

**Application for Construction Permit for Commercial Broadcast Station, FCC Form 301; Form 2100, Schedule A - Application for Media Bureau Video Service Authorization; 47 Sections 73.3700(b)(1) and (b)(2) and Section 73.3800, Post Auction Licensing; Form 2100, Schedule 301-FM – Commercial FM Station Construction Permit Application**

**SUPPORTING STATEMENT**

**A. Justification:**

1. FCC Form 301 is used to apply for authority to construct a new commercial AM or FM broadcast station and to make changes to existing facilities of such a station. It may be used to request a change of a station's community of license by AM and non-reserved band FM permittees and licensees. In addition, FM licensees or permittees may request, by filing an application on FCC Form 301, upgrades on adjacent and co-channels, modifications to adjacent channels of the same class, and downgrades to adjacent channels. All applicants using this one-step process must demonstrate that a suitable site exists that would comply with allotment standards with respect to minimum distance separation and principal community coverage and that would be suitable for tower construction. For applicants seeking a community of license change through this one-step process, the proposed facility must be mutually exclusive with the applicant's existing facility, and the new facility must comply with the Commission's standards with respect to minimum distance separation and principal community coverage. Applicants availing themselves of this procedure must also attach an exhibit demonstrating that the proposed community of license change comports with the fair, efficient, and equitable distribution of radio service, pursuant to Section 307(b) of the Communications Act of 1934, as amended (the Act).

FCC Form 301 also accommodates commercial FM applicants applying in a Threshold Qualifications Window (TQ Window) for a Tribal Allotment.<sup>1</sup> A commercial FM applicant applying in the TQ Window, who was not the original proponent of the Tribal Allotment at the rulemaking stage, must demonstrate that it would have qualified in all respects to add that particular Tribal Allotment for which it is applying. Additionally, a petitioner seeking to add a new Tribal Allotment to the FM Table of Allotments must file Form 301 when submitting its Petition for Rulemaking. The collection also accommodates applicants applying in a TQ Window for a Tribal Allotment that had been added to the FM Table of Allotments using the Tribal Priority under the "threshold qualifications" procedures.

Similarly, to receive authorization for commencement of Digital Television (DTV) operations, commercial broadcast licensees must file FCC Form 2100, Schedule A for a construction permit. The application may be filed any time after receiving the initial DTV allotment and before mid-point in the applicant's construction period. The Commission will consider the application as a minor change in facilities. Applicants do not have to provide full legal or financial qualifications information.

In the first phase of the "Licensing and Management System"<sup>2</sup> roll-out, Form 2100, Schedule A replaced FCC Form 301 only for the filing of full-service digital television construction permits. Subsequently, the Commission received OMB approval for FM Auxiliary Stations to transition from CDBS to LMS using Form 2100, Schedule 301-FM.<sup>3</sup> The Commission also received OMB approval for FM

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<sup>1</sup> OMB approved the information collection requirements contained in FCC 11-190 on April 27, 2012.

<sup>2</sup> The Media Bureau began implementing the transition to a new on-line (electronic) licensing database system called the "Licensing and Management System" in September 2014. See *Media Bureau Announces Phase 1 of Licensing and Management System for Full Power TV Stations*, Public Notice, DA 14-1386 (rel. Sept. 29, 2014).

<sup>3</sup> OMB previously approved the use of the LMS Schedule 301-FM for FM auxiliary stations on March 4, 2019 (NOA 04/04/19, ICR Reference Number 201902-3060-015).

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(full-service) Stations to transition from CDBS to LMS using Form 2100, Schedule 301-FM.<sup>4</sup> FCC Form 301 is still being used through CDBS to apply for authority to construct a new full-service commercial AM broadcast station and to make changes to the existing facilities of such stations.

*Schedule 301's Online Notice (third party disclosure) Requirement:* This collection also includes the third-party disclosure requirement of 47 CFR § 73.3580. Section 73.3580, as amended in the Commission's 2020 Public Notice Second Report and Order,<sup>5</sup> discussed below, requires local public notice of the filing of all applications to construct a new broadcast station, including an FM translator or booster station. Notice is given by an applicant posting notice of the application filing on its station website, its licensee website, its parent entity website, or on a publicly accessible, locally targeted website, for 30 consecutive days beginning within five business days of acceptance of the application for filing. The online notice must link to a copy of the application as filed in the Commission's LMS licensing database.

