

**SUPPORTING STATEMENT**

**A. Justification:**

1. Multichannel Video Programming Distributors (MVPDs) provide their programming over a closed system and, thus, may use all frequencies to do so. They must, however, prevent leakage of those signals from the system and guard against and minimize any harm to aeronautical communications should leak occur. Part of the regime for protecting aeronautical frequencies from interference and resolving interference is notification of the Commission of use of those frequencies and that proper frequency offsets and other precautions are taken. Form 321 is used for this purpose.

Under 47 CFR 76.1804, an MVPD shall notify the Commission before transmitting any digital signal with average power exceeding  $10^{-5}$  watts across a 30 kHz bandwidth in a 2.5 millisecond time period, or for other signal types, any carrier or other signal components with an average power level across a 25 kHz bandwidth in any 160 microsecond time period equal to or greater than  $10^{-4}$  watts at any point in the cable distribution system on any new frequency or frequencies in the aeronautical radio frequency bands (108-137 MHz, 225-400 MHz). The notification shall be made on FCC Form 321. There are no revisions to the form.

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), 301, 303, 308, 309, and 621 of the Communications Act of 1934, as amended.

2. Commission staff use the data to verify that MVPDs are aware of and comply with protection for aeronautical communications. The data is also used to rapidly determine the source of and eliminate interference should it occur.

3. The Commission requires applicants to file FCC Form 321 electronically.<sup>1</sup>

4. No other agency imposes a similar information collection on the respondents. There is no similar data available.

5. This collection of information does not have a significant impact on a substantial amount of small businesses.

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<sup>1</sup> Paper-filed copies of FCC Form 321 will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Filers must plead with particularity the facts and circumstances warranting grant of a waiver. Waivers will not be routinely granted.

**Aeronautical Frequency Notification, FCC Form 321**

6. If the Commission did not require the collection of this information, it would be unable to insure the safety of air navigation.
7. There are no special circumstances with this collection of information.
8. The Commission published a Notice (87 FR 58345) in the *Federal Register* on September 26, 2022 seeking comments from the public on the information collection requirements contained in this collection. No comments were received from the public.
9. There are no payments of gifts given to respondents.
10. There is no need for confidentiality with this collection of information.
11. This information collection does not address any private matters of a sensitive matter.
12. We estimate that 1,886 MVPDs will file one FCC Form 321 annually. The licensees estimated burden for each FCC Form 321 is 40 minutes per filing. These estimates are based on Commission staff's knowledge and familiarity with the data required.

**Total Number of Respondents: 1,886 MVPDs**

**Total Number of Responses: 1,886 FCC Form 321 filings**

**Total Annual Burden: 1,886 FCC Form 321 filings x 0.67(40 min.) = 1,263.6 hours - 1,264 hours (rounded)**

**Annual "In-house Cost":** We estimate the respondent's salary to be \$53.00 per hour.

$$\$53.00/\text{hour} \times 0.67(40 \text{ min.})/\text{filing} \times 1,886 \text{ FCC Form 321 filings} = \$66,971.86$$

**Total Annual "In-house cost" = \$66,971.86**

**13. Annual Cost Burden:**

- (a) Total annualized capital/startup costs: None
- (b) Total annual costs (O&M): The Commission charges a fee of \$90.00 for each FCC Form 321 filing.
- (c) Total annualized cost requested: \$90.00 filing fee x 1,886 FCC Form 321 annual filings = **\$169,740.**

**Aeronautical Frequency Notification, FCC Form 321**

14. **Cost to the Federal Government:** The Annual Number of FCC Form 321 filings is 1,886. The Commission will use professional staff at the GS-12, step 5 level (\$48.78/hour). The estimated processing time per filing is 0.5 hours.

$$0.50 \text{ hours} \times \$48.78/\text{hour} \times 1,886 \text{ FCC Form 321 filings} = \$45,999.54$$

**Total Cost to the Federal Government: \$45,999.54**

15. There are program changes to this collection. There are adjustments to the annual cost of -\$37,720 which are due to an increase in fees for this collection.

16. The results of this information collection will be published via the COALS online database.

17. The Commission seeks approval to not display the expiration date of this collection of information.

18. There are no exceptions to the Certification Statement.

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

No statistical methods are employed.