

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications

SUPPORTING STATEMENT

Description of Information Collection:

A. Justification

1. FCC Form 314 and the applicable exhibits/explanations are required to be filed when applying for consent for assignment of an AM, FM, LPFM or TV broadcast station construction permit or license. In addition, the applicant must notify the Commission when an approved assignment of a broadcast station construction permit or license has been consummated.

FCC Form 315 and applicable exhibits/explanations are required to be filed when applying for transfer of control of an entity holding an AM, FM, LPFM or TV broadcast station construction permit or license. In addition, the applicant must notify the Commission when an approved transfer of control of a broadcast station construction permit or license has been consummated. Due to the similarities in the information collected by these two forms, OMB has assigned both forms OMB Control Number 3060-0031.

47 CFR Section 73.3580, as amended in the Commission's *2020 Public Notice Second Report and Order*,¹ discussed below, requires local public notice of the filing of all applications for transfer of control or assignment of the license/permit. Notice is given in two ways. First, the station must broadcast an on-air announcement of the filing of the application. A total of six on-air announcements are required, at least one per week and no more than one per day or two per week, to be broadcast between 7:00 a.m. and 11:00 p.m. local time, Monday through Friday, beginning after the application is accepted for filing. Second, a commercial station must post notice of the application filing on its station website, its licensee website, its parent entity website, or on a publicly accessible, locally targeted website, for 30 consecutive days beginning within five business days of acceptance of the application for filing. Both on-air and online notice must direct the viewer or listener to a copy of the application as filed, either in the station's Online Public Inspection File or in another Commission database.

Revised Information Collection Requirements:

I. 2019 NCE - LPFM Report and Order

This submission is being made to the Office of Management (OMB) for the approval of information collection requirements contained in the Commission's *NCE LPFM Report and Order*² adopted December 10, 2019, and released on December 11, 2019, where the Commission revised its rules and procedures for considering competing applications for new and major modifications to noncommercial educational full-service FM and full-power television (NCE), and low power FM (LPFM) broadcast stations. The changes are designed to improve the comparative selection and licensing procedures, expedite the initiation of new service to the public, eliminate unnecessary applicant burdens, and reduce the number of

¹ *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, Report and Order, FCC 20-65 (rel. May 13, 2020). (*2020 Public Notice Second Report and Order*).

² *Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations*, Report and Order, FCC 19-127, 34 FCC Rcd 12519 (2019) (*NCE LPFM Report and Order*).

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications

appeals of NCE comparative licensing decisions.

First, to improve the NCE comparative process, the *NCE LPFM Report and Order*: (1) eliminates the governing document requirements for established local applicants and applicants claiming diversity points; (2) establishes a uniform divestiture pledge policy; (3) expands the tie-breaker criteria and revises the procedures for allocating time in mandatory time-sharing situations; and (4) clarifies and modifies the “holding period” rule.

Second, the *NCE LPFM Report and Order* adopts the following changes to the LPFM comparative process: (1) prohibits amendments that attempt to cure past unauthorized station violations; (2) authorizes time-sharing discussions prior to tentative selectee designations; and (3) establishes procedures for remaining tentative selectees following dismissal of point aggregation time-share agreements.

Third, the *NCE LPFM Report and Order* adopts the following general changes: (1) defines which applicant board changes are major changes; (2) clarifies the reasonable site assurance requirements; (3) streamlines construction deadline tolling procedures and notification requirements; (4) lengthens the LPFM construction period; and (5) eliminates restrictions on the assignment and transfer of LPFM authorizations.

Specifically, pertaining to this Information Collection and NCE and LPFM stations, the Commission is removing the restrictive LPFM station three-year “holding period” certification from CDBS Forms 314 and 315, and revising the relevant rules, 47 CFR Sections 73.865 and 73.7005, the forms, and corresponding instructions, as follows:

- (1) changing all references to “holding period” to “maintenance of comparative qualifications,” and requiring NCE stations awarded by the point system to certify satisfying the four-year “maintenance of comparative qualifications” period;³
- (2) requiring LPFM applicants to certify that it has been at least 18 months since the station’s initial construction permit was granted in accordance with 47 CFR Section 73.865(c)⁴;
- (3) requiring LPFM applicants to certify that the assignment/transfer of the LPFM authorization satisfies the consideration restrictions of 47 CFR Section 73.865(a)(1)⁵;
- (4) requiring LPFM authorizations awarded by the LPFM comparative point system,⁶ to indicate whether the LPFM station has operated on-air for at least four years since grant;⁷
- (5) requiring NCE applicants to certify that the proposed acquisition comports with 47 CFR Section

³ 47 CFR Section 73.7005 is being renamed Maintenance of Comparative Qualifications. As with the former rule, applicants with NCE stations not meeting the four-year period would provide an exhibit demonstrating that the transaction is consistent with 47 CFR Section 73.7005(a) requirements.