**Revised Information Collection Requirements:**

**2020 Public Notice Second Report and Order**

On May 12, 2020, the Commission adopted *Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580*, Second Report and Order, MB Docket Nos. 17-254, 17-105, & 05-6, FCC 20-65 (rel. May 13, 2020). The Commission adopted new, streamlined procedures for stations to provide public notice of the filing of certain applications. Stations, including stations filing for new construction permits or major modifications to facilities, that were previously required to post public notice in a local newspaper, must now post notice online, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else must post notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing. Stations that are required to make on-air announcements of the filing of certain applications, must continue to do so, but the announcements are shorter and direct viewers and listeners to the application as filed and displayed in either the station's Online Public Inspection File or another Commission database. A total of six on-air announcements are required, at least one per week and no more than one per day or two per week, to be broadcast between 7:00 a.m. and 11:00 p.m. local time, Monday through Friday, beginning after the application is accepted for filing.

This submission is being made to OMB for approval of the modified third-party disclosure requirements for this Information Collection, as adopted in the *2020 Public Notice Second Report and Order*. The changes pertaining to this Information Collection and to 47 CFR § 73.3580<sup>6</sup> adopted in the *2020 Public Notice Second Report and Order*, which are listed below, do not necessitate changes to the

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<sup>4</sup> OMB previously approved the use of the LMS Schedule 301-FM for full-service FM stations on September 24, 2019 (NOA 9/24/2019, ICR Reference Number 201909-3060-002).

<sup>5</sup> *Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580*, Second Report and Order, MB Docket Nos. 17-254, 17-105, & 05-6, FCC 20-65 (rel. May 13, 2020). (*2020 Public Notice Second Report and Order*).

<sup>6</sup> 47 CFR §§ 73.3571(j)(3) and 73.3573(g)(3) require that applicants must comply with the local public notice provisions of §73.3580(c)(5).

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Schedule 301, nor do they affect the substance, burden hours, or costs of completing the forms. The rule changes do, however, reduce burdens and costs associated with filing the application, as set forth below.

**History:**

On September 9, 2019, the Commission submitted a non-substantive change request to OMB for approval of minor non-substantive changes to the CDBS-based FCC Form 301. FCC Form 301, Application for Construction Permit for a Commercial Broadcast Station, is used to apply for authority to construct a new commercial FM full-service broadcast station and to modify an existing commercial FM full-service facility in the “Consolidated Database System” (CDBS).<sup>7</sup>

The Media Bureau is transitioning to a new on-line 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 requires a corresponding design conversion of all existing CDBS forms. The Media Bureau is currently developing electronic, LMS-compatible versions of various broadcast station application and reporting forms, such as this Form 2100, Schedule 301-FM – Commercial FM Station Construction Permit Application as part of the database transition.

In general, the LMS Schedule 301-FM will replicate the FCC Form 301. The form sections and substance of the individual questions essentially remain the same. As with the FCC Form 301, the LMS Schedule 301-FM 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 next phase of the LMS roll-out, the new LMS Schedule 301-FM is replacing FCC Form 301 for applications to construct a new commercial FM full-service broadcast station and to modify an existing commercial FM full-service facility in LMS.<sup>8</sup> The Commission will subsequently roll-out the use of the Form 2100, Schedule 301 application for AM broadcast stations in the next phase.<sup>9</sup>

The respondents, burden hours and costs of this Information Collection were not impacted by the minor non-substantive changes to the FCC Form 301, which will now be a part of the LMS Schedule 301-FM. The minor non-substantive change is highlighted below:

On March 23, 2017, the Commission adopted a 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, Low Power Television (LPTV) and TV translator stations. Although there were no changes to the FCC Form 2100,

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<sup>7</sup> FCC Form 301 is also used to apply for authority to construct a new AM broadcast station and to make changes to existing AM broadcast facilities.

<sup>8</sup> As noted, OMB previously approved the use of the LMS Commercial FM Construction Permit Application for FM auxiliary stations on March 4, 2019 (NOA 03/04/19, ICR Reference Number 201902-3060-015).

<sup>9</sup> The Commission will subsequently roll-out the use of a new LMS-compatible AM station construction permit application at a later date. Until that time, FCC Form 301 will continue to be used to apply for authority to construct a new AM broadcast station or to modify an existing AM broadcast facility in the CDBS system.

