

## 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. Licensees and permittees of FM broadcast stations are currently required to file FCC Form 302-FM to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities of these stations.

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 302-FM. Current FCC Form 302-FM, Application for an FM Broadcast Station License, is required for licensees and permittees of FM broadcast stations to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities of these stations, when applying for an FM broadcast station license 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 302-FM – FM Station License Application (LMS FM License Application) as part of the database transition.

In general, the new LMS FM License Application will replicate the former FCC Form 302-FM. The form sections and substance of the individual questions essentially remain the same. As with the former FCC Form 302-FM, the LMS FM 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.

In this next phase of the LMS roll-out, the new LMS FM License Application is replacing FCC Form 302-FM for the filing of all FM full-service license applications in LMS. FCC Form 302-FM therefore is now completely replaced by the LMS FM License Application, and applicants will no longer use FCC Form 302-FM when applying for any FM full-service license.<sup>1</sup>

The respondents, burden hours and costs of this Information Collection are not impacted by the minor non-substantive changes to the former FCC Form 302-FM, which will now be a part of the LMS FM License Application. The minor non-substantive change is highlighted below:

Change #1 – To accommodate the Media Bureau’s database transition from CDBS to LMS, former FCC

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<sup>1</sup> OMB previously approved the use of the LMS FM License Application for FM Auxiliary stations on February 13, 2019 (NOA 2/13/2019, ICR Reference Number 201902-3060-013).

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Form 302-FM will be replaced by a LMS-compatible LMS FM License 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. 3060-0506 are not impacted.

**This non-substantive change request to (current) FCC Form 302-FM, now contained in the LMS FM License 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.**

**History:**

On October 22, 1998, the Commission adopted a *Report and Order* in MM Docket Nos. 98-43 (1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules, and Processes) and 94-149 (Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities). Among other things, this *Report and Order* substantially revised the FCC Form 302-FM to facilitate electronic filing by replacing narrative exhibits with the use of certifications and an engineering technical box.

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. FCC staff reviews the LMS FM License Application to (1) confirm that the station is built according to the specifications in the outstanding construction permit, (2) update FCC station license files, and (3) extract data for inclusion in the subsequently issued license authorization to operate the station.
3. The Commission requires applicants to file the LMS FM License Application electronically.
4. No other agency imposes a similar information 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 the burden on all respondents.
6. The frequency for this collection of information 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 18147) in the Federal Register on April 17, 2017, seeking public comments on the information collection requirements. No comments were received.
9. No payment or gift was provided to the respondents.
10. There is no need for confidentiality with this collection of information.

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

12. We estimate the filing of 925 LMS FM License Applications (700 FM Licenses to Cover Construction Permits (CP) and 225 Modification of Licenses). We expect the respondents will require one to two hours to complete the general section of the application form.

For the legal section of the application form, we expect 555 (60%) of the 925 respondents will complete the form without outside assistance. The remaining 370 (40%) respondents will consult and pay a communications attorney to complete the legal section of the application.

For the engineering section of the application, 462 respondents will complete the form without outside assistance. The remaining 463 respondents will consult with an engineer for completion of the form. The consultation time is one hour for both legal and engineering. We estimate the respondent's salary at \$100,000/year (\$48.08/hour). These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

**Number of Annual Respondents: 925 Licensees and Permittees of FM Broadcast Stations**

**Number of Responses:**

700 FM Licenses to Cover Construction Permits

225 Modification of Licenses

**925 FCC 302-FM Applications (responses)**

**Annual Burden Hours:**

Applicants completing general section of form without outside assistance

700 applications x 1 hour = 700 hours

225 modifications x 2 hours = 450 hours

1,150 hours

Applicants completing legal section of form without outside assistance

420 applications x 1 hour = 420 hours

135 modifications x 2 hours = 270 hours

690 hours

Applicants consulting with contract attorney to allow the attorney to complete the legal section of the form

