

## SUPPORTING STATEMENT

### A. Justification:

1. Multichannel Video Programming Distributors (MVPDs) provide their programming over a closed system and, thus, may use all frequencies to do so. They must, however, prevent leakage of those signals from the system and guard against and minimize any harm to aeronautical communications should leak occur. Part of the regime for protecting aeronautical frequencies from interference and resolving interference is notification of the Commission of use of those frequencies and that proper frequency offsets and other precautions are taken. Form 321 is used for this purpose.

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), 301, 303, 308, 309, and 621 of the Communications Act of 1934, as amended.

2. The data is used by Commission staff to verify that MVPDs are aware of and comply with protection for aeronautical communications. The data is also used to rapidly determine the source of and eliminate interference should it occur.

3. The Commission requires applicants to file FCC Form 321 electronically.<sup>1</sup>

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

5. This collection of information does not have a significant impact on a substantial amount of small businesses.

6. If the Commission did not require the collection of this information, it would be unable to insure the safety of air navigation.

7. There are no special circumstances.

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. There are no payments of gifts given to respondents.

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<sup>1</sup> Paper-filed copies of FCC Form 321 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.

10. There is no need for confidentiality with this collection of information.
11. This information collection does not address any private matters of a sensitive matter.
12. We estimate that 3,420 MVPDs will file one FCC Form 321 annually. The licensees estimated burden for each FCC Form 321 is 40 minutes per filing. These estimates are based on Commission staff's knowledge and familiarity with the data required.

**Total Number of Respondents: 3,420 MVPDs**

**Total Number of Responses: 3,420 FCC Form 321 filings**

**Total Annual Burden: 3,420 FCC Form 321 filings x 0.67(40 min.) = 2,291 hours**

**Annual "In-house Cost":** We estimate the respondent's salary to be \$48.08 per hour.

$$\begin{aligned} \$48.08/\text{hour} \times 0.67(40 \text{ min.})/\text{filing} \times 3,420 \text{ MVPDