

## SUPPORTING STATEMENT

## A. Justification

1. The Spectrum Act<sup>1</sup> directed the Commission to hold a “reverse auction” in which broadcasters can voluntarily return some or all of their broadcast spectrum usage rights in exchange for incentive payments.<sup>2</sup> The Spectrum Act also required the Commission to reorganize the broadcast television band, which will be accomplished by repacking stations, or moving broadcast stations to different channels.<sup>3</sup> The Spectrum Act directed the Commission to hold a forward auction of the ultra-high frequency (UHF) spectrum obtained as a result of the reverse auction and channel repacking.<sup>4</sup> This UHF spectrum was auctioned as flexible-use licenses suitable for providing mobile broadband service. Broadcast stations that participated in the forward auction were able to relinquish their spectrum rights, agree to share a channel with another broadcaster or move from the UHF to VHF band or from a high VHF channel to a low VHF channel. For non-participating broadcast stations, the Spectrum Act established a TV Broadcaster Relocation Fund (Fund) to reimburse reassigned broadcasters and multichannel video programming distributors (MVPDs) that incur expenses associated with continuing to carry relocated stations, for their reasonable expenses resulting from the post-auction channel reassignment.<sup>5</sup> The Commission adopted rules implementing the provisions of the Spectrum Act.<sup>6</sup> The Incentive Auction concluded and repack process commented in April 2017.<sup>7</sup> The rules governing the post-incentive auction licensing and other post-auction station-related matters are codified at 47 C.F.R. Parts 0, 1, 27, 73 and 74.

On September 19, 2023, the Commission released a Report and Order wherein it adopted several revisions to its Part 73 rules including 73.3700.<sup>8</sup> As a result of these rule revisions, a number of collections and burdens were either revised or eliminated altogether as reflected in this revised supporting

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<sup>1</sup> See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(j)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat. 156 (2012) (Spectrum Act).

<sup>2</sup> Spectrum Act § 6403(a)(1) (mandating “a reverse auction to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its broadcast television spectrum usage rights in order to make spectrum available for assignment through a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 6402.”).

<sup>3</sup> Spectrum Act §6403(b)(1) (requiring the FCC to “make such reassignments of television channels as the Commission considers appropriate” and “reallocate such portions of such spectrum as the Commission determines are available”).

<sup>4</sup> Spectrum Act §6403(c)(1)(A) (requiring the FCC to conduct a “forward auction” to assign licenses for the use of spectrum reallocated from broadcast television as part of the incentive auction).

<sup>5</sup> Spectrum Act §6403(b)(4)(A).

<sup>6</sup> See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6839, para. 667 (2014) (subsequent history omitted).

<sup>7</sup> See *Incentive Auction Closing and Channel Reassignment Public Notice; The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (IATF/MB/WTB 2017)

<sup>8</sup> *Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations*, MB Docket No. 22-227, Report and Order, FCC 23-72 (rel. Sept. 19, 2023).

statement. Sections 73.3700(b)(4)(i) and (ii) and 73.3700(d) of the rules were eliminated and therefore the corresponding collections and burdens for these rules have been eliminated. Also, revisions were made to estimates for 73.3700(c), 73.3700(g)(4) and 73.3700 (h)(5) and (h)(6) to reflected updated data now that the incentive auction is complete and the exact universe of affected entities is known.

### **Description of Information Collection:**

The following is a summary of each rule section which contains information collection requirements for which the Commission seeks OMB approval:

