents” data in Tables #12, #13, and #14 below, reflect the current licensed broadcast station totals, as published in the most recent FCC quarterly News Release. *Broadcast Station Totals as of September 30, 2018*, FCC News Release (rel. Oct. 3, 2018). These revised station totals are not the result of this non-substantive change request. Rather, the station totals simply reflect the licensing of additional broadcast stations since the last radio broadcast license renewal cycle in 2011-2014.

<sup>6</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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and **noncommercial FM applicants** will require 1.33 hours.

710 applications x 1.5 hours	= 1,065 hours
258 applications x 1.33 hours	= 343 hours (rounded)
627 applications x 1.5 hours	= 941 hours (rounded)
298 applications x 1.5 hours	= 447 hours

\*The remaining 50% of **radio broadcast licensees** will complete the general and legal portions and file the LMS Renewal Application themselves.

710 applications x 3.5 hours	= 2,485 hours
258 applications x 3.33 hours	= 859 hours (rounded)
626 applications x 3.5 hours	= 2,191 hours
297 applications x 4.5 hours	= 1,337 hours (rounded)

\*We estimate that 75% of all **TV broadcast licensees** will use a communications attorney to complete the general and legal portions and file the LMS Renewal Application. 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.

127 applications x 1.95 hours	= 248 hours (rounded)
39 applications x 1.83 hours	= 71 hours (rounded)
37 applications x 1.2 hour	= 44 hours (rounded)
523 applications x 1.25 hour	= 654 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 LMS Renewal Application themselves.

42 applications x 11.95 hours	= 502 hours (rounded)
13 applications x 4.83 hours	= 63 hours (rounded)
12 applications x 3.2 hours	= 38 hours (rounded)
174 applications x 3.25 hours	= 566 hours (rounded)
94 applications x 12 hours	= 1,128 hours

**TOTAL ANNUAL BURDEN HOURS = 13,554 HOURS**

**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 general and legal portion and file the LMS Renewal Application. To coordinate information with these attorneys, we expect **commercial AM/FM applicants** will require 1.5 hours and **non-commercial FM applicants** will require 1.33 hours.

710 applications x 1.5 hours x \$48.08	= \$51,205.20
258 applications x 1.33 hours x \$48.08	= \$16,498.17
627 applications x 1.5 hours x \$48.08	= \$45,191.03

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$$298 \text{ applications} \times 1.5 \text{ hours} \times \$48.08 = \$21,491.76$$

\*The remaining 50% of radio broadcast licensees will complete the general and legal portions and file the LMS Renewal Application themselves.

$$710 \text{ applications} \times 3.5 \text{ hours} \times \$48.08 = \$119,478.80$$

$$258 \text{ applications} \times 3.33 \text{ hours} \times \$48.08 = \$41,307.45$$

$$626 \text{ applications} \times 3.5 \text{ hours} \times \$48.08 = \$105,343.28$$

$$297 \text{ applications} \times 4.5 \text{ hours} \times \$48.08 = \$64,258.92$$

\*We estimate that 75% of all **TV broadcast licensees** will require a communications attorney to complete the general and legal portion and file the LMS Renewal Application. 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.

$$127 \text{ applications} \times 1.95 \text{ hours} \times \$48.08 = \$11,907.01$$

$$39 \text{ applications} \times 1.83 \text{ hours} \times \$48.08 = \$3,431.47$$

$$37 \text{ applications} \times 1.2 \text{ hours} \times \$48.08 = \$2,134.75$$

$$523 \text{ applications} \times 1.25 \text{ hours} \times \$48.08 = \$31,432.30$$

$$281 \text{ applications} \times 2 \text{ hours} \times \$48.08 = \$27,020.96$$

\*The remaining 25% of TV broadcast licensees will complete the general and legal portions and file the LMS Renewal Application themselves.

$$42 \text{ applications} \times 11.95 \text{ hours} \times \$48.08 = \$24,131.35$$

$$13 \text{ applications} \times 4.83 \text{ hours} \times \$48.08 = \$3,018.94$$

$$12 \text{ applications} \times 3.2 \text{ hours} \times \$48.08 = \$1,846.27$$

$$174 \text{ applications} \times 3.25 \text{ hours} \times \$48.08 = \$27,189.24$$

$$94 \text{ applications} \times 12 \text{ hours} \times \$48.08 = \$54,234.24$$

**TOTAL ANNUAL "IN-HOUSE COST"= \$651,121.14**

**13. Annual Cost Burden:** We expect 50% of 3,784 radio broadcast licensees and 75% of 1,342 TV broadcast licensees will require a communications attorney to complete the general and legal portions of the LMS Renewal Application at an estimated \$300/hour.

