

SUPPORTING STATEMENT

A. Justification:

1. On June 2, 2014 the Commission released a rulemaking titled “Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions,” GN Docket 12-268, Report and Order, FCC 14-50, 29 FCC Rcd 6567 (2014) which adopted rules for holding an Incentive Auction. Full power and Class A stations will be reassigned to a new channel via the repacking process following the auction. Other stations will submit winning bids to relinquish their channels, enter into channel sharing agreements (and move to the channel of the station they are sharing with); or to move from high-VHF to low-VHF channels or from UHF to high-VHF or low-VHF. Each of these stations are required to notify multichannel video programming providers (“MVPD”) that carry the station of the fact that the station will be changing channels or terminating operations.

47 CFR 73.3700 requires that full power and Class A television stations assigned a new channel in the incentive auction repacking, relinquishing their channel or moving to a new channel as a result of a winning bid in the auction, notify MVPDs of their termination of operations or change in channel.

On March 23, 2017, the Commission adopted the Report and Order, Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction Context, GN Docket No. 12-268, MB Docket No. 03-185, MB Docket No. 15-137, FCC 17-29 (“Report and Order”). This document approved channel sharing outside of the incentive auction context between full power, Class A, Low Power Television (LPTV) and TV translator stations. Channel sharing stations also must notify MVPDs of the fact that stations will be terminating operations on one channel to share another station’s channel.

47 CFR 73.3800, Full Power Television Channel Sharing Outside the Incentive Auction, Section 73.6028 Class A Television Channel Sharing Outside the Incentive Auction and Section 74.799 Low Power Television and TV Translator Channel Sharing require that stations seeking to channel share outside of the incentive auction provide notification to MVPDs of the fact that the station will be terminating operations on one channel to share another station’s channel.

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 1, 4(i) and (j), 7, 154, 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, as amended.

2. MVPDs use the data to determine the changes they may need to make to their systems.

3. The notification is not filed with the Commission but rather provided to the MVPDs from stations changing channel assignments.

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

5. This information collection will not have a significant economic impact on a substantial number of small entities/businesses.
6. The frequency for this collection of information is one time for stations providing notice to MVPDs.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Commission published a notice in the Federal Register on February 20, 2020 seeking public comment on the information collection requirements contained in this supporting statement, *see* 85 FR 9770. The Commission did not receive any PRA comments from the public.
9. No payment or gift was provided to the respondents.
10. This information does not have to be kept confidential.
11. This information collection does not address any private matters of a sensitive nature.
12. We make the following estimates for the MVPD notice.

MVPD Notice

For the incentive auction, we estimate that a total of 725 full power and Class A television stations will be required to provide the notification to MVPDs (“auction notifications”). We estimate that 90% of these filings (or 653 filings) will be made by the station without outside consultation and will require two (2) hours preparation, while 10% of these filings (or 72 filings) will be contracted out to outside attorneys and will require one (1) hour of consultation with these outside parties.

For the channel sharing outside of the auction, we estimate that a total of 10 full power and Class A television stations will be required to provide the notification to MVPDs (“non-auction notifications”). We estimate that 90% of these filings (or 9 filings) will be made by the station without outside consultation and will require two (2) hours preparation, while 10% of these filings (or 1 filing) will be contracted out to outside attorneys and will require one (1) hour of consultation with these outside parties.

Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents ¹	Annual In-House Cost
MVPD Notification- in-house prepared (incentive auction)	653	653	2 hrs	1,306 hrs	\$48.08	\$62,792.48
MVPD Notification – prepared by outside attorney but requiring the respondent to consult with said attorney (incentive auction)	72	72	1 hr consultation	72 hrs	\$48.08	\$3,461.76 (rounded)
MVPD Notification- in-house prepared (channel sharing)	9	9	2 hrs	18 hrs	\$48.08	\$865.44
MVPD Notification – prepared by outside attorney but requiring the respondent to consult with said attorney (channel sharing)	1	1	1 hr consultation	1 hr	\$48.08	\$48.00
Total	735	735		1,397 hrs		\$67,167.68

13. ANNUAL COST BURDEN:

An attorney would prepare the MVPD notification, estimated above to be 735 filings. We estimate that the average salary for the attorney is \$300/hour and take two hours to prepare per notification.

$$73 \text{ MVPD Notices prepared by Attorney} \times 2 \text{ hours/notification} \times \$300/\text{hour} = \underline{\$43,800}$$

Annual Cost Burden = **\$43,800**

14. Cost to the Federal Government:

There will be no cost to the government for this notice.

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

16. No data will be publically available on an FCC database.

17. OMB approval of the expiration of the information collection will be displayed at 47 C.F.R. Section

¹ This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour.

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18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.