⁴ 47 CFR Section 73.865(c) specifies the new holding period for LPFM construction permits. Specifically, a LPFM construction permit cannot be assigned or transferred for 18 months from the date of issue.

⁵ 47 CFR Section 73.865(a)(1). Specifically, consideration promised or received must not exceed the legitimate and prudent expenses of the assignor or transferor.

⁶ 47 CFR Section 73.872. Selection procedures for mutually exclusive LPFM applications.

⁷ If an LPFM station awarded through the LPFM point system has operated on-air for less than four years, the applicant must demonstrate in an exhibit that the transaction is consistent with the requirements of 47 CFR Section 73.865(a)(3).

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications

73.7005(c) diversity requirements, based on any “diversity of ownership” points awarded in an NCE points system analysis.⁸

Moreover, the *NCE LPFM Report and Order* will increase the number of applicants eligible to file FCC Forms 314 and 315 by eliminating both the absolute prohibition on the assignment/ transfer of LPFM construction permits and the three-year holding period restriction on assigning LPFM licenses.⁹ The elimination of these restrictions will benefit the LPFM service by increasing the likelihood that LPFM permits will be constructed, provide new service to communities, and help make the LPFM stations more viable.

II. 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 commercial stations filing assignment and transfer applications, 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. Stations, including those filing assignment and transfer applications, that are required to make on-air announcements of the filing of certain applications, must continue to do so, but the announcements are shorter and direct viewers and listeners to the application as filed and displayed in either the station’s Online Public Inspection File or another Commission database. A total of six on-air announcements are required, at least one per week and no more than one per day or two per week, to be broadcast between 7:00 a.m. and 11:00 p.m. local time, Monday through Friday, beginning after the application is accepted 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 Section 73.3580 adopted in the *2020 Public Notice Second Report and Order*, which are listed below, do not necessitate changes to the Forms 314 or 315, 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:

On January 28, 2010, the Commission adopted a First Report and Order and Further Notice of Proposed Rulemaking (“Rural First R&O”) in MB Docket No. 09-52, FCC 10-24, 25 FCC Rcd 1583 (2010).¹⁰ In the Rural First R&O, the Commission adopted a Tribal Priority under Section 307(b) of the

⁸ 47 CFR Section 73.7005(c). See also 47 CFR Section 73.7003 - Point System Selection Procedures.

⁹ 47 CFR Section 73.865(c).

¹⁰ The Office of Management and Budget (OMB) approved the information collection requirements contained in FCC 10-24 on June 4, 2010, and approved the information collection requirements in FCC 11-28 on July 5, 2011. The Commission received OMB approval of the information collection requirement contained in OMB Control

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications

Communications Act of 1934, as amended, to assist federally recognized Native American Tribes and Alaska Native Villages (“Tribes”) and entities primarily owned or controlled by Tribes in obtaining broadcast radio construction permits designed primarily to serve Tribal Lands (the “Tribal Priority”). Tribal affiliated applicants that meet certain conditions regarding Tribal membership and signal coverage qualify for the Tribal Priority, which in most cases will enable the qualifying applicants to obtain radio construction permits without proceeding to competitive bidding, in the case of commercial stations, or to a point system evaluation, in the case of noncommercial educational (“NCE”) stations.

On March 3, 2011, the Commission adopted a Second Report and Order (“Rural Second R&O”), First Order on Reconsideration, and Second Further Notice of Proposed Rule Making in MB Docket No. 09-52, FCC 11-28, 26 FCC Rcd 2556 (2011). On December 28, 2011, the Commission adopted a Third Report and Order in MB Docket No. 09-52, FCC 11-190, 26 FCC Rcd 17642 (2011) (“Rural Third R&O”). In the Rural Third R&O the Commission further refined the use of the Tribal Priority in the commercial FM radio context, specifically adopting a “Threshold Qualifications” approach to commercial FM application processing.¹¹

Furthermore, under the Commission’s Tribal Priority procedures, entities obtaining:

- (a) an AM authorization for which the applicant claimed and received a dispositive Section 307(b) priority because it qualified for the Tribal Priority; or
- (b) an FM commercial non-reserved band station awarded:
 - (1) to the applicant as a singleton Threshold Qualifications Window applicant,
 - (2) to the applicant after a settlement among Threshold Qualifications Window applicants, or
 - (3) to the applicant after an auction among a closed group of bidders composed only of threshold qualified Tribal applicants; or
- (c) a reserved-band NCE FM station for which the applicant claimed and received the Tribal Priority in a fair distribution analysis as set forth in 47 C.F.R. § 73.7002(b)(1),

may not assign or transfer the authorization during the period beginning with issuance of the construction permit, until the station has completed four years of on-air operations, unless the assignee or transferee also qualifies for the Tribal Priority.¹² Pursuant to procedures set forth in the Rural Third R&O, 26 FCC Rcd at 17645-50, the Tribal Priority Holding Period is now applied in the context of authorizations obtained using Tribal Priority Threshold Qualifications.

Consistent with actions taken by the Commission in the Rural Third R&O, the following changes were made to Forms 314 and 315: Section I of each form includes a question asking applicants to indicate whether any of the authorizations involved in the subject transaction were obtained: after award of a dispositive Section 307(b) preference using the Tribal Priority; through Threshold Qualification procedures; or through the Tribal Priority as applied before the NCE fair distribution analysis. A

Number 3060-0027, stemming from FCC 11-190, on April 27, 2012.

¹¹ The “Threshold Qualifications” approach derives from Section 309(j)(6)(E) of the Act, which states that “Nothing in this subsection, or in the use of competitive bidding, shall ...be construed to relieve the Commission of the obligation in the public interest to use ...threshold qualifications . . . in order to avoid mutual exclusivity in application and licensing proceedings.”

¹² This four-year restriction on the assignment or transfer of an authorization obtained using the Tribal Priority is referred to as the “Tribal Priority Holding Period.”

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications

subsequent question then asks whether both the assignor/transferor and assignee/transferee qualify for the Tribal Priority in all respects. Applicants not meeting the Tribal Priority qualifications and proposing an assignment or transfer during the Holding Period must provide an exhibit demonstrating that the transaction is consistent with the Tribal Priority policies or that a waiver is warranted. The instructions for Section I of Forms 314 and 315 were revised to assist applicants with completing the questions.

On March 15, 2019, the Commission adopted the *Streamlined Reauthorization Procedures for Assigned or Transferred Television Satellite Stations; Modernization of Media Regulation Initiative*, MB Docket Nos. 18-63 & 17-105, Report and Order, FCC 19-17 (rel. Mar. 12, 2019). The Commission adopted streamlined procedures for reauthorizing television satellite stations when they are assigned or transferred. The streamlined procedures allow the applicants to the transaction to attach as an exhibit to the relevant form (i.e., FCC Form 314 or 315) a certification that no material changes have occurred in the underlying circumstances warranting the station's existing satellite authorization and a copy of the most recent written Commission decision granting the authorization. Waivers of the media ownership rules already are submitted as exhibits to the forms and are accounted for in the burden estimates for the rules. Therefore, these streamlined procedures for satellite exceptions to the rule do not necessitate edits either to FCC Forms 314 and 315 or to the annual burden estimates in the associated supporting statement due to the very small number of satellite stations that are assigned or transferred annually. The change, which is listed below, does not affect the substance, burden hours, or costs of completing the forms. Also, a reference to the reauthorization of a television satellite station is added to the paragraph that is numbered 13 of the supporting statement.

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 and 308 of the Communications Act of 1934, as amended.

2. Agency Use of Information: FCC staff use the data to determine whether the applicants meet basic statutory requirements to become a Commission licensee/permittee and to assure that the public interest would be served by grant of the application.

3. Consideration Given to Information Technology: The Commission requires applicants to file FCC Forms 314 and 315 electronically.

4. Effort to Identify Duplication and Similar Information: This agency does not impose a similar information collection on the respondents. There are no similar data available.

5. Effort to Reduce Small Business Burden: 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.

6. Less Frequent Data Collections: The frequency for this collection of information is determined by respondents, as necessary.

7. Information Collection Circumstances: This collection of information is consistent with the guidelines in 5 CFR §1320.5(d)(2).

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications

8. Public Comment Period: Opportunity for public comment on the information collection requirements contained in this supporting statement has been published in a notice in the Federal Register 85 FR 34440 on June 4, 2020. No comments were received from the public.