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Schedule A itself, there were changes to the substance, burden hours, and costs. Therefore, the Commission submitted a revision to this information collection resulting from the rule provisions adopted in FCC 17-29:

**Information Collection Requirements Contained in this Collection:**

**47 CFR § 73.3700(b)(1)(i)** requires licensees of reassigned stations, UHF-to-VHF stations, and High-VHF-to-Low-VHF stations to file a minor change application for a construction permit for the channel specified in the Channel Reassignment Public Notice using FCC Form 2100 Schedule A (for a full power station) or E (for a Class A station)<sup>10</sup> within three months of the release date of the Channel Reassignment Public Notice. Licensees that are unable to meet this filing deadline may request a waiver of the deadline no later than 30 days prior to the deadline. The Commission will treat post-auction construction permit applications as minor changes.<sup>11</sup>

**47 CFR § 73.3700(b)(1)(ii)** permits licensees of stations reassigned to a new channel within their existing band to propose transmission facilities in their construction permit applications that will extend their coverage contours, as defined by the technical parameters specified in the Channel Reassignment Public Notice, if such facilities: (A) are necessary to achieve the coverage contour specified in the Channel Reassignment Public Notice or to address loss of coverage area resulting from the new channel assignment; (B) will not extend a full power television station's noise limited contour or a Class A television station's protected contour by more than one percent in any direction; and (C) will not cause new interference, other than a rounding tolerance of 0.5 percent, to any other broadcast television station.

**47 CFR § 73.3700(b)(1)(iii)** permits licensees of UHF-to-VHF stations or High-VHF-to-Low-VHF stations to propose transmission facilities in their construction permit application that will extend their coverage contour, as defined by the technical parameters specified in the Channel Reassignment Public Notice, if the proposed facility will not cause new interference, other than a rounding tolerance of 0.5 percent, to any other broadcast television station.

**47 CFR § 73.3700(b)(1)(iv)(A)** permits licensees of reassigned stations, UHF-to-VHF stations, or High-VHF-to-Low-VHF stations that, for reasons beyond their control, are unable to construct facilities that meet the technical parameters specified in the Channel Reassignment Public Notice, or the permissible contour coverage variance from those technical parameters specified in paragraph (b)(1)(ii) or (iii) of this section, to request a waiver of the construction permit application deadline specified in paragraph (b)(1)(i) no later than 30 days prior to the deadline. If the waiver request is granted, the licensee will be afforded an opportunity to submit an application for a construction permit pursuant to paragraph (b)(2)(i) or (ii) of this section in a priority filing window to be announced by the Media Bureau by public notice.

**47 CFR § 73.3700(b)(1)(iv)(B)** permits the licensee of any broadcast television station that the Commission makes all reasonable efforts to preserve pursuant to Section 6403(b)(2) of the Spectrum Act that is predicted to experience aggregate new interference to population served in excess of one percent as a result of the repacking process to submit an application for a construction permit pursuant to paragraph (b)(2)(i) or (ii) of this section in the priority filing window required by paragraph (b)(1)(iv)(A).

<sup>10</sup> FCC Form 2100, Schedule E is approved under OMB control number 3060-0932.

<sup>11</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6789. Unlike major change applications, minor change applications are not subject to local public notice requirements or a 30-day petition to deny period. 47 CFR §§ 73.3580, 73.3584.

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**47 CFR § 73.3700(b)(1)(v)** states that construction permit applications filed pursuant to paragraph (b)(1)(i) of this section will be afforded expedited processing if the application: (A) does not seek to expand the coverage area, as defined by the technical parameters specified in the Channel Reassignment Public Notice, in any direction; (B) seeks authorization for facilities that are no more than five percent smaller than those specified in the Channel Reassignment Public Notice with respect to predicted population served; and (C) is filed within the three-month deadline specified in paragraph (b)(1)(i) of this section.

**47 CFR § 73.3700(b)(1)(vii)** requires channel sharee stations<sup>12</sup> to file a minor change application for a construction permit for the channel on which the channel sharer operates at least sixty (60) days prior to the date by which it must terminate operations on its pre-auction channel pursuant to § 73.3700(c)(4)(i) and (ii) of this rule. The application must include a copy of the executed channel sharing agreement.

**47 CFR § 73.3700(b)(2)(i)** permits the licensee of a reassigned station, a UHF-to-VHF station, or a High-VHF-to-Low-VHF station to file a major change application for a construction permit for an alternate channel on FCC Form 2100 Schedules A (for a full power station) and E (for a Class A station) during a filing window to be announced by the Media Bureau by public notice, provided that: (A) The licensee of a UHF-to-VHF station cannot request an alternate UHF channel; (B) The licensee of a UHF-to-VHF station that specified the high-VHF band or the low-VHF band in its UHF-to-VHF bid cannot request a VHF channel outside of the assigned band; and (C) The licensee of a High-VHF-to-Low-VHF station cannot request an alternate high-VHF channel.

