

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.

The Commission is seeking OMB approval for an extension without change of this currently approved information collection.

47 CFR § 73.503(e)(1) provides that a noncommercial educational FM broadcast station that interrupts regular programming to conduct fundraising activities on behalf of third-party non-profit organizations must air a disclosure during such activities clearly stating that the fundraiser is not for the benefit of the station itself and identifying the entity for which it is fundraising.

47 CFR § 73.621(f)(1) provides that a noncommercial educational TV broadcast station that interrupts regular programming to conduct fundraising activities on behalf of third-party non-profit organizations must air a disclosure during such activities clearly stating that the fundraiser is not for the benefit of the station itself and identifying the entity for which it is fundraising. The audience disclosure must be aired at the beginning and the end of each fundraising program and at least once during each hour in which the program is on the air.

47 CFR § 73.3527(e)(14) provides that each noncommercial educational FM broadcast station and noncommercial educational TV broadcast station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization must place in its local public inspection file, on a quarterly basis, the following information for each third-party fundraising program or activity: the date, time, and duration of the fundraiser; the type of fundraising activity; the name of the non-profit organization benefitted by the fundraiser; a brief description of the specific cause or project, if any, supported by the fundraiser; and, to the extent that the station participated in tallying or receiving any funds for the non-profit group, an approximation, to the nearest \$10,000, of the total funds raised. The information for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October-December, April 10 for the quarter January-March, etc.).

Background:

On April 20, 2017, the Commission adopted a *Report and Order* in MB Docket No. 12-106, FCC 17-41, *In the Matter of Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations*. Previously, a noncommercial educational (NCE) broadcast station was not permitted to conduct fundraising activities to benefit any entity besides the station itself if the activities would substantially alter or suspend regular programming. The *Report and Order* relaxed the rules to allow NCE stations to spend up to one percent of their total annual airtime

conducting on-air fundraising activities that interrupt regular programming for the benefit of third-party non-profit organizations.

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

Statutory authority for these information collections is contained in Sections 151, 154(i), 303, and 399B 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.

The audience disclosure clearly identifies for the NCE station's audience the entity for which the station is conducting fundraising, which ensures that the audience knows whether the NCE station is fundraising for the station itself or for another entity where the station is conducting fundraising activities on behalf of a non-profit organization or charity that is closely affiliated with the station. The requirement to retain information on fundraising activities in stations' public inspection files provides transparency regarding NCE stations' third-party fundraising activities to the stations' audiences and allows the public to evaluate how NCE stations are serving the public interest and their local communities.

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.

NCE television and radio stations are required to upload their local public inspection files, including information detailing their third-party fundraising activities, into a Commission-hosted online database that is made available to members of the public who wish to review the files.

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.

No other agency imposes similar information collections on the respondents. There is 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.

These information collections will not have a significant economic impact on a substantial number

of 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 audience disclosure requirement is necessary to ensure that the NCE station's audience is not confused about the identity of the entity for which the station is conducting fundraising. Such a disclosure is particularly important to ensure that it is clear to the audience whether the NCE station is fundraising for the station itself or for another entity in situations where the station is conducting fundraising activities on behalf of a non-profit organization or charity that is closely affiliated with the station. The requirement to retain information on an NCE station's third-party fundraising activities in the station's local public inspection file is necessary to provide transparency to the public regarding the station's third-party fundraising activities and allow the public to evaluate the NCE station's public service record.

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

These information collections are consistent with the guidelines in 5 CFR § 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 CFR § 1320.8(d), soliciting comments on the information collection requirements prior to submission to OMB.

The Commission published a 60-day notice in the Federal Register on February 20, 2020 (85 FR 9767) seeking public comment 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 will be 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 general need for confidentiality with these information collections. However, respondents complying with these information collections may request confidential treatment of information pursuant to 47 CFR § 0.459.

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

The Commission estimates that no more than 2,200 out of 4,523 NCE stations (4,135 NCE radio stations + 388 NCE television stations) will opt to conduct fundraising activities that substantially interrupt regular programming for the benefit of third-party non-profit organizations and therefore will be required to comply with the audience disclosure requirements. The Commission estimates that each respondent will air an average of 11 eight-hour fundraisers¹ and that the average burden on a respondent to prepare and air the disclosure for each fundraiser will be 0.5 hours. The Commission estimates that in-house personnel responsible for preparing the disclosure would have an average salary of \$100,000/year or \$48.08/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
2,200	24,200	0.5 hours	12,100	\$48.08	\$581,768

Total Number of Respondents: 2,200

Total Number of Responses: 2,200 respondents x 11 eight-hour fundraisers = **24,200 responses**

Total Burden Hours: 24,200 responses x 0.5 hours = **12,100 hours**

Total In-House Cost: 12,100 hours x \$48.08/hour = **\$581,768**

The Commission estimates that no more than 2,200 out of 4,523 NCE stations (4,135 NCE radio stations + 388 NCE television stations) will opt to conduct fundraising activities that substantially interrupt regular programming for the benefit of third-party non-profit organizations and therefore will be required to retain information on their fundraising activities in their local public inspection files. The Commission estimates that the average burden on a respondent to collect and place the information on fundraising activities in the station’s public file is 0.5 hours per quarter. The Commission estimates that the in-house personnel responsible for collecting and placing the information in the station’s public file would have an average salary of \$100,000/year or

¹ This estimate is based on the annual limit on third-party fundraising of one percent of an NCE station’s total annual airtime, or approximately 88 hours of fundraising annually.

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April 2020

Title: Section 73.503, Licensing requirements and service; Section 73.621, Noncommercial educational TV stations; Section 73.3527, Local public inspection file of noncommercial educational stations

\$48.08/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 Annual Burden Hours	Hourly In-House Cost	Total Annual In-House Cost
2,200	8,800	0.5 hours	4,400	\$48.08	\$211,552

Total Number of Respondents: 2,200

Total Number of Responses: 2,200 respondents x 4 quarters = **8,800 responses**

Total Annual Burden Hours: 8,800 responses x 0.5 hours = **4,400 hours**

Total Annual In-House Cost: 4,400 hours x \$48.08/hour = **\$211,552**

CUMULATIVE TOTALS FOR ALL OF THE INFORMATION COLLECTION REQUIREMENTS:

Total Number of Respondents: 2,200

Total Number of Responses: 33,000 (24,200 audience disclosures + 8,800 public files)

Total Annual Burden Hours: 16,500 (12,100 hours (audience disclosures) + 4,400 hours (public files))

Total Annual In-House Cost: \$793,320 (\$581,768 (audience disclosures) + \$211,552 (public files))

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 and 14).**

The Commission estimates that all burdens relating to preparing and airing the audience disclosure and collecting and placing in the public file the information on NCE station fundraising activities 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.

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

There are no adjustments or program changes for this information 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 information collection 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.