OMB Control Number: 3060-1254 April 2021

Title: Next Gen TV/ATSC 3.0 Local Simulcasting Rules; 47 CFR §§ 73.3801 (full-power TV), 73.6029 (Class A TV), and 74.782 (low-power TV) and FCC Form 2100 (Next Gen TV License Application)

SUPPORTING STATEMENT

A. Justification:

1. The Commission is seeking an extension of this currently approved collection for the full three-year period.

The following information collection requirements are contained in this collection and have not changed since last approved by OMB.

<u>Licensing of Simulcasting Stations and Stations Converting to ATSC 3.0 Operation (47 C.F.R. §§ 73.3801(f), 73.6029(f), and 74.782(g))</u>

- Reporting Requirement (License Application to FCC Required):
 - O A broadcaster must file an application (FCC Form 2100) with the Commission, and receive Commission approval, before:
 - (i) moving its ATSC 1.0 signal to the facilities of a host station, moving that signal from the facilities of an existing host station to the facilities of a different host station, or discontinuing an ATSC 1.0 guest signal;
 - (ii) commencing the airing of an ATSC 3.0 signal on the facilities of a host station (that has already converted to ATSC 3.0 operation), moving its ATSC 3.0 signal to the facilities of a different host station, or discontinuing an ATSC 3.0 guest signal; or
 - (iii) converting its existing station to transmit an ATSC 3.0 signal or converting the station from ATSC 3.0 back to ATSC 1.0 transmissions.
 - O *FCC Form 2100*: As directed by the Commission, the Media Bureau will be amending FCC Form 2100 and the relevant schedules (Schedules B, D & F)¹ as necessary to implement the Next Gen TV licensing process and collect the required information (detailed below). The form will be revised to establish the streamlined "one-step" licensing process for Next Gen TV applicants, including adding the above listed purposes (i-iii) to the form. The data elements of the form are attached as an Appendix.
 - O *Streamlined Process*: A broadcaster may file only an application for modification of license, provided no other changes are being requested in such application that would require the filing of an application for a construction permit as otherwise required by the rules.
 - o *Expedited Processing*. An application filed in accordance with the streamlined process will receive expedited processing provided, for stations requesting to air an ATSC 1.0 signal on the facilities of a host station, the station will provide ATSC 1.0 service to at least 95 percent of the predicted population within the noise limited service contour of its original ATSC 1.0 facility.
 - O Required Information:

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¹ Schedule B – Full Power License to cover application (OMB control number 3060-0837); Schedule D – LPTV/Translator License to cover application (OMB control number 3060-0017); and Schedule F – Class A License to cover application (OMB control number 3060-0928). The Commission will submit the final versions of FCC Form 2100, Schedules B, D and F under their appropriate OMB control numbers to OMB for its files once issues have been worked out with the IT contractor.

- An application must include the following information:
 - (A) the station serving as the host, if applicable,
 - (B) the technical facilities of the host station, if applicable,
 - (C) the DMA of the originating broadcaster's facility and the DMA of the host station, if applicable, and
 - (D) any other information deemed necessary by the Commission to process the application.
- If an application includes a request to air an ATSC 1.0 signal on the facilities of a
 host station, the broadcaster must also indicate on the application (in addition to
 other required information):
 - (A) the predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal,
 - (B) the predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal that will lose the station's ATSC 1.0 service as a result of the simulcasting arrangement, including identifying areas of service loss by providing a contour overlap map, and
 - (C) whether the ATSC 1.0 simulcast signal aired on the host station will serve at least 95 percent of the population.
- If an application includes a request to air an ATSC 1.0 signal on the facilities of a host station and does not meet the 95 percent standard for expedited processing, the application must contain the following information (in addition to other required information):
 - (A) whether there is another possible host station(s) in the market that
 would result in less service loss to existing viewers and, if so, why the next
 Gen TV broadcaster chose to partner with a host station creating a larger
 service loss;
 - (B) what steps, if any, the station plans to take to minimize the impact of the service loss (e.g., providing ATSC 3.0 dongles, set-top boxes, or gateway devices to viewers in the loss area); and
 - (C) the public interest benefits of the simulcasting arrangement and a showing of why the benefit(s) of granting the application would outweigh the harm(s). These applications will be considered on a case-by-case basis.

