

Title: 47 CFR Section 73.671, Educational and Informational Programming for Children; 47 CFR Section 73.673, Public Information Initiatives Regarding Educational and Informational Programming for Children

SUPPORTING STATEMENT

A. Justification:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

On July 10, 2019, the Commission adopted a Report and Order in MB Docket Nos. 18-202 and 17-105, FCC 19-67, *Children's Television Programming Rules; Modernization of Media Regulation Initiative*. Under the Children's Television Act of 1990 (CTA), the Commission is required to consider, in its review of television license renewals, the extent to which the licensee "has served the educational and informational needs of children through the licensee's overall programming, including programming specifically designed to serve such needs." The Commission initially adopted rules implementing the CTA in 1991, and revised these rules in 1996, 2004, and 2006. The *Report and Order* modernizes the children's television programming rules in light of the changes to the media landscape that have occurred since the children's television programming rules were first adopted to provide broadcasters additional scheduling flexibility, allow broadcasters to offer more diverse and innovative educational programming, and relieve unnecessary burdens on broadcasters.

The information collection requirements that require the Office of Management and Budget (OMB) review and approval consist of the following:

(a) On-air notification – E/I symbol.

Pursuant to 47 CFR Section 73.671(c)(5), each commercial television broadcast station must identify programming as specifically designed to educate and inform children by the display on the television screen throughout the program of the symbol E/I. This requirement is intended to assist parents in identifying educational and informational programming for their children. Noncommercial television broadcast stations will no longer be required to identify Core Programming by displaying the E/I symbol throughout the program. The *Report and Order* finds that given the educational nature of most programming on noncommercial stations, it is reasonable to expect that parents will know that a children's program on a noncommercial station is specifically designed to meet the educational and informational needs of children.

(b) On-air notification – Notification of schedule change.

Pursuant to 47 CFR Section 73.671(e), each television broadcast station that preempts an episode of a regularly scheduled weekly Core Program on its primary stream will be permitted to count the episode toward the Core Programming processing guidelines if it reschedules the episode on its primary stream in accordance with the requirements of 47 CFR Section 73.671(e). Similarly, each television broadcast station that preempts an episode of a regularly scheduled weekly Core Program on a multicast stream will be permitted to count the episode toward the Core Programming processing guidelines if it reschedules the episode on the multicast stream in accordance with the requirements of 47 CFR Section 73.671(e). Among other requirements, the station must make an on-air notification of the schedule change during

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the same time slot as the preempted episode. The on-air notification must include the alternate date and time when the program will air. This requirement will help to ensure that parents and children are able to locate the rescheduled program.

(c) Program guides.

Pursuant to 47 CFR Section 73.673, each commercial television broadcast station licensee must provide information identifying programming specifically designed to educate and inform children to publishers of program guides. This requirement is intended to improve the information available to parents regarding programming specifically designed for children's educational and informational needs. Commercial television broadcast station licensees, however, will no longer be required to provide program guide publishers an indication of the age group for which the programming is intended. The *Report and Order* finds that very few program guides include this information.

These information collections do not affect individuals or households; thus, there are no impacts under the Privacy Act.

Statutory authority for these collections of information is contained in Sections 154(i), 303 and 336 of the Communications Act of 1934, as amended.

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

These requirements provide better information to the public about the shows broadcasters air to fulfill their obligations to air educational and informational programming under the CTA. This information will assist parents who wish to guide their children's television viewing. In addition, if large numbers of parents use the educational and informational programming information to choose educational programming for their children, it may increase the likelihood that the market will respond with more educational programming.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The requirement that commercial television broadcast stations identify programs specifically designed to educate and inform children by displaying the E/I symbol on the television screen throughout the program is a simple on-air notification requirement. Similarly, the requirement that television broadcast stations that preempt an episode of a regularly scheduled weekly Core Program make an on-air announcement of when the episode will be reschedule is a simple on-air notification requirement. Commercial television broadcast stations may use any means, including electric means, to provide information identifying programming specifically designed to educate and inform children to publishers of program guides.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

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No other agency imposes a similar information collection on the respondents. There are no similar data available.

5. If the collection of information will have significant economic impacts on small businesses, organizations or other small entities, describe any methods used to minimize the burden on these entities.

The information collections reduce burdens on broadcast television licensees and will not have a significant economic impact on small entities/businesses.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The CTA requires the Commission to review each television license renewal application to ensure that the licensee has served the educational and informational needs of children through the licensee's overall programming, as well as programming specifically designed to serve these needs. The licensee's identification of such programming through display of the E/I symbol, on-air announcement of schedule changes, and provision of information about such programming to program guide publishers will improve public access to information about the availability of these programs.

7. Explain any special circumstances that cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 C.F.R. § 1320.5(d)(2).

These information collections are consistent with the guidelines in 5 CFR Section 1320.5(d)(2).

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's Paperwork Reduction Act 60-day notice, required by 5 C.F.R. § 1320.8(d), soliciting comments on the information collection requirements prior to submission to OMB.

The Commission published a Notice (84 FR 38626) in the *Federal Register* on August 7, 2019, seeking comments from the public on the information collection requirements contained in this supporting statement. No comments were received from the public.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift was provided to the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

There is no need for confidentiality with these information collections.

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11. Provide additional justification for any questions of a sensitive nature.

These information collections do not address any private matters of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, total number of responses annually (annual respondents x frequency of responses for the year), average response time per response, the annual burden hours (annual number of responses x average response time), and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

(a) On-air notification – E/I symbol.

The Commission estimates that there are 1,770 commercial and Class A television station licensees, each of which is required to identify programs specifically designed to educate and inform children by displaying the E/I symbol on the television screen throughout the program. Each licensee is required to air approximately 312 half-hour programs annually specifically designed to educate and inform children annually. The Commission also estimates that it would take approximately one (1) minute per program (0.017 hours) to ensure that on-the-air identification was provided. The Commission assumes that the licensee would use an operations technician at the station to ensure that the E/I symbol is in place for each child’s program and estimates that this operations technician would have an average salary of \$20/hour. All estimates are based on Commission staff’s knowledge and familiarity with the availability of the data required.

Number of Respondents	Number of Responses	Hourly Burden per Respondent	Total Burden Hours	Hourly In-House Cost	Total In-House Cost
1,770	552,240	0.017 hours	9,388	\$20	\$187,760

Total Number of Respondents: 1,770
Total Number of Responses: 1,770 respondents x 312 programs = **552,240 responses**
Total Burden Hours: 552,240 responses x 0.017 hours = **9,388 hours**
Total In-House Cost: 9,388 hours x \$20/hour = **\$187,760**

(b) On-air notification – Notification of schedule changes.

The Commission estimates that there are 1,770 commercial and Class A television station licensees that may preempt one or more episodes of a Core Program each year. The Commission also estimates that each of these stations would preempt no more than 12 half-hour episodes annually and that it would take approximately five (5) minutes per program (0.084 hours) to ensure that the on-air notification was provided. The Commission assumes that the licensee would use an operations technician at the station to ensure that the notification of schedule change is made for each preempted program and estimates that this operations technician would have an average salary of \$20/hour. All estimates are based on Commission staff’s knowledge and familiarity with the availability of the data required.

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Number of Respondents	Number of Responses	Hourly Burden per Respondent	Total Burden Hours	Hourly In-House Cost	Total In-House Cost
1,770	21,240	0.084 hours	1,784	\$20	\$35,680

Total Number of Respondents: 1,770

Total Number of Responses: 1,770 respondents x 12 programs = **21,240 responses**

Total Burden Hours: 21,240 responses x 0.084 hours = **1,784 hours**

Total In-House Cost: 1,784 hours x \$20/hour = **\$35,680**

(c) Program Guides.

The Commission estimates that there are 1,770 commercial and Class A television station licensees, each of which is required to provide information identifying programming specifically designed to educate and inform children to publishers of program guides. Each licensee is required to air approximately 312 half-hour programs annually specifically designed to educate and inform children annually. It is industry practice for broadcasters to provide programming information to publishers of program guides and this information is published without cost to the broadcasters. Further, it has become a well-established practice to provide specialized information about programs, such as closed captioning for the hearing impaired. As broadcasters routinely provide such information about programming to program guide publishers, the Commission believes that providing information about children's programming would take minimum effort. The Commission assumes that the television licensee would use a station secretary to provide this information to program guides publishers. The Commission estimates this secretary would have a salary of \$12/hour and it will take the secretary 5 minutes per program to provide the information to publishers. All estimates are based on Commission staff's knowledge and familiarity with the availability of the data required.

Number of Respondents	Number of Responses	Hourly Burden per Respondent	Total Burden Hours	Hourly In-House Cost	Total In-House Cost
1,770	552,240	0.084 hours	46,388	\$12	\$556,656

Total Number of Respondents: 1,770

Total Number of Responses: 1,770 respondents x 312 programs = **552,240 responses**

Total Burden Hours: 552,240 responses x 0.084 hours = **46,388 hours**

Total In-House Cost: 46,388 hours x \$12/hour = **\$556,656**

CUMULATIVE TOTALS FOR ALL OF THE INFORMATION COLLECTION REQUIREMENTS:

Total Number of Respondents: 1,770

Total Number of Responses: 1,125,720

Total Annual Burden Hours: 57,560

Total Annual In-House Cost: \$780,096

13. Provide estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12

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and 14).

(a) On-air notification – E/I symbol.

The Commission estimates in Section 12(a) above that all burdens relating to preparing and airing the on-air notifications will be handled by in-house personnel.

Total capital and start-up costs: \$0
Total operation and maintenance costs: \$0
Total annualized cost: \$0

(b) On-air notification – notification of schedule change.

The Commission estimates in Section 12(b) above that all burdens relating to preparing and airing the on-air notifications will be handled by in-house personnel.

Total capital and start-up costs: \$0
Total operation and maintenance costs: \$0
Total annualized cost: \$0

(c) Program guides.

The Commission estimates in Section 12(c) above that all burdens relating to providing identifying programming specifically designed to educate and inform children to publishers of program guides will be handled by in-house personnel.

Total capital and start-up costs: \$0
Total operation and maintenance costs: \$0
Total annualized cost: \$0

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

There is no cost to the Federal Government.

15. Explain the reasons for any program changes or adjustments reported for this information collection.

The Commission has program changes to this information collection as result of the information collection requirements adopted in FCC 19-67. They are as follows: -425 to the number of respondents, +1,121,724 to

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the annual number of responses and +28,429 to the annual burden hours.

There are no adjustments to this collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The data will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection (IC), explain the reasons that display would be inappropriate.

OMB approval of the expiration date of the collection of information will be displayed at 47 CFR Section 0.408.

18. Explain any exceptions to the Certification Statement.

There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.