

SUPPORTING STATEMENT

A. Justification

1. 47 CFR Section 76.601(b) requires the operator of each cable television system to conduct complete performance tests of that system at least twice each calendar year (at intervals not to exceed seven months), unless otherwise noted below. The performance tests shall be directed at determining the extent to which the system complies with all the technical standards set forth in §76.605(a) and shall be as follows:

(1) For cable television systems with 1000 or more subscribers but with 12,500 or fewer subscribers, proof-of-performance tests conducted pursuant to this section shall include measurements taken at six (6) widely separated points. However, within each cable system, one additional test point shall be added for every additional 12,500 subscribers or fraction thereof (e.g., 7 test points if 12,501 to 25,000 subscribers; 8 test points if 25,001 to 37,500 subscribers, etc.). In addition, for technically integrated portions of cable systems that are not mechanically continuous (i.e. , employing microwave connections), at least one test point will be required for each portion of the cable system served by a technically integrated microwave hub. The proof-of-performance test points chosen shall be balanced to represent all geographic areas served by the cable system. At least one-third of the test points shall be representative of subscriber terminals most distant from the system input and from each microwave receiver (if microwave transmissions are employed), in terms of cable length. The measurements may be taken at convenient monitoring points in the cable network: Provided, that data shall be included to relate the measured performance of the system as would be viewed from a nearby subscriber terminal. An identification of the instruments, including the makes, model numbers, and the most recent date of calibration, a description of the procedures utilized, and a statement of the qualifications of the person performing the tests shall also be included.

(2) Proof-of-performance tests to determine the extent to which a cable television system complies with the standards set forth in §76.605(a) (3), (4), and (5) shall be made on each of the NTSC or similar video channels of that system. Unless otherwise as noted, proof-of-performance tests for all other standards in §76.605(a) shall be made on a minimum of four (4) channels plus one additional channel for every 100 MHz, or fraction thereof, of cable distribution system upper frequency limit (e.g., 5 channels for cable television systems with a cable distribution system upper frequency limit of 101 to 216 MHz; 6 channels for cable television systems with a cable distribution system upper frequency limit of 217–300 MHz; 7 channels for cable television systems with a cable distribution system upper frequency limit to 300 to 400 MHz, etc.). The channels selected for testing must be representative of all the channels within the cable television system.

(3) The operator of each cable television system shall conduct semi-annual proof-of-performance tests of that system, to determine the extent to which the system complies with the technical standards set forth in §76.605(a)(4) as follows. The visual signal level on each channel shall be measured and recorded, along with the date and time of the measurement, once every six hours (at intervals of not less than five hours or

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no more than seven hours after the previous measurement), to include the warmest and the coldest times, during a 24-hour period in January or February and in July or August.

(4) The operator of each cable television system shall conduct triennial proof-of-performance tests of its system to determine the extent to which the system complies with the technical standards set forth in §76.605(a)(11).

Note 1 to 47 CFR Section 76.601 states prior to additional testing pursuant to Section 76.601(c), the local franchising authority shall notify the cable operator, who will then be allowed thirty days to come into compliance with any perceived signal quality problems which need to be corrected.

47 CFR Section 76.1704 requires that proof of performance test required by 47 CFR Section 76.601 shall be maintained on file at the operator's local business office for at least five years. The test data shall be made available for inspection by the Commission or the local franchiser, upon request. If a signal leakage log is being used to meet proof of performance test recordkeeping requirement in accordance with Section 76.601, such a log must be retained for the period specified in 47 CFR Section 76.601(d).

47 CFR Section 76.1717 states that an operator shall be prepared to show, on request by an authorized representative of the Commission or the local franchising authority, that the system does, in fact, comply with the technical standards rules in part 76, subpart K.

Revised Information Collection Requirement Which Requires Approval from the Office of Management and Budget (OMB):

The Commission adopted a Report and Order on April 12, 2019, In the Matter of Channel Requirements, Sections 76.1705 and 76.1700(a)(4), Modernization of Media Regulation Initiative, MB Docket No. 18-92, MB Docket No. 17-105, FCC 19-33. In this Report and Order, the information collection requirement contained in 47 CFR 76.1705 was eliminated. The Commission felt that it was an unnecessary requirement which pertains to cable operators' channel lineups. Section 76.1705, which requires cable operators to maintain at their local office a current listing of the cable television channels that each cable system delivers to its subscribers. This requirement is unnecessary as channel lineups are readily available to consumers through a variety of other means. In FCC 19-33, the Commission continue our efforts to modernize our regulations and reduce unnecessary requirements that can impede competition and innovation in the media marketplace.

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 4(i) and 624(e) of the Communications Act of 1934, as amended.

2. The performance test data and channel listings are used in field inspections by Commission staff and

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franchise authorities to ensure that an acceptable quality signal is being provided to cable subscribers, and to ensure that there are no signal leakage problems which could cause interference with over-the-air radio frequencies involving safety-of-life functions (i.e., police, fire, forestry, aeronautical, amateur radio).