Consumer education for Next Gen TV stations (47 C.F.R. §§ 73.3801(g), 73.6029(g), and 74.782(h))

- Third-Party Reporting Requirement (Broadcaster On-Air Notices to Consumers): Commercial and noncommercial educational broadcast TV stations that relocate their ATSC 1.0 signals (e.g., moving to a host station's facility, subsequently moving to a different host, or returning to its original facility) are required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations on their existing facilities. Stations that transition directly to ATSC 3.0 will be required to air daily PSAs or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations.
 - o *PSAs*. Each PSA must be provided in the same language as a majority of the programming carried by the transitioning station and be closed-captioned.

- O *Crawls*. Each crawl must be provided in the same language as a majority of the programming carried by the transitioning station.
- O *Content of PSAs or Crawls*. For stations relocating their ATSC 1.0 signals or transitioning directly to ATSC 3.0, each PSA or crawl must provide all pertinent information to consumers.

Notice to MVPDs (47 C.F.R. §§ 73.3801(h), 73.6029(h), and 74.782(i))

- Third-Party Reporting Requirement (Broadcaster Written Notices to MVPDs): Next Gen TV stations relocating their ATSC 1.0 signals (e.g., moving to a temporary host station's facilities, subsequently moving to a different host, or returning to its original facility) must provide notice to MVPDs that: (i) No longer will be required to carry the station's ATSC 1.0 signal due to the relocation; or (ii) carry and will continue to be obligated to carry the station's ATSC 1.0 signal from the new location.
- O Content. The notice must contain the following information:
 - (i) Date and time of any ATSC 1.0 channel changes;
 - (ii) The ATSC 1.0 channel occupied by the station before and after commencement of local simulcasting;
 - (iii) Modification, if any, to antenna position, location, or power levels;
 - (iv) Stream identification information; and
 - (v) Engineering staff contact information.
- O *Amended Notice*. If any of the information provided in the Required Notice changes, then an amended notification must be sent.
- O *Timing*. Next Gen TV stations must provide notice as required by this section: (i) at least 120 days in advance of relocating their ATSC 1.0 signals if the relocation occurs during the post-incentive auction transition period; or (ii) at least 90 days in advance of relocating their ATSC 1.0 signals if the relocation occurs after the post-incentive auction transition period (see 47 CFR 27.4). If the anticipated date of the ATSC 1.0 signal relocation changes, the station must send a further notice to affected MVPDs informing them of the new anticipated date.
- O Method. Next Gen TV stations may choose whether to provide notice as required by this section either by a letter notification or electronically via email if the relevant MVPD agrees to receive such notices by email. Letter notifications to MVPDs must be sent by certified mail, return receipt requested to the MVPD's address in the FCC's Online Public Inspection File (OPIF), if the MVPD has an online file. For cable systems that do not have an online file, notices must be sent to the cable system's official address of record provided in the system's most recent filing in the FCC's Cable Operations and Licensing System (COALS). For MVPDs with no official address in OPIF or COALS, the letter must be sent to the MVPD's official corporate address registered with their State of incorporation.

Local Simulcasting Agreements (47 C.F.R. §§ 73.3801(e), 73.6029(e), and 74.782(f))

• Recordkeeping Requirement: Broadcasters must maintain a written copy of any local simulcasting

agreement and provide it to the Commission upon request.