**47 CFR § 73.3700(b)(2)(ii)** permits the licensee of a reassigned station, a UHF-to-VHF station, or a High-VHF-to-Low-VHF station to file a minor change application for a construction permit on FCC Form 2100 Schedules A (for a full power station) and E (for a Class A station) during a filing window to be announced by the Media Bureau by public notice, in order to request a change in the technical parameters specified in the Channel Reassignment Public Notice with respect to height above average terrain (HAAT), effective radiated power (ERP), or transmitter location that would be considered a minor change under §§ 73.3572(a)(1),(2) or 74.787(b) of this chapter.

**47 CFR § 73.3800** allows full power television stations to channel share with other full power stations, Class A, LPTV and TV translator stations outside of the incentive auction context. Full power stations file FCC Form 2100, Schedule A to obtain Commission approval to operate on a shared channel.

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. Agency Use of Information:** FCC staff use the data to determine whether commercial broadcast station construction permit applicants meet basic statutory requirements to become a Commission licensee/permittee and to assure that the public interest would be served by grant of the application.

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<sup>12</sup> A “channel sharee” station is a television station for which a winning channel sharing bid was submitted. A “channel sharer” station is a television station that shares its channel with a channel sharee.

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**3. Consideration Given to Information Technology:** The Commission requires commercial television broadcast station construction permit applicants to file FCC Form 2100, Schedule A electronically through LMS. The Commission requires commercial FM broadcast station construction permit applicants to file FCC Form 2100, Schedule 301-FM electronically through LMS. Commercial AM station construction permit applicants file FCC Form 301 electronically through CDBS.

**4. Effort to Identify Duplication and Use Similar Information:** This agency does not impose a similar information collection on the respondents. There are no similar data available.

**5. Effort to Reduce Small Business Burden:** In conformance with the Paperwork Reduction Act of 1995, the Commission makes an effort to minimize the burden on all respondents. The Commission has limited the information requirements to those that are necessary for evaluating and processing the applications and to deter possible abuse of the processes. Therefore, this information collection will not have a significant economic impact on small entities/businesses.

**6. Less Frequent Data Collection:** The frequency for this information collection, and the filing of Form 2100, Schedule A; Form 2100, Schedule 301-FM; and FCC Form 301, is determined by the respondents. However, no new or modified DTV, AM, or FM facilities can be obtained or modified without using FCC Form 2100, Schedule A; Form 2100, Schedule 301-FM; or FCC Form 301.

**7. Information Collection Circumstances:** This collection of information is consistent with the guidelines in 5 CFR § 1320.5(d)(2).

**8. Public Comment Period:** Opportunity for public comment on this information collection requirement was last published in the *Federal Register* on June 4, 2020 (85 FR 34440). No comments were received from the public.

**9. Payment or Gift:** No payment or gift was provided to respondents.

**10. Confidentiality of Information:** There is no need for confidentiality with this information collection.

**11. Justification for Sensitive Questions:** This information collection does not address any private matters of a sensitive nature.

**12. The Burden for this collection is as follows:**

**a. Revised Data Collections:** The estimated burden for this collection, associated with the categories “minor TV applications” and “DTV applications,” was revised in March 2017 with the adoption of the *Report and Order* in FCC 17-29.

**Total Number of Annual Respondents: 735 Station Licensees**

**Total Number of Annual Responses: 735 FCC Form 2100, Schedule A Forms**

**Annual Burden Hours:**

We estimate a total of 3.0 hours to complete the application process.

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510 minor change applications x 3 hours/form = 1,530

225 major change applications x 3 hours/form = 675

**Total Annual Burden Hours: 2,205 hours**

**Annual “In House” Cost:**

The respondent is estimated to have an average salary of \$100,000/year (\$48.08/hour).

510 minor applications x 3 hours/form x \$48.08/hour = \$73,562.40

225 major applications x 3 hours/form x \$48.08/hour = \$32,454.00

**Total Annual “In House” Cost: \$106,016.40**

These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

b. The following existing burden estimates were not impacted by the *Report and Order* in FCC 17-29. With the exception of the online notice (third party disclosure) change discussed below, the estimates on the number of annual application filings for each service and application type remain the same since last approved by OMB:<sup>13</sup>

