

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule E (Former FCC Form 301-CA); 47 CFR Sections 73.3700(b)(1)(i)-(v) and (vii),(b)(2)(i) and (ii); 47 CFR Section 73.6028; 47 CFR Section 74.793(d); 47 CFR Section 73.6023

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 2100, Schedule E (formerly FCC Form 301-CA)¹ is to be used in all cases by a Class A television station licensee² seeking to make changes in the authorized facilities of such station. FCC Form 2100, Schedule E requires applicants to certify compliance with certain statutory and regulatory requirements. Detailed instructions on the FCC Form 2100, Schedule E provide additional information regarding Commission rules and policies. FCC Form 2100, Schedule E is presented primarily in a "Yes/No" certification format. However, it contains appropriate places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation.³ Applicants may only mark the "Yes" certification when they are certain that the response is correct. A "No" response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. FCC Form 2100, Schedule E filings made to implement post-auction channel changes will be considered minor change applications.

Class A applications for a major change are subject to third party disclosure requirement of Section 73.3580, which requires local public notice that the application has been accepted for filing. 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

¹ The Commission implemented a new on-line (electronic) licensing system called "Licensing and Management System" in which all FCC broadcast licensing forms, including former FCC Form 301-CA, was combined into a single common form - FCC Form 2100. FCC Form 301-CA is encompassed by the "Licensing and Management System" and the new common form - FCC Form 2100. General questions, which were formally asked in all licensing applications, will compose the body of FCC Form 2100. The questions pertinent only to FCC Form 301-CA applicants will now be contained in Schedule E of FCC Form 2100. OMB approved this non-substantive change to rename FCC Form 301-CA as part of FCC Form 2100 and the electronic "Licensing and Management" system. The former FCC Form 301-CA no longer exists, but is renamed as FCC Form 2100, Schedule E and its contents are fully contained within FCC Form 2100 and the "Licensing and Management" system.

² Class A television stations are low power television licensees which, during the 90-day period ending November 28, 1999, operated their stations in a manner consistent with the programming and operational standards set forth in the Community Broadcasters Protection Act of 1999, and thus, were accorded primary status as Class A television licensees. See 47 CFR Section 73.6001(a).

³ A "material representation" has been defined as one "relating to matter which is so substantial or important as to influence the party to whom it is made." See In the Matter of Amendment of Section 1.17 of the Commission's Rules Concerning Truthful Statements to the Commission, 18 F.C.C.R. 4016 (2003), citing the Matter of Mark E. Wagner, 744 N.E. 2d 418, 421 (Ind. 2001).

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filings. The online notice must link to a copy of the application as filed in the Commission's LMS licensing database.

Information Collection Requirements:

47 C.F.R. section 74.793(d) requires that digital low power and TV translator stations shall be required to submit information as to vertical radiation patterns as part of their applications (FCC Forms 346⁴ and 301-CA) for new or modified construction permits.

47 C.F.R. section 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) 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.

47 C.F.R. section 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 C.F.R. section 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 C.F.R. section 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

⁴ See OMB control number 3060-0016 for the associated burden for FCC Form 346 as it relates to Section 74.793(d).

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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 C.F.R. section 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).

47 C.F.R. section 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 C.F.R section 73.3700(b)(1)(vii) requires channel sharee stations⁵ 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 C.F.R. section 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 C.F.R section 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

⁵ 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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location that would be considered a minor change under §§ 73.3572(a)(1),(2) or 74.787(b) of this chapter.

47 C.F.R. section 73.6028 permits Class A stations to seek approval to share a single television channel with LPTV, TV translator, full power and Class A television stations. Class A stations interested in terminating operations and sharing another station's channel must submit FCC Form 2100 Schedule E in order to obtain Commission approval for their channel sharing arrangement.

History:

On January 19, 2021, the Commission released Rules Governing the Use of Distributed Transmission System Technologies, Report and Order, FCC 21-21. The Commission adopted these rules to allow Class A television stations to seek authority to construct Distributed Transmission System (DTS) operations. Pursuant to new section 73.6023 of the rules, Class A stations may now propose DTS operations by filing an application for construction permit for minor modification – FCC Form 2100, Schedule E. This submission is also being made to OMB for approval of the modified FCC Form 2100, Schedule E.

