

**SUPPORTING STATEMENT**

**A. Justification:**

1. Full power and Class A television stations that agreed to share a single television channel in conjunction with the now-completed Incentive Auction and low power television (LPTV) and TV translator stations that channel share outside of the auction context are required to reduce their agreement (CSA) to writing and submit a copy to the Commission for review. There is no specified format for the CSA but it must contain provisions covering: a. Access to facilities, including whether each licensee will have unrestrained access to the shared transmission facilities; b. Allocation of bandwidth within the shared channel; c. Operation, maintenance, repair, and modification of facilities, including a list of all relevant equipment, a description of each party's financial obligations, and any relevant notice provisions; d. Transfer/assignment of a shared license, including the ability of a new licensee to assume the existing CSA; e. Termination of the license of a party to the CSA, including reversion of spectrum usage rights to the remaining parties to the CSA and f. A provision affirming compliance with the channel sharing requirements in the rules including a provision requiring that each channel sharing licensee shall retain spectrum usage rights adequate to ensure a sufficient amount of the shared channel capacity to allow it to provide at least one Standard Definition (SD) program stream at all times.

On June 2, 2014 the Commission released a rulemaking titled “Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions,” GN Docket 12-268, Report and Order, FCC 14-50, 29 FCC Rcd 6567 (2014) which adopted rules for holding the now-completed Incentive Auction. Full power and Class A stations were permitted to propose to relinquish their channels in the auction and to share the channel of another station.

47 CFR 73.3700 required that full power and Class A television stations that sought to get approval to channel share in the incentive auction provide the Commission with a copy of their CSA for review.

On March 23, 2017, the Commission adopted the Report and Order, *Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction Context*, GN Docket No. 12-268, MB Docket No. 03-185, MB Docket No. 15-137, FCC 17-29 (“*Report and Order*”). This document approved channel sharing outside of the incentive auction context between full power, Class A, LPTV and TV translator stations.

47 CFR 73.3800, Full Power Television Channel Sharing Outside the Incentive Auction, Section 73.6028, Class A Television Channel Sharing Outside the Incentive Auction and Section 73.799, Low Power Television and TV Translator Channel Sharing require that stations seeking to channel share outside of the incentive auction provide a copy of their “CSA” to the Commission for review.

In addition, we note that revisions to this information collection that resulted from the provisions adopted in the FCC 15-175 that approved channel sharing between LPTV and TV translator stations were already approved under this collection and have not changed. They are as follows: There is no specified format for the CSA but it must contain provisions covering: a. Access to facilities, including whether each licensee will have unrestrained access to the shared transmission facilities; b. Allocation of bandwidth within the shared channel; c. Operation, maintenance, repair, and modification of facilities, including a list of all

relevant equipment, a description of each party's financial obligations, and any relevant notice provisions; d. Transfer/assignment of a shared license, including the ability of a new licensee to assume the existing CSA; e. Termination of the license of a party to the CSA, including reversion of spectrum usage rights to the remaining parties to the CSA and f. A provision affirming compliance with the channel sharing requirements in the rules including a provision requiring that each channel sharing licensee shall retain spectrum usage rights adequate to ensure a sufficient amount of the shared channel capacity to allow it to provide at least one Standard Definition (SD) program stream at all times.

The Commission is requesting a three-year extension from the Office of Management and Budget (OMB) for this information collection.

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 1, 4(i) and (j), 7, 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, as amended.

2. The Commission will use data to determine compliance with the channel sharing rules.
3. An electronic copy of the CSA will be filed with the Commission.
4. No other agency imposes a similar information collection on the respondents. There is no similar data available.
5. This information collection will not have a significant economic impact on a substantial number of small entities/businesses.
6. The frequency for this collection of information is one time for channel sharing stations.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Commission published a notice in the Federal Register on November 9, 2022 seeking public comment on the information collection requirements contained in this supporting statement, *see* 87 FR 67684. The Commission did not receive any comments from the public on the information collection requirements.
9. No payment or gift was provided to the respondents.
10. This information does not have to be kept confidential unless requested by the filing station(s).
11. This information collection does not address any private matters of a sensitive nature.
12. The Commission make the following annual estimates for the CSA filing requirements.

We estimate that a total of 10 LPTV or TV translator stations will be required to file with the Commission a

copy of their CSA in conjunction with their sharing with another LPTV or TV translator station (“LPTV CSA filing”). We estimate that 10% of these filings (or 1 filing) will be made by the station without outside consultation and will require one (1) hour preparation, while 90% of these filings (or 9 filings) will be contracted out to outside attorneys and will require one (1) hour of consultation with these outside parties.

We estimate that a total of 10 full power, Class A, LPTV or TV translator stations will be required to file with the Commission a copy of their CSA in conjunction with channel sharing outside of the auction (“non-auction CSA filings”). We estimate that 10% of these filings (or 1 filings) will be made by the station without outside consultation and will require one (1) hour preparation, while 90% of these filings (or 9 filings) will be contracted out to outside attorneys and will require one (1) hour of consultation with these outside parties.

Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents <sup>1</sup>	Annual In-House Cost
LPTV CSA Filing- in-house prepared	1	1	1 hr	1 hrs	\$48.08	\$48.08
LPTV CSA Filing – prepared by outside attorney but requiring the respondent to consult with said attorney	9	9	1 hr consultation	9 hrs	\$48.08	\$432.02
Non-auction CSA filings – in-house prepared	1	1	1 hr	1 hr	\$48.08	\$48.08
Non-auction CSA filings – prepared by outside attorney but requiring the respondent to consult with said attorney	9	9	1 hr consultation	9 hrs	\$48.08	\$432.72
<b>Total</b>	<b>20</b>	<b>20</b>	<b>1 hr</b>	<b>20</b>		<b>\$960.90</b>

**13. ANNUAL COST BURDEN:**

An attorney would prepare the CSA filings, estimated above to be a total of 160 filings. We estimate that the average salary for the attorney is \$300/hour and it will take the attorney 2 hours per filing.

20 CSA filings prepared by Attorney x 2 hours x \$300/hour = \$12,000

**Annual Cost Burden: \$12,000**

**14. Cost to the Federal Government:**

We estimate the government will use legal staff at the GS-14, step 5 level (\$71.88/hour) to review the CSAs for compliance with the rules. We expect the review to take roughly 2 hours per filing.

<sup>1</sup> This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour.

20 CSAs x \$71.88 x 2 hours/filing = \$1,437.60

**Cost to the Federal Government: \$1,437.60**

15. The Incentive Auction was concluded in April 2017 and the post-auction repacking transition process in July 2020. This resulted in a decrease in the numbers of estimated filings per year. Therefore, the number of respondents decreased by -140, the number of annual responses decreased by -140, the annual number of burden hours decreased by -140 hours and the annual cost decreased by \$74,400.

16. The data will be publicly available in the FCC reference room.

17. OMB approval of the expiration of the information collection will be displayed at 47 C.F.R. Section 0.408.

18. There are no exceptions to the Certification Statement.

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

No statistical methods are employed.