

## SUPPORTING STATEMENT

### **A. Justification:**

1. *Circumstances that make the collection necessary.* The Federal Communications Commission (Commission) is seeking approval from the Office of Management and Budget (OMB) to establish a new information collection titled, “Application for Voluntary Assignment of Transfers and Controls, 47 CFR 73.3540.” This request is being submitted pursuant to 5 CFR 1320.12(b) regarding collections contained in rules that were established prior to the Paperwork Reduction Act (PRA) and 5 CFR 1320.13 governing emergency processing.

Under 47 CFR 73.3540, the filings of the FCC Forms 314, 315, and 316 are required when applying for consent for assignment of a broadcast station construction permit or license. In addition, the applicant must notify the Commission when an approved assignment or transfer of control of a broadcast station construction permit or license has been consummated.

The FCC Forms 314, 315, and 316 are currently shared between the Media Bureau and the International Bureau. The forms are used by the International Bureau for International Broadcast stations and by the Media Bureau for other broadcast licenses. These FCC Forms were previously approved by Office of Management and Budget (OMB) for use by Media Bureau licensees under OMB 3060-0031 and OMB 3060-0009. Due to an administrative error, however, the information collections in 47 CFR § 73.3540 do not appear to have a current OMB approval with a control number that explicitly includes International Broadcast stations in the collection.

The Commission is requesting clearance for this new information collection in order to obtain a control number applicable to International Broadcast stations and to implement mandatory electronic filing of International Broadcast station applications in the International Bureau Filing System (IBFS). The versions of FCC Forms 314, 315, and 316 to be used by International Bureau licensees will be renamed as FCC Form 314 (IBFS), FCC Form 315 (IBFS) and FCC Form 316 (IBFS). These forms will only be used by the International Broadcast stations in IBFS.

The Commission seeks emergency processing under the Paperwork Reduction Act (PRA), 5 U.S.C. § 1320.13. The Commission is requesting approval from OMB for this new information collection immediately after it is received at the OMB.

### **Background**

The obligations in 47 CFR 73.3540 (Application for voluntary assignment or transfer of control)

were initially promulgated as a Part 1 rule, 47 CFR 1.540, prior to PRA, and in 1979, the Commission redesignated that provision as 47 CFR 73.3540 in an effort to restructure and consolidate all broadcast rules into Part 73 rules ([44 FR 38496](#))).

On April 1, 1981, the collections in 47 CFR 73.3540 for transfers of control and assignments of broadcast stations (OMB 3060-0009, OMB 3060-0031) were approved. These approved collections cover the use of FCC Forms 314, 315, and 316. Due to an administrative error, however, currently, these OMB approved information collections do not explicitly include International Broadcast stations’ applications and their use of these FCC forms.

On July 13, 2021, the Commission released an Order titled, “In the Matter of Mandatory Electronic Filing of Section 325(c) Applications, International Broadcast Applications, and Dominant Carrier Section 63.10(c) Quarterly Reports.” The purpose of this Order is to require that any remaining applications and reports administered by the International Bureau and filed on paper or through an alternative filing process be filed only electronically through the Commission’s International Bureau Filing System (IBFS).

Specifically, the Commission modified its rules to mandate the electronic filing of, among other things, applications for International Broadcast Stations, including applications for voluntary assignments and transfers of control.<sup>1</sup> These mandatory electronic filing requirements will reduce costs and administrative burdens, result in greater efficiencies, facilitate faster and more efficient communications, and improve transparency to the public. The changes to section 73.3540 (c) and (d) state that “[f]or International Broadcast Stations, the application shall be filed electronically in the International Bureau Filing System (IBFS).” There are currently fewer than 20 International Broadcast stations subject to obligations in section 73.3540, and the International Bureau receives an average of one application involving voluntary transactions per year pursuant to section 73.3540.

**§ 73.3540 Application for voluntary assignment or transfer of control.**

- (a) Prior consent of the FCC must be obtained for a voluntary assignment or transfer of control.
- (b) Application should be filed with the FCC at least 45 days prior to the contemplated effective date of assignment or transfer of control.
- (c) Application for consent to the assignment of construction permit or license must be filed on FCC Form 314 “Assignment of license” or FCC Form 316 “Short form” (See paragraph (f) of this section). For International Broadcast Stations, the application shall be filed electronically in the International Bureau Filing System (IBFS).
- (d) Application for consent to the transfer of control of a corporation holding a construction permit or license must be filed on FCC Form 315 “Transfer of Control” or FCC Form 316 “Short form” (see paragraph (f) of this section). For International Broadcast Stations, the application shall be filed electronically in the IBFS.

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<sup>1</sup> The Commission is separately submitting an emergency request for revision of OMB Control No. 3060-1035 and a non-substantive change request for OMB Control Nos. 3060-1133, 3060-0686, and 3060-0678 to reflect other rule changes made in the same Order.

(e) Application for consent to the assignment of construction permit or license or to the transfer of control of a corporate licensee or permittee for an FM or TV translator station, a low power TV station and any associated auxiliary station, such as translator microwave relay stations and UHF translator booster stations, only must be filed on FCC Form 345 “Application for Transfer of Control of Corporate Licensee or Permittee, or Assignment of License or Permit for an FM or TV translator Station, or a Low Power TV Station.”

