

## SUPPORTING STATEMENT

### A. Justification

#### 1. Information Collection Requirements: Circumstances Necessitating Change to Information Collection:<sup>1</sup>

On January 30, 2020, the Commission adopted a Report and Order, FCC 20-8, in MB Docket Nos. 19-165 and 17-105 (*Report and Order*). The *Report and Order* updated the Commission's notification rules for cable operators and direct broadcast satellite providers by transitioning certain written notices from paper to electronic delivery via e-mail. To help effectuate this transition to e-mail delivery of notices, the *Report and Order* revises 47 CFR 76.1601, 76.1607, and 76.1617 to require that after July 31, 2020, the notices mandated by these rules must be delivered to broadcast stations electronically in accordance with 47 CFR 76.1600.<sup>2</sup>

This supporting statement is being revised to reflect the revisions to 47 CFR 76.1601, 76.1607, and 76.1617.

**The following revisions to this information collection require approval from the Office of Management and Budget (OMB). These revisions represent non-substantive changes to a currently approved information collection.**

47 CFR 76.1601, 76.1607, and 76.1617 are amended to require that after July 31, 2020, the notices mandated by these rules must be delivered to broadcast stations electronically in accordance with 47 CFR 76.1600.

**The following information collection requirements are currently approved under this collection.**

47 CFR 76.1601 requires that effective April 2, 1993, a cable operator shall provide written notice to any broadcast television station at least 30 days prior to either deleting from carriage or repositioning that station. Such notification shall also be provided to subscribers of the cable system.

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<sup>1</sup> To the extent that the information collection requirements contained herein apply to Open Video System (OVS) operators and systems, any references herein to cable operators and systems shall be read to include OVS operators and systems. See *Amendment of Section 76.1506 of the Commission's Rules*, Order, 29 FCC Rcd 16253 (2014).

<sup>2</sup> See OMB Control No. 3060-0652, Section 76.309, Customer Service Obligations; Section 76.1600, Electronic Delivery of Notices; Section 76.1602, Customer Service – General Information, Section 76.1603, Customer Service – Rate and Service Changes and 76.1619, Information and Subscriber Bills.

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**Title: Section 76.1601, Deletion or Repositioning of Broadcast Signals; Section 76.1617, Initial Must-Carry Notice; Section 76.1607, Principal Headend**

47 CFR 76.1607 states that a cable operator shall provide written notice by certified mail to all stations carried on its system pursuant to the must-carry rules at least 60 days prior to any change in the designation of its principal headend.

47 CFR 76.1617(a) states within 60 days of activation of a cable system, a cable operator must notify all qualified Non-Commercial Education (NCE) stations of its designated principal headend by certified mail.

47 CFR 76.1617(b) states within 60 days of activation of a cable system, a cable operator must notify all local commercial and Non-Commercial Education (NCE) stations that may not be entitled to carriage because they either fail to meet the standards for delivery of a good quality signal to the cable system's principal headend, or may cause an increased copyright liability to the cable system.

47 CFR 76.1617(c) states within 60 days of activation of a cable system, a cable operator must send by certified mail a copy of a list of all broadcast television stations carried by its system and their channel positions to all local commercial and noncommercial television stations, including those not designated as must-carry stations and those not carried on the system.

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 Section 4(i) of the Communications Act of 1934, as amended.

2. The notices are used by broadcast stations to ascertain and exercise their must-carry rights.
3. Where possible, information technology has been relied upon to reduce the burden of compliance for these procedures.
4. This agency does not impose similar requirements on the respondents. There is no similar information available.
5. This existing information collection requirement does not have a significant impact on a substantial number of small businesses/entities.
6. If cable system operators were not required to make these various notifications, then broadcast television stations would have no codified process for obtaining the information that they need in order to ascertain and exercise their must-carry rights.

**Title: Section 76.1601, Deletion or Repositioning of Broadcast Signals; Section 76.1617, Initial Must-Carry Notice; Section 76.1607, Principal Headend**

7. There are no special circumstances associated with this collection of information.
8. The Commission published a Federal Register Notice (see 81 FR 40617) on June 22, 2016 seeking comments from the public on the information collection requirements contained in this supporting statement. The Commission has not received any comments from the public on the information collection requirements.
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. For Section 76.1601, we estimate that cable systems and OVS operators will issue approximately 3,300 notices to broadcast stations each year. We estimate 30 minutes per notice for preparing and mailing it. The notice to subscribers can be pre-printed on or mailed simultaneously with monthly billing statements at no additional measurable burden or cost.

3,300 notices issued by cable operators/OVS operators/year x 0.5 hours/notice = 1,650 hours

For Sections 76.1607, we estimate that changes in the designation of principal headend annually occur 300 times (300 notices issued annually) due to rebuilds or mergers of existing cable systems and OVS operators. Preparation of the notice and mailing it is estimated at one (1) hour.

150 notices issued by cable operators/OVS operators/year x 1 hour/notice = 150 hours

For Section 76.1617, we estimate that newly created cable systems and OVS operators may need an additional 500 notices to be issued each year. Preparation of the notices is estimated at 0.5 hours per notice.

500 notices issued by cable operators/OVS operators/year x 0.5 hours/notice = 250 hours

**Total Number of Annual Respondents = 3,300 Cable Systems and OVS Operators**

**Total Number of Annual Responses =**

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3,300 notices + 150 notices + 500 notices = **3,950 notices**

**Total Annual Burden Hours** = 1,650 hrs. + 150 hrs. + 250 hrs = **2,050 hours**

**Annual "In-House" Cost:** We estimate an average hourly wage of \$20.00 per hour for individuals tasked with the notification requirements.

3,300 notices x 0.5 hours/notice @ \$20.00/hr = \$33,000 (Section 76.1601)

150 notices x 1 hour/notice @ \$20.00/hr = \$3,000 (Section 76.1607)

500 notices x 0.5 hours/notice @ \$20.00/hr = \$5,000 (Section 76.1617)

**Total Annual In-House Cost: \$41,000**

These estimates are based on FCC 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 collection.

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

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

18. There are no exceptions to the Certification Statement.

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

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No statistical methods are employed.