

Title: Sections 74.1203(a)(3), Interference, and 74.1204(f), Protection of FM broadcast, FM Translator and LP100 stations.**SUPPORTING STATEMENT****A. Justification:**

1. On May 9, 2019, the Commission adopted a Report and Order, *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, FCC 19-40, MB Docket No. 18-119,¹ adopting proposals to streamline the rules relating to interference caused by FM translators and to expedite the translator interference complaint resolution process. These measures are designed to limit or avoid protracted and contentious interference disputes, provide translator licensees additional investment certainty and flexibility to remediate interference, and provide affected stations earlier and expedited resolution of interference complaints. Under this new information collection, the following information collection requirements require OMB approval.

Specifically, the *FM Translator Interference Report and Order* pertains to this new Information Collection as it codifies the translator interference listener complaint requirements under section 74.1201(k) and sections 74.1203(a)(3)² (actual interference) and 74.1204(f)³ (predicted interference) of the rules. The Commission defines the requirements for a listener complaint submitted with a translator interference claim in section 74.1201(k) as a complaint that is signed and dated by the listener and contains the following information: (1) the complainant's full name, address, and phone number; (2) a clear, concise, and accurate description of the location where the interference is alleged or predicted to occur; (3) a statement that the complainant listens to the desired station using an over-the-air signal at least twice a month, to demonstrate the complainant is a regular listener; and (4) a statement that the complainant has no legal, employment, financial, or familial affiliation or relationship with the desired station, to demonstrate the complainant is disinterested. Electronic signatures are acceptable for this purpose.

The *FM Translator Interference Report and Order* establishes a minimum number of listener complaints, ranging from 6 to 25, depending on the population served within the protected contour of the complaining station. The Commission explains that a proportionate approach, which was supported by multiple commenters, would be fairer and more effective than a single minimum number for all complaining stations. In addition to the required minimum number of valid listener complaints, a station submitting a translator interference claim package pursuant to either section 74.1203(a)(3) or 74.1204(f) must include: (1) a map plotting the specific locations of the alleged interference in relation to the 45 dBu contour of the complaining station; (2) a statement that the complaining station is operating within its licensed parameters; (3) a statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and (4) U/D data demonstrating that at each listener location the ratio of undesired to desired signal strength exceeds -20 dB for co-channel situations, -6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the Commission's standard contour prediction methodology set out in section 73.313.⁴

¹ *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, MB Docket No. 18-119, Report and Order, FCC 19-40 (rel. May 9, 2019) (*FM Translator Interference Report and Order* or *Report and Order*).

² 47 CFR § 74.1203(a)(3).

³ 47 CFR § 74.1204(f).

⁴ The goal of requirement (4) is to establish an adequate threshold causation test to establish that the complaining listener is within a "zone of potential interference" by the subject translator station to the

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In the *FM Translator Interference Report and Order*, the Commission outlines two paths for resolving interference if the translator decides to continue operation on its original channel. First, a translator operator may resolve each listener complaint by working with a willing listener to resolve reception issues. The translator operator must then document and certify that the desired station can now be heard on the listener's receiver, i.e., that the adjustment to or replacement of the listener's receiving equipment actually resolved the interference. Second, the translator operator may work with the complaining station to resolve station signal interference issues using rule-compliant suitable technical techniques. (The Commission provides flexibility to the parties to determine the testing parameters for demonstrating that the interference has been resolved, for example, the use of on-off testing or field strength measurements.) Once agreement is reached, the translator operator submits the agreed-upon remediation showing to the Commission.

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

The statutory authority for this collection is authorized pursuant to sections 1, 4(i), 4(j), 301, 303, 307, 308, 309, 316, and 319 of the Communications Act, 47 U.S.C. §§ 151, 154(i), 154(j), 301, 303, 307, 308, 309, 316, and 319.

2. **Agency Use of Information:** FCC staff members use the listener complaint submissions and associated technical data to determine the validity of the complaint and evaluate the interference allegations to other broadcast stations. FCC staff members will use the subsequent technical showings to ensure all predicted and actual interference has been eliminated.
3. **Consideration Given to Information Technology:** Respondents may file informal objections and petitions to deny against applications electronically.
4. **Efforts to Identify Duplication and Use Similar Information:** No other agency imposes a similar information collection on the respondents. There is no similar data available.
5. **Efforts to Reduce Small Business Burden:** This collection does not impose any significant impact on small 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).
8. **Comments Received from the Public:** The Commission published a notice in the *Federal Register* seeking public comment on the information collections contained in this supporting statement, *see* 83 FR 26229, published on June 6, 2018. The Commission did not receive any comments from the public
9. **Payment or Gift:** No payment or gift was provided to the respondents.
10. **Confidentiality of Information:** There is no need for confidentiality with this collection of information.

desired station.

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

12. **Estimate of Burden and Burden Hour Cost:** It is difficult to predict the number of interference claims alleging FM translator interference or the number of FM translator operators that will submit a responsive technical showing that all interference has been eliminated. Nevertheless, for purposes of this submission, we estimate that 135 interference claim packages will be filed annually, with each submission containing at least six listener complaints. We estimate that FM translators will submit 135 responsive technical showings demonstrating that all interference has been eliminated.

Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
Section 74.1203(a) (3Claims⁵) (actual interference) (complainant station personnel)	35	35	3 hrs	105 hrs	\$63.64/hr	\$6,682.20
Section 74.1204(f) Claims⁶ (predicted interference) (complainant station personnel)	100	100	3 hrs	300 hrs	\$63.64/hr	\$19,092.00
FM Translator	135	135	5 hrs	675 hrs	\$63.64/hr	\$42,957.00

⁵ Section 74.1203(a)(3) listener complaint requirements are enumerated in section 74.1201(k) of the rules. In addition, as noted above, stations submitting an interference claim pursuant to section 74.1203(a)(3) must include (1) a map plotting the specific locations of the alleged interference in relation to the 45 dBu contour of the complaining station; (2) a statement that the complaining station is operating within its licensed parameters; (3) a statement that the complaining station licensee has used commercially reasonable efforts to privately resolve the matter; and (4) Undesired to Desired (U/D) signal strength data at each listener location, calculated using the Commission's standard contour prediction methodology.

⁶ Section 74.1204(f) listener complaint requirements are enumerated in section 74.1201(k) of the rules. In addition, as noted above, stations submitting a translator interference claim pursuant to section 74.1204(f) must include (1) a map plotting the specific locations of the alleged interference in relation to the 45 dBu contour of the complaining station; (2) a statement that the complaining station is operating within its licensed parameters; (3) a statement that the complaining station licensee has used commercially reasonable efforts to privately resolve the matter; and (4) Undesired to Desired (U/D) signal strength data at each listener location, calculated using the Commission's standard contour prediction methodology.

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Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
Technical Showing Response (FM translator station personnel) ⁷						
Totals:	270	270		1,080 hrs.		\$68,731.20

Total Annual “In-House” Cost: We estimate that the station in-house personnel compiling and submitting the interference claims or responses will be equivalent to a GS-14/ Step 5 (\$63.64/hour). Therefore, the in-house costs total is **\$68,731.20**.

13. Estimated Annual Cost Burden to Respondents to Comply with Information Collection:

Compliance will not require respondents to maintain any special equipment. Compliance may require respondents to hire outside attorneys and/or consultants. The estimate below assumes that respondents will also contract with outside counsel and engineers.⁸ We assume that the average respondent would contract with consulting engineers (\$250/hour) and attorneys in a law firm (\$300/hour) to complete their submissions. Therefore, the total annual cost burden to the respondents is as follows:

Description	# of Responses ⁹	Consultant’s Burden Hours	Annual Burden Hours	Hourly Salary Paid to Consultant	Annual Costs
Section 74.1203(a)(3) Claims (Outside Legal Counsel)	28	4 hrs	112 hrs	\$300.00	\$33,600.00
Section 74.1203(a)(3) Claims	10	2 hrs	20 hrs	\$250.00	\$5,000.00

⁷ As noted above, in response to an interference claim, if an FM translator operator opts for receiver-based remediation, it must document and certify that the desired station can now be heard on the listener’s receiver, i.e., that the adjustment to or replacement of the listener’s receiving equipment actually resolved the interference. If the translator operator works with the complaining station to resolve station signal interference issues using rule-compliant suitable technical techniques, once agreement is reached, the translator operator must submit the agreed-upon remediation methodologies and showings to the Commission.

⁸ See question 12 for the respondent’s burden.

⁹ This number reflects the number of interference claims and responses using outside counsel/ consultants.

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(Outside Engineer Consultant)					
Section 74.1204(f) Claims (Outside Legal Counsel)	90	4 hrs	360 hrs	\$300.00	\$108,000.00
Section 74.1204(f) Claims (Outside Engineer Consultant)	90	4 hrs	360 hrs	\$250.00	\$90,000.00
FM Translator Technical Showing Response (Outside Legal Counsel)	125	10	1,250	\$300.00	\$375,000.00
FM Translator Technical Showing Response (Outside Engineer Consultant)	125	10 hrs	1,250 hrs	\$250.00	\$312,500.00
Totals					\$924,100.00

Total annual cost: \$924,100.00

14. Estimated Annual Costs to the Federal Government for the Information Collection Requirements: 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 interference claims and responses. As referenced in question 12, these professionals will review 135 claims and responses.

Clerical	.25 hour x \$20.61 x 135 =	\$ 695.59
Professional	16 hours x \$63.64 x 135 =	<u>\$137,462.24</u>
Total Cost to Federal Government:		\$138,157.83

15. Reason for Changes in Burden or Cost: This is a new information collection. The following figures will be added to OMB’s inventory once this information collection is approved by OMB: +270 respondents, +270 annual responses, +1,080 annual burden hours and +\$924,100 in annual costs.

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

17. **Display of OMB Approval Date:** 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.