(f) The following assignment or transfer applications may be filed on FCC “Short form” 316:

- (1) Assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;
- (2) Assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;
- (3) Assignment or transfer by which certain stockholders retire and the interest transferred is not a controlling one;
- (4) Corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;
- (5) Assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests; or
- (6) Assignment of less than a controlling interest in a partnership.

The Commission is preparing a system of records notice, FCC/IB-1 "International Bureau Filing System," to cover any PII that will be added to IBFS as part of this collection. The Commission is also preparing a Privacy Impact Assessment for the system.

The statutory authority for this information collection is contained in Sections 1, 4(i), 301, 303, 307, and 308(b) 334, 336, 554 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 301, 303, 307, 308(b), 334, 336, 554, and Part 73 of the Commission’s rules.

2. The information collected pursuant to the rules set forth in 47 CFR Part 73 Subpart F is used by the Commission to assign frequencies for use by international broadcast stations, to grant authority to operate such stations, and to determine if interference or adverse propagation conditions exists that may impact the operation of such stations.
3. The Electronic Filing Order mandates that all 100 percent of all applications be filed electronically in the International Bureau Filing System (IBFS).
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 or businesses.
6. If the Commission did not collect this information, it would not be in a position to effectively

coordinate spectrum for international broadcasters or to act for entities in times of frequency interference or adverse propagation conditions. The orderly nature of the provision of international broadcast service would be in jeopardy without the Commission’s involvement.

7. This collection of information is consistent with the guidelines in 5 C.F.R. Section 1320.5.

8. *Federal Register notice; efforts to consult with persons outside the Commission.* This request is being submitted pursuant to 5 C.F.R. § 1320.12(b) regarding collections contained in rules that existed prior to the PRA. Emergency approval is being sought for this revised information collection, and the Commission seeks a waiver of the 60-day notice requirement in 5 C.F.R. § 1320.8(d) due to the emergency nature of this request. The Commission seeks emergency processing under the Paperwork Reduction Act (PRA), 5 U.S.C. § 1320.13. The Commission is requesting approval from OMB for this revised and/or new information collection immediately after it is received at the OMB.

The Commission will follow all of the regular OMB clearance processes and procedures for the renewal collection upon approval of its emergency request and will publish the necessary notices in the Federal Register when seeking regular OMB approval.

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. The Commission is preparing a system of records notice, FCC/IB-1 "International Bureau Filing System," to cover any PII that will be added to IBFS as part of this collection. The Commission is also preparing a Privacy Impact Assessment for the system.

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

12. The estimate of annual burden hours of the x respondents for international broadcasters licenses are as follows:

Information Collection Requirements	Responses/Applications	Hours	Seasons (If applicable)	Total Hours
<b>47 CFR § 73.3540 (c)</b> Application for Assignment	1	10		10
<b>47 CFR § 73.3540 (d)</b> Application for Transfer of Control	1	10		10
	<b>2 Responses/ Applications</b>			<b>20 Burden Hours</b>

Annual “In-House Cost”: The hourly rate for in-house staff is estimated at \$45 per hour.

20 x \$45/hour for in-house staff = \$900.

13. Annual Cost Burden:

(a). The capital or start-up costs associated with this collection: None.

(b). The operation and maintenance costs associated with this collection:

The applicants use outside legal or engineering assistance for 30% (1) of the responses. The hourly rate for outside legal and engineering assistance is \$275 per hour.

1 X \$275 per hour x 2 hours per submission = **\$550.**

Estimate of Filing Fees

Information Collection Requirement	Responses/Applications	Seasons (If applicable)	Filing Fees	Cost of Filing Fees
47 CFR § 73.3540 (c) <b>Application for Assignment</b>	1		\$120	\$120
47 CFR § 73.3540 (d) <b>Application for Transfer of Control</b>	1		\$120	\$120
				<b>\$240</b>

**(c). Total Annual Cost Burden:**

The total of for outside engineering/legal assistance \$550+ \$240 in annual application fees = **\$790.**

14. Federal Government Costs: One GS-14/Step 5 Electronics Engineer (International Bureau) reviews the international-related applications and requests. Please see Chart A for a list of information collection requirements reviewed by Federal government staff.

Chart B provides Federal Government Costs that are calculated as follows:

The total number of annual burden hours for the FCC Forms 314-IBFS, 315-IBFS, and 316-IBFS is 20. The annual burden hours are multiplied by the staff’s hourly salary rates (see Chart B for

details).

Chart A – Information Collection Requirements Reviewed by Federal Government Staff

Information Collection Requirements	Responses/ Applications	Hours	Seasons (If applicable)	Total Hours
47 CFR § 73.3540 (c) Application for Assignment	1	10		10
47 CFR § 73.3540 (d) Application for Transfer of Control	1	10		10
	<b>2</b>	<b>20</b>		<b>20</b>

Federal Government Employee	Hourly Rate	Annual Hours	Federal Government Costs
GS-14/Step 5 Electronics Engineer (International-related applications/requests)	\$66.54	20	\$1,330.80

15. This is a new information collection. The program changes are +2 respondents, +2 annual responses, +20 annual burden hours and \$790 in annual cost once the information collection is approved by OMB.

16. The results of this information collection requirement will not be published for statistical use.

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.