280 applications x 1 hour = 280 hours

90 modifications x 1 hour = 90 hours

370 hours

Applicants completing engineering section of form without outside assistance

350 applications x 1 hour = 350 hours

112 modifications x 1 hour = 112 hours

462 hours

Applicants consulting with contract engineer to allow the engineer to complete the engineering section of the form

350 applications x 1 hour = 350 hours  
113 modifications x 1 hour = 113 hours  
463 hours

**Total Annual Burden Hours: 3,135**

1,150 hrs + 690 hrs + 370 hrs + 462 hrs + 463 hrs = **3,135 hrs.**

**Annualized “In House Cost” to Respondent:**

Applicants completing general section of form without outside assistance

700 applications x 1 hour x \$48.08 = \$33,656.00  
225 modifications x 2 hours x \$48.08 = \$21,636.00  
\$55,292.00

Applicants completing legal section of form without outside assistance

420 applications x 1 hour x \$48.08 = \$20,193.60  
135 modifications x 2 hours x \$48.08 = \$12,981.60  
\$33,175.20

Applicants consulting with a contract attorney to allow the attorney to complete legal section of form

280 applications x 1 hour x \$48.08 = \$13,462.40  
90 modifications x 1 hour x \$48.08 = \$ 4,327.20  
\$17,789.60

Applicants completing engineering section of form without outside assistance

350 applications x 1 hour x \$48.08 = \$16,828.00  
112 modifications x 1 hour x \$48.08 = \$ 5,384.96  
\$22,212.96

Applicants consulting with a contract engineer to allow the engineer to complete the engineering section of the form

350 applications x 1 hour x \$48.08 = \$16,828.00  
113 modifications x 1 hour x \$48.08 = \$ 5,433.04  
\$22,261.04

**TOTAL “In-House” COSTS =**

\$55,292.00 + \$33,175.20 + \$17,789.60 + \$22,212.96 + \$22,261.04 = **\$150,730.80**

13. **Annual Cost Burden:** We estimate that 370 respondents will use a communications attorney to complete the legal section of the application. We expect one hour to two hours are needed of attorney time at an hourly rate of \$300 per hour. We estimate that 463 of the respondents will use a consulting engineer to complete the engineering section of the application. We expect the engineer needs 2 – 6 hours

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(\$250/hour) to complete this section of the form.

The filing fee is \$225 for a FM License Application.<sup>2</sup> Only the 700 applications for licenses to cover construction permits are required to pay the filing fee.

280 applications x 1 hour x \$300 =	\$84,000
90 modifications x 2 hours x \$300 =	\$54,000
350 applications x 2 hours x \$250 =	\$175,000
113 modifications x 6 hours x \$250 =	\$169,500
700 applications x \$225 filing fee =	<u>\$157,500</u>
<b>TOTAL ANNUAL COST BURDEN =</b>	<b>\$640,000</b>

**14. Cost to the Federal Government:** The FCC will use staff at the GS-11, step 5 level (\$37.79/hour), and at the GS-5, step 5 level (\$20.61/hour) to process FCC 302-FM applications.

3 hours x \$37.79/hour x 925 applications =	\$104,867.25
1 hour x \$20.61/hour x 925 applications =	<u>\$ 19,064.25</u>
<b>TOTAL COST TO FEDERAL GOVERNMENT =</b>	<b>\$123,931.50</b>

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

16. The data will not be published.

17. An extension of the waiver not to publish the expiration date on the form is requested. This will eliminate the need to update electronic files upon the expiration of the clearance. OMB approval of the expiration date of the information collection will be displayed at 47 C.F.R. Section 0.408.

18. There are no exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods**

No statistical methods are employed.

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<sup>2</sup> The new filing fee for an FM License Application is \$225. See “The Application Fee Filing Guide for Media Bureau,” effective September 2018. Therefore, the annual cost burden in Item #13 has been adjusted to reflect this fee increase. This non-substantive change request has no impact on an application filing fee.