

SUPPORTING STATEMENT**A. Justification:**

1. FCC Form 2100, Schedule 319 (LPFM License Application) is used to apply for a new or modified low power FM (LPFM) broadcast station license in the current Media Bureau database system, the “Licensing Management System” (LMS). Specifically, it may be used: (1) to cover an authorized construction permit; (2) to replace a nondirectional antenna with a different type of nondirectional antenna with the same number of bays; (3) to replace the transmission line, which may require a change in the transmitter power output to maintain the licensed effective radiated power; (4) to change the hours of operation of a LPFM station authorized to operate pursuant to a time-share agreement; (5) to amend a pending license application; and (6) as otherwise ordered by staff.

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*¹ adopted May 19, 2022, and released on May 19, 2022, where the Commission revised its broadcast radio rules and procedures to allow for LPFM 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”² and brings our rules for those services into regulatory conformity with our rules governing AM and DTV directional antennas.³ The Commission expects that this change in how the antenna manufacturer may validate its LPFM directional antenna studies would provide an LPFM license applicant with greater flexibility in antenna siting and reduce the overall costs of designing and building an LPFM directional antenna, and station construction.

Specifically, pertaining to this Information Collection and LPFM stations, the Commission is revising the relevant rules, 47 CFR § 73.316 and 47 CFR §73.1690, and corresponding instructions, as follows:⁴

- (1) Gives an LPFM license applicant that employs a directional antenna the option of submitting computer-generated proofs of the LPFM 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 LPFM 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.

¹ *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*).

² 47 CFR § 73.316(c)(2)(iii).

³ See 47 CFR §§ 73.151, 73.685(f).

⁴ Because section 73.816(d) of the LPFM rules (which pertains to permittees and licensees in the LPFM service employing directional antennas) cross references section 73.316(c) of the FM rules, the modifications to section 73.316(c) adopted in the *FM Broadcast Directional Antenna Performance Verification Order* automatically apply to LPFM stations.

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It must also include a certification that the software executed normally without generating error messages or warnings.

- (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 Form 2100, Schedule 319 (LPFM License Application) instructions listed above may potentially affect the substance, hours, and costs of completing the Schedule 319 (LPFM License Application). Therefore, this submission is being made to OMB for approval of the revised Information Collection requirements.⁵

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 319 (LPFM License Application) as part of the database transition.

In general, the LPFM License Application replicates the former FCC Form 319. The form sections and substance of the individual questions essentially remain the same. As with the former FCC Form 319, the LPFM 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 LPFM License Application replaced FCC Form 319 for the filing of all LPFM license applications in LMS. FCC Form 319 therefore, was completely replaced by the LMS LPFM License Application, and LPFM applicants no longer use FCC Form 319 when applying for any LPFM 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 319 to facilitate electronic filing by replacing narrative exhibits with the use of certifications and an engineering technical box.

On January 20, 2000, the Commission adopted a Report and Order (R&O) in MM Docket No. 99-25, *In the Matter of Creation of Low Power Radio Service*. With the adoption of this R&O, the Commission authorized the licensing of low power FM stations. These stations are operated on a noncommercial educational basis by entities that do not hold attributable interests in any other broadcast station or other

⁵ Commission records indicate that only 10 LPFM stations, 0.5% of the total, use directional antennas. Accordingly, since so few LPFM stations employ directional antennas, we are not changing the estimates in paragraphs 12, 13, and 14 at this time.

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media subject to the Commission's ownership rules. The LPFM service created a class of radio stations designed to serve very localized communities or underrepresented groups within communities. In connection with this new LPFM service, the Commission also developed a new FCC Form 319, Application for a Low Power FM Broadcast Station License. The Form 319 is required to apply for a license for a new or modified LPFM station.

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. FCC staff use data to determine whether an applicant has constructed its station in accordance with the construction permit and to update FCC station files. Data is extracted from the LMS LPFM License Application for inclusion in the license authorization to operate the station. Applications to replace a nondirectional antenna or to replace transmission lines will be reviewed to ensure that the minor changes made by the LPFM station will not have any significant impact on other broadcast stations and the public.

3. The Commission requires applicants to file LPFM License Applications electronically.

4. This agency does not impose a similar 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 data collection burdens on all respondents. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/businesses.

6. The frequency for filing the LPFM License Application for a new or modified license 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 last published a Notice (87 FR 35772) in the Federal Register on June 13, 2022, seeking comment from the public on the information collections contained in this collection. No comments were received from the public.

9. No payment or gift was provided to 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 that approximately 200 LPFM License Applications will be filed in LMS annually. The average burden on an applicant to complete the form is one (1) hour. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

Total Number of Annual Respondents: 200 LPFM stations

Total Number of Annual Responses: 200 LPFM License Applications

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Total Annual Burden Hours:

200 LPFM License Applications x 1 hour/application = 200 hours

ANNUAL “IN-HOUSE COST”: The respondent is estimated to have an average salary of \$25,000/year (\$11.97/hour).

200 LPFM License Applications x 1.0 hour/application⁶ x \$11.97/hour = \$2,394.00

Total Annual “In-house cost”: \$2,394.00

13. ANNUAL COST BURDEN: We assume that the respondents would consult with an attorney and consulting engineer prior to preparing and filing an application. We estimate that the average cost for an attorney is \$300/hour and the average cost for a consulting engineer is \$250/hour.

200 LPFM License Applications x 0.25 hours/application x \$300 = \$15,000

200 LPFM License Applications x 0.25 hours/application x \$250 = \$12,500

TOTAL ANNUAL COST BURDEN = \$27,500

14. Cost to the Federal Government. The Commission will use legal staff at the GS-14, step 5 level (\$68.55/hour), engineering staff at the GS-14, step 5 level (\$68.55/hour), paraprofessional staff at the GS-11, step 5 level (\$40.70/hour) and clerical staff at the GS-5, step 5 level (\$22.20/hour) to process these applications.

0.5 hours data processing x 200 applications x \$22.20/hour = \$2,220.00

0.5 hours clerical x 200 applications x \$22.20/hour = \$2,220.00

0.5 hours legal x 200 applications x \$68.55/hour = \$6,855.00

1.0 hours engineer x 200 applications x \$68.55/hour = \$13,710.00

0.5 hours paraprofessional x 200 applications x \$40.70/hour = \$4,070.00

Total Processing Cost to the Federal Government = \$29,075.00

Total Cost to the Federal Government = \$29,075.00

15. There are no program changes or adjustments to this collection.

16. The data will be publicly available in LMS.

17. The Commission is requesting exemption from printing the expiration date on the form. This will obviate the need for the Commission to update paper and electronic forms upon the expiration of the clearance. OMB approval of the expiration 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.

⁶ The respondent’s time of 1 hour/response includes 0.25 hours for consulting with an outside attorney, plus 0.25 hours for consulting with an outside engineer, in order to allow the respondent to complete the form.