<u>Services</u>	<u>Number of Applications</u>
AM New & Major	50
AM Minor Change	250
AM With AM Multiple	
Ownership Showings	125
AM Community of License Minor Change Applications	15
FM New & Major	150
FM New with P4RM to Amend FM Table	
Using Tribal Priority <sup>14</sup>	10
FM New filed in TQ Window	15
FM Minor Change	1,000
FM With FM Multiple	
Ownership Showings	550
FM Community of License Minor Change Applications	60
TV With TV Multiple	
Ownership Showings	30
DTS	<u>100</u>
<b>Total Number of Respondents:</b>	<b>2,355 Licensees/Permittees</b>

<sup>13</sup> The estimated burden for this collection associated with the categories “minor TV applications” and “DTV applications” are being revised in light of 14-50. The estimates for these categories are included in sections 12.a, 13.a and 14.a. None of the estimates for the other categories listed in 12.b, 13.b and 14.b have been changed.

<sup>14</sup> A petitioner seeking to add a Tribal Allotment to the FM Table of Allotments must file FCC Form 301 when submitting its Petition for Rulemaking.

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<u>Services</u>	<u>Respondent's Applications</u>	<u>Burden Hours of Respondents</u>	<u>Annual Burden Hours</u>
AM New & Major	50	4.25 hours	212.5 hours
AM Minor Change	250	3.25 hours	812.5 hours
With AM Multiple Ownership Showings	125	6.25 hours	781.25 hours
AM Community of License Minor Change Applications	15	6 hours	90 hours
FM New & Major	150	4 hours	600 hours
FM New with P4RM to Amend			
FM Table Using Tribal Priority	10	4 hours	40 hours
FM New filed in TQ Window	15	4 hours	60 hours
FM Minor Change	1,000	3 hours	3,000 hours
With FM Multiple Ownership Showings	550	6 hours	3,300 hours
FM Community of License Minor Change Applications	60	5.50 hours	330 hours
With TV Multiple Ownership Showings	30	5 hours	150 hours
DTS <sup>15</sup>	100	3 hours	300 hours
Online Notice Requirements	1,105 <sup>16</sup>	0.5 hour	552.5 hours
HDO Online Notice <sup>17</sup>	2	0.5 hour	1 hour
HDO On-Air Notice	2	0.075 hour	0.15 hour
<b>Totals:</b>	<b>3,464</b>		<b>10,229.9 hours</b>
	<b>(responses)</b>		<b>(10,230 hrs. rounded)</b>

**Total Number of Responses: 3,464 Commercial Broadcast Station Construction Permit Applications - FCC Form 2100, Schedule A Filings; Form 2100, Schedule 301-FM; FCC Form 301; and Online Notices**

<sup>15</sup> DTS technologies are covered under 47 CFR § 73.626, which authorizes the use of distributed transmission system (DTS) technologies in the digital television (DTV) service and also authorizes changes to FCC Form 2100, Schedule A that are necessary to accommodate applications for a DTS facility.

<sup>16</sup> Applicants for minor modifications are not required to give local public notice, thus the number of respondents required to give online notice is 2,355 – 1,250 minor modification applications = 1,105 applications.

<sup>17</sup> Licensees whose facilities are designated for evidentiary hearings in a Hearing Designation Order (HDO) must give both online and on-air public notice, under revised 47 CFR § 73.3594. The duration of online notice posting under section 73.3594 is the same as under section 73.3580. The designated licensee must also give public notice by on-air announcement, broadcasting six announcements over a four-week period. We estimate that the designated licensee will make announcements totaling 4.5 minutes in the aggregate, or 0.075 hours.



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**Total Annual Burden Hours: 10,230 hours<sup>18</sup>**

We assume that commercial broadcast station construction permit applicants will consult with an outside attorney and a consulting engineer to complete FCC Form 2100, Schedule A; Form 2100, Schedule 301-FM; and FCC Form 301. The time spent in consultation with these attorneys and consulting engineers will vary depending upon the application type.

The Commission estimates that it will take the respondent one-half hour to fulfill the online notice requirement.

We estimate that commercial broadcast station construction permit applicants would have an average salary of \$100,000/year (\$48.08/hour).

