

SUPPORTING STATEMENT

A. Justification:

1. The Commission is seeking OMB approval for a revision of this currently approved information collection.

The following information collection requirements have changed since the Commission last received OMB approval:

FCC Form 2100, Schedule G¹ and Section 73.624(g) of the Rules:²

- Each licensee/permittee of a digital television (DTV) station that provides feeable ancillary or supplementary services during the relevant reporting period must file on an annual basis FCC Form 2100, Schedule G. Specifically, required filers include the following (but we generally refer to all such entities herein as a “DTV licensee/permittee”):
 - A licensee of a digital commercial or noncommercial educational (NCE) full power television (TV) station, low power television (LPTV) station, TV translator or Class A TV station.
 - A permittee operating pursuant to digital special temporary authority (STA) of a commercial or NCE full power TV station, LPTV station, TV translator or Class A TV station.
- Each DTV licensee/permittee must report the feeable ancillary or supplementary services provided at any time during the reporting cycle.³
 - Specifically, a DTV licensee/permittee must include the following in its annual report:
 1. a brief description of the feeable ancillary or supplementary services provided;
 2. the gross revenues received from such services during the applicable period;and
 3. the amount of bitstream used to provide such services during the applicable period.

¹ In 2018, the Commission revised section 73.624(g) of its rules to require only those DTV stations that provided “feeable” ancillary or supplementary services during the relevant reporting period to submit Form 2100, Schedule G to the Commission. *See Amendment of Section 73.624(g) of the Commission’s Rules Regarding Submission of FCC Form 2100, Schedule G, Used to Report TV Stations’ Ancillary or Supplementary Services*, MB Docket Nos. 17-264, 17-105, FCC 18-41, Report and Order, 33 FCC Rcd 3702 (2018); *see also* <https://transition.fcc.gov/Forms/Form2100/2100G-screens.pdf> (setting forth a copy of Form 2100, Schedule G).. This form previously was known as FCC Form 317. The Commission changed the name of this form with the introduction of its Licensing and Management System (LMS) in 2015.

² 47 C.F.R. § 73.624(g).

³ Ancillary or supplementary services are all services provided on that portion of the station’s digital spectrum capacity or bitstream not needed to provide the required one free, over-the-air video broadcast signal to viewers, except that any video broadcast signal provided at no direct charge to viewers shall not be considered ancillary or supplementary. Such services include, but are not limited to, computer software distribution, data transmissions, teletext, interactive materials, aural messages, paging services, audio signals, subscription video, and the like.

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- Concurrent with the submission of FCC Form 2100, Schedule G, each DTV licensee/permittee is required to remit a payment to the Commission, via FCC Form 159 (*see* OMB Control No. 3060-0589), in the amount of five percent of the gross revenues derived from the provision of its ancillary or supplementary services.
- Each DTV licensee/permittee is required to retain the records supporting the calculation of the fees due for three years from the date of remittance of fees. Each NCE licensee/permittee must also retain for eight years documentation sufficient to show that its entire bitstream was used “primarily” for NCE broadcast services on a weekly basis.

HISTORY:

- On April 13, 2018, the Commission issued a Report and Order (FCC 18-41) that revised section 73.624(g) of its rules to require only those DTV broadcast stations that actually provided feeable ancillary or supplementary services during the relevant reporting period to submit Form 2100, Schedule G to the Commission.⁴ The Commission also revised Form 2100, Schedule G to conform to the rule amendments adopted in the Report and Order.
- On July 15, 2011, the Commission adopted a Second Report and Order (FCC 11-110) in MB Docket No. 03-185,⁵ which, among other things, widened the scope of the Commission’s ancillary and supplementary services rule to include LPTV station permittees operating pursuant to a digital STA.
- On December 22, 2007, the Commission adopted a Report and Order (FCC 07-228) in MB Docket No. 07-91,⁶ which, among other things, required DTV stations that are permittees to comply with the requirements for feeable ancillary or supplementary services in Section 73.624(g) of the Commission’s rules (using FCC Form 2100, Schedule G).
- On October 11, 2001, the Commission adopted a Report and Order (FCC 01-306) in MM Docket No. 98-203,⁷ which, among other things, clarified that NCE licensees are required to pay fees on revenues generated by the remunerative use of their excess DTV capacity.
- On November 19, 1998, the Commission adopted a Report and Order (FCC 98-303) in MM Docket No. 97-247⁸ that established a program for assessing and collecting fees for the provision of ancillary or supplementary services by commercial DTV licensees, in compliance with Section 336(e)(1) of the Communications Act.⁹ In this Report and Order, the Commission developed FCC Form 2100, Schedule G to collect this data annually from commercial DTV licensees.

⁴ *Supra* note 1.

⁵ *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, Second Report and Order, 26 FCC Rcd 10732 (2011) (“*LPTV Digital Second Report and Order*”).

⁶ *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Report and Order, 23 FCC Rcd 2994 (2007) (“*Third DTV Periodic Report and Order*”).