9. Payment or Gift: No payment or gift was provided to respondents.

10. Confidentiality of Information: There is no need for confidentiality with this collection of information.

11. Justification for Sensitive Questions: This information collection does not address any private matters of a sensitive nature.

12. Estimate of the Burden Hours: The following estimates are provided for public burden for this information collection:

| Services/Rule Sections | Number of Applications | Respondent's Burden Hours | Annual Hrly. Burden |
|--|-------------------------------|----------------------------------|----------------------------|
| Single AM/FM/TV | 1,020 | 2.1 hours | 2,142 |
| LPFM Transactions | 100 | 3 hours | 300 |
| LPFM Transactions | 100 | 7 hours | 700 |
| Multiple Station Transactions | 2,980 | 3.1 hours | 9,238 |
| Pending Applications | 600 | 3.1 hours | 1,860 |
| Waivers | 100 | 5.5 hours ¹³ | 550 |
| Transactions involving a Tribal Priority Authorization | 20 | 2.1 hours | 42 |
| Sec. 73.3580(b)(2) online notice | 4,020 | 0.5 hours | 2,010 |
| Sec. 73.3580(b)(1) broadcast notice | 4,220 | 0.075 hours | 316.5 |
| TOTALS: | 13,160 Responses | | 17,158.5 Hours |

Total Number of Respondents: 4,920 Licensees/Permittees

Total Number of Responses: 13,160 responses

Total Annual Burden Hours: 17,159 hours (rounded)

The total annual burden hours were arrived based on the following data:

*We assume that the respondents would consult with an attorney to complete FCC Forms 314 and 315 applications for a single AM/FM/TV station. The consultations and review of the applications will take the respondent 2.1 hours (2 hours and 6 minutes) per application.

* We assume that 50% of the respondents for LPFM stations (100 respondents) will consult with an attorney to complete an FCC Form 314 / 315 application. We estimate that these respondents will spend 3 hours in consultation with an attorney and in the review of the application.

¹³ The burden for the respondent to attach waiver showings/filings to the form/application pursuant to 47 CFR 73.3555(d) is included in this burden estimate.

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications

*We also assume that 50% of the respondents for LPFM stations (100 respondents) will prepare the application themselves. We estimate that these respondents will spend 7 hours preparing the application.

*We also estimate that the respondent will spend 2.1 hours in consultation with an attorney and 1 hour in consultation with a consulting engineer for a total of 3.1 hours (3 hours and six minutes) in the preparation of a multiple ownership analysis in connection with a multiple station transaction. Also, 3.1 hours will also be sent by the respondent in preparation to amend a pending application. The preparation of a waiver of the multiple ownership rules and cross-ownership rules will take the respondent 5.5 hours to complete.

*We estimate that transactions involving Tribal Priority Authorizations will take the respondent 2.1 hours to complete.

*We also estimate that the respondent will spend 0.5 hours coding and preparing for posting the required online notice, for a total of 0.5 hour in the preparation of online notice.

*The broadcast notices will take the respondent 4.5 minutes (0.075 hours) in the aggregate to announce over the air.

*We estimate that the respondent would have an average salary of \$100,000/year (\$48.08/ hour)

Annual “In-house” Cost:

| Services/Rule Sections | Number of Applications | Respondent’s Hrly. Burden | Respondent’s Hrly. Wage | Annual “In-House Cost |
|--|------------------------|---------------------------|-------------------------|-----------------------|
| Single AM/FM/TV | 1,020 | 2.1 hours | \$48.08 | \$102,987.36 |
| LPFM Transactions | 100 | 3 hours | \$48.08 | \$14,424.00 |
| LPFM Transactions | 100 | 7 hours | \$48.08 | \$33,656.00 |
| Multiple Station Transactions | 2,980 | 3.1 hours | \$48.08 | \$444,163.04 |
| Pending Applications | 600 | 3.1 hours | \$48.08 | \$89,428.80 |
| Waivers | 100 | 5.5 hours | \$48.08 | \$26,444.00 |
| Transactions involving a Tribal Priority Authorization | 20 | 2.1 hours | \$48.08 | \$2,019.36 |
| 73.3580(b)(2) online notice | 4,020 | 0.5 hour | \$48.08 | \$96,640.80 |
| §73.3580(b)(1) broadcast notice | 4,220 | 0.075 hours | \$48.08 | \$15,217.32 |
| Total Annual In-House Cost: | | | | \$824,980.68 |

These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

13. Annual Cost Burden: We assume that the respondents would use an attorney to prepare and file an application for a single station. We also assume that the respondents would use an attorney and an engineer to prepare and file applications for multiple station transactions, amendments to pending applications, applications with waivers, or applications involving the reauthorization of a television satellite station.

