

## SUPPORTING STATEMENT

## A. Justification:

1. Licensees and permittees of FM broadcast stations are required to file FCC Form 2100, Schedule 302-FM to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities of these stations.

**Revised Information Collection Requirements:**

This submission is being made to the Office of Management and Budget (OMB) for the approval of information collection requirements contained in the Commission's *FM Broadcast Directional Antenna Performance Verification Order*<sup>1</sup> adopted May 19, 2022, and released on May 19, 2022, where the Commission revised its broadcast radio rules and procedures to allow for FM antenna directional pattern verification by computer modeling. This represents an update from the previous requirement that an FM or LPFM directional antenna's performance be verified by the "measured relative field pattern"<sup>2</sup> and brings our rules for those services into regulatory conformity with our rules governing AM and DTV directional antennas.<sup>3</sup> The Commission expects that this change in how the antenna manufacturer may validate its FM directional antenna studies would provide an FM license applicant with greater flexibility in antenna siting and reduce the overall costs of designing and building an FM directional antenna, and station construction.

Specifically, pertaining to this Information Collection and full-service FM stations, the Commission is revising the relevant rules, 47 CFR § 73.316 and 47 CFR §73.1690, and corresponding instructions, as follows:

- (1) Gives an FM license applicant that employs a directional antenna the option of submitting computer-generated proofs of the FM directional antenna pattern prepared by the antenna's manufacturer, in lieu of measured pattern plots and tabulations derived from physical full-size or scale model antenna mockups.
- (2) In Section 73.316, specifies the information required in a license application filed for a station using an FM directional antenna, which opts to use computer modeling pattern verification. For example, the license application must include a statement from the engineer responsible for designing the antenna, performing the modeling, and preparing the antenna manufacturer's instructions for installation of the antenna, that identifies and describes the software used to create the computer model, the software tool(s) used in the modeling and the procedures applied in using the software. The statement should describe all radiating structures included in the model. It must also include a certification that the software executed normally without generating error messages or warnings.

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<sup>1</sup> *Updating FM Broadcast Radio Service Directional Antenna Performance Verification*. Report and Order, MB Docket No. 22-422, FCC 22-38 (rel. May 19, 2022) (*FM Broadcast Directional Antenna Performance Verification Order*).

<sup>2</sup> 47 CFR § 73.316(c)(2)(iii).

<sup>3</sup> See 47 CFR §§ 73.151, 73.685(f).

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- (3) Requires that, the first time the directional pattern of a particular model of antenna is verified using computer results, the broadcast station must submit to the Commission both the results of the computer modelling and the measurements of either a full-size or scale model of the antenna or elements thereof, demonstrating a reasonable correlation between the measurements achieved and the computer model results. Once a particular antenna model or series of elements has been verified, subsequent applicants using the same antenna model number or elements and the same modeling software may cross-reference the original submission by providing the application file number.

The revisions to the relevant rules and corresponding Schedule 302-FM instructions listed above may potentially affect the substance, burden hours, and costs of completing the Schedule 302-FM. Therefore, this submission is being made to OMB for approval of the revised Information Collection requirements.

**History:**

The Media Bureau transitioned to a new on-line (electronic) licensing database system called the “Licensing Management System” (LMS) in which all Media Bureau broadcast applications and reporting forms will eventually be filed. In effect, the database transition required a corresponding design conversion of all existing CDBS forms. The Media Bureau developed electronic, LMS-compatible versions of various broadcast station application and reporting forms, such as this Form 2100, Schedule 302-FM – FM Station License Application (LMS FM License Application) as part of the database transition.

In general, the LMS FM License Application replicates the former FCC Form 302-FM. The form sections and substance of the individual questions essentially remain the same. As with the former FCC Form 302-FM, the LMS FM License Application requires applicants to certify compliance with statutory and regulatory requirements. The application is presented primarily in a “Yes/No” certification format and contains places for submitting explanatory exhibits where appropriate.

In this phase of the LMS roll-out, the LMS FM License Application replaced FCC Form 302-FM for the filing of all FM full-service license applications in LMS. FCC Form 302-FM therefore was completely replaced by the LMS FM License Application, and FM applicants no longer use FCC Form 302-FM when applying for any FM full-service license.

