

SUPPORTING STATEMENT

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. On December 22, 2007, the Commission adopted a Report and Order, *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 07-228. In the Report and Order, the Commission adopted rules to ensure that, by the February 17, 2009 transition date, all full-power television broadcast stations (1) cease analog broadcasting and (2) complete construction of, and begin operations on, their final, full-authorized post-transition (DTV) facility. The Commission recognized that broadcasters may need regulatory flexibility in order to achieve these goals. Accordingly, the Commission authorized the following "DTV Transition-related" filings, which must be made electronically via the FCC's Consolidated Database System ("CDBS"),¹ to permit broadcasters to request and obtain regulatory flexibility from the Commission, if necessary, to meet their DTV construction deadlines:

- **STA for Phased Transition and Continued Interim Operations.** Stations may file a request for Special Temporary Authorization (STA) approval to temporarily remain on their in-core, pre-transition DTV channel after the transition date through the CDBS using the Informal Application Filing Form.
- **STA for Phased Transition / Build-Out.** Stations may file a request for STA approval to build less than full, authorized post-transition facilities by the transition date through the CDBS using the Informal Application Filing Form.
- **STA for Permanent Service Reduction or Termination.** Stations may file a request for STA approval to permanently reduce or terminate analog or pre-transition DTV service where necessary to facilitate construction of final, post-transition facilities through the CDBS using the Informal Application Filing Form.
- **Notification/Informal Letter of Temporary Service Disruption.** Stations may file a notification or informal letter pursuant to Section 73.1615 to temporarily reduce or cease existing analog or pre-transition DTV service where necessary to facilitate construction of final, post-transition facilities through the CDBS using the Informal Application Filing Form.
- **Notification of Service Reduction or Termination.** Stations may file a notification to permanently reduce or terminate analog or pre-transition DTV service within 90 days of the transition date through the CDBS using the Informal Application Filing Form.

¹ The FCC's Consolidated Database System ("CDBS") is used for a wide variety of filings (i.e., STA requests, notifications, informal filings, non-form submissions, etc.).

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Title: Special Temporary Authorization (STA) Requests, Section 47 CFR 73.1635; Notifications, Section 47 CFR 73.1615; and Informal Filings, Section 47 CFR Part 73.

- **Informal Filings.** Stations claiming a “unique technical challenge” (as defined in the Report and Order)² warranting a February 17, 2009 construction deadline may file a notification to document their status through the CDBS using the Informal Application Filing Form.

The Commission received OMB approval for the new information collection requirements on May 8, 2008 for a six month time period. The Commission is now seeking the full three year approval/clearance for the requirements from OMB.

These requirements are also approved under this information collection and have not changed since last approved by OMB:

Notifications, 47 CFR 73.1615. Broadcast stations (AM, FM, TV or Class A TV licensees or permittees) must file a notification under 47 CFR 73.1615(c) when such a station is in the process of modifying existing facilities as authorized by a construction permit and determines it is necessary to either discontinue operation or to operate with temporary facilities to continue program service for a period not more than 30 days. Licensees or permittees of directional or nondirectional FM, TV or Class A TV or nondirectional AM must file a notification and comply with 47 CFR 73.1615(a). Licensees or permittees of a directional AM station whose modification does not involve a change in operating frequency must file a notification and comply with 47 CFR 73.1615(b). Licensees or permittees of a directional AM station whose modification does involve a change in frequency and determines it is necessary to discontinue operation for a period not more than 30 days must file a notification and comply with 47 CFR 73.1615(d)(2).

Informal Filings, 47 CFR 73.1615. Broadcast stations (AM, FM, TV or Class A TV licensees or permittees) must file an informal letter request under 47 CFR 73.1615(c)(1) when such a station is in the process of modifying existing facilities pursuant to 47 CFR 73.1615(a) or (b) and determines it is necessary to either discontinue operation or to operate with temporary facilities to continue program service for a period of more than 30 days. Licensees or permittees of a directional AM station whose modification does involve a change in frequency and determines it is necessary to operate with temporary facilities must file an informal letter request and comply with 47 CFR

47 CFR 73.1615(d). Licensees or permittees that filed notifications under 47 CFR 73.1615(d)(2) but which determine that it is necessary to discontinue operation for a period more than 30 days must file an informal letter request and comply with 47 CFR 73.1615(d)(1) and (2).