⁷ *Ancillary Or Supplementary Use Of Digital Television Capacity By Noncommercial Licensees*, MM Docket No. 98-203, Report and Order, 16 FCC Rcd 19042 (2001).

⁸ *Fees For Ancillary Or Supplementary Use Of Digital Television Spectrum Pursuant To Section 336(E)(1) Of The Telecommunications Act Of 1996*, MM Docket No. 97-247, Report and Order, 14 FCC Rcd 3259 (1998).

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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 154(i), 303, 336 and 403 of the Communications Act of 1934, as amended.

2. FCC staff will use the data to ensure that DTV licensees and permittees comply with the requirements of Section 336(e) of the Communications Act, 47 U.S.C. § 336(e), and Section 73.624(g) of the Rules, 47 C.F.R. § 73.624(g).
3. DTV licensees and permittees must file FCC Form 2100, Schedule G electronically. A licensee/permittee may file a waiver request to the Commission seeking approval to file a paper copy of the form if electronic means are not possible.
4. This agency does not impose a similar information collection on the respondents. There is no similar data available.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/businesses.
6. The FCC Form 2100, Schedule G is filed annually. Section 336 of the Communications Act requires the Commission to establish a program to assess and collect an annual fee for ancillary or supplementary services provided by a DTV licensee and permittee.
7. Noncommercial educational (NCE) licensees and permittees are required to retain certain documentation for eight years, but only for three years to show documentation for calculating fees. The Commission has determined this recordkeeping schedule is necessary to provide sufficient time for these NCE licensees/permittees to show compliance with the requirement to use their entire bitstream primarily for nonprofit, noncommercial, and educational broadcast services.
8. The Commission published a notice (85 FR 23827) in the *Federal Register* on April 29, 2020, seeking public comment for the information collection requirements contained in this supporting statement. No comments were received from the public.
9. No payment or gift was provided to the 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 following estimates are provided for public burden:

⁹ 47 U.S.C. § 336(e).

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# of Respondents	# of Filings/FCC Form 2100, Schedule G	Total # of Responses/ Form 2100, Schedule G Filings / Records Kept	Respondent Hourly Burden	Annual Burden Hours	Respondent's Hourly Wage	Annual "In-house" Cost
FCC Form 2100, Schedule G Filing						
7,652	1	7,652	2 hours ¹⁰	15,304 hours	\$48.08	\$735,816.32
Recordkeeping Requirement						
7,652	1	7,652	4 hours	30,608 hours	\$48.08	\$1,471,632.64
Totals						
7,652 Respondents		15,304 Filings/ Records Kept		45,912 hours		\$2,207,448.96

- **Total Number of Annual Respondents: =**
 1,759 Full Power NCE/ Commercial DTV Licensees and Permittees
 5,893 Low power television, TV translator, and Class A television station DTV Licensees and Permittees
7,652 (Respondents)
- **Total Number of Annual Responses: =** 7,652 FCC Form 2100, Schedule G Filings
 7,652 Records Kept
15,304 (Responses)
- **Total Annual Burden Hours: 45,912 hours**
- **Total Annual "In-house" Cost: \$2,207,448.96**

13. Annual Cost Burden: We expect the respondents will consult with an attorney for review of the FCC Form 2100, Schedule G before submission to the Commission. We estimate the attorney's average salary is \$300/hour and the time required for review is 30 minutes.

¹⁰ The respondent's burden includes 30 minutes of consulting time with an outside attorney to allow the respondent to review completed FCC Form 2100, Schedule G applications and the remaining 1 hour and 30 minutes will be time that the respondent will use to complete FCC Form 2100, Schedule G.

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1,759	Full power commercial/NCE DTV applications x 0.5 hours x \$300/hour =	263,850
5,893	Low power television, TV translator, and Class A television DTV applications x 0.5 hours x \$300/hour =	<u>\$ 883,950</u>
	Total Annual Cost Burden =	\$1,147,800

14. Cost to the Federal Government: The Commission will use professionals at the GS-14, step 5 level (\$65.88) and clerical staff at the GS-5, step 5 level (\$21.34) to process the FCC Form 2100, Schedule G.

Professionals:	0.25 hours x \$65.88/hour x 7,652 =	\$126,028.44
Clerical:	0.75 hours x \$21.34/hour x 7,652 =	<u>\$122,470.26</u>
TOTAL COST TO THE FEDERAL GOVERNMENT	=	\$248,498.70

15. There are program changes/decreases to this collection of -1,739 to the number of respondents, -3,478 to the annual number of responses, -10,434 to the annual burden hours and -\$260,850 to the annual cost which are due to changes made to FCC Form 2100, Schedule G in the adoption of FCC 18-41.

16. The data will not be published.

17. We request an extension of the waiver not to publish the expiration date on the form. This will obviate the need for the Commission to update electronic forms upon the expiration of the clearance. OMB approval of the expiration date of the information collection 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.

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