- (a) Consumer Education.** 47 C.F.R. section 73.3700(c) requires licensees of transitioning stations, except for license relinquishment stations, to place a certification of compliance with the requirements in paragraph (c) of this section in their online public file within 30 days after beginning operations on their post-auction channels. Licensees of license relinquishment stations must include the certification in their notification of discontinuation of service pursuant to § 73.1750 of this chapter. Section (c)(1) requires license relinquishment stations that operate on a commercial basis to air at least one Public Service Announcement (PSA) and run at least one crawl in every quarter of every day for 30 days prior to the date that the station terminates operations on its pre-auction channel. One of the required PSAs and one of the required crawls must be run during prime time hours (for purposes of this section, between 8:00 pm and 11:00 pm in the Eastern and Pacific time zones, and between 7:00 pm and 10:00 pm in the Mountain and Central time zones) each day. Noncommercial educational full power television license relinquishment stations may choose to comply with the requirements in subpart (c)(1) or may air 60 seconds per day of on-air consumer education PSAs for 30 days prior to the station's termination of operations on its pre-auction channel. Transitioning stations, except for license relinquishment stations, must air 60 seconds per day of on-air consumer education PSAs or crawls for 30 days prior to the station's termination of operations on its pre-auction channel. Each crawl must run during programming for no less than 60 consecutive seconds across the bottom or top of the viewing area and be provided in the same language as a majority of the programming carried by the transitioning station. Each crawl must include the date that the station will terminate operations on its pre-auction channel; inform viewers of the need to rescan if the station has received a new post-auction channel assignment; and explain how viewers may obtain more information by telephone or online. Each PSA must have a duration of at least 15 seconds. Each PSA must be provided in the same language as a majority of the programming carried by the transitioning station; include the date that the station will terminate operations on its pre-auction channel; inform viewers of the need to rescan if the station has received a new post-auction channel assignment; explain how viewers may obtain more information by telephone or online; and for stations with new post-auction channel assignments, provide instructions to both over-the-air and MVPD viewers regarding how to continue watching the television station; and be closed-captioned.
- (b) Channel Sharing Agreements.** 47 C.F.R. section 73.3700(h)(5) requires channel sharing agreements (CSAs) to contain provisions outlining each licensee's rights and responsibilities regarding access to facilities, including whether each licensee will have unrestrained access to the shared transmission facilities; allocation of bandwidth within the shared channel; 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; transfer/assignment of a shared license, including the ability of a new licensee to assume the existing CSA; and termination of the license of a party to the CSA, including reversion of spectrum usage rights to the remaining parties to the CSA. CSAs must include provisions: affirming compliance with the channel sharing requirements in paragraph (h)(5) of this section, and all relevant Commission rules and policies, and 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. 47 C.F.R. section 73.3700(h)(6) requires that, if the rights under a CSA are transferred or assigned, the assignee or the transferee must comply with the terms of the CSA. If the transferee or assignee and the licensees of the remaining channel sharing station or stations agree to amend the terms of the existing CSA, the agreement may be amended, subject to Commission approval.

- (c) Wireless Notification to LPTV and TV Translator Stations.** 47 C.F.R section 73.3700(g)(4) requires wireless licensees assigned to frequencies in the 600 MHz band under 47 C.F.R. part 27 to notify low power TV and TV translator stations of their intent to commence wireless operations and the likelihood of receiving harmful interference from the low power TV or TV translator station to such operations within the wireless licensee's licensed geographic service area. The new wireless licensees must: (A) Notify the low power TV or TV translator station in the form of a letter, via certified mail, return receipt requested; (B) Indicate the date the new wireless licensee intends to commence operations in areas where there is a likelihood of receiving harmful interference from the low power TV or TV translator station; and (C) Send such notification not less than 120 days in advance of the commencement date. Low power TV and TV translator stations may continue operating on frequencies in the 600 MHz band assigned to wireless licensees under part 27 of this chapter until the wireless licensee commences operations as indicated in the notification. After receiving notification, the low power TV or TV translator licensee must cease operating or reduce power in order to eliminate the potential for harmful interference before the commencement date set forth in the notification. Low power TV and TV translator stations that are operating on the UHF spectrum that is reserved for guard band channels as a result of the broadcast television incentive auction conducted under section 6403 of the Spectrum Act may continue operating on such channels until the end of the post-auction transition period as defined in 47 C.F.R. § 27.4, unless they receive notification from a new wireless licensee pursuant to the requirements of 47 C.F.R. § 73.3700(g)(4) that they are likely to cause harmful interference in areas where the wireless licensee intends to commence operations, in which case the requirements of 47 C.F.R. § 73.3700(g)(4) will apply.