*We estimate that an application for assignment of a single AM/FM/TV station will take an attorney an average of 13.1 hours (13 hours and six minutes) per application. We estimate that an application for

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications

assignment of an LPFM station will take an attorney an average of 5 hours per application. An assignment of multiple AM/FM/TV stations will now take an attorney an average of 44.1 hours (44 hours and six minutes) per application.

*Of the assignment of multiple AM/FM stations, applicants will demonstrate compliance with the rule in each Arbitron Metro. Stations not within an Arbitron Metro demonstrate compliance by using the interim contour methodology.¹⁴ We estimate that 60% of applications with multiple station transactions will take an engineer an average of 1 hour to determine the number of full-power radio stations in an Arbitron Metro market, as reported by the consulting firm of BIA. The other 40% will take 2 hours of an engineer's time to prepare a contour-overlap map.

*We estimate that an application with a waiver of the multiple ownership rules and cross-media limits will take an attorney an average of 47.5 hours per application and an engineer an average of 2 hours.

* We estimate that it will take an attorney 1.1 hours (1 hour and 6 minutes) to file amendments to pending applications and an engineer 2 hours to prepare the data that will be used to amend pending applications.

*We estimate that an attorney will take 13.1 hours to file a Tribal Priority application and engineering time for these applications will be 2 hours per application.

*An applicant must also submit a fee (\$1,100/station) with the filing of a new application. Additionally, an applicant must give local public notice of the filing of its application for an assignment of license/permit using specific text for publication in a local newspaper.

*An applicant filing a Tribal Priority application will submit a \$1,100/station filing fee.

*Commercial stations are required to post online local public notice on their own station or licensee-affiliated website, or on a publicly accessible, locally targeted website. We estimate that 75 percent of all applicants are either not required to post online notice (e.g., noncommercial educational and LPFM stations), or will be able to post on their own website or an affiliated website at no external cost. Of the remaining 25 percent, we estimate that 40 percent will be able to post online notice on a free local website, e.g., local bulletin board, Chamber of Commerce, or state broadcasters association. The remainder will be required to pay to post on a locally targeted website, in most cases the local newspaper, which will charge normal advertising rates for publishing the notice both in print and online. In the event that an applicant must pay a website owner, such as a newspaper, to post the required online notice, the online notice must be posted for a period of not less than 24 consecutive hours, once per week (Monday through Friday), for four consecutive weeks. The cost of this posting is estimated to be \$113.25/posting.

*We estimate that the average cost for an attorney is \$300/hour and the average cost for a consulting engineer is \$250/hour.

| | |
|--|--------------|
| 1,020 single AM/FM/TV applications x \$300/hour x 13.1 hours = | \$ 4,008,600 |
| 100 LPFM applications (50% of the Applications) x \$300/hour x 5 hours = | \$ 150,000 |
| 2,980 multiple AM/FM/TV applications x \$300/hour x 44.1 hours = | \$39,425,400 |

¹⁴ The contour-overlap methodology defines the total number of stations existing in the "market" as (i) the station(s) owned by the entity and (ii) all other stations whose city-grade contours overlap any part of any of the contours of the station(s) owned by the entity.

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications

| | |
|---|---------------------|
| 600 pending applications x \$300/hour x 1.1 hours = | \$ 198,000 |
| 100 waiver applications x \$300/hour x 47.5 hours = | \$ 1,425,000 |
| 20 Tribal Priority applications x \$300/hour x 13.1 hours = | <u>\$ 78,600</u> |
| Annual Cost Burden (Attorney): | \$45,285,600 |

(Single applications and LPFM applications do not require engineering consultations).

| | |
|---|--------------------|
| 1,788 multiple AM/FM/TV applications x \$250/hour x 1 hour = | \$447,000 |
| 1,192 multiple AM/FM/TV applications x \$250/hour x 2 hours = | \$596,000 |
| 600 pending applications x \$250/hour x 2 hours = | \$300,000 |
| 100 waiver applications x \$250/hour x 2 hours = | \$ 50,000 |
| 20 Tribal Priority applications x \$250/hour x 2 hours = | <u>\$ 10,000</u> |
| Annual Cost Burden (Engineer): | \$1,403,000 |

