

SUPPORTING STATEMENT

A. Justification

1. On June 2, 2003, the Commission adopted a *Report and Order and Notice of Proposed Rulemaking* (R&O and NPRM) *In the Matter of 2002 Biennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 02-277, *Cross-Ownership of Broadcast Stations and Newspapers*, MM Docket No. 01-235, *Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets*, MM Docket No. 01-317, *Definition of Radio Markets*, MM Docket No. 00-244, and *Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area*, MB Docket No. 03-130, FCC 03-127, released July 2, 2003.

The R&O, accompanied by a Notice of Proposed Rulemaking (NPRM) in MB Docket 03-130, arose from our proceeding, in compliance with Section 202(h) of the Telecommunications Act of 1996 (the Act), which requires that the Commission review its broadcast ownership rules every two years.¹ Generally speaking, the actions adopted in the R&O eliminate or relax regulations on licensees. The action modified and eliminated some PRA burdens and also added new showings to assist the Commission in determining that licensees remain in compliance with our rules and policies.

Specifically, the R&O concluded that an absolute prohibition on common ownership of daily newspapers and broadcasts outlets in the same market or on common ownership of radio and television outlets in the same market do not remain necessary in the public interest. With respect to both of these rules, we found that the ends sought can be achieved with more precision and with greater deference to First Amendment interests through our modified Cross Media Limits. The Order also revised the market definition and the way we count stations for purposes of the local radio rule, revises the local television multiple ownership rule, modifies the national television ownership cap, and retains the dual network rule.

The information collection requirements contained in this R&O consist of two burdens -- temporary and conditional waivers. The R&O noted that a few licensees have been granted temporary waivers of the local TV ownership rule, and some have filed requests for an extension of waivers that are currently pending, or have sought permanent waivers. Any licensee with a temporary waiver, pending waiver request, or waiver extension request must, no later than 60 days after the effective date of this R&O or the date on which the waiver expires, whichever is later, file one of the following:

- (i) a statement describing how ownership of the subject station complies with the modified local TV ownership rule; or
- (ii) an application for transfer or assignment of license of those stations necessary to bring the applicant into compliance with the rules.

¹ Pub. L. No. 104-104, 110 Stat. 56 (1996).

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A few licensees have been granted conditional waivers of the previous one-to-a-market cross-ownership rule. The Commission, in the R&O eliminated the current radio/television cross-ownership rules, but adopted cross-media limits. Parties that currently have conditional waivers for radio/television combinations must submit a statement to indicate whether the combination they hold (1) is located in at risk-market, (2) is located in a small to medium size market, and (3) is in compliance with the cross-media limits.

The Commission is requesting an extension of the information collection in order to receive the full three year OMB approval/clearance.

As noted on the OMB Form 83-I, we believe that this collection will have no impacts under the Privacy Act.

Statutory authority for this collection of information is contained in Sections 1, 2(a), 4(i), 303, 307, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152(a), 154(i), 303, 307, 309, and 310 and section 202(h) of the Telecommunications Act of 1996

2. The filing requirements contained in the R&O will all be used by the Commission to ascertain that all licensees are completely aware of and compliant with the broadcast ownership rules. The Commission will use the information filed to maintain the integrity of the rules and their effectiveness by ensuring that they are not being abused or ignored. Without the filing requirements, there is no guarantee that the rules are being enforced.

3. The filing requirements of this collection may be done electronically.

4. The Commission does not impose a similar information collection on the respondents. There are no similar data available.

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. Therefore, the information collection will not have a significant economic impact on a substantial number of small entities/businesses.

6. The one-time burdens adopted in the R&O are the minimum collection necessary to ensure the continued integrity and effectiveness of the broadcast ownership rules. Without these submissions, the Commission will not be able to verify compliance with the new broadcast ownership rules, and thus the efficacy of the rules will be hindered.

7. Current data is consistent with 5 CFR §1320.6.

8. The Commission published a Notice (71 FR 74908) in the *Federal Register* on December 13, 2006. No comments were generated as a result of the Notice. A copy of the Notice is attached.

9. Respondents will not receive any payments.

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10. Although the Commission does not believe that any confidential information will need to be disclosed in R&O to comply with the filing requirements adopted in the R&O, applicants are free to request that materials or information submitted to the Commission be withheld from public inspection. (See Section 0.459 of the Commission's Rules.)

11. This collection of information does not address any private matters of a sensitive nature.

12. We estimate a total of 12 respondents which includes two licensees with temporary waivers, requests for an extension of waiver, or request for a permanent waiver of the local TV ownership rule. We expect the applicant will require one hour for a staff engineer to complete the submission.

1 burden hour per licensee x 2 licensees = **one-time burden of 2 hours.**

In addition, there are approximately 10 licensees who have been granted conditional waivers of the previous one-to-a-market cross ownership rule, which has been replaced by cross-media limits. We estimate that licensees will use a staff engineer to complete this requirement and that the one-time submission will take approximately 1 hour to complete.

1 burden hour per licensee x 10 licensees = **one-time burden of 10 hours**

Total Number of Annual Respondents: 12 Licensees

Total Number of Annual Responses: 12 Waivers

Total Annual Burden Hours: 12 hours

Annual "In-house cost": Two licensees must file either a statement or an application. A staff engineer will require one hour completing the submission at \$200 per hour.

\$200 x 2 licensees = **\$400**

Ten licensees who have conditional waivers of the previous one-to-a-market rule will use a staff engineer at \$200 per hour to submit a statement of intention. A staff engineer will require one hour completing the submission at \$200 per hour.

\$200 x 10 licensees = **\$2,000**

Total "In House" Costs: \$400 + \$2,000 = \$2,400

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13. (a) Total annualized capital/startup costs: **None**

(b) Total annual costs (O&M): **None**

(c) Total annualized cost requested: **None**

14. Cost to the Government:

One GS-14, step 5 engineer (\$50.95/hour) to review submissions. The Commission expects each of the 12 prospective submissions to take 1 hour to review.

12 filings x \$50.95 = **\$611.40 one-time cost to the Commission**

Total Cost to the Federal Government: \$611.40

15. We are not reporting any program changes or adjustments to this information collection.

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

17. Display of the expiration date for OMB approval would be inappropriate because this information collection does not involve any FCC forms.

18. There are no exceptions to the Certification Statement in Item 19.

B. Collections of Information Employing Statistical Methods

19. We do not intend to employ any statistical methods in this information collection.