- O *Agreement Content*: Local simulcasting agreements must contain provisions outlining each licensee's rights and responsibilities regarding:
 - (i) Access to facilities, including whether each licensee will have unrestrained access to the host station's transmission facilities;
 - (ii) Allocation of bandwidth within the host station's channel;
 - (iii) Operation, maintenance, repair, and modification of facilities, including a list of all relevant equipment, a description of each party's financial obligations, and any relevant notice provisions;
 - (iv) Conditions under which the simulcast agreement may be terminated, assigned or transferred; and
 - (v) How a guest station's (i.e., a station originating programming that is being transmitted using the facilities of another station) signal may be transitioned off the host station.

History: On November 20, 2017, the Commission released a Report and Order, FCC 17-158, in GN Docket No. 16-142,² authorizing television broadcasters to use the "Next Generation" broadcast television (Next Gen TV) transmission standard, also called "ATSC 3.0" or "3.0," on a voluntary, market-driven basis. This authorization is subject to broadcasters continuing to deliver current-generation digital television (DTV) service, using the ATSC 1.0 transmission standard, also called "ATSC 1.0" or "1.0," to their viewers. The requirement to continue to provide ATSC 1.0 service is called "local simulcasting." The local simulcasting rules are codified at 47 CFR §§ 73.3801 (full-power TV), 73.6029 (Class A TV), and 74.782 (low-power TV).

The 2017 Report and Order modified the existing license application form, FCC Form 2100, to establish a new purpose: a streamlined, one-step license application for Next Gen TV (ATSC 3.0) service.³ The data elements for the new form purpose and schedules were approved by OMB in July 2018. The form also includes certain data elements from the existing FCC Form 2100 which apply to all applicants (not just Next Gen TV applicants). On March 12, 2019, the Commission submitted "screen shots" of the final version of FCC Form 2100, Schedules B, D and F under their appropriate OMB control numbers to OMB as a non-substantial change request. Although there were wording changes to some questions, there are no substantive changes to the information that is being collected. OMB approved this non-substantive change on March 28, 2019. No changes have been made or requested since OMB's last approval. _See Schedule B – Full Power License to cover application (OMB control number 3060-0837); Schedule D – LPTV/Translator License to cover application (OMB control number 3060-0928).

² Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard, GN Docket No. 16-142, Report and Order and Further Notice of Proposed Rulemaking, FCC 17-158 (rel. Nov. 20, 2017) (Next Gen TV R&O).

³ See Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930 (2017) (Next Gen TV Report and Order and Further Notice). Ordinarily, an applicant seeking a broadcast license needs to first file an application for a construction permit (step 1) and then, when the facility becomes operational, the applicant must file a license to cover application (step 2).

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, 7, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 614, and 615 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 157, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535.

- 2. **Use of Information**: FCC staff will use the license application, and the local simulcasting agreement (when applicable), to determine compliance with FCC rules and to determine whether the public interest would be served by grant of the application for a Next Gen TV station license. Broadcaster on-air notices to consumers will be used to inform consumers if stations they watch will be changing channels and encouraged to rescan their receivers for new channel assignments. Broadcaster notices to multichannel video programming distributors (MVPDs) will be used to notify MVPDs that carry a Next Gen TV broadcast station about channel changes and facility information.
- 3. **Consideration Given to Information Technology**: Broadcasters must file Next Gen TV license applications on FCC Form 2100 electronically through the Licensing and Management System (LMS). Broadcasters must provide notices to consumers on-air. Broadcasters may provide notices to MVPDs either by a letter notification or electronically via email if the relevant MVPD agrees to receive such notices by email.
- 4. **Effort to Identify Duplication and Use 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**: This information collection will not have a significant economic impact on small entities.
- 6. **Less Frequent Data Collection**: If this collection of information were not sponsored by the Commission, then broadcasters would not have a means to apply to use the Next Gen broadcast TV transmission standard. Furthermore, if these information collection requirements were not conducted, the Commission would be unable to fulfill its obligation to ensure that a grant of a Next Gen TV license is in the public interest. (The frequency for this collection of information is determined by respondents, as necessary.)
- 7. **Information Collection Circumstances**: There are no special circumstances associated with this information collection. This collection is consistent with the guidelines in 5 CFR 1320.5(d)(2).
- 8. **Public Comment Period**: The Commission published a Notice (86 FR 11768) in the Federal Register on February 26, 2021, seeking public comment on the information collection requirements contained in this supporting statement. 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 some need for confidentiality for this collection of information. When submitting a local simulcasting agreement with the agency upon request, applicants may

redact confidential or proprietary terms.

