

SUPPORTING STATEMENT

A. Justification:

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

1. FCC Form 349,¹ Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station, is used to apply for authority to construct a new FM translator or booster broadcast station, or to make changes in the existing facilities of such stations in the “Consolidated Data Base System” (CDBS). The Commission is submitting this non-substantive change request to OMB for approval of minor non-substantive changes made to CDBS-based FCC Form 349.

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 349 – FM Translator or FM Booster Station Construction Permit Application (LMS FM Translator or FM Booster Construction Permit Application) as part of the database transition.

In general, the new LMS FM Translator or FM Booster Construction Permit Application will replicate the CDBS-based FCC Form 349. The form sections and substance of the individual questions essentially remain the same. As with the CDBS-based FCC Form 349, the LMS FM Translator or FM Booster Construction Permit 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 FCC Form 349, which will now be a part of the LMS FM Translator or FM Booster Construction Permit application. The minor non-substantive change is highlighted below:

Change #1 – To accommodate the Media Bureau’s database transition from CDBS to LMS, Form 349 will be replaced with LMS compatible LMS FM Translator or FM Booster Construction Permit application. The certification-based questions and explanatory exhibit format remains the same. The substance, respondents, burden hours, and costs of Information Collection OMB Control No. 3060-0405 are not impacted.

¹ Pursuant to this non-substantive change, CDBS-based FCC Form 349 will be renamed “Form 2100, Schedule 349 – FM Translator or FM Booster Station Construction Permit Application” and will be 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 349 – FM Translator or FM Booster Station Construction Permit Application

This non-substantive change request to former FCC Form 349, now contained in the LMS FM Translator or FM Booster Construction Permit 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.

Form 349's Newspaper Notice (third party disclosure) requirement; 47 CFR § 73.3580. Form 349 also contains a third party disclosure requirement, pursuant to Section 73.3580. This rule requires stations applying for a new broadcast station, or to make major changes to an existing station, to give local public notice of this filing in a newspaper of general circulation in the community in which the station is located. This local public notice must be completed within 30 days of the tendering of the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. In addition, a copy of this notice must be placed in the station's public inspection file along with the application, pursuant to Sections 73.3526 and 73.3527. This recordkeeping information collection requirement is contained in OMB Control No. 3060-0214, which covers Sections 73.3526 and 73.3527.

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. **Agency Use of Information:** FCC staff use the data to ensure that the applicant meets basic statutory requirements and will not cause interference to other licensed broadcast services. In the case of qualified mutually exclusive applicants, the information will be used to determine which proposal would best serve the public interest.
3. **Consideration Given to Information Technology:** The Commission requires applicants to file this Form electronically.
4. **Effort to Identify Duplication and Use Similar Information:** This agency does not impose a similar information collection on the respondents. There are no similar data available.
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. The Commission has limited the information requirements to those that are absolutely necessary for evaluating and processing the applications and to deter possible process abuse. Therefore, the information collection does not have a significant economic impact on a substantial number of small entities/businesses.
6. **Less Frequent Data Collection:** The frequency for filing is determined by the respondents, as necessary.
7. **Information Collection Circumstances:** This collection of information is consistent with the guidelines in 5 CFR § 1320.5(d)(2).

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8. **Comments Received from the Public:** The Commission last published a notice in the *Federal Register* seeking public comment on the information collections contained in this supporting statement, see 83 FR 34848, on July 23, 2018. The Commission did not receive any comments from the public.

9. **Payment or Gift:** No payment or gift is provided to the respondents.

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

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

12. **Estimate of Burden and Burden Hour Cost:** We estimate 1,200 FM Translator or FM Booster Construction Permit applications will be filed annually. Most of the filings will consist of making technical changes to the FM translator or FM booster station facility. Station engineers and attorneys with a salary of \$100,000/year (\$48.08/hour) will perform these functions.

Respondents are required by Section 73.3580 to fulfill the newspaper notice requirement for construction permit applications for New and Major Changes. We estimate one hour to fulfill this requirement. The respondent's salary is \$100,000/year (\$48.08/hour).

Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
FM Translator or FM Booster Station Construction Permit Applications						
Commercial (filed by Station engineer)	900 ²	900	1.5 hrs	1,350 hrs	\$48.08	\$64,908.00
Commercial (filed by Station attorney)	900	900	1.5 hrs	1,350 hrs	\$48.08	\$64,908.00
Noncommercial (filed by Station engineer)	300 ³	300	1 hr	300 hrs	\$48.08	\$14,424.00
Noncommercial (filed by Station attorney)	300	300	1 hr	300 hrs	\$48.08	\$14,424.00
Newspaper Notice (Third Party Disclosure) Requirement; 47 CFR § 73.3580						
Newspaper Notices -	900	900	1 hr	900 hrs	\$48.08	\$43,272.00

² This number represents a total of 900 commercial applicants.

³ This number represents a total of 300 noncommercial applicants.

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Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
Commercial						
Newspaper Notices - Noncommercial	300	300	1 hr	300 hrs	\$48.08	\$14,424.00
TOTAL	1,200	2,400		4,500 hrs		\$216,360.00

13. Annual Cost Burden to Respondents: The annual cost burden to the respondents was calculated as follows:

- We assume that the average respondent would contract with consulting engineers (\$250/hour) and attorneys in a law firm (\$300/hour) to complete their applications.
- Newspaper Notice Publication Fee: An applicant must give local public notice of the filing of its application for construction permit. This notice must be published in a local newspaper of general circulation at least twice a week for two consecutive weeks in a three-week period, for a total of four (4) publications. The cost of each of the four publications is estimated to be \$113.25/per publication.
- Filing Fee: A respondent for a commercial station must submit a \$835.00 filing fee with its FM Translator or FM Booster Construction Form.⁴

Type	Number of Forms	Consultant’s Burden	Total Annual Burden Hours	Consultant’s Hourly Fee or Application Fee	Cost Burden
Commercial (filed by Station engineer)	900	8 hours	7,200 hours	\$250.00	\$1,800,000.00
Commercial (filed by Station attorney)	900	1 hour	900 hours	\$300.00	\$270,000.00
Filing Fee	900			\$790/fee	\$711,000.00
Noncommercial (filed by Station engineer)	300	12 hours	3,600 hours	\$250.00	\$900,000.00
Noncommercial (filed by Station attorney)	300	5 hours	1,500 hours	\$300.00	\$450,000.00
Newspaper Notice Publication Fee	1,200	4 publications		\$113.25/fee	\$543,600.00
TOTAL					\$4,674,600.00

14. Cost to Federal Government: The Commission will use professionals at the GS-14, step 5 level (\$63.64/hour) and clerical personnel at the GS-5, step 5 level (\$20.61/hour) to process these applications.

⁴ See 47 CFR § 1.1104 (2018).

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Clerical (commercial)	1 hour x \$20.61 x 900 =	\$ 18,549.00
Professional	4 hours x \$63.64 x 900 =	\$229,104.00
Clerical (noncommercial)	1 hour x \$20.61 x 300 =	\$ 6,183.00
Professional	6 hours x \$63.64 x 300 =	<u>\$114,552.00</u>
Total Cost to Federal Government:		\$368,388.00

15. **Reason for Changes in Burden or Cost:** There are no program changes or adjustments to this collection.

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

17. **Display of OMB Approval Date:** We request extension of the waiver not to publish the expiration date on the form. This will obviate the need for the Commission to update electronic forms upon the expiration of the clearance. 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

This information collection does not employ any statistical methods.