² As discussed in the Third DTV Periodic Report and Order, stations may face specific and unique technical challenges that would prevent them from meeting their deadline to construct final, post-transition facilities. Such challenges include stations that have a side-mounted digital antenna and top-mounted analog antenna and will need to install a top-mounted antenna for post-transition digital use, but cannot do so before the end of the transition because the tower cannot support the additional weight of third antenna, or face other circumstances in which the operation of a station's analog service prevents the completion of construction of the station's full, authorized post-transition facility, including stations whose local power company cannot provide sufficient electrical capacity to the tower site to power both analog and full power digital operations, and stations that do not have space at their antenna site for both analog and digital equipment.

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47 CFR 73.1635 states the broadcast stations (licensees or permittees) may file a request for STA approval to permit a station to operate a broadcast facility for a limited period at a specified variance from the terms of the station's authorization or requirements of the FCC rules. Stations may file a request for STA approval for a variety of reasons. The request must describe the operating modes and facilities to be used.

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, as amended.

2. The data is used by FCC staff to determine whether to grant and/or accept the requested special temporary authority ("STA") (or other request for FCC action), the required notification, informal filing or other non-form submission.³ FCC staff will review for compliance with legal and technical regulations, including but not limited to ensuring that impermissible interference will not be caused to other stations.

3. All STA requests, notifications, informal filings and other "non-form" submissions *may* be filed electronically via the FCC's Consolidated Database System ("CDBS"). These filings may also be filed by letter, but only if expressly authorized by rule or Commission approval.

For DTV Transition-related: All STA requests, notifications, informal filings and other "non-form" submissions related to the DTV transition *must* be filed electronically via CDBS. Stations may email courtesy copies of their STA requests, notifications, and informal filings to the appropriate email address: analogrequests@fcc.gov, dtvrequests@fcc.gov, or dtvnotifications@fcc.gov.

4. No other agency imposes a similar information collection on the respondents. There is no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents. The revised information collection requirements permit broadcasters to request and obtain regulatory flexibility from the Commission, if necessary, to meet their DTV construction deadlines. The requirements are only necessary should the station seek to obtain the benefit of one of the provisions for regulatory flexibility. Although these requirements will impose some costs on small broadcasters, they will also ensure that small broadcasters continue to retain their audiences after the transition by fully informing viewers of the steps necessary to keep watching. Small broadcasters rely completely on their viewing audience for their revenue stream, so this benefit should far outweigh any costs for this temporary requirement. Therefore, this collection of information will not have a significant economic impact on a substantial number of small entities/businesses.

6. Congress has mandated that after February 17, 2009, full -power broadcast stations must transmit only in digital signals, and may no longer transmit analog signals. The Commission must ensure that, by the February 17, 2009 transition date, all full-power television broadcast stations (1) cease analog broadcasting

³ Generally, "non-form" filings are notifications or request filed with the Commission that are submitted by informal letter as opposed to a specific Commission form.

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and (2) complete construction of, and begin operations on, their final, DTV facility. Broadcasters may need regulatory flexibility in order to achieve these goals. Without these submissions, the Commission will not be able to determine eligibility for certain opportunities for regulatory flexibility. The frequency for this collection of information is determined by respondents, as necessary.

7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Commission published a Federal Register Notice on June 13, 2008 (73 FR 33821) to seek public comment on the information collections contained in this supporting statement. No comments have been received to date.
9. No payment or gift was provided to the respondents.
10. There is no need for confidentiality.
11. This information collection does not address any private matters of a sensitive nature.
12. We make the following estimates for STA requests, notifications and informal filings.

a) STA Requests. We estimate that a total of 2,500 STA requests⁴ will be filed with the Commission annually. We estimate that 10% of these filings (or 250 filings) will be made by the station licensee/permittee without outside consultation and will require four (4) hours preparation, while 90% of these filings (or 2,250 filings) will be contracted out to outside attorneys and/or consulting engineers and will require one (1) hour of consultation with these outside parties.