- 11. **Justification for Sensitive Questions**: This collection does not address matters of a sensitive nature.
- **12. Burden Estimate.** The estimated burden for this collection of information is as follows:

Next Gen TV License Applications

Next Gen TV service will be deployed by broadcast television stations on a voluntary, market-driven basis. For this reason, it is difficult to predict how many stations will deploy Next Gen TV/ATSC 3.0 service each year. Nevertheless, for purposes of this submission, we estimate that 180 full-power TV stations, 40 Class A stations, 200 LPTV stations and 380 TV translator stations will file applications each year related to deployment of Next Gen TV/ATSC 3.0 service.⁴

We estimate that about 50% of Next Gen TV license applications by full-power and Class A stations (*i.e.*, 110 total applications – 90 full-power TV stations and 20 Class A stations)⁵ will be applications for a 1.0 simulcast license on a host facility.⁶ Applications for a 1.0 simulcast license on a host facility will be required to (1) provide additional information with its license application showing the extent to which it will maintain existing 1.0 service to its viewers, (2) air daily consumer education notices (PSAs or crawls every day for 30 days prior to moving its 1.0 channel), (3) provide notices to MVPDs (that no longer will be required to carry the station's 1.0 signal due to the move or which currently carry the station's 1.0 signal from the existing location and will continue to be obligated to carry the station's 1.0 signal from the new location), and (4) must maintain a copy of its local simulcasting agreement with the host.

We estimate that 90% of Next Gen TV license applications filed by full-power and Class A stations (99 of 110 applications) will be filed with the assistance of outside attorneys and engineering consultants. The station will require one (1) hour of consultation with each of these outside parties. The other 10% of these

⁴ These estimates are based on approximately 10% of the totals for full-power TV stations (1,773), Class A stations (403), LPTV stations (1,964) and TV Translator stations (3,750).

⁵ LPTV stations and TV Translators may transition directly to ATSC 3.0 and are not required to simulcast in 1.0.

⁶ The other 50% will simulcast in 1.0 on their existing channel.

⁷ *I.e.*, Next Gen TV stations seeking to be licensed to simulcast in ATSC 1.0 on a host facility as part of its ATSC 3.0 deployment.

⁸ If an application includes a request to air an ATSC 1.0 signal on the facilities of a host station, the broadcaster must also indicate on the application (in addition to other required information): (A) the predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal, (B) the predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal that will lose the station's ATSC 1.0 service as a result of the simulcasting arrangement, including identifying areas of service loss by providing a contour overlap map, and (C) whether the ATSC 1.0 simulcast signal aired on the host station will serve at least 95 percent of the population. If an application includes a request to air an ATSC 1.0 signal on the facilities of a host station and does not meet the 95 percent standard for expedited processing, the application must contain the following information (in addition to other required information): (A) whether there is another possible host station(s) in the market that would result in less service loss to existing viewers and, if so, why the next Gen TV broadcaster chose to partner with a host station creating a larger service loss; (B) what steps, if any, the station plans to take to minimize the impact of the service loss (e.g., providing ATSC 3.0 dongles, set-top boxes, or gateway devices to viewers in the loss area); and (C) the public interest benefits of the simulcasting arrangement and a showing of why the benefit(s) of granting the application would outweigh the harm(s).

applications (11 applications) will be made by the station without outside consultation and will require 8 hours of preparation. [99 applications x 2 hours legal/engineering consult = 198 hours] & [11 applications x 8 hours = 88 hours]

We estimate that the other 50% of Next Gen TV license applications by full-power and Class A stations (110 applications) and all of the 580 Next Gen TV license applications estimated to be filed by LPTV stations and TV translator stations (690 total applications) will be made by the station without outside consultation and will require 4 hours of preparation. [690 applications \times 4 hours = 2,760 hours]

The respondent (station manager) is estimated to have an average salary of \$100,000/year (\$48.08/hour).

