

SUPPORTING STATEMENT

A. Justification:

1. Explain in detail the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Provide a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.

The Spectrum Act requires the Commission to reimburse broadcast television licensees for costs “reasonably incurred” in relocating to new channels assigned in the repacking process and Multichannel Video Programming Distributors (MVPDs) for costs reasonably incurred in order to continue to carry the signals of stations relocating to new channels as a result of the repacking process or a winning reverse auction bid.¹

The Commission decided through notice-and-comment rulemaking that it will issue all eligible broadcasters and MVPDs an initial allocation of funds based on estimated costs, which will be available for draw down (from individual accounts in the U.S. Treasury) as the entities incur expenses, followed by a subsequent allocation to the extent necessary. The reason for allowing eligible entities to draw down funds as they incur expenses is to reduce the chance that entities will be unable to finance necessary relocation changes.²

The information collection for which we are requesting approval is necessary for eligible entities to instruct the Commission on how to pay the amounts the entities draw down, and for the entities to make certifications that reduce the risk of waste, fraud, abuse and improper payments.

The statutory authority for this collection is contained in Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96 (Spectrum Act) section 6403(a)(1) and Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018, Public Law 115–141, Div. P, (RAY BAUM’S Act) section 1452.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information will be used by the Commission, for several purposes:

- a) To match the information submitted in this collection to existing information in the Commission’s records concerning the eligible entity and the amount of payment due to the eligible entity.

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 (Spectrum Act) § 6403(b)(4)(A)(i), (ii).

² Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567 (2014) (“Incentive Auction R&O”) at 609.

- b) To collect contact information for a person whom the Commission can contact to resolve any questions that arise regarding disbursement of the relocation reimbursement.
- c) To establish whom the eligible entity has authorized to enter its banking information on FCC's online system.
- d) To obtain signed, notarized certifications from the eligible entity to protect the Government from liability and deter waste, fraud, abuse and improper payments.
- e) To obtain the information needed to route the relocation reimbursement to the proper bank account of the eligible entity through the Automated Clearing House (ACH) system.
- f) To obtain evidence confirming that the bank account to which the relocation reimbursement will be deposited is owned by the eligible entity.

The Commission has made actual use of the information received from the current collection to meet the above purposes in making payments to eligible entities.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical or other technological techniques or other forms of information technology, e.g., permitting electronic submissions of responses, and the basis for the decision for adopting this means of collection.

The applicant enters its information on-line into FCC's Commission Registration System (CORES). Once completed the applicant can generate and print the form, which they sign, notarize and mail to FCC. This hybrid approach reduces burden through on-line entry by the applicant, while still providing a notarized document.

4. Describe efforts to identify duplication.

This information collection avoids duplication by refraining from collecting information FCC already has, except when needed to match information on this form to existing data. For example, this information collection does not ask about the amount of the relocation reimbursement that is due to the eligible entity, because FCC will compute that amount from information FCC has collected outside this form.

5. If the collection of information will have *significant economic impacts on small businesses, organizations or other small entities, describe any methods used to minimize the burden on these entities.*

Some respondents will be small entities. FCC has taken several steps to minimize burden on small entities:

- Respondents will not need to acquire any specialized information technology to complete the information collection. The process requires only ordinary internet access and a printer.
- The information collection is designed so respondents can complete it without need for outside experts or consultants. Instructions are integrated into each question. The form is in plain language, except for certain technical terms which will be familiar to respondents because they are participating in the relocation process.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing the burden.

This is a one-time reporting requirement collection of information. If the collection was not conducted, then FCC would not have the information necessary to send eligible entities reimbursement for relocation expenses. If FCC did not send the eligible entities reimbursement, then the entities might not be obligated to, or financially able to, vacate their existing spectrum to make way for other uses and continue their broadcast service to the public on repacked spectrum.

7. Explain any special circumstances that would cause an information collected in a manner inconsistent with OMB's guidelines which are stated in 5 C.F.R. § 1320.5(d)(2).

There are no special circumstances associated with this information collection that would make it inconsistent with OMB's guidelines in 5 C.F.R. § 1320.5(d)(2).

8. Identify the date and page number of publication in the Federal Register of the agency's Paperwork Reduction Act (PRA) 60-day notice, required by 5 C.F.R. § 1320.8(d), soliciting comments on the information collection requirement(s) prior to submission to OMB.

The notice required by 5 C.F.R. § 1320.8(d) was published in the Federal Register on March 29, 2022 (87 FR 18017). No PRA comments were received as a result of this notice.

9. Explain any decision to provide any payment or gift to respondents, other than the remuneration of contractors or grantees.

FCC will not provide any payment or gift to respondents, although the information collection is required to obtain a benefit for which the respondent is qualified.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The information collection includes information identifying bank accounts and providing account and routing numbers to access those accounts. FCC considers that information to be records not routinely available for public inspection under 47 CFR 0.457, and exempt from disclosure under FOIA exemption 4 (5 U.S.C. § 552(b)(4)).

11. Provide additional justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Provide estimates of the burden hours for the collection of information.

This is a one-time collection of information.

FCC projects there will be 350 respondents annually, and that the average time necessary to complete the response, including the time to gather information and have it reviewed, is 5 hours.

Number of Respondents	Frequency of Response	Total Number of Responses	Average Hours per Response	Total Burden Hours
350	1	350	5	1,750

The Commission estimates that respondents will complete this information collection using in-house staff, equivalent to a GS-13/Step 5 in the 2022 Federal GS Salary Schedule for the DC/MD/VA/WV/ PA locality (\$58.01 per hour) plus 30% overhead for a cost of \$75.41 per hour. Therefore:
 Annualized in-house cost to respondents = 1,750 hours x \$75.41 per hour = \$131,968

Total number of respondents: 350 respondents

Total annual responses: 350 responses

Total annual burden hours: 1,750 hours

Total annualized in-house cost to respondents: \$131,968

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. Do not include the cost of any burden hours shown in items 12 and 14.

FCC projects there will be no cost burden to respondents beyond the cost of burden hours reported in Question 12. FCC has designed this information collection to be completed by respondents' in-house staff without need for external consultants. The respondents will not need any specialized equipment to complete this information collection. The information being collected is information which the respondents already need to maintain in the normal cost of their business as broadcasting licensees and as participants in the relocation process.

14. Provide estimates of annualized costs to the Federal government.

FCC will use government staff to review the submissions from respondents, compare the paper forms to the on-line submissions to detect any errors, and store the information for use in disbursing the relocation reimbursements. FCC projects this will require an average of one hour per respondent. Therefore, the projected Federal government work hours are:

$$1 \text{ hour} \times 350 = 350 \text{ hours}$$

We also project that the cost of government work hours will average the salary of a GS-13/Step 5 in the Federal GS Salary Schedule for the Washington DC locality (\$58.01 per hour) plus 30% overhead for a cost of \$75.41 per hour. Therefore:

$$\text{The Total Annualized Cost to the Federal government} = 350 \text{ hours} \times \$75.41 \text{ per hour} = \$26,394$$

FCC does not project any other costs to conduct this information collection.

15. Explain the reasons for any program changes or adjustments reported.

The Commission is reporting adjustments/decreases to this information collection. Because most of the entities that are eligible for reimbursement have already filed the form, there are decreases to the total number of respondents and total annual responses from 2,500 to 350 (-2,150) and the total annual burden hours from 12,500 to 1,750 (-10,750).

There are no program changes.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

FCC does not plan to publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reason that a display would be inappropriate.

The Commission seeks an exemption from the requirement to display the OMB expiration date on the form related to this information collection. The Commission will use an edition date on the form in lieu of the OMB expiration date. This will prevent the Commission from having to constantly update the expiration date on the form each time this collection is submitted to OMB for review and approval. The Commission publishes a list of all OMB-approved information collections in 47 C.F.R. 0.408 of the Commission's rules.

18. Explain any exceptions to the statement certifying compliance with 5 C.F.R. §1320.9 and the related provisions of 5 C.F.R. § 1320.8(b)(3).

There are exceptions to the Certification Statement.

- (1) When the 60-day day notice was published in the Federal Register on November 16, 2021 (86 FR 63380), the document omitted the dates, addresses and for further information sections from this notice.
- (2) Thereafter, a correction notice was published in the Federal Register on March 29, 2022 (87 FR 18017) indicating that it was a regular extension rather than a delegated collection (less than 5,000 burden hours). As a result, a 30-day notice was inadvertently published in the Federal Register on June 10, 2022 (87 FR 35552) for this collection to be submitted to the Office of Management and Budget (OMB) for review and approval. Because this collection is a delegated collection, it will be submitted to OMB under delegated authority.

There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ statistical methods.