3. The use of information technology is not feasible in this situation. Physically conducting the performance tests constitutes the majority of the paperwork burden associated with this information collection.
4. There are no similar information collection or recordkeeping requirements imposed upon respondents.
5. This collection does not have a significant impact on small entities. The performance tests requirements do not apply to cable systems with fewer than 1,000 subscribers except for systems that use any frequency spectrum other than spectrum allocated to over-the-air broadcasting.

Therefore, systems that use any frequency spectrum other than spectrum allocated to over-the-air broadcasting with fewer than 1,000 subscribers their monitoring, logging and leakage repair requirements are covered under 47 CFR Section 76.1706, and these systems considered to have met the performance test requirements in 47 CFR Section 76.601. The Commission accounts for the information collection requirements contained in Section 76.1706 in a separate collection, OMB 3060-0332.

6. If the performance tests requirements were not sponsored by the Commission, then cable subscribers may be at risk of not obtaining reception of programming for which they have already paid. A lack of performance testing could also result in inconsistent or inadequate reception; and low-performing cable systems would then be subject to consumer complaints.
7. There is a special circumstance associated with this collection in that cable operators are required to retain their performance tests records for five years. The five-year retention period is necessary to ensure that cable operators are making a diligent effort to continually provide quality signals and to suppress signal leakage on a long-term basis. A longer period of record retention (five years, for example, as opposed to two years) allows for the Commission to readily identify patterns of long-term inadequate system performance.
8. The Commission published a Notice (84 FR 18536) in the *Federal Register* on May 1, 2019 seeking comment on the information collection requirements contained in this supporting statement. No comments were received from the public as a result of the Notice.
9. There will be no payments or gifts to respondents in return for conducting this information collection requirement.
10. There is no need for confidentiality with this collection of information.
11. This information collection does not address any private matters of a sensitive nature.

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12. The annual burdens for this information collection are as follows:

A) There are approximately 1,455 cable television systems with over 1,000 subscribers who are required to conduct performance tests. The average annual burden on each cable system is 70 hours, including burden for conducting any additional performance tests.

1,455 cable TV systems x 70 hours/cable TV system to conduct performance tests = 101,850 hours.

(B) Additionally, when cable operators encounter signal quality problems which need to be corrected, local franchising authorities (LFAs) must give notice to cable operators that they have 30 days to come into compliance before having to conduct additional performance tests. Notifications rarely occur, as it is in an operator's best interest to expeditiously correct performance problems detected by the performance tests. We estimate that LFAs make no more than 50 such notifications to operators per year. The average burden on local franchising authorities is 1 hour per notification.

50 notifications issued by LFAs x 1 hour/notification requirement/annum = 50 hours.

We estimate that maintaining test data files (recordkeeping requirement) under 47 CFR 76.1704 and the maintaining files (recordkeeping requirement) under 47 CFR 76.1717 will take minimum periods of time and will not place any additional extra burden on the cable television systems.

Total Annual Burden Hours: 101,850 hours + 50 hours = 101,900 hours

Total Number of Respondents: 1,455 Cable TV Systems + 50 LFAs = 1,505

Total Number of Responses:	1,455 Performance Test Responses
	<u>50 Notifications Issued by LFAs</u>
	1,505 (responses)

We estimate that station engineering staff will conduct performance tests. It will take the staff an average of 50 hours to conduct each test. Station engineers make \$40/hour. Also, technical support staff with an hourly salary of \$20/hour will assist station engineers with conducting performance tests. It will take in-house technical support staff 20 hours to complete each test.

In-house technical support staff will issue notifications to cable operators. The staff hourly wage is \$20/hour.

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Annual "In-house costs":

(A)	1,455 cable TV systems x 50 hours @ \$40/hr. for engineering staff	= \$2,910,000
	1,455 cable TV systems x 20 hours @ \$20/hr. for technical support staff	= <u>582,000</u>
		= \$3,492,000
(B)	50 hours paid @ \$20/hour for technical support staff	= <u>1,000</u>
	Total Annual "In-house costs"	= \$3,493,000

All estimates are based on the Commission's knowledge and familiarity with the availability of the data required.

13. Annual Cost Burden:

- (a) Total annualized capital/startup costs: None
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: **None**

14. Cost to the Federal Government: The Commission makes approximately 100 annual inspections of cable operators' performance test records. The Commission's usual inspection procedure is for two Commission employees, (GS-14, step 5, \$63.64/hour) to drive from a Commission field office to the cable operator's place of business to inspect the records. The inspection and the drive to and from the operator's place of business are estimated to take a full day.

Annual burden to the Commission: 100 inspections x 8 hours x 2 employees = 1,600 hours.

1,600 total staff hours @ \$63.64/per hour for engineering staff	= \$101,824
Fuel and vehicle expenses @ \$100/per inspection x 100 inspections	= <u>\$ 10,000</u>
Total Cost to the Federal Government:	= \$111,824

15. There are the program changes/decreases to this collection which are due to the elimination of Section 76.1705 in FCC 19-33. They are as follows: 2,945 to the number of respondents, 4,450 to the annual number of responses and 2,225 to the annual burden hours.

There are no adjustment to this collection.

16. The results of this information collection requirement are not planned to be published.

17. We are not seeking approval to not display the expiration date for OMB approval of the information collection.

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18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.