On October 22, 1998, the Commission adopted a *Report and Order* in MM Docket Nos. 98-43 (1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules, and Processes) and 94-149 (Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities). Among other things, this *Report and Order* substantially revised the FCC Form 302-FM to facilitate electronic filing by replacing narrative exhibits with the use of certifications and an engineering technical box.

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.

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2. FCC staff reviews the LMS FM License Application to (1) confirm that the station is built according to the specifications in the outstanding construction permit, (2) update FCC station license files, and (3) extract data for inclusion in the subsequently issued license authorization to operate the station.
3. The Commission requires applicants to file the LMS FM License Application electronically.
4. No other agency imposes a similar information collection on the respondents. There is no similar data available.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission makes an effort to minimize the burden on all respondents.
6. The frequency for this collection of information is determined by respondents, as necessary.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Commission published a Notice (87 FR 35772) in the Federal Register on June 13, 2022, seeking public comment on the information collection requirements. Cohen, Dippell and Everist, P.C. (CDE), filed a comment on August 11, 2022.

CDE requests clarification regarding the requirement that, the first time the directional pattern of a particular model of antenna is verified using computer results, the broadcast station must submit to the Commission both the results of the computer modelling and the measurements of either a full-size or scale model of the antenna or elements thereof, demonstrating a reasonable correlation between the measurements achieved and the computer model results. Once a particular antenna model or series of elements has been verified, subsequent applicants using the same antenna model number or elements and the same modeling software may cross-reference the original submission by providing the application file number. *See* 87 FR 35773 (June 13, 2022).

CDE asks that we clarify whether this “first time” requirement “is applicable to apply for the FM directional antenna(s) designed for the full service commercial and/or the educational band.” We clarify that the initial (or “first time”) computer model verification process, and the attendant submission of both modeling results and measurements, applies to all FM directional antennas, whether for reserved-band full-service noncommercial educational FM use, for non-reserved band full-service FM use, or for Low Power FM use. This requirement is now codified in 47 CFR 73.316(c)(2)(iv).

9. No payment or gift was provided to the respondents.
10. There is no need for confidentiality with this collection of information.
11. This collection of information does not address any private matters of a sensitive nature.
12. We estimate the filing of 925 Schedule 302-FM license applications (700 FM Licenses to Cover Construction Permits (CP) and 225 Modification of Licenses). Of the 700 license to cover CP applications, we expect 150 to specify a directional antenna. Of the 225 modification of license applications, we expect 50 to specify a directional antenna. We expect the respondents will require one to two hours to complete the general section of the application form.

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For the legal section of the application form, we expect 555 (60%) of the 925 respondents will complete the form without outside assistance. The remaining 370 (40%) respondents will consult and pay a communications attorney to complete the legal section of the application.

For the engineering section of the application, 462 respondents will complete the form without outside assistance. The remaining 463 respondents will consult with an engineer for completion of the form. (We expect that all respondents specifying directional antennas will consult with an engineer for completion of the form.) The consultation time is one hour for both legal and engineering. We estimate the respondent's salary at \$100,000/year (\$48.08/hour). These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

**Number of Annual Respondents: 925 Licensees and Permittees of FM Broadcast Stations**

**Number of Responses:**

700 FM Licenses to Cover Construction Permits

225 Modification of Licenses

**925 FCC Form 2100, Schedule 302-FM Applications (responses)**

**Annual Burden Hours:**

Applicants completing general section of form without outside assistance

700 applications x 1 hour = 700 hours

225 modifications x 2 hours = 450 hours

1,150 hours

Applicants completing legal section of form without outside assistance

420 applications x 1 hour = 420 hours

135 modifications x 2 hours = 270 hours

690 hours

Applicants consulting with contract attorney to allow the attorney to complete the legal section of the form

280 applications x 1 hour = 280 hours

90 modifications x 1 hour = 90 hours

370 hours

Applicants completing engineering section of form without outside assistance

350 applications x 1 hour = 350 hours

112 modifications x 1 hour = 112 hours

462 hours

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Applicants consulting with contract engineer to allow the engineer to complete the engineering section of the form (This includes all applicants specifying a directional antenna.)

