

## SUPPORTING STATEMENT

### A. Justification:

1. On January 20, 2000, the Commission adopted a Report and Order (R&O) in MM Docket No. 99-25, In the Matter of Creation of Low Power Radio Service. With the adoption of this R&O, the Commission authorized the licensing of two new classes of FM radio stations, generally referred to as low power FM stations (LPFM): a LP100 class for stations operating at 50-100 watts effective radiated power (ERP) at an antenna height above average terrain (HAAT) of 30 meters; and a LP10 class for stations operating at 1-10 watts ERP and an antenna height of 30 meters HAAT. These stations will be operated on a noncommercial educational basis by entities that do not hold attributable interests in any other broadcast station or other media subject to the Commission's ownership rules. The LPFM service authorized in this Report and Order provides significant opportunities for new radio services. The LPFM service creates a class of radio stations designed to serve very localized communities or underrepresented groups within communities.

In connection with this new service, the Commission developed a new FCC Form 319, Application for a Low Power FM Broadcast Station License. FCC Form 319 is required to apply for a license for a new or modified Low Power FM (LPFM) station.

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

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 154(i), 303 and 308 of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to determine whether an applicant has constructed its station in accordance with the outstanding construction permit and to update FCC station files. Data is then extracted from FCC Form 319 for inclusion in the subsequent license to operate the station. Applications to replace a nondirectional antenna and to replace the transmission lines will be reviewed to ensure that the minor changes made by the station will not have any significant impact on other stations and the public.

3. The Commission requires applicants to file FCC Form 319 electronically.<sup>1</sup>

4. This agency does not impose a similar collection on the respondents. There is no similar data available.

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<sup>1</sup> Paper-filed copies of FCC Form 319 will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Filers must plead with particularity the facts and circumstances warranting grant of a waiver. Waivers will not be routinely granted.

**Title: Application for a Low Power FM Broadcast Station License,  
FCC Form 319**

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize data collection burdens on all respondents. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/businesses.
6. The frequency for filing the FCC Form 319 applications for new or modified licenses 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 Notice (74 FR 6409) in the Federal Register on February 9, 2009. No comments were generated as a result of this Notice.
9. No payment or gift was provided to respondents.
10. There is no need for confidentiality with this collection of information.
11. This collection of information does not address any private matters of a sensitive nature.
12. We estimate that approximately 200 FCC Form 319 applications will be filed. The average burden on an applicant to complete the form is one (1) hour. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

**Total Number of Annual Respondents: 200 LPFM stations**

**Total Number of Annual Responses: 200 FCC Form 319 applications**

**Total Annual Burden Hours:**

200 FCC Form 319 applications x 1 hour/application<sup>2</sup> = **200 hours**

**ANNUAL "IN-HOUSE COST":** The respondent is estimated to have an average salary of \$100,000/year (\$48.08/hour).

200 FCC Form 319 applications x 1 hour/application x \$48.08/hour = **\$9,616.00**

**Total Annual "In-house cost": \$9,616.00**

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<sup>2</sup> The respondent's time of 1 hour/response also includes 0.25 hours for consulting with an outside attorney + 0.25 hours for consulting with an outside engineer in order to allow the respondent to complete the form.

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13. **ANNUAL COST BURDEN:** We assume that the respondents would consult with an attorney and consulting engineer prior to preparing and filing an application. We estimate that the average cost for an attorney is \$200/hour and the average cost for a consulting engineer is \$150/hour.

200 FCC Form 319 applications x 0.25 hours/application x \$200 = \$10,000

200 FCC Form 319 applications x 0.25 hours/application x \$150 = \$ 7,500

**TOTAL ANNUAL COST BURDEN = \$17,500**

14. **Cost to the Federal Government.** The Commission will use legal staff at the GS-14 level, step 5 (\$55.78/hour), engineering staff at the GS-14, step 5 level (\$55.78/hour), paraprofessional staff at the GS-11, step 5 level (\$33.12/hour) and clerical staff at the GS-5, step 5 level (\$18.07/hour) to process these applications.

0.5 hours data processing x 200 applications x \$18.07/hour = \$ 1,807.00

0.5 hours clerical x 200 applications x \$18.07/hour = \$ 1,807.00

0.5 hours legal x 200 applications x \$55.78/hour = \$ 5,578.00

1.0 hours engineer x 200 applications x \$55.78/hour = \$11,156.00

0.5 hour paraprofessional x 200 applications x \$33.12/hour = \$ 3,312.00

Total Processing Cost to the Federal Government = \$23,660.00

**Total Cost to the Federal Government = \$23,660.00**

15. There are no program changes or adjustments.

16. The data will not be published.

17. The Commission is requesting exemption from printing the expiration date on the form. This will obviate the need for the Commission to update paper and electronic forms upon the expiration of the clearance. 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.

**B. Collections of information employing statistical methods.**

No statistical methods are employed.