<u>Services</u>	<u>Number of Applications</u>	<u>Respondent's Hrly. Burden</u>	<u>Hrly. Wage of Respondent<sup>19</sup></u>	<u>Annual In-House Cost</u>
AM New & Major	50	4.25 hours	\$48.08	\$10,217.00
AM Minor Change	250	3.25 hours	\$48.08	\$39,065.00
AM Ownership Showings	125	6.25 hours	\$48.08	\$37,562.50
AM Community of License Change	15	6 hours	\$48.08	\$4,327.20
FM New & Major	150	4 hours	\$48.08	\$28,848.00
FM New with P4RM to Amend				
FM Table Using Tribal Priority	10	4 hours	\$48.08	\$1,923.20
FM New filed in TQ Window	15	4 hours	\$48.08	\$2,884.80
FM Minor Change	1,000	3 hours	\$48.08	\$144,240.00
FM Ownership Showings	550	6 hours	\$48.08	\$158,664.00
FM Community of License Change	60	5.50 hours	\$48.08	\$15,866.40
TV Multiple Ownership Showings	30	5 hours	\$48.08	\$7,212.00
DTS	100	3 hours	\$48.08	\$14,424.00
Online Notices	1,105	0.5 hour	\$48.08	\$26,564.20
HDO Online Notice	2	0.5 hour	\$48.08	\$ 48.08
HDO On-air Notice	2	0.075 hour	\$48.08	<u>\$ 7.21</u>
<b>Total Annual "In House" Cost:</b>				<b>\$491,853.59</b>

These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

**Cumulative Total Number of Respondents: = 735 + 2,355 + 2 = 3,092**

<sup>18</sup> The burden for these applications was not impacted by FCC 14-50. Burdens remain the same since last approved by OMB. Burden estimates for "TV minor" and "DTV" applications, which were impacted by 14-50, are now included in section 12.a, above.

<sup>19</sup> Respondent is a commercial broadcast station construction permit applicant.

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**Cumulative Total Number of Annual Responses: 735 + 3,460 + 4 = 4,199 FCC Form 2100, Schedule A, Form 2100, Schedule 301-FM, FCC Form 301s, Online and On-Air Notices**

**Total Annual Burden Hours: 2,205 + 10,230 = 12,435 hours**

**Total Annual “In House” Cost Burden: \$106,016.40 + \$491,853.59 = \$597,869.99**

**13. Cost to Respondents:**

a. We assume that each applicant/licensee/permittee will use a communications attorney (\$300/hour) and a consulting engineer (\$250/hour) to assist in preparing and filing FCC Form 2100, Schedule A. We estimate these attorneys will spend approximately 2 hours reviewing the form and will charge approximately \$300/hour for the legal review. We also assume that a consulting engineer will spend approximately 45 hours to complete certain engineering aspects of FCC Form 2100, Schedule A for a minor change and 34 hours for a major/DTV change and will charge the respondent \$250/hour for the engineering services.

510 respondents x 2 hours x \$300/hour =	\$ 306,000
510 respondents x 45 hours x \$250/hour =	\$5,737,500
225 respondents x 2 hours x \$300/hour =	\$ 135,000
225 respondents x 34 hours x \$250/hour =	<u>\$1,912,500</u>
<b>Total:</b>	<b>\$8,091,000</b>

An applicant must give local public notice of the filing of its application for a new station, or for a major change in facilities. This notice must be posted on an applicant-owned or affiliated website, or on a free-to-post locally targeted, publicly accessible website. We estimate that 85 percent of applicants will be able to post online notice on an applicant-affiliated website or other free-to-post local website. The remaining 15 percent will have to pay to post on a local website, which in most cases will be the website of a local newspaper that will charge the applicant for a printed notice, with the online posting included in the price. For an applicant forced to pay to post online notice, the notice must be posted on a locally targeted, publicly accessible website for at least a 24-hour period once a week for four consecutive weeks, beginning when the application is accepted for filing. The cost of this posting is estimated to be the same per posting as the cost of publishing for one day in a local newspaper, or \$113.25/publication.

34<sup>20</sup> respondents x 4 x \$113.25 = **\$15,402**

**Total External Cost = \$8,091,000 + \$15,402 = \$8,106,402**

b. The following existing burden estimates were not impacted by FCC 17-29. They remain the same since last approved by OMB: We assume that commercial broadcast station construction permit applicants would use an attorney (\$300/hour) and a consulting engineer (\$250/hour) to complete the FCC Form 2100, Schedule A; Form 2100, Schedule 301-FM; and Form 301.

An AM, FM, or TV applicant must give local public notice of the filing of its application for a new station or for a major change in facilities. This notice will generally be accomplished by posting the notice on an applicant-owned or affiliated website, or on a free-to-post locally targeted, publicly accessible website. We estimate that 85 percent of applicants will be able to post online notice on an applicant-affiliated website or

<sup>20</sup> Calculated as 225 major change applicants x 0.15 = 33.75 applications (rounded to 34).

**Application for Construction Permit for Commercial Broadcast Station, FCC Form 301; Form 2100, Schedule A - Application for Media Bureau Video Service Authorization; 47 Sections 73.3700(b)(1) and (b)(2) and Section 73.3800, Post Auction Licensing; Form 2100, Schedule 301-FM – Commercial FM Station Construction Permit Application**

other free-to-post local website. The remaining 15 percent will have to pay to post on a local website, which in most cases will be the website of a local newspaper that will charge the applicant for a printed notice, with the online posting included in the price. For an applicant forced to pay to post online notice, the notice must be posted on a locally targeted, publicly accessible website for at least a 24-hour period once a week for four consecutive weeks, beginning when the application is accepted for filing. The cost of this posting is estimated to be the same per posting as the cost of publishing for one day in a local newspaper, or \$113.25/publication.

<u>Services</u>	<u>Hrly. Wage of Consultant</u>	<u>Consultant's Hrly. Burden</u>	<u>Number of Applications</u>	<u>Annual Cost Burden</u>
<b><u>AM:</u></b>				
New & Major	\$300	7 hours	50	\$ 105,000
	\$250	89.25 hours	50	\$1,115,625
Minor Change	\$300	2 hours	250	\$ 150,000
	\$250	88.25 hours	250	\$5,515,625
Multiple Ownership Showings	\$300	18 hours	125	\$ 675,000
	\$250	92.25 hours	125	\$2,882,813
Community of License Change	\$300	12 hours	15	\$ 54,000
	\$250	100 hours	15	\$ 375,000
<b><u>FM:</u></b>				
New & Major	\$300	7 hours	150	\$ 315,000
	\$250	71 hours	150	\$2,662,500
FM New with P4RM to Amend FM Table Using Tribal Priority	\$300	7 hours	10	\$ 21,000
	\$250	71 hours	10	\$ 177,500
FM New filed in TQ Window	\$300	7 hours	15	\$ 31,500
	\$250	71 hours	15	\$ 266,250
Minor Change	\$300	2 hours	1,000	\$ 600,000
	\$250		69 hours	1,000
\$17,250,000				
Multiple Ownership Showings	\$300	28 hours	550	\$ 4,620,000
	\$250	73 hours	550	\$10,037,500
Community of License Change	\$300	6 hours	60	\$ 108,000
	\$250	94 hours	60	\$ 1,410,000
<b><u>TV:</u></b>				
Multiple Ownership	\$300	13 hours	30	\$ 117,000

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Showings	\$250	48 hours	30	\$ 360,000
<b>DTS:</b>	\$300	1 hour	100	\$ 30,000
	\$250	45 hours	100	<u>\$1,125,000</u>
<b>Total AM/FM TV and DTV:</b>				<b>\$50,004,313</b>

<b>Fees:</b>	<b>Number of Applications</b>	<b>Fee Cost</b>	<b>Total Fee Cost</b>
AM New & Major	50	\$3,310	\$ 165,500
AM Minor Change	250	\$ 830	\$ 207,500
AM Multiple Ownership Showings	125	\$3,310	\$ 413,750
AM Community of License Change	15	\$ 830	\$ 12,450
FM New & Major	150	\$3,485	\$ 522,750
FM New with P4RM to Amend FM Table Using Tribal Priority	10	\$3,485	\$ 34,850
FM New filed in TQ Window	15	\$3,485	\$ 52,275
FM Minor Change	1,000	\$ 830	\$ 830,000
FM Multiple Ownership Showings	550	\$2,980	\$ 1,639,000
FM Community of License Change	60	\$ 830	\$ 49,800
TV Multiple Ownership Showings	30	\$3,720	\$ 111,600
DTS	100	\$ 830	<u>\$ 83,000</u>
<b>Fee Total:</b>			<b>\$4,122,475</b>

**Application for Construction Permit for Commercial Broadcast Station, FCC Form 301; Form 2100, Schedule A - Application for Media Bureau Video Service Authorization; 47 Sections 73.3700(b)(1) and (b)(2) and Section 73.3800, Post Auction Licensing; Form 2100, Schedule 301-FM – Commercial FM Station Construction Permit Application**

166<sup>21</sup> new/major/community of license change applications x 4 x \$113.25 = **\$75,198** in publication costs

**Annual Cost Burden: \$8,106,402 + \$50,004,313 + \$4,122,475 + \$75,198 = \$62,308,388**

**14. Cost to Federal Government:**

a. The Commission will use legal and engineering staff at the GS-14/Step 5 level (\$65.88/hour), paraprofessional staff at the GS-11/Step 5 level (\$39.12/hour), and clerical staff at the GS-5 level/Step 5 level (\$21.34/hour) to process these applications.