350 applications x 1 hour = 350 hours

113 modifications x 1 hour = 113 hours

463 hours

**Total Annual Burden Hours: 3,135**

1,150 hrs + 690 hrs + 370 hrs + 462 hrs + 463 hrs = **3,135 hrs.**

**Annualized “In House Cost” to Respondent:**

Applicants completing general section of form without outside assistance

700 applications x 1 hour x \$48.08 = \$33,656.00

225 modifications x 2 hours x \$48.08 = \$21,636.00

\$55,292.00

Applicants completing legal section of form without outside assistance

420 applications x 1 hour x \$48.08 = \$20,193.60

135 modifications x 2 hours x \$48.08 = \$12,981.60

\$33,175.20

Applicants consulting with a contract attorney to allow the attorney to complete legal section of form

280 applications x 1 hour x \$48.08 = \$13,462.40

90 modifications x 1 hour x \$48.08 = \$ 4,327.20

\$17,789.60

Applicants completing engineering section of form without outside assistance

350 applications x 1 hour x \$48.08 = \$16,828.00

112 modifications x 1 hour x \$48.08 = \$ 5,384.96

\$22,212.96

Applicants consulting with a contract engineer to allow the engineer to complete the engineering section of the form. (This includes all applicants specifying a directional antenna.)

350 applications x 1 hour x \$48.08 = \$16,828.00

113 modifications x 1 hour x \$48.08 = \$ 5,433.04

\$22,261.04

**TOTAL “In-House” COSTS =**

\$55,292.00 + \$33,175.20 + \$17,789.60 + \$22,212.96 + \$22,261.04 = **\$150,730.80**

13. **Annual Cost Burden:** We estimate that 370 respondents will use a communications attorney to complete the legal section of the application. We expect 1-2 hours of attorney time are needed, at an hourly rate of \$300 per hour. We estimate that 463 of the respondents will use a consulting engineer to complete the engineering section of the application. (This includes all applicants specifying a directional antenna.) We expect the engineer needs 2 – 6 hours (\$250/hour) to complete the engineering section of the form.

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The filing fee is \$235 for a FM Station License Application, FCC Form 2100, Schedule 302-FM.<sup>4</sup> Only the 700 applications for licenses to cover construction permits are required to pay the filing fee.<sup>5</sup>

280 applications x 1 hour x \$300 =	\$84,000
90 modifications x 1 hour x \$300 =	\$27,000
200 applications x 2 hours x \$250 =	\$100,000
150 applications x 6 hours x \$250 =	\$225,000
63 modifications x 2 hours x \$250 =	\$31,500
50 modifications x 6 hours x \$250 =	\$75,000
700 applications x \$235 filing fee =	\$164,500
150 directional antennas x \$630=	<u>\$ 94,500</u>
<b>TOTAL ANNUAL COST BURDEN =</b>	<b>\$801,500</b>

14. **Cost to the Federal Government:** The FCC will use staff at the GS-11, step 5 level (\$40.70/hour), and at the GS-5, step 5 level (\$22.20/hour) to process FCC 302-FM applications.

3 hours x \$40.70/hour x 925 applications =	\$112,942.50
1 hour x \$22.20/hour x 925 applications =	<u>\$ 20,535.00</u>
<b>TOTAL COST TO FEDERAL GOVERNMENT =</b>	<b>\$133,477.50</b>

15. There are no program changes to the collection. There are adjustments to the annual cost of +\$161,500 which are due to some changes to the cost for this collection..

16. The data is publicly available in LMS.

17. OMB approval of the expiration date of the information collection will be displayed at 47 CFR Section 0.408.

18. There are no exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods**

No statistical methods are employed.

<sup>4</sup> The new filing fee for an FM Station License Application is \$235. See “Application Fee Filing Guide for Media Bureau,” effective July 15, 2021. Therefore, the annual cost burden in Item #13 has been adjusted to reflect this application filing fee increase.

<sup>5</sup> Of the 700 FM license to cover CP applications estimated to be filed, we expect 150 to specify a directional antenna. The additional filing fee for an FM license application that specifies a directional antenna is \$630.00.