

**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 319<sup>1</sup> is used to apply for a new or modified low power FM (LPFM) broadcast station license in the current Media Bureau database system, the “Consolidated Database System” (CDBS). Specifically, it may be used: (1) to cover an authorized construction permit; (2) to replace a nondirectional antenna with a different type of nondirectional antenna with the same number of bays; (3) to replace the transmission line, which may require a change in the transmitter power output to maintain the licensed effective radiated power; (4) to change the hours of operation of a LPFM station authorized to operate pursuant to a time-share agreement; (5) to amend a pending license application; and (6) as otherwise ordered by staff.

The Commission is submitting this non-substantive change request to OMB for approval of minor non-substantive changes made to (current) FCC Form 319. 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 319 – Low Power FM Station License Application (LMS LPFM License Application) as part of the database transition.

In general, the new LMS LPFM License Application will replicate the FCC Form 319. The form sections and substance of the individual questions essentially remain the same. As with the FCC Form 319, the LMS LPFM License 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.

The respondents, burden hours and costs of this information collection are not impacted by the minor non-substantive changes to the FCC Form 319, which will now be a part of the LMS LPFM License Application. The minor non-substantive change is highlighted below:

Change #1 – To accommodate the Media Bureau’s database transition from CDBS to LMS, FCC Form 319 will be replaced by an LMS-compatible LMS LPFM License Application. The certification-based questions and explanatory exhibit format remains the same. The substance, respondents, burden hours, and costs of this information collection, OMB Control No. 3060-0938, are not impacted.

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<sup>1</sup> Pursuant to this non-substantive change, CDBS-based FCC Form 319 will be renamed “Form 2100, Schedule 319 – Low Power FM Station License Application” 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.

**Title: Form 2100, Schedule 319 – Low Power FM Station License Application**

**This non-substantive change request to former FCC Form 319, now contained in the LMS LPFM License Form 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.**

History

On January 20, 2000, the Commission adopted a Report and Order (R&O) in MM Docket No. 99-25, “In the Matter of Creation of Low Power Radio Service.” With the adoption of this R&O, the Commission authorized the licensing of low power FM stations (LPFM). These stations are operated on a noncommercial educational basis by entities that do not hold attributable interests in any other broadcast station or other media subject to the Commission's ownership rules. The LPFM service created a class of radio stations designed to serve very localized communities or underrepresented groups within communities.

In connection with this new service, the Commission developed a new FCC Form 319, Application for a Low Power FM Broadcast Station License (now to be renamed - LMS LPFM License Application). LMS LPFM License Application is required to apply for a license for a new or modified LPFM station.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

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

2. The data is used by FCC staff to determine whether an applicant has constructed its station in accordance with the construction permit and to update FCC station files. Data is extracted from the LMS LPFM License Application for inclusion in the license authorization to operate the station. Applications to replace a nondirectional antenna or to replace transmission lines will be reviewed to ensure that the minor changes made by the station will not have any significant impact on other broadcast stations and the public.

3. The Commission requires applicants to file LMS LPFM License Application electronically.

4. This agency does not impose a similar collection on the respondents. There is no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission makes an effort to minimize data collection burdens on all respondents. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/businesses.

6. The frequency for filing the LMS LPFM License Application for a new or modified license is determined by respondents, as necessary.

7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. The Commission last published a Notice (82 FR 28317) in the Federal Register on June 21, 2017, seeking comment from the public on the information collections contained in this collection. No comments were received from the public.

9. No payment or gift was provided to respondents.

**Title: Form 2100, Schedule 319 – Low Power FM Station License Application**

10. There is no need for confidentiality with this collection of information.

11. This collection of information does not address any private matters of a sensitive nature.

12. We estimate that approximately 200 LMS LPFM License Applications will be filed annually. The average burden on an applicant to complete the form is one (1) hour. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

**Total Number of Annual Respondents: 200 LPFM stations**

**Total Number of Annual Responses: 200 LMS LPFM License Applications**

**Total Annual Burden Hours:**

200 LMS LPFM License Applications x 1 hour/application = **200 hours**

**ANNUAL "IN-HOUSE COST":** The respondent is estimated to have an average salary of \$25,000/year (\$11.97/hour).

200 LMS LPFM License Applications x 1.0 hour/application<sup>2</sup> x \$11.97/hour = **\$2,394.00**

**Total Annual "In-house cost": \$2,394.00**

13. **ANNUAL COST BURDEN:** We assume that the respondents would consult with an attorney and consulting engineer prior to preparing and filing an application. We estimate that the average cost for an attorney is \$300/hour and the average cost for a consulting engineer is \$250/hour.

200 LMS LPFM License Applications x 0.25 hours/application x \$300 = \$15,000

200 LMS LPFM License Applications x 0.25 hours/application x \$250 = \$12,500

**TOTAL ANNUAL COST BURDEN = \$27,500**

14. **Cost to the Federal Government.** The Commission will use legal staff at the GS-14, step 5 level (\$63.64/hour), engineering staff at the GS-14, step 5 level (\$62.23/hour), paraprofessional staff at the GS-11, step 5 level (\$37.79/hour) and clerical staff at the GS-5, step 5 level (\$20.61/hour) to process these applications.

0.5 hours data processing x 200 applications x \$20.61/hour = \$ 2,061.00

0.5 hours clerical x 200 applications x \$20.61/hour = \$ 2,061.00

0.5 hours legal x 200 applications x \$63.64/hour = \$ 6,364.00

1.0 hours engineer x 200 applications x \$63.64/hour = \$12,728.00

0.5 hour paraprofessional x 200 applications x \$37.79/hour = \$ 3,779.00

Total Processing Cost to the Federal Government = \$26,993.00

**Total Cost to the Federal Government = \$26,993.00**

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

16. The data will not be published.

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<sup>2</sup> The respondent's time of 1 hour/response includes 0.25 hours for consulting with an outside attorney, plus 0.25 hours for consulting with an outside engineer, in order to allow the respondent to complete the form.

**Title: Form 2100, Schedule 319 – Low Power FM Station License Application**

17. The Commission is requesting exemption from printing the expiration date on the form. This will obviate the need for the Commission to update paper and electronic forms upon the expiration of the clearance. OMB approval of the expiration of the information collection will be displayed at 47 CFR Section 0.408.

18. There are no exceptions to the Certification Statement.

**B. Collections of information employing statistical methods.**

No statistical methods are employed.