b) Notifications. We estimate that a total of 1,060 notifications⁵ will be filed with the Commission annually. We estimate that 50% of these filings (or 530 notifications) will be made by the station licensee/permittee without outside consultation and will require 30 minutes (0.5 hours) preparation, while the other 50% of these filings (or 530 notifications) will be contracted out to outside attorneys and/or consulting engineers and will require one (1) hour consultation with these outside parties.

c) Informal Filings. We estimate that a total of 150 informal letters⁶ will be filed with the Commission annually. We estimate that 20% of these filings (or 30 informal letters) will be made by the station licensee/permittee without outside consultation and will require four (4) hours preparation, while 80% of these filings (or 120 filings) will be contracted out to outside attorneys and/or consulting engineers and will require one (1) hour consultation with these outside parties.

⁴ The adoption of FCC 07-228 by the Commission adds an addition 1,000 STA filing requests (DTV transition-related STA requests) to this information collection.

⁵ The adoption of FCC 07-228 by the Commission adds an addition 1,000 STA notification filings (DTV transition-related notification requests) to this information collection.

⁶ The adoption of FCC 07-228 by the Commission adds an addition 100 informal filings (DTV transition-related informal letter filings) to this information collection.

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Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Costs
12a. STA Requests (47 CFR § 73.1635)						
STA filed by Licensee/ Permittee	250	250	4 hrs	1,000 hrs	\$48.08 ⁷	\$ 48,080.00
STA filed by outside engineer/attorney but will require the respondent to consult with outside parties regarding the filings	2,250	2,250	1 hr consultation	2,250 hrs	\$48.08 ⁸	\$108,180.00
Total STA Requests	2,500⁹	2,500		3,250 hrs		\$156,260.00
12b. Notifications (47 CFR Part 73)						
Rule 73.1615 Notifications filed by Licensee/ Permittee	530	530	0.5 hrs	265 hrs	\$48.08 ¹⁰	\$12,741.20
Rule 73.1615 Notifications filed by outside engineer/attorney but will require the respondent to consult with outside parties regarding the filings	530	530	1 hr consultation	265 hrs	\$48.08 ¹¹	\$12,741.20
Total Notifications	1,060¹²	1,060		530 hrs		\$25,482.40
12c. Informal Filings (47 CFR Part 73)						
Rule 73.1615 Informal Letters filed by Licensee/ Permittee	30	30	4 hrs	120 hrs	\$48.08 ¹³	\$5,769.60
Rule 73.1615 Informal						

⁷ This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour.

⁸ This estimate is based on an average salary for a station manager of \$100,000 per year of \$48.08 per hour.

⁹ The adoption of FCC 07-228 by the Commission adds an addition 1,000 STA filing requests (DTV transition-related STA requests) to this information collection.

¹⁰ This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour.

¹¹ This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour.

¹² The adoption of FCC 07-228 by the Commission adds an addition 1,000 STA notification filings (DTV transition-related notification requests) to this information collection.

¹³ This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour

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Type	# of Respondents	# of Responses	Burden Hours of Respondents	Annual Burden Hours	Hourly Salary of Respondents	Annual In-House Cost
Letters filed by outside engineer/attorney but will require the respondent to consult with outside parties regarding the filings	120	120	1 hr consultation	120 hrs	\$48.08 ¹⁴	\$5,769.60
Total Informal Filings	150¹⁵	150		240 hrs		\$11,539.20

Total Annual Number of Respondents and Responses: 2,500 + 1,060 + 150 = **3,710**

Total Annual Burden Hours: 3,250 hours + 530 hours + 240 = **4,020 hours**

Total Annual “In-House Cost” = \$156,260 + \$25,482.40 + \$11,539.20 = **\$193,281.60¹⁶**

13. ANNUAL COST BURDEN:

a) STA Requests. A contract consulting engineer and/or an attorney would prepare and submit the request for special temporary authority depending on the circumstances. We estimate that the average salary for a consulting engineer is \$150/hour and for the attorney is \$200/hour. Because these filings may be reviewed and/or filed by either or both an outside attorney or engineer consultant, we estimate the average salary to be \$175/hour. In addition, a licensee must submit a fee for each request by a commercial broadcast station for special temporary authority at \$160/request. We estimate that 86% of all requests filed will be for commercial stations (2,500 x 86% = 2,150 requests).