**Radio broadcast licensees**

$$710 \text{ applications} \times 2.75 \text{ hours} \times \$300 = \$585,750$$

$$258 \text{ applications} \times 2.58 \text{ hours} \times \$300 = \$199,692$$

$$627 \text{ applications} \times 2.75 \text{ hours} \times \$300 = \$517,275$$

$$298 \text{ applications} \times 3.75 \text{ hours} \times \$300 = \$335,250$$

**TV broadcast licensees**

$$127 \text{ applications} \times 10.45 \text{ hours} \times \$300 = \$398,145$$

$$39 \text{ applications} \times 3.33 \text{ hours} \times \$300 = \$38,961$$

$$37 \text{ applications} \times 2.45 \text{ hours} \times \$300 = \$27,195$$

$$523 \text{ applications} \times 2.5 \text{ hours} \times \$300 = \$392,250$$

$$281 \text{ applications} \times 10.5 \text{ hours} \times \$300 = \$885,150$$

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**Fees:** A licensee must submit a \$200 fee per application for each commercial application filed by a AM/FM/TV broadcast station and a \$70 fee per application for each FM/TV Translator and LPTV broadcast station.

1,638 Commercial AM/ FM /TV/ Class A x \$200	= \$327,600
1,950 Low Power TV/ FM/ TV Translators x \$70	= <u>\$136,500</u>
<b>Total :</b>	<b>\$464,100</b>

**Local Public Notice costs:** An AM, FM, TV, Class A TV or LPTV licensee must give local public notice of the renewal application filing by broadcasting announcements on the licensee's station per 47 CFR 73.3580. There is no direct cost to the licensee for this broadcast announcement. AM/FM/TV stations that are 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.

970 AM/FM/TV/Class A TV stations off-the-air x 6 publications x \$250/publication	= \$1,455,000
1,950 FM/TV Translators x 1 publication x \$250/publication	= <u>\$ 487,500</u>
<b>Total :</b>	<b>\$1,942,500</b>

**TOTAL ANNUAL COST BURDEN TO RESPONDENTS: = \$5,786,268**

**14. Cost to the Federal Government.** The Commission will use professional staff at the GS-13/Step 5 level (\$52.66/hour), paraprofessional staff at the GS-11/Step 5 level (\$36.95/hour), and clerical staff at the GS-5 level/Step 5 level (\$20.15/hour) to process the LMS Renewal Application.

**Commercial TV Applications (estimated): 169****Average processing time: 2.5 hours**

Clerical	1.0 hours	x	\$20.15/hour x 169	= \$ 3,405
Paraprofessional	1.5 hours	x	\$52.66/hour x 169	= <u>\$13,349</u>
				= <b>\$16,754</b>

**Noncommercial TV Applications (estimated): 52****Average processing time: 1.5 hours**

Clerical	1.0 hours	x	\$20.15/hour x 52	= \$1,048
Paraprofessional	0.5 hours	x	\$52.66/hour x 52	= <u>\$1,369</u>
				= <b>\$2,417</b>

**LPTV/TV Translator Applications (estimated): 697****Average processing time: 1.0 hours**

Clerical	.75 hours	x	\$20.15/hour x 697	= \$10,533
Paraprofessionals	.25 hours	x	\$36.95/hour x 697	= <u>\$ 6,439</u>
				= <b>\$16,972</b>

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All Other Applications (estimated): 4,208

Average processing time: 1.55 hours

Clerical	1.25 hours	x	\$20.15/hour x 4,208	= \$105,989
Paraprofessional	0.15 hours	x	\$36.95/hour x 4,208	= \$23,323
Professional	0.15 hours	x	\$52.66/hour x 4,208	= <u>\$33,239</u>
				= <b>\$162,551</b>

**Total Cost to the Federal Government: = \$198,694**

**15. Reason for Changes in Burden or Cost:** Except for the updates as noted in footnote 5 above, the respondents, burden hours and costs of this information collection are not impacted by the minor non-substantive changes to the FCC Form 303-S, which will now be part of the LMS Renewal Application, and the transition to the new LMS licensing database system. Therefore, the adjustments to this collection are due to current licenses broadcast station totals. These adjustments/increases are as follows: 1,103 to the number of respondents, 1,103 to the annual number of responses, 2,757 to the annual burden hours and \$712,997.

**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 LMS Renewal Application. 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.