

Supporting Statement

This supporting statement duplicates the supporting statement submitted for public comment at the NPRM submission stage in Summer 2007. At the time of the submittal of this emergency PRA approval request all of the information in the supporting statement remains the most current the Commission can offer and is not expected to change in any way at the final Report and Order stage. When the final Report and Order is adopted and released it will be attached to this emergency submittal.

A. Justification

1. Congress has mandated that after February 17, 2009, full-power television broadcast stations must transmit only in digital signals, and may no longer transmit analog signals.¹ On April 25, 2007, the Commission adopted a Notice of Proposed Rulemaking in the matter of the *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, FCC 07-70, to consider the procedures and rule changes necessary to complete the nation's transition to DTV, including how best to ensure that broadcasters complete construction of their facilities² on their final, post-transition (digital) channel³ by the statutory deadline.

This NPRM, among other things, proposes to require all full-power television stations to file a form, FCC Form 387, with the Commission detailing their transition status. Every full-power television broadcast station must provide (1) the current status of the its digital transition; (2) the additional steps, if any, it needs to take to be prepared for the switch-over deadline; and (3) its plan for how it intends to meet the statutory transition deadline. The FCC form 387, which must be filed by all licensees and permittees on or before December 1, 2007, is necessary to assist the Commission, industry, and the public in assessing progress and making plans for the digital transition.

¹ See Digital Television and Public Safety Act of 2005 ("DTV Act"), which is Title III of the Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4 (2006) ("DRA") (codified at 47 U.S.C. §§ 309(j)(14) and 337(e)). DTV Act § 3002(a) amends Section 309(j)(14) of the Communications Act to establish February 17, 2009 as a new hard deadline for the end of analog transmissions by full-power TV stations. 47 U.S.C. § 309(j)(14)(A). DTV Act § 3002(b) directs the Commission to "take such actions as are necessary (1) to terminate all licenses for full-power television stations in the analog television service, and to require the cessation of broadcasting by full-power stations in the analog television service, by February 18, 2009; and (2) to require by February 18, 2009, ... all broadcasting by full-power stations in the digital television service, occur only on channels between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive)." 47 U.S.C.A. § 309 Note.

² A station's "post transition facilities" refers to the details of each station's assignment, including technical facilities and predicted service and interference information.

³ A station's "post-transition channel" is the television channel that it will use for digital broadcasting after the transition deadline (i.e., February 17, 2009). The Commission proposed channel assignments and reference facilities for stations' post-transition operations in a 2006 Notice of Proposed Rule Making in MB Docket No. 87-268. See *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MB Docket No. 87-268, Seventh Further Notice of Proposed Rule Making, 21 FCC Rcd 12100 (2006) ("Seventh FNPRM"). The Seventh FNPRM sets forth a channel for each eligible broadcast TV station in the proposed new DTV Table of Allotments, to be codified at 47 C.F.R. § 73.622(i).

As noted on the OMB Form 83-I, 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 1, 4(i) and (j), 7, 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, 47 U.S.C 151, 154(i) and (j), 157, 301, 302a, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337.

2. Again, every full-power television broadcast station must provide (1) the current status of the its digital transition; (2) the additional steps, if any, it needs to take to be prepared for the switch-over deadline; and (3) its plan for how it intends to meet the statutory transition deadline. The form, which must be filed by all licensees and permittees on or before December 1, 2007, is necessary to assist the Commission, industry, and the public in assessing progress and making plans for the digital transition. These filings will be made publicly available on the Commission's website.

3. The Commission requires applicants to file FCC Form 387 electronically.

4. This agency does not impose similar information collection requirements on respondents.

5. The filing of FCC Form 387, Digital TV Transition Report, we find no hardship to small entities. Therefore, this collection of information will not have a significant economic impact on small businesses/entities.

6. The collection is necessary to ensure that all full-power television broadcast stations complete construction of their final, post-transition (digital) facilities by the statutory deadline.

7. There are no special circumstances associated with this collection of information.

8. The Commission submitted the Notice of Proposed Rulemaking and Federal Register Notice ("Notice") to the Federal Register for publication. The Notice will seek public comment on the information collection requirements in this collection.

9. No payment or gift is provided to the respondents.

10. There is no need for confidentiality.

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

12. Each broadcast licensee/permittee will file one FCC Form 387, which will be filed one-time only. We estimate that it will take respondents an average of 2 hours to complete this form. Our estimate includes the time to read the instructions, look through existing records, gather the required data, and actually complete and review the form, including the time to consult with the attorney and engineer. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

Total Number of Annual Respondents: 1,812 full-power television broadcast licensees/permittees

**Total Annual Responses:
1,812 FCC Form 387 filings x 1 one-time filing/respondent = 1,812 responses**

**Total Annual Burden Hours:
1,812 FCC Form 387 filings x 2 hours/filing = 3,624 hours**

Total "In-House Cost": The respondent is estimated to have an average salary of \$70,000/year (\$33.65/hour).

1812 FCC Form 387 filings x 2 hours/form x \$33.65 = **\$121,947.60**

13. **Annual Cost Burden:** We assume that the respondent would use a consulting engineer to assist with the engineering analysis necessary to answer certain questions on FCC Form 387 and have a consulting attorney help with reviewing the applicable rules and policies, analyzing the issues presented on the form, and filing the form.

We estimate that the average respondent would use 2 hours of attorney time (\$200/hour) and 2 hours of consulting engineer time (\$150/hour) to complete this form.

\$200/legal consultant x 1,812 FCC Form 387 filings x 2 hours/filing = \$724,800
\$150/engineering consultant x 1,812 FCC Form 387 filings x 2 hours/filing = \$543,600
Total Annual Hourly Cost: \$1,268,400

14. The Commission will use legal and engineering staff at the GS-14, step 5 level (\$50.95/hour) to process these forms. We estimate that, on average, each form requiring processing will require 30 minutes (0.5 hours) of attorney time and 1 hour of engineering time to process.

1,812 FCC Form 387 filings x 0.5 hr/attorney review x \$50.95/hour	=	\$46,160.70
1,812 FCC Form 387 filings x 1 hour/engineering review x \$50.95/hour	=	<u>\$92,321.40</u>
Total Cost to the Federal Government:		\$138,482.10

15. This is a new collection which adds a program change of +3,624 hours to the annual burden hours and \$1,268,400 to the annual cost burden.

16. The data collected by the proposed Form 387 will be posted on the Commission's website in order to assist the Commission, industry, and the public to assess the progress of each station's transition to digital television. If the proposed collection is adopted, all full-power broadcast television stations will be required to file the Form 387 on or before December 1, 2007. Moreover, stations will be responsible for the continuing accuracy and completeness of the information furnished in this Form. Therefore, whenever the information furnished in this Form is no longer substantially accurate and complete in all significant respects, the station shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of this Form so as to furnish such additional or corrected information as may be appropriate. This information collection will expire after the statutory DTV transition deadline of February, 17, 2009.

17. The Commission requests an extension of the waiver not to publish the expiration date on FCC Form 387. This waiver will obviate the need to update electronic files 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. There are no other exceptions to Item 19 of the Certification Statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.