2,250 STA requests x \$175/hour x 1 hour =	\$3,393,750
2,150 STA requests x \$160 fee / request =	<u>\$ 344,000</u>
Annual Cost Burden =	\$3,787,500

b) Notifications. A contract consulting engineer and/or an attorney would prepare and submit the notification depending on the circumstances. We estimate that the average salary for a consulting engineer is \$150/hour and for the attorney is \$200/hour. Because these filings may be reviewed and/or filed by either or both an outside attorney or engineer consultant, we estimate the average salary to be \$175/hour.

¹⁴ This estimate is based on an average salary for a station manager of \$100,000 per year or \$48.08 per hour.

¹⁵ The adoption of FCC 07-228 by the Commission adds an addition 100 informal filings (DTV transition-related informal letter filings) to this information collection.

¹⁶ The Commission re-evaluated the station manager’s yearly salary. We revised the salary from \$70,000 per year to \$100,000 per year (\$48.08 per hour).

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530 notifications x \$175/hour x 1 hour = \$92,750
Annual Cost Burden = \$92,750

c) Informal Filings. A contract consulting engineer and/or an attorney would prepare and submit the informal letter depending on the circumstances. We estimate that the average salary for a consulting engineer is \$150/hour and for the attorney is \$200/hour. Because these filings may be reviewed and/or filed by either or both an outside attorney or engineer consultant, we estimate the average salary to be \$175/hour. In addition, a licensee must submit a fee for each request by a commercial broadcast station for special temporary authority at \$150/request. We estimate that 86% of all requests filed will the Commission will be for commercial stations (150 x 86% = 129 requests).

120 informal letter requests x \$175/hour x 1 hour = \$21,000
129 informal letter requests x \$160 fee / request = \$20,640
Annual Cost Burden = \$41,640

Total Annual Cost Burden = \$3,787,500 + \$92,750 + \$41,640 = \$3,921,890

14. Cost to the Federal Government:

a) STA Requests. We estimate the government will use legal and engineer staff at the GS-14, step 5 level (\$53.24/hour), paraprofessional staff at the GS-11, step 5 level (\$31.61/hour) and clerical staff at the GS-5, step 5 level (\$17.24/hour). We expect the processing for the STAs to take from 0.50 to 2 hours to process.

2,500 STAs x \$53.24 x 2 hours = \$266,200
2,500 STAs x \$31.61 x 2 hours = \$156,050
2,500 STAs x \$17.24 x 0.50 hour = \$ 21,550
Cost to the Federal Government: \$443,800

b) Notifications. We estimate the government will use legal and engineer staff at the GS-14, step 5 level (\$53.24/hour), paraprofessional staff at the GS-11, step 5 level (\$31.61/hour) and clerical staff at the GS-5, step 5 level (\$17.24/hour). We expect the processing for the notifications to take from 0.50 to 1 hour to process.

1,060 notifications x \$53.24 x 1 hours = \$56,434.40
1,060 notifications x \$30.25 x 1 hours = \$33,496.00
1,060 notifications x \$17.24 x 0.50 hour = \$ 9,137.20
Cost to the Federal Government: \$99,067.60

c) Informal Filings. We estimate the government will use legal and engineer staff at the GS-14, step 5 level (\$53.24/hour), paraprofessional staff at the GS-11, step 5 level (\$31.61/hour) and clerical staff at the GS-5, step 5 level (\$17.24/hour). We expect the processing for the informal filings to take from 0.50 to 2 hours to process.

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150 STAs x \$53.24 x 2 hours =	\$15,972
150 STAs x \$31.61 x 2 hours =	\$ 9,483
150 STAs x \$17.24 x 0.50 hour =	<u>\$ 1,293</u>
Cost to the Federal Government:	\$26,748

Total Cost to the Federal Government: \$443,800 + \$99,067.60 + \$26,748 = **\$569,615.60**

15. There are no program changes or adjustments to this information collection.

16. The data will not be published.

17. OMB approval of the expiration of the information collection will be displayed at 47 C.F.R. Section 0.408.

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

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.