

**Title: Section 76.310, Truth in billing and advertising****SUPPORTING STATEMENT****A. Justification**

1. The Commission adopted on March 14, 2024 a Report and Order, *All-In Pricing for Cable and Satellite Television* (“R&O”), FCC 24-29, MB Docket 23-203. This R&O adopted 47 CFR § 76.310, Truth in billing and advertising. The rule will require cable operators and direct broadcast satellite (DBS) providers to specify the “all-in” price for video programming in their promotional materials that include pricing information and on subscribers’ bills. Cable operators and DBS providers must present clear, easy-to-understand, and accurate information disclosing the price of video programming. The “all-in” price rule is intended to increase transparency and promote competition in the video programming marketplace by allowing consumers to make better informed choices among the ranges of video programming service options available to them. The information collection requirements are as follows:

**47 CFR 76.310** requires truth in billing and advertising:

**47 CFR 76.310(a)** requires cable operators and DBS providers to state an aggregate price for the video programming that they provide as a clear, easy-to-understand, and accurate single line item on subscribers’ bills, including on bills for legacy or grandfathered video programming service plans. If a price is introductory or limited in time, cable and DBS providers shall state on subscribers’ bills the date the price ends, by disclosing either the length of time that a discounted price will be charged or the date on which a time period will end that will result in a price change for video programming, and the post-promotion rate 60 and 30 days before the end of any introductory period. Cable operators and DBS providers may, at their discretion, complement the aggregate line item with an itemized explanation of the elements that compose that single line item.

**47 CFR 76.310(b)** requires cable operators and DBS providers that communicate a price for video programming in promotional materials to state the aggregate price for the video programming in a clear, easy-to-understand, and accurate manner. If part of the aggregate price for video programming fluctuates based upon service location, then the provider must state where and how consumers may obtain their subscriber-specific “all-in” price (for example, electronically or by contacting a customer service or sales representative). If part or all of the aggregate price is limited in time, then the provider must state the post-promotion rate, as calculated at that time, and the duration of each rate that will be charged. Cable operators and DBS providers may, at their discretion, complement the aggregate price with an itemized explanation of the elements that compose that aggregate price. The requirement in this paragraph (b) shall not apply to the marketing of legacy or grandfathered video programming service plans that are no longer generally available to new customers. For purposes of this section, the term “promotional material” includes communications offering video programming to consumers such as advertising and marketing.

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

**Title: Section 76.310, Truth in billing and advertising**

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 47 U.S.C. §§ 151, 154(i), 303, 316, 335(a), 552(b), and 562.

2. Cable operators and DBS providers will specify the “all-in” price for video programming in their promotional materials that include pricing information and on subscribers’ bills.
3. Cable operators and DBS providers may comply with the “all-in” rule requiring truth in billing and advertising electronically or mechanically, at the discretion of the cable operators and DBS providers.
4. This agency does not impose similar information collection requirements on cable operators or DBS providers.
5. To minimize burden on small businesses or other small entities, the R&O provides that for small cable operators, compliance with this the “all-in” rule will not be required until 12 months after release of the R&O *Report and Order* (for the purpose of this rule, small cable operators are those with annual receipts of \$47 million or less); larger cable operators must comply within nine months after release of the R&O. In the R&O, the Commission found there are no DBS providers with annual receipts of \$47 million or less. Therefore, this collection of information does not have a significant economic impact on a substantial number of small entities/businesses.
6. This information collection is necessary to increase transparency regarding the price of video programming provided by cable operators and DBS providers and promotes competition in the video programming marketplace by allowing consumers to make better informed choices among the ranges of video programming service options available to them.
7. This collection of information is consistent with the guidelines in 5 CFR Section 1320.5(d)(2).
8. The Commission published a 60-day notice (89 FR 36818) in the *Federal Register* on May 3, 2024 seeking comment from the public on the information collection requirements contained in this collection.
9. There will be no payment or gifts given to respondents.
10. There is no need for confidentiality with is collection of information.
11. These information collection requirements do not address any private matters of a sensitive nature.
12. The public burden is as follows: **For 47 CFR 76.310(a)**, we estimate cable operators and DBS providers will require 5,400 hours to comply with the “all-in” rule. **For 47 CFR 76.310(b)**,

**Title: Section 76.310, Truth in billing and advertising**

we estimate cable operators and DBS providers will require 200 hours to comply with the “all-in” rule.

47 CFR 76.310(a)

54,000,000 bills x 0.0001 hours = 5,400 total annual burden hours.

47 CFR 76.310(b)

400 advertisements x 0.5 hours per advertisement = 200 annual burden hours

**Annual Burden Hours:**

For 47 CFR 76.310(a):	5,400 burden hours
For 47 CFR 76.310(b):	<u>200 burden hours</u>
<b>Total Annual Burden Hours:</b>	<b>5,600 hours</b>

**Annual “In-House Cost”:** We estimate that each cable operator or DBS provider will update billing and advertising with a mix of in-house and outside contracting professionals, at the expense of \$300 per hour.

**Total Annual In-House Cost:** 5,600 hours x \$300 per hour = **\$1,680,000**

All estimates are based on Commission staff’s knowledge and familiarity with the availability of the data required.

**Total Number of Respondents: 400**

**Total Number of Annual Responses: 54,000,000 bills + 400 advertisements = 54,000,400**

**Total Annual Burden Hours: 5,600 hours**

**Total Annual “In-House” Cost: 1,680,000**

**13. Annual Cost Burden:**

- (a) Total annualized capital/startup costs: None
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: **None**

**14.** There is no cost to the Federal Government.

**15.** There are program changes to this collection as a result of the information collection requirements adopted in FCC 24-29. The program changes are 400 respondents, 54,000,400 responses and 5,600 hours.

**Title: Section 76.310, Truth in billing and advertising**

**16.** This data will not be published for statistical use.

**17.** We do not seek approval to not display the expiration date for OMB approval of this information collection.

**18.** There are no other exceptions to the Certification Statement.

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

No statistical methods are employed.