Statutory authority for these collections are contained in 47 U.S.C. §§ 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 325(b), 332, 336(f), 338, 339, 340, 399b, 403, 534, 535, 1404, 1452, and 1454.

The information collections do not affect individuals or households; thus, there is no impact under the Privacy Act.

2. The Commission will use the information to ensure compliance with required filings of notifications, certifications, license renewals, license cancelations, and license modifications as necessitated by the results of the Incentive Auction. Such information will also be used to determine compliance with Commission's rules.
3. The data submission referenced herein will be filed electronically in the Media Bureau's CDBS (or its successor system; the transition to a modernized version of this system is currently underway). Broadcast licensees are accustomed to filing forms via CDBS, which is the system used for submitting all broadcast-related FCC Forms. Other notifications will be sent in the form of a letter, in some cases via certified mail, return receipt requested.
4. The Commission does not impose a similar information collection on the respondents. There is no similar data available. Therefore, the rules referenced do not require duplicative information to be collected.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize burdens on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary for evaluating compliance with Commission rules.

6. Without the notification, certification and licensing requirements, it would have been difficult for the Commission to implement the post-Incentive Auction licensing scheme and reorganization of the 600 MHz band, as mandated by the Spectrum Act. The data collection requirements referenced herein ensure that licensees are in compliance with FCC rules and policies. In addition, coordination among broadcasters, MVPDs and wireless licensees is essential to a successful band reorganization. Therefore, the Commission could not collect the information any less frequently than it proposes to do.

7. There are no special circumstances that exist for this information collection that would make the collection of the information inconsistent with 5 C.F.R § 1320.

8. Pursuant to 5 C.F.R § 1320.5(d), the Commission published a 60-day notice in the Federal Register on August 12, 2024 (89 FR 65622) seeking comments from the public on the information collection requirements contained in this collection. There were no comments received from the public.

9. Respondents will not receive any payments in connection with this collection.

10. There is some need for confidentiality with this collection of information. Respondents will be able to redact confidential or proprietary terms from channel sharing agreements prior to filing.

11. The requirements contained in this collection do not address any private matters of a sensitive nature.

12. **Respondent Burden.** The Commission reports that 987 broadcast stations were reassigned to a new channel via the repacking process following the Incentive Auction; that 104 stations that submitted winning bids entered channel sharing agreements (CSA) and moved to the channel of the station they are sharing with; that 30 stations that submitted winning bids moved from high-VHF to low-VHF channels or from UHF to high-VHF or low-VHF; and that 41 broadcast stations were winning bidders that relinquished their licenses post-auction.

**12-a. Consumer Education (Section 73.3700(c)).** The Commission requires license relinquishment stations and stations transitioning to a new channel to notify viewers of changes via public service announcement or crawl and to provide a certification that they complied with this requirement. License relinquishment stations must run one PSA and one crawl in every quarter of every day for thirty days. Transitioning stations must run 60 seconds of crawl or PSA one time per day for 30 days. (Non-commercial transitioning stations have the choice of complying with either requirement). Crawls must last at least 60 seconds and PSAs must last at least 15 seconds. The Commission assumes that respondents will use in-house personnel at an average salary of \$100,000 per year (\$48.08 per hour). We estimate that it will take .5 hours to comply with the certification requirement and approximately 0.017 hours to complete the requirements associated with PSAs and crawls. Stations reassigned to a new channel in the repacking process may submit reasonably incurred costs (other than lost revenues) associated with compliance with consumer education requirements for reimbursement from the Reimbursement Fund.