735 applications x \$65.88/hour x 1 hour =	\$ 48,421.80
735 applications x \$65.88/hour x 20 hours =	\$968,436.00
735 applications x \$39.12/hour x 6 hours =	\$172,519.20
735 applications x \$21.34/hour x 2 hours =	<u>\$ 31,369.80</u>
	<b>\$1,220,773.80</b>

b. The following burden estimates were not impacted by FCC 17-29. They remain the same since last approved by OMB. The Commission will use legal and engineering staff at the GS-14/Step 5 level (\$65.88/hour), paraprofessional staff at the GS-11/Step 5 level (\$39.12/hour), and clerical staff at the GS-5 level/Step 5 level (\$21.34/hour) to process these applications.

New & Major Change AM/FM/TV Applications = 225<sup>22</sup>

225 applications x \$65.88/hour x 41 hours =	\$607,743.00
225 applications x \$65.88/hour x 20 hours =	\$296,460.00
225 applications x \$39.12/hour x 1 hour =	\$ 8,802.00
225 applications x \$21.34/hour x 2 hours =	<u>\$ 9,603.00</u>
	<b>\$922,608.00</b>

Minor AM Applications = 250

AM Multiple Ownership Showings = 125

AM Community of License Change Minor Applications = 15

277 applications x \$65.88/hour x 1 hour =	\$ 18,248.76
277 applications x \$65.88/hour x 30 hours =	\$547,462.80
(No GS-11 Step-5 paraprofessional review required)	
277 applications x \$21.34/hour x 2 hours =	<u>\$ 11,822.36</u>
	<b>\$577,533.92</b>

<sup>21</sup> This number was calculated as follows: 50 AM New & Major Applications + 125 AM New with AM Multiple Ownership Showings + 150 FM New & Major Applications + 550 FM New with FM Multiple Ownership Showings + 10 FM New with P4RM to Amend Table Using Tribal Priority + 15 FM New filed in TQ Window + 15 AM Community of License Change Applications + 60 FM Community of License Change Applications + 30 TV New with Multiple Ownership Showings + 100 DTS = 1,105 applications x 0.15 = 165.75 Applications (rounded to 166).

<sup>22</sup> This number was calculated as follows: 50 AM New & Major Applications + 150 FM New & Major Applications + 25 FM New Tribal-related applications = 225 Applications.

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Minor FM Applications = 1,000  
 FM Multiple Ownership Showings = 550  
 FM Community of License Change Minor Applications = 60

1,610 applications x \$65.88/hour x 1 hour =	\$ 106,066.80
1,610 applications x \$65.88/hour x 20 hours =	\$2,121,336.00
(No GS-11 Step 5 paraprofessional review required)	
1,610 applications x \$21.34/hour x 2 hours =	<u>\$ 68,714.80</u>
	<b>\$2,296.117.60</b>

TV Multiple Ownership Showings = 30

30 applications x \$65.88/hour x 1 hour =	\$ 1,976.40
30 applications x \$65.88/hour x 20 hours =	\$39,528.00
30 applications x \$39.12/hour x 6 hours =	\$ 7,041.16
30 applications x \$21.34/hour x 2 hours =	<u>\$ 1,280.40</u>
	<b>\$49,825.80</b>

DTS Applications = 100  
 (No GS-14 Step 5 legal review required)

100 applications x \$65.88/hour x 20 hours =	\$131,760.00
100 applications x \$39.12/hour x 6 hours =	\$ 23,472.00
100 applications x \$21.34/hour x 2 hours =	<u>\$ 4,268.00</u>
	<b>\$159,500.00</b>

**Total Cost to the Federal Government: \$1,220,773.80 + \$922,608.00 + \$577,533.92 + \$2,296,117.60 + \$49,825.80 + \$159,500.00 = \$5,226,359.12**

15. **Changes in Burden or Cost:** There are program changes to this collection which are due to the information collection requirements adopted in FCC 20-65. The program changes are as follows: +2 to the number of respondents, -2,327 to the annual number of responses, -2,882 to the annual burden hours and -\$135,900 to the annual cost.

There are no adjustments to this collection.

16. **Plans for Publication:** The applications are electronically filed and made available to the public.

17. **Display of OMB Approval Date:** We request extension of the waiver not to publish the expiration date on the form. 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 § 0.408.

18. **Exceptions to the Certification Statement:** There are no exceptions to the Certification Statement.

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

This information collection does not employ any statistical methods.

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