

SUPPORTING STATEMENT

A. Justification

1. On November 16, 2018, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking in MB Docket Nos. 17-317 and 17-105, FCC 18-166, In the Matter of Electronic Delivery of MVPD Communications; Modernization of Media Regulation Initiative. The Report and Order modernized the Commission’s rules regarding certain information that cable operators currently are required to provide to their subscribers on paper. The Report and Order permits these notices, including the information operators must provide pursuant to 47 CFR Section 76.1614, to instead be provided electronically via verified e-mail, so long as the cable operator complies with certain consumer safeguards. Specifically, the item permits certain written responses by the cable operator to be delivered by e-mail if the consumer used e-mail to make the request or complaint directly to the cable operator, or if the consumer specifies e-mail as the preferred delivery method in the request or complaint.

On January 31, 2017, the Commission adopted a Report and Order (*Public Inspection File R&O*) in MB Docket No. 16-161, FCC 17-3, *In the Matter of Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*¹ which eliminated the requirement in former 47 CFR Section 76.1708 that cable operators maintain for public inspection the designation and location of the cable system’s principal headend. The *Public Inspection File R&O* removed and reserved 47 CFR. Section 76.1708.

This supporting statement is being revised to reflect the removal of 47 CFR Section 76.1708 made in the *Public Inspection File R&O*.

The following Information Collection Requirements are Part of This Collection and Have Been Approved by the Office of Management and Budget (OMB):

47 CFR Section 76.56 requires cable television systems to carry signals of all qualified local commercial and Noncommercial Educational (NCE)²stations when requested. As a result of this requirement, the following information collections are needed to implement this regulation:

47 CFR Section 76.1709(a) states that the operator of every cable television system shall

¹ *Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, Report and Order, MB Docket No. 16-161, FCC 17-3 (rel. January 31, 2017).

² The terms “noncommercial educational broadcast station” and “public broadcast station” mean a television or radio broadcast station under the rules and regulations of the Commission in effect on November 2, 1978, is eligible to be licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association; or is owned and operated by a municipality and which transmits only noncommercial programs for education purposes.

Title: Sections 76.1709 and 76.1620, Availability of Signals; Section 76.1614, Identification of Must-Carry Signals; Section 76.56, Signal Carriage Obligations

maintain for public inspection a file containing a list of all broadcast television stations carried by its system in fulfillment of the must-carry requirements pursuant to 47 CFR Section 76.56. Such list shall include the call sign; community of license, broadcast channel number, cable channel number, and in the case of a noncommercial educational broadcast station, whether that station was carried by the cable system on March 29, 1990.

47 CFR Section 76.1709(c) states that a cable operator shall respond in writing within 30 days to any written request by any person for the identification of the signals carried on its system in fulfillment of the requirements of 47 CFR Section 76.56.

47 CFR Section 76.1614 states that a cable operator shall respond in writing within 30 days to any written request by any person for the identification of the signals carried on its system in fulfillment of the requirements of 47 CFR Section 76.56. The required written response may be delivered by email, if the consumer used email to make the request or complaint directly to the cable operator, or if the consumer specifies email as the preferred delivery method in the request or complaint.

47 CFR Section 76.1620, pursuant to 47 U.S.C. 614(b)(7), additionally states that if a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for such connections, the operator shall notify such subscribers of all broadcast stations carried on the cable system which cannot be viewed via cable without a converter box and shall offer to sell or lease such a converter box to such subscribers. Such notification must be provided by June 2, 1993, and annually thereafter and to each new subscriber upon initial installation. The notice, which may be included in routine billing statements, shall identify the signals that are unavailable without an additional connection, the manner for obtaining such additional connection and instructions for installation.

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), 614 and 615 of the Communications Act of 1934, as amended.

2. These recordkeeping and notification requirements ensure that subscribers are aware of the broadcast stations carried in compliance with the must-carry rules and the signals that cannot be viewed without a converter box. The records kept by cable television systems also are reviewed by Commission staff during field inspections and by local public officials to assess the systems' compliance with applicable rules and regulations.

3. Pursuant to 47 CFR Section 76.1614, cable operators may use email to respond to requests or complaints in certain circumstances.

4. This agency does not impose similar information collection requirements on the respondents.
5. This information collection requirement does not have a significant impact on a substantial number of small businesses.
6. If this information collection requirement were not to be conducted, records that verify compliance with the Commission's signal carriage and must-carry requirements would not be readily available.
7. There are no special circumstances associated with this information collection requirement.
8. The Commission published a Notice (84 FR 70526) in the *Federal Register* on December 23, 2019 seeking comments for the public 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 information collection.
11. This information collection requirement does not address any private matters of a sensitive nature.
12. The estimate burden on the public is as follows:

Total Number of Annual Respondents: 4,103 Cable Systems

Total Number of Annual Responses:

4,103 list of must-carry signals/records for public file
41,030 responses for request for information from cable operator
4,103 notices _____
49,236 responses

Annual Burden Hours:

There are approximately 4,103 cable television systems subject to must-carry requirements. We estimate that it takes each system no more than one hour per year to draft the list of must-carry television stations carried on the system and to maintain this information in a public file.

(A) 4,103 cable TV systems x 1 hour processing of must carry list/system/annum = 4,103 hours

We also estimate that each system receives no more than 10 written requests for such information per year and that each request from the public takes an average of a half-hour (0.5 hours) to fulfill.

(B) 4,103 cable TV systems x 10 written requests for information/system/annum x 0.5 hrs. =
20,515 hours

Total Annual Burden Hours: 4,103 hours + 20,515 hours = **24,618 hours**

The notice requirement set forth in Section 76.1620 is assumed to be conducted by cable television systems as part of customary and usual business practices. In addition, the notice may be routinely computer-generated and pre-printed as part of regular customer billing statements. Therefore, this notice requirement is assumed to impose no measurable burden to respondents.

Total Annual "In-house costs": We estimate an average hourly wage of \$48.08 per hour for individuals tasked with the recordkeeping and notification requirements.

24,618 hours @ \$48.08 per hour = **\$ 1,183,633**

This estimate is based on Commission staff'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. There is no cost to the Federal Government.

15. There are no program changes or adjustments to this information collection as a result of the information collection requirements adopted in FCC 17-3. While the Commission is eliminated the requirement that cable operators retain principal headend location information in the public file, it added a requirement that this information instead be made available upon request. This new requirement offsets the requirement being eliminated. The burden for the new requirement is reflected under a different control number, OMB Control Number 3060-0316.

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

OMB Control Number: 3060-0548

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17. We do not seek approval to not display the expiration date for OMB approval of this information collection.

18. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.