**Certification:** 1,028 respondents (987 repacked stations + 41 license relinquishment stations) x 1 response each = **1,028 required responses**

1,028 respondents x 1 response each x .5 hours of internal personnel time per response = **514 hours**

Certification In-House Cost: 1,028 respondents x 1 response each x .5 hours of internal personnel time per response x \$48.08/hour = **\$24,713 (rounded)**

Total Number of Responses (Certification): **1,028**

**PSA/Crawls:**

41 respondents (license relinquishers) x 2 (one PSA and one crawl) x 120 notifications (4 times per day x 30 days) = **9,840 required notifications**

4,920 crawls x .017 hours (rounded) (60 seconds) = 84 hours

4,920 PSAs x .004 hours (rounded) (15 seconds) = 20 hours  
**104 hours**

987 respondents (transitioning to another channel) x (1 time per day x 30 days) 30 notifications = **29,610 required notifications**

29,610 crawls or PSAs x .017 hours (rounded) (60 seconds) = **503 hours**

Total PSA/Crawls Annual Burden Hours: 104 hours + 503 hours = **607 hours**

Total PSA/Crawls In-House Cost: 607 hours x \$48.08 = **\$29,185 (rounded)**

Total Number of Responses for PSA/Crawls: 9,840 + 29,610 = **39,450.**

**Total Annual Burden Hours: 514 + 607 = 1,121**

**Total Annual Cost: \$24,713 + \$29,185 = \$53,898**

**Total Number of Annual Responses: 1,028 + 39,450 = 40,478**

**12-b. Channel Sharing Agreements (Section 73.3700(h)(5)-(6)).** Channel sharing stations must submit sharing agreements (CSAs) that contain provisions required by the rules. In addition, if the rights under a CSA are transferred or assigned, and the licensees of the remaining channel sharing station or stations agree to amend the terms of the existing CSA, the agreement may be amended, subject to Commission approval. There were 104 stations that shared their channels with 104 stations that were winning relinquishment bidders in the auction. Accordingly, the burden associated with these requirements affected 208 stations to produce 104 CSAs. We assume that 30 stations will amend their 15 CSAs, and that the amendments will take 1/3 less time than entering a new CSA. We estimate that stations that entered into CSAs following the completion of the incentive auction will have used in-house personnel whose salary is \$100,000 (\$48.08 per hour) and in-house engineers whose salary is \$60,000 (\$30.00 per hour). We estimate the burden for complying with the requirement to enter into a CSA following the completion of the incentive auction consistent with the requirements set out in Section 73.3700(h)(5) and (h)(6) as follows:

208 respondents (new CSA) x 1 response each x 10 hours of internal personnel time per response = 2,080 hours.

208 respondents (new CSA) x 1 response each x 15 hours of internal engineer time per response = 3,120 hours

30 respondents (amending terms of CSA) x 1 response each x 3.3 (1/3 of 10 hours) hours of internal personnel time per response = 99 hours

30 respondents (amending terms of CSA) x 1 response each x 5 (1/3 of 15 hours) hours of internal engineer time per response = 150 hours.

In-House Cost: 208 respondents x 1 response each x 10 hours of internal personnel time per response x \$48.08/hour = **\$100,006 (rounded)**

208 respondents x 1 response each x 15 hours of internal engineer time per response x \$30.00/hour = **\$93,600**

30 respondents x 1 response each x 3.3 hours of internal personnel time per response x \$48.08 = **\$4,760**  
(rounded)

30 respondents x 1 response each x 5 hours of internal engineer time per response x \$30.00 = **\$4,500**

**Total Annual Burden Hours: 5,449**

**Total In-House Cost: \$202,866**

**Total Number of Responses: 208 (208 respondents producing 104 CSAs).**

**12-c. Wireless Notification to LPTV and TV Translator Stations (Section 73.3700(g)(4)).** The Commission requires wireless licensees assigned to frequencies in the 600 MHz band under part 27 of this chapter to notify low power TV and TV translator stations of their intent to commence wireless operations and the likelihood of receiving harmful interference from the low power TV or TV translator station to such operations within the wireless licensee's licensed geographic service area. As of June 30, 2024, there are 4921 low power TV and TV translator stations. The Commission estimates that all 117 of the 600 MHz licenses will make these notifications to an average of 48 low power TV and TV translator stations. The Commission believes that complying with this provision will take 2 hours per notification. While as of July 22, 2024, it appears all stations that were licensed to operate on frequencies in the 600 MHz band have ceased such operations, the Commission's rules permitted such stations to continue operating on their channels until they were notified of likely interference by a new 600 MHz licensees. The Commission has proposed to prohibit all low power TV and TV translator stations from further operations on these channels and, if adopted, this information collection will no longer be necessary and be discontinued.<sup>9</sup>

117 respondents x 48 responses each x 1 hour of in-house personnel time per response = 5,616 hours

117 respondents x 48 responses each x 1 hour of in-house engineer time per response = 5,616 hours

117 respondents x 48 responses each x 1 hour of in-house personnel time per response x \$48.08/hour = \$270,017 (rounded)

117 respondents x 48 responses each x 1 hour of in-house engineer time per response x \$30.00/hour = \$168,480

**Total Annual Burden Hours: 11,232**

**Total In-house Cost: \$270,017 + \$168,480 = \$438,497**

**Total Number of Responses: 5,616**

**TOTAL NUMBER OF RESPONDENTS: 1,028 + 208 + 117 = 1,353**

**TOTAL NUMBER OF ANNUAL RESPONSES: 40,478 + 208 + 5,616 = 46,302**

**TOTAL ANNUAL BURDEN HOURS: 1,121 + 5,449 + 11,232 = 17,802**

**TOTAL ANNUAL IN-HOUSE COST: \$53,898 + \$202,866 + \$438,497 = \$695,261**

### **13. Annual Costs to the Respondent:**

**13-a. Consumer Education (Section 73.3700(c)).** We estimate that it will take one hour for an outside attorney (\$300/hour) to prepare the viewer notifications that will run as PSAs or crawls as required by Section 73.3700(c).

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<sup>9</sup> *Amendment of the Commission's Rules to Advance the Low Power Television, TV Translator and Class A Television Service*, MB Docket No. 24-148, FCC 24-65, (rel. June 10, 2024).

1,028 respondents x 1 PSA/crawl x 1 hour x \$300/hour = **\$308,400**

**13-b. Channel Sharing Agreement (Section 73.3700(h)(5)).** There were 104 stations that shared their channels with 104 stations that were winning relinquishment bidders in the auction. Accordingly, the burden associated with these requirements is estimated to affect 208 stations to produce 104 CSAs. We also assume that 30 stations will amend their 15 CSAs, and that the amendments will take 1/3 less time than entering a new CSA. We assume that channel sharing stations would use an outside attorney (\$300/hour) and a consulting engineer (\$250/hour) to review their CSAs.

208 respondents x 5 hours outside attorney time x \$300/hour = **\$312,000**

208 respondents x 6 hours outside engineering time x \$250/hour = **\$312,000**

30 respondents (amending terms of CSA) x 1.6 (rounded) hours outside attorney time x \$300/hour = **\$14,400**

30 respondents (amending terms of CSA) x 2 hours outside engineering time x \$250/hour = **\$15,000**

Total External Consultant Cost to Respondent: **\$653,400.**

**13-c. New Data Collection – Wireless Notification to LPTV and TV Translator Stations (Section 73.3700(g)(4)).** We do not expect licensees to incur any external expenses related to this data collection.

**TOTAL EXTERNAL COST: \$308,400 + \$653,400 = \$961,800**

**14. Government Costs:**

**14-a. Consumer Education (Section 73.3700(c)).** We do not anticipate any costs to the government.

**14-b. Channel Sharing Agreement (Section 73.3700(h)(5)-(6)).** We do not anticipate any costs to the government.

**14-c. Wireless Notification to LPTV and TV Translator Stations (Section 73.3700(g)(4)).** We do not anticipate any costs to the government.

**TOTAL COST TO THE GOVERNMENT: \$0**

**15.** The Commission has program changes/decreases as a result of the completion of the post-Incentive Auction transition process and revisions to the Commission's Part 73 rules. These program changes are as follows: -597 to the number of respondents, -127,917 to the annual number of responses, -7,130 to the annual burden hours and -\$252,600 to the annual cost.

There are no adjustments to this collection.

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

**17.** We do not request OMB approval to not display the expiration date for OMB approval of the information collection. The title of the collection, its OMB control number and OMB expiration date are displayed on OMB's website.

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

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

No statistical methods are employed.