198 hours x \$48.08/hour = \$ 9,519.84 88 hours x \$48.08/hour = \$ 4,231.04 2,760 hours x \$48.08/hour = \$132,700.80

3,046 hours x \$48.08/hour = **\$146,451.68 in-house cost**

Broadcaster On-Air Notices to Viewers/Consumers

As discussed above, 110 broadcasters will be required to air daily consumer education notices (i.e., PSAs or crawls) every day for 30 days prior to moving its 1.0 channel. [110 respondents $x 30^9 = 3,300$ responses/airings]

We estimate that it will take respondent station 0.25 hours (15 minutes) to prepare a PSA or crawl and that such PSAs or crawls will air for 0.017 hours (approximately 1 minute) daily for 30 days. [110 PSAs/crawls \times 0.25 hours = 27.5 hours \times \$48.08/hours = \$1,322.20 cost] [3,300 PSAs/crawls \times 0.017 hours = 56.1 hours \times \$48.08/hours = \$2,697.29 cost]

[\$1,322.20 + \$2,697.29 = **\$4,019.49** in-house cost]

Broadcaster Notices to MVPDs

As discussed above, 110 broadcasters will be required to provide notices to MVPDs (that no longer will be required to carry the station's 1.0 signal due to the move or which currently carry the station's 1.0 signal from the existing location and will continue to be obligated to carry the station's 1.0 signal from the new location). We estimate that each broadcaster must provide such notice to approximately five (5) MVPDs. [110 broadcasters x 5 MVPDs = 550 notices]

We estimate that 90% of these broadcasters (99) will prepare notices to MVPDs <u>without</u> the assistance of outside attorneys and will require two (2) hours preparation, plus an additional 0.25 hours (15 minutes) to tailor each notice to the specific MVPD recipient, while 10% (11) will prepare notices to MVPDs <u>with</u> the assistance of outside attorneys and will require one (1) hour consultation, plus an additional 0.25 hours (15 minutes) to tailor each notice to the specific MVPD recipient.

[99 broadcasters x 2 hours = 198 hours x 48.08/hours = 9,519.84]¹⁰

¹⁰ Each broadcaster will prepare a generic template that will be used for each notice.

⁹ (1 time per day x 30 days)

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[495 notices x 0.25 hours = 123.75 hours x $48.08/hours = $5,949.90]<sup>11</sup> ($9,519.84 + $5,949.90 = $15,469.74) OR (321.75 hrs x $48.08/hours = $15,469.74)
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[11 broadcasters x 1 hour = 11 hours x 48.08/hours = 528.88]¹²

[55 notices x 0.25 hours = 13.75 hours x \$48.08/hours = \$661.10]¹³ (\$528.88 + \$661.10 = \$1,189.98) OR (24.75 hrs x \$48.08/hours = \$1,189.98)

\$15,469.74 + \$1,189.98 = **\$16,659.72** in-house cost

Maintenance of Local Simulcasting Agreements (Recordkeeping)

As discussed above, 110 broadcasters will be required to maintain a copy of their respective local simulcasting agreement in their records to provide to the FCC upon request. We estimate that it will take broadcasters 0.25 hours (15 minutes) to fulfill this requirement.