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 Class A television 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.

Statutory authority for this collection of information is contained in Sections 154(i), 307, 308, 309, and 319 of the Communications Act of 1934, as amended and the Community Broadcasters Protection Act of 1999.

This information collection does not affect individuals, thus there are no Privacy Act impacts.

2. Agency Use of Information: FCC staff members 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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3. Consideration Given to Information Technology: The Commission requires Class A television broadcast station construction permits applicants to file FCC Form 2100, Schedule E electronically through the “Licensing and Management System.”

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 is making an effort to minimize the burden on all respondents. The Commission has limited the information requirements to those that are absolutely necessary for evaluating and processing the applications and to deter possible abuses of the processes. Therefore, this information collection will not have a significant economic impact on small entities/businesses.

6. Less Frequent Data Collection: For all uses of FCC Form 2100, Schedule E, the frequency of filing is determined by the respondents. However, no new or modified TV or DTV facilities can be obtained or modified by a Class A station without using FCC Form 2100, Schedule E.

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

8. Public Comment Period: The Commission published a Notice (90 FR 551133) in the *Federal Register* on December 1, 2025 seeking public comment on the information collection requirements contained in this supporting statement. 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 some need for confidentiality for this collection of information. When filing a channel sharing agreement with the agency under 47 CFR section 73.3700(b)(1)(vii), applicants may redact confidential or proprietary terms.⁶

11. Justification for Sensitive Questions: This form does not address any private matter.

12. We estimate that 60 FCC Forms 2100, Schedule E will be filed and processed annually. The estimated average burden on each licensee is a total of 8.25 hours to comply with the information collection requirements for minor change applications and 8.25 for major change applications.

Total Number of Annual Respondents: 60 Station Licensees

Total Number of Annual Responses: 60 FCC Form 2100, Schedule E Forms

Annual Burden Hours:

⁶ *Channel Sharing Order* at para. 28, note 88.

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We estimate a total of 8.25 hours to complete the application process. The respondent will require six hours to complete the legal portion of the form and the in-house station engineer will require two hours and fifteen minutes to complete the engineering portion of the form.

60 applications x 6 hours/form for the legal portion of the form = 360

60 applications x 2.25 hours/form in-house engineering review = 135

Total Annual Burden Hours: 495 hours

Annual “In House” Cost:

The respondent is estimated to have an average salary of \$100,000/year (\$48.08/hour). A station engineer is estimated to have an average salary of \$60,000 (\$30/hour).

60 applications x 6 hours/form for the legal portion of the form x \$48.08/hour = \$17,308.80

60 applications x 2.25 hours/form in-house engineering review x \$30.00/hour = \$ 4,050.00

Total Annual “In House” Cost: \$21,358.80

13. Annual Cost Burden: We assume that the respondent would use an outside communications attorney and a consulting engineer in the preparation and filing of the FCC Form 2100, Schedule E. The estimated cost is \$300/hour for the attorney and \$250/hour for the consulting engineer. The estimated time to prepare and file the form is 1 hour/application for the attorney and 16 hours/application for the engineer.

In addition, the fee required for submitting an application is \$725.00 for a minor change.

60 applications x 1 hour x \$300/hour legal consultation = \$18,000

60 applications x 16 hours x \$250/hour engineering consultation = \$240,000

\$258,000

Total Annual Cost Burden: \$258,000

14. Cost to the Federal Government: The Commission will use legal and attorney and engineering staff at the GS-11, step 5 level (\$45.94/hour), clerical staff at the GS-5, step 5 level (\$25.06/hour) and paraprofessional staff at the GS-9, step 5 level (\$37.97/hour) to process these applications.

Attorney	3 hrs. x \$45.94/hour x 60 applications	= \$8,269.20
Engineer	11 hrs. x \$45.94/hour x 60 applications	= \$30,320.40
Clerical	5 hrs. x \$25.06/hour x 60 applications	= \$7,518.00
Paraprofessional	4 hrs. x \$37.97/hour x 60 applications	= <u>\$9,112.80</u>

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Total Cost to Federal Government: \$55,220.40

15. Changes in Burden or Cost: There are no program changes or adjustments to this information collection.

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

17. Display of OMB Approval Date: An extension of the waiver not to publish the expiration date on the form is requested. 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 on OMB's website.

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.