

SUPPORTING STATEMENT

A. Justification

1. Cable television system operators and Multichannel Video Programming Distributors (MPVDs)¹ who use frequencies in the bands 108-137 and 225-400 MHz (aeronautical frequencies)² are required to file a Cumulative Signal Leakage Index (CLI)³ derived under 47 CFR Section 76.611(a)(1) or the results of airspace measurements derived under 47 CFR Section 76.611(a)(2). This filing must include a description of the method by which compliance with basic signal leakage criteria is achieved and the method of calibrating the measurement equipment. This yearly filing is done in accordance with 47 CFR Section 76.1803 with the use of FCC Form 320. These records must be retained by cable operators.

History:

In November 1998, the Commission released its *Report and Order (R&O)*, Inside Wiring, CS Docket No. 97-184, MM Docket No. 92-260, FCC 97-376. In the *R&O*, the Commission adopted 47 CFR Section 76.620 of the Commission's rules, which applied Section 76.611, among other rules, to all non-cable MVPDs. Non-cable MVPD systems that were built by January 1, 1998, were not subject to Section 76.620 until January 1, 2003. Other requirements adopted as part of the *R&O* were approved under OMB control number 3060-0692.

The Commission is requesting an extension of this submission in order to receive the full three-year approval/clearance from OMB.

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), 302 and 303 of the Communications Act of 1934, as amended.

¹ The term "multichannel video programming distributor" means an entity engaged in the business of making available for purchase, by subscribers or customers, multiple channels of video programming. Such entities include, but are not limited to, a cable operator, Broadband Radio Service (BRS) and Educational Broadband Service (EBS) providers, a direct broadcast satellite service, a television receive-only satellite program distributor, and a satellite master antenna television system operator, as well as buying groups or agents of all such entities.

² Per 47 CFR Section 76.610, MVPDs are authorized to use frequencies in the aeronautical bands provided that they comply with the signal leakage rules and frequency separation requirements set forth in 47 CFR Sections 76.611 and 76.612.

³ The Cumulative Leakage Index (CLI) set forth in 47 CFR Section 76.611 is a measure of the strength of signals "leaking" from the cable plant which could potentially cause interference with other services. All MVPDs are required to monitor and record signal leakage by performing the CLI test every quarter and submitting the results to the Commission annually.

Title: Basic Signal Leakage Performance Report, FCC Form 320

2. The data collected on the FCC Form 320 are used by Commission staff to ensure the safe operation of aeronautical and marine radio services, and to monitor for compliance of cable aeronautical usage in order to minimize future interference to these safety of life services.
3. We have enabled the use of information technology for cable operators and non-cable MVPDs to file the Form 320 electronically via the COALS website. Electronic filing of the FCC Form 320 will reduce the burden associated with this information collection requirement. In a Public Notice (DA-04-2117) dated July 14, 2004, the Commission informed MVPDs about the requirement that all Form 320 filings must be submitted electronically as of February 1, 2005.
4. This agency does not impose a similar information collection on the respondents.
5. This information requirement has an impact on small entities. However, to ensure the integrity of the nation's aircraft communications and navigation systems, it is imperative that all cable systems, regardless of system size, comply with this information collection requirement.
6. If this collection of information was not conducted, there would be a greater likelihood of harmful interference to aeronautical and marine radio services, leading to a greater risk to the safety of life and property.
7. There are no special circumstances associated with this collection of information.
8. The Commission published a Notice (84 FR 55953) in the *Federal Register* on October 18, 2019 seeking comments on the information collection requirements contained in this supporting statement. No comments were received from the public.
9. There will be no payment or gifts given to respondents.
10. There is no need for confidentiality with this collection of information.
11. This collection of information does not address any private matters of a sensitive nature.
12. The FCC Form 320, Basic Signal Leakage Performance Report is filed annually by cable operators at the physical system identifier (PSID) level and by non-cable MPVDs with more than 1,000 subscribers at the system level. There are an estimated 4,083 active PSIDs and 189 non-cable MVPD systems with more than 1,000 subscribers. Not every PSID is subject to CLI requirements. The average burden is estimated to be 20 hours per filing to perform ground-based or airspace measurements as prescribed by 47 CFR Section 76.611, to report the results of such measurements on FCC Form 320 and for maintaining copies of the files.

Title: Basic Signal Leakage Performance Report, FCC Form 320

Total Number of Respondents: 3,413 Cable Systems & Non-cable MPVDs
 (3,224 cable systems; 189 Non-cable MPVDs)

Number of responses: 3,413 FCC Form 320 Filings

Annual "In-house Cost":

Station engineers and administrative staff will review and prepare FCC Forms 320 before submitting them to the Commission.

	<u>Total hours</u> <u>Per Filing</u>	<u>Cost per hour</u>	<u>Cost per</u> <u>Filing</u>
Engineers	18 hours	\$48.08	\$ 865
Administrative	<u>2 hours</u>	\$20.00	<u>\$ 40</u>
	20 hours		\$ 905

Total Annual "In-House Cost" = 3,413 FCC Form 320 Filings x \$905/filing = \$3,088,765

Total Annual Burden Hours: 3,413 FCC Form 320 Filings x 20 hours/filing = 68,260 hours

13. Annual Cost Burden:

a. Total Annualized Capital or Start-up Costs: None.

b. Total Operation and Maintenance Costs: None.

c. Total Annualized Costs: None.

14. Costs to the Federal Government.

FCC Form 320s estimated to be filed: 3,413. Average processing time per filing: 0.200 hours.

Engineer review: \$53.85 per hour (GS-13, step 5)

Paraprofessional review: \$37.79 (GS-11, step 5)

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Title: Basic Signal Leakage Performance Report, FCC Form 320

	<u>Total hours Per Application</u>		<u>Cost per hour</u>		<u>Cost per Application</u>
Engineers	.080 hours	x	\$53.85	=	\$4.31
Paraprofessionals	<u>.120 hours</u>	x	\$37.79	=	<u>4.53</u>
	.200 hours				\$8.84
3,413 FCC Form Filings x \$8.84/filing					= \$30,170.92
Total Cost to the Federal Government					= \$30,170.92

15. There are no program changes to this collection. There are adjustments/decreases to this collection of 1,852 to the number of respondents, 1,852 to the annual number of responses and 37,040 to the annual burden hours. These adjustments are due to a reevaluation of the figures for this collection.

16. The data will not be published for statistical use.

17. The Commission is seeking approval to not display the expiration date for OMB approval of this information collection. This will ensure that the form on the website will remain up-to-date. The expiration date of the form will be displayed at 47 CFR Section 0.408.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.