

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule H**SUPPORTING STATEMENT****A. Justification:**

1. Commercial full-power and Class A television broadcast stations¹ are required to file FCC Form 2100, Schedule H (formerly FCC Form 398) (Children’s Television Programming Report) within 30 days after the end of each calendar year. FCC Form 2100, Schedule H is a standardized form that:

(a) provides a consistent format for reporting the children’s educational television programming aired by licensees to meet their obligation under the Children’s Television Act of 1990 (CTA), and

(b) facilitates efforts by the public and the FCC to monitor compliance with the CTA.²

Commercial full-power and Class A television stations are required to complete FCC Form 2100, Schedule H within 30 days after the end of each calendar year and file the form with the Commission. The Commission places the form in the station’s online public inspection file maintained on the Commission’s database (www.fcc.gov).³ Stations use FCC Form 2100, Schedule H to report, among other things, the Core Programming the station aired the previous calendar year.⁴ FCC Form 2100, Schedule H also includes a “Preemption Report” that must be completed for each Core Program that was preempted during the year. This “Preemption Report” requests information on the reason for the preemption, the date of each preemption, the reason for the preemption and, if the program was rescheduled, the date and time the program was re-aired.

The Commission is requesting that the Office of Management and Budget approval for a period of three years the extension of the information collection requirements contained in this collection. This is a request for OMB approval of an extension of a currently approved information collection.

History:

On July 10, 2019, the Commission adopted a *Report and Order and Further Notice of Proposed Rulemaking* in MB Docket Nos. 17-105 and 18-202, FCC 19-67, *In the Matter of Children’s Television Programming Rules; Modernization of Media Regulation Initiative*. The *Report and Order* revised the children’s television programming rules to provide broadcasters additional scheduling flexibility, allow broadcasters to offer more diverse and innovative educational programming, and relieve unnecessary burdens on broadcasters. Among other revisions, the *Report and Order* expanded the Core Programming hours to 6:00 a.m. to 10:00 p.m.; modified the safe harbor processing guidelines for determining compliance with the children’s programming rules; required that broadcast stations air the substantial majority of their Core Programming on their primary program streams, but permitted broadcast stations to

¹ A Class A station is a low power television broadcast station that has met the eligibility and licensing requirements in 47 CFR 73.6001. See *Establishment of a Class A Television Service*, MM Docket No. 00-10, FCC 01-123, 15 FCC Rcd 6355 (2000), 65 FR 29985, May 10, 2000, reconsideration granted in part, 16 FCC Rcd 8244 (2001), 66 FR 21681, May 1, 2001.

² Children’s Television Act of 1990, Pub. L. No. 101-437 104 Stat 996-1000, *codified* at 47 USC 303a, 303b, 394.

³ In 2012, the Commission adopted online public inspection file rules for television broadcasters that required them to post public file documents to a central, FCC-hosted online database rather than maintaining files locally at their main studios. *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535 (2012).

⁴ Core Programming is programming specifically designed to serve the educational and informational needs of children that meets the criteria discussed in 47 CFR 73.671(c).

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule H

air up to 13 hours per quarter of regularly scheduled weekly programming on a multicast stream; eliminated the additional processing guideline applicable to stations that multicast; and modified the rules governing preemption of Core Programming. In addition, the *Report and Order* revised the children's programming reporting requirements by requiring that Children's Television Programming Reports (FCC Form 2100, Schedule H) be filed on an annual rather than quarterly basis, within 30 days after the end of the calendar year; eliminating the requirements that the reports include information describing the educational and informational purpose of each Core Program aired during the current reporting period and each Core Program that the licensee expects to air during the next reporting period; eliminating the requirement to identify the program guide publishers who were sent information regarding the licensee's Core Programs; and streamlining the form by eliminating certain fields. The *Report and Order* also eliminated the requirement to publicize the Children's Television Programming Reports. The *Report and Order* directed the Media Bureau to make modifications to FCC Form 2100, Schedule H as needed to conform the form with the revisions to the children's programming rules, including the changes to the processing guidelines and preemption policies.