(There is no fee required for pending applications).

| | |
|--|-------------------|
| 1,020 single applications x \$1,100 filing fee/station = | \$1,122,000 |
| 2,980 multiple AM/FM/TV applications x \$1,100 filing fee/station = | \$3,278,000 |
| 100 waivers x \$1,100 filing fee/station = | \$ 110,000 |
| 20 Tribal Priority applications x \$1,100 filing fee/station = | \$ 22,000 |
| 603 ¹⁵ online notices x 4 postings x \$113.25/publication = | <u>\$ 27,3159</u> |

Annual Cost Burden (Fees):

\$4,805,159

Total Annual Cost Burden: \$45,285,600 + 1,403,000 + \$4,805,159 = **\$51,493,759**

14. Cost to Federal Government: The Commission will use professional staff at the GS-14/Step 5 level (\$65.88/hour), paraprofessional staff at the GS-11/Step 5 level (\$39.12/hour) and clerical staff at the GS-5/Step 5 level (\$21.34/hour) to process these applications.

Single AM/FM/TV applications:

| | |
|---|---------------------|
| 1,020 applications x \$65.88/hour x 1.1 hours = | \$ 73,917.36 |
| 1,020 applications x \$39.12/hour x 1.1 hours = | \$ 43,892.64 |
| 1,020 applications x \$21.34/hour x 0.6 hour = | <u>\$ 13,060.08</u> |
| | \$130,870.08 |

Single LPFM applications:

| | |
|---|--------------------|
| 200 applications x \$65.88/hour x 1 hours = | \$13,176.00 |
| 200 applications x \$39.12/hour x 1 hour = | <u>\$ 7,824.00</u> |

¹⁵ The Commission arrived at the numbers of 603 paid online notices and 4,220 broadcast announcements/notices based on the total number of applications that will need a notice broadcast over the air, and based on the assumption that 85 percent of all applicants will be able to post required online notice either on a website controlled by or affiliated with the applicant, or on a free local website. The other 15 percent will be required to pay to post the online notice four times over a period of four weeks. The most likely place these stations will pay to post the notice online is the local newspaper, which we anticipate will charge the going rate for a print advertisement with online posting included in the price. All applications in this information collection need online notices and notices broadcast over the air except noncommercial educational and LPFM applications, which need only broadcast on-air announcements, and waivers and pending applications.

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications

\$21,000.00

Multiple Station applications:

| | |
|--|---------------------|
| 2,980 applications x \$65.88/hour x 41.1 hours = | \$8,068,850.64 |
| 2,980 applications x \$39.12/hour x 1.1 hour = | \$ 128,235.36 |
| 2,980 applications x \$21.34/hour x 0.6 hours = | <u>\$ 38,155.92</u> |
| | \$8,235,241.92 |

Pending Applications:

| | |
|--|---------------------|
| 600 applications x \$65.88/hour x 41.1 hours = | \$1,624,600.80 |
| 600 applications x \$39.12/hour x 1.1 hour = | \$ 25,819.20 |
| 600 applications x \$21.34/hour x 0.6 hours = | <u>\$ 12,804.00</u> |
| | \$1,663,224.00 |

Waivers:

| | |
|--|--------------------|
| 100 applications x \$65.88/hour x 43.5 hours = | \$286,578.00 |
| 100 applications x \$39.12/hour x 1.5 hours = | \$ 5,868.00 |
| 100 applications x \$21.34/hour x 1 hour = | <u>\$ 2,134.00</u> |
| | \$294,580.00 |

Tribal Priority Applications:

| | |
|---|------------------|
| 20 applications x \$65.88/hour x 41.1 hours = | \$ 54,153.36 |
| 20 applications x \$39.12/hour x 1.1 hour = | \$ 860.64 |
| 20 applications x \$21.34/hour x 1 hour = | <u>\$ 426.80</u> |
| | \$ 55,440.80 |

Total Cost to the Federal Government:

\$10,400,356.80

15. Reason for Changes in Burden or Cost: There are program changes of +80 to the number of respondents, of +280 to the number of responses, of -1,511 to the annual burden hours and of -\$1,025,897 to the annual cost which are due to the information collection requirements contained in FCC 20-65 and FCC 19-127.

There are no adjustments to this information collection.

16. Plans for Publication: All applications are electronically filed and publicly available.

17. Display of OMB Approval Date: We request 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 § 0.408.

18. Exceptions to the Certification Statement: There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.

Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications