

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) approve a revision of OMB Control No. 3060-1133 titled, "Application for Permit to Deliver Programs to Foreign Broadcast Stations (FCC Form 308) – 47 CFR 73.3545 and 73.3580."

Revised Information Collection Requirements:

2020 Public Notice Second Report and Order

On May 12, 2020, the Commission adopted *Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580*, Second Report and Order, MB Docket Nos. 17-254, 17-105, & 05-6, FCC 20-65 (rel. May 13, 2020). The Commission adopted new, streamlined procedures for stations to provide public notice of the filing of certain applications. Stations, including stations filing FCC Form 308, that were previously required to post public notice in a local newspaper, must now post notice online, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else must post notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing.

This submission is being made to OMB for approval of the modified third-party disclosure requirements for this Information Collection, as adopted in the *2020 Public Notice Second Report and Order*. The changes pertaining to this Information Collection and to 47 CFR § 73.3580 adopted in the *2020 Public Notice Second Report and Order*, which are listed below, do not necessitate changes to FCC Form 308, nor do they affect the substance, burden hours, or costs of completing the forms. The rule changes do, however, reduce burdens and costs associated with filing the application, as set forth below.

History:

Application for Permit to Deliver Programs to Foreign Broadcast Stations (FCC Form 308)

Pursuant to 47 C.F.R. Section 73.3545, applicants use the FCC Form 308 to apply, under Section 325(c) of the Communications Act of 1934, as amended, for authority to locate, use, or maintain a studio in the United States for the purpose of supplying program material to a foreign radio or TV broadcast station whose signals are consistently received in the United States, or for extension of existing authority. Approximately 75 percent of all applicants submit the FCC Form 308 to the Commission using the Electronic Comment Filing System (ECFS).

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Section 73.3545 states that “application under section 325(c) of the Communications Act for authority to locate, use, or maintain a broadcast studio in connection with a foreign station consistently received in the United States, should be made on FCC Form 308, Application for Permit to Deliver Programs to Foreign Broadcast Stations.” An informal application may be used by applicants holding an AM, FM or TV broadcast station license or construction permit. Informal applications must, however, contain a description of the nature and character of the programming proposed, together with other information requested on Page 4 of Form 308.

The form consists of the questions that are essential to obtain the legal and technical information in order to grant authority to U.S. broadcasters to supply program material to a foreign radio or TV broadcast station whose signals are consistently received in the U.S., or to extend the current authority.

FCC Form 308 applicants now have the option to file their applicants in the Electronic Comment Filing System (ECFS) and make their payment of their application filing fees electronically in the FCC Fee Filer System. Please note that this method is optional rather than mandatory. We believe that the availability of this option will substantially decrease or eliminate paper filings of FCC Form 308’s with the Commission. This option will save time for the applicant and Commission staff. There are no other changes to the information collection, including burden estimates.

The FCC Form 308 does not affect individuals and, therefore, is not subject to the Privacy Act of 1974, as amended.

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The Commission has authority for this collection pursuant to Section 325(c) of the Communications Act of 1934, as amended.

2. The information collected pursuant to the rules set forth in 47 CFR Part 73, Subpart H, are applicable to all AM, FM, TV and Class A TV broadcast services, including both commercial and noncommercial stations. Subpart H consists of rules related to the licensing and operation of such stations such as the station license period; transferring a station; antenna structure, marking and lighting; station inspections by the FCC; broadcasting emergency information; and processing of international broadcast station applications. If this information were not collected from the respondents on the application form, the Commission would not be able to ensure that commercial and noncommercial radio and television broadcasters meet the legal and technical requirements essential to operate radio and TV stations and to prevent harmful interference among broadcast stations and other telecommunications facilities.

Broadcasters are subject to the local public notice provisions stated in Section 73.3580 of Subpart H. The Commission adopted Section 73.3580 in order to ensure that the public is informed of a station's filing of an application or amendment. Broadcasters filing FCC Form 308 were previously required to post public notice in a local newspaper, but must now post notice online, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else must post notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing.. The public is kept abreast of the stations' existence in a local area or plans to locate in a specific local area through such postings. If the Commission did not collect this information from the respondents, the public would not be informed of the existence of new broadcast stations within their local communities. The availability of such information serves the public interest by ensuring that all members of the public are aware of the existence of various radio and TV broadcast services so that they can make informed choices as American consumers.

3. Currently, the FCC Form 308 is in paper and in an Excel spreadsheet format. This form can be printed from the webpage and completed by hand. Approximately 75 percent of applicants file the completed form with the Commission using the Electronic Comment Filing System (ECFS). The form is often included as an Excel attachment to an E-Mail in ECFS. The Excel version of the form will be made available to the public on the forms page of the FCC's website. Within 5-7 years, the Commission plans to make the FCC Form 308 available to the public in an enhanced system that will house all FCC applications for various domestic and international telecommunications services, including but not limited to, licenses for broadcast, earth stations and satellite services.

4. These information collection requirements are not duplicated elsewhere in the Commission's rules.

5. These information collection requirements do not have a significant impact on a substantial number of small entities. The total number of entities subject to the Commission's broadcast

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rules is approximately 26 and only a small percentage, if any, of the 26 could be categorized as a small entity. Also, the paperwork burdens accounted for in this collection are minimal.

6. Without this collection of information, the Commission would not be able to ascertain whether the main studio owner in the US meets various legal requirements or the foreign broadcast facility, which receives and retransmits programming from the main studio in the U.S. meets various technical requirements that prevent harmful interference to other broadcast stations or telecommunications facilities.

7. This information collection does not contain any new information collection requirements that are not consistent with the general information collection guidelines in 5 C.F.R. § 1320.

8. On June 16, 2020 a 60-day notice was published in the Federal Register (85 FR 36403) to solicit comments from the public on this collection. No comments were received from the public.

9. The Commission does not provide any payment or gift to respondents.

10. There is no need for confidentiality pertaining to the information collection requirements in this collection.

11. This collection does not contain questions of a sensitive nature.

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12. An estimate of the annual burden hours for the 26 respondents is as follows:

FCC Form 308	Number of Responses	Frequency of Response & Hours	Number of Responses X Hour/Response = Burden Hours
47 CFR 73.3545 Complete FCC Form 308 for authority to locate, use, or maintain a studio in the U.S.	22	1 hour/response On-occasion	22 hours
47 CFR 73.3545 Informal application made by letter for authority to locate, use or maintain a studio in the U.S.	1	1 hour/response On-occasion	1 hour
47 CFR 73.3545 Complete FCC Form 308 for Special Temporary Authority (STA)	3	2 hours/response On-occasion	6 hours
47 CFR 73.3580 Local public notice provisions to inform public of stations' existence in local area or plans to relocate in a specific local area	22	0.5 hour/response On-occasion	11 hours
Total:	48 Annual Responses	0.5 - 2 Hours Per Response	40 Annual Burden Hours

The annual “in-house costs” to the applicants is calculated as follows: 40 annual burden hours x \$60/hour = \$2,400.00. Therefore, the total annual “in-house cost” to the respondents for this collection of information is \$2,400.00.

13. The cost estimates are as follows: (a) total capital and start-up cost component: \$0.

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and (b) total operation and maintenance and purchase of services component: \$18,297.
A cost summary is provided below.

FCC Form 308	Responses	Hours	Costs	Total
Application Fees ¹	23	N/A	\$110 per application	\$2,530
Outside Legal/Engineering Assistance	26	2 Hours per submission	\$275 ² per hour	\$14,300
Paid online notices pursuant to 47 CFR § 73.3580 ³	4 ⁴	N/A	\$453 ⁵	\$1,812
Total:				\$18,642 Total Estimated Costs

¹ There is no application fee for filing a Special Temporary Authority (STA) with the Commission. However, applicants who choose to file an informal application with the Commission by letter pay the same fee as applicants who file the FCC Form 308 with the Commission.

² The Commission calculated the hourly salary for the attorney as \$300.00/hour and the engineer as \$250/hour for an average figure of \$275.00/hour.

³ This notice will generally be posted on an applicant-owned or affiliated website, or on a free-to-post locally targeted, publicly accessible website, at no or negligible cost to the applicant. We estimate that 85 percent of applicants will be able to post online notice on an applicant-affiliated website or other free-to-post local website. The remaining 15 percent will have to pay to post on a local website, which in most cases will be the website of a local newspaper that will charge the applicant for a printed notice, with the online posting included in the price. For an applicant forced to pay to post online notice, the notice must be posted on a locally targeted, publicly accessible website for at least a 24-hour period once a week for four consecutive weeks, beginning when the application is accepted for filing. The cost of this posting is estimated to be the same per posting as the cost of publishing for one day in a local newspaper, or \$113.25/publication.

⁴ 22 responses x 0.15 = 3.3 (rounded to 4).

⁵ This figure was calculated as follows: \$113.25 publication fee/notice x 4 publications/postings = \$453 in publication costs.

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14. The estimate of annualized cost to the Federal government is summarized in the chart below. As shown in the chart, the annualized costs to the Federal government are \$22,297.11

Federal Government Staff	Number of Staff	Salary Per Hour	Annual Burden Hours	Annualized Costs
GS-13/Step 5 Telecommunications Support Specialist	1	\$55.75	33	\$1,839.75
GS-15/Step 5 Engineers	3	\$77.49	66	\$15,343.02
GS-15/Step 5 Attorney	1	\$77.49	66	\$5,114.34
	5			\$22,297.11

15. There are program changes/decreases of -22 to the annual number of responses, -33 to the annual number of burden hours and of -\$7,809 to the annual cost, which are due in part to the revised public notice requirements contained in FCC 20-65, and in part to the increased filing fee for FCC Form 308.

16. The application is filed through ECFS and publicly available.

17. We are seeking approval to not display the expiration date for OMB approval of this information collection. The Commission will use an edition date in lieu of the OMB expiration date. Additionally, the OMB expiration date and OMB control number are “displayed” in 47 CFR 0.408.

18. There are no exceptions to the certification statement.

Part B. Collections of Information Employing Statistical Methods:

Not applicable. This information collection does not employ statistical methods.