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) and 303 of the Communications Act of 1934, as amended.

2. This standardized FCC Form 2100, Schedule H facilitates consistency of reporting among all licensees, assists in efforts by the public and the Commission to monitor station compliance with the CTA, and lessens the burden on the public and Commission staff.
3. The Commission implemented mandatory electronic filing of the FCC Form 2100, Schedule H (formerly Form 398) in 1999. Paper-filed copies of the form will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Waivers will not be routinely granted, and filers should plead with particularity the facts and circumstances warranting grant of a waiver.
4. No other agency imposes a similar information collection on the respondents. There are no similar data available.
5. These requirements do not apply to noncommercial educational, full-power television stations or to low power television and television translator stations. Therefore, this information collection does not impose a significant economic impact on a substantial number of entities/businesses.
6. The CTA requires the Commission to ensure that the licensee has served the educational and informational needs of children through the licensee's overall programming, as well as programming specifically designed to serve these needs.
7. This collection of information is consistent with the guidelines in 5 CFR Section 1320.5(d)(2).
8. The Commission published a Notice (87 FR 39093) in the *Federal Register* on June 30, 2022 seeking public comment from the public on the information collection requirements contained in this collection. No comments were received as a result of this notice.
9. No payment or gift was provided to the respondent.
10. There is no need for confidentiality with this collection of information.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule H

11. This information collection does not address any private matters of a sensitive nature.

12. We estimate that there are 1,756 licensees: 1,373 commercial television stations and 383 Class A television stations. Each year, each licensee is required to place in its public inspection file a Children's Television Programming Report and to file electronically the forms with the Commission. We estimate that completion of the form and maintaining a record of it will have an average burden of 10 hours per year for each licensee. These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

Total Number of Respondents:

1,373 commercial TV stations
 + 383 Class A TV stations
1,756 respondents

Total Number of Annual Responses:

1,756 respondents x 1 annual form = **1,756 responses**

Total Annual Burden Hours:

1,756 x 10 hours/form = **17,560 Hours**

We assume that a station manager will complete the FCC Form 2100, Schedule H and that a clerical staff will be responsible for typing. It is estimated that the station manager will have an average burden of 9.5 hours per year and that the clerical person will have an average burden of 0.5 hours. A station manager is estimated to have an average salary of \$48.08/hour. A clerical person is estimated to have an average salary of \$12/hour.

1,756 FCC Form 2100, Schedule H x 9.5 hours x \$48.08/hour = \$802,071 (Station Manager)
 1,756 FCC Form 2100, Schedule H x 0.5 hour x \$12/hour = \$ 10,536 (Clerical Staff)

Total Annual "In House" Cost: \$812,607

13. The licensee will use a communications attorney to review each FCC Form 2100, Schedule H for accuracy and completeness once the licensee has completed each FCC Form 2100, Schedule H. The attorney will charge \$300 per hour for 2 hours per year of legal review.

1,756 FCC Form 2100, Schedule H x 2 hours/form x \$300/hour = \$1,053,600

Total Annual Cost: \$1,053,600

14. Cost to the Federal Government: Annual reports would be reviewed and processed by a paraprofessional at the GS-13, step 5 level (\$58.01/hour).

1,756 FCC Form 2100, Schedule H x \$58.01/hour x 0.75 hours = \$76,399

Total Cost to the Federal Government: \$76,399

15. There are no program changes to this collection. There are adjustments to this collection as follows: -2 to the number of respondents, -2 to the number of responses, -20 to the annual burden hours and -\$1,200 to the annual cost.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule H

16. The FCC Form 2100, Schedule H forms are publicly available on the FCC's website.

17. The Commission requests an extension of the waiver not to publish the expiration date on FCC Form 2100, Schedule H. This will obviate the need for the Commission to update electronic forms upon the expiration of the clearance. 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

This information collection does not employ any statistical methods.