[110 broadcasters x 0.25 hours = 27.5 hours x \$48.08/hours = **\$1,322.20 in-house cost**]

Information Collection Requirement		Total Number of Respondents	Total Number of Responses	Burden Hours	Total Burden Hours	Annual "In-House" Cost
Next Gen TV License Applications	1.0 Simulcast Applications on a Host Facility by Full-Power and Class A Stations	110 filers	110 applications	2-8 hrs.	286 hrs.	\$ 13,750.88
	All Other Applications	690 filers	690 applications	4 hrs.	2,760 hrs.	\$132,700.80
Subtotal		800 respondents	800 responses		3,046 hours	\$146,451.68 cost
Broadcaster On-Air Notices (PSAs or crawls) to Viewers/Consumers		110 respondents	3,300 responses	0.017 - 0.267 hrs.	83.6 hrs.	\$4,019.49
Subtotal		110 respondents	3,300 responses		83.6 hours	\$4,019.49 cost
Broadcaster Notices to MVPDs		99 respondents	495 notices	0.25-2.25 hrs.	321.75 hrs.	\$15,469.74

¹¹ The broadcaster will tailor its generic template for each notice.

¹² Each broadcaster will prepare a generic template that will be used for each notice.

¹³ The broadcaster will tailor its generic template for each notice.

	11 respondents	55 notices	0.25-1.25 hrs	24.75 hrs	\$1,189.98
Subtotal	110 respondents	550 responses		346.5 hours	\$16,659.72
Maintenance of Local Simulcasting Agreements (Recordkeeping)	110 respondents	110 responses	0.25 hrs	27.5 hrs	\$1,322.20
Subtotal	110 respondents	110 responses		27.5 hrs	\$1,322.20
TOTALS:	1,130 respondents	4,760 responses		3,504 hours (rounded)	\$168,453.09

13. ANNUAL COST BURDEN:

As discussed above, we estimate that 99 Next Gen TV license applications will require consultation with a legal and engineering expert. We estimate that the average salary for the attorney is \$300/hour and the average salary for the engineer is \$250/hour. We estimate that about 75% of these applications will be eligible for expedited processing and thus will require a reduced legal showing.

For these 74 applications, we estimate that outside attorneys will spend 2 hours per application (including consult time) and outside engineering consultants will spend 2 hours per application (including consult time). [74 applications Outside Attorney prep/consult x 2 hours/application x 300/hour = 44,400 [74 applications Outside Engineer prep/consult x 2 hours/application x 250/hour = 37,000] 44,400 + 37,000 = 81,400

For the other 25 applications that will require enhanced legal showings, we estimate that outside attorneys will spend 4 hours per application (including consult time) and outside engineering consultants will spend 2 hours per application (including consult time).

[25 applications Outside Attorney prep/consult x 4 hours/application x \$300/hour = \$30,000] [25 applications Outside Engineer prep/consult x 2 hours/application x \$250/hour = \$12,500] 30,000 + 12,500 = 42,500

\$81,400 + \$42,500 = \$123,900

As discussed above, we estimate that 11 notices to MVPDs will be prepared with the assistance of outside attorneys. We estimate that the average salary for the attorney is \$300/hour and it will take two hours to prepare each notification.

[11 MVPD Notices prepared by Outside Attorney x 2 hours/notice x \$300/hour = \$6,600]

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\$123,900 + \$6,600 = \$130,500

Annual Cost Burden = \$130,500

14. Cost to the Federal Government:

The Commission will use legal and engineering staff at the GS-14/Step 5 level (\$66.54/hour), paraprofessional staff at the GS-11/Step 5 level (\$39.51/hour), and clerical staff at the GS-5 level/Step 5 level (\$21.55/hour) to process Next Gen TV license applications.

Cost to the Federal Go	\$785,725.20		
800 applications	x 2 hrs	x \$21.55/hour =	<u>\$ 34,480.00</u>
800 applications	x 6 hrs	x \$39.51/hour =	\$189,648.00
800 applications	x 6 hrs engineering review	x \$66.54/hour =	\$319,392.00
690 applications	x 4 hrs legal review	x \$66.54/hour =	\$183,650.40
110 applications	x 8 hrs legal review	x \$66.54/hour =	\$ 58,555.20

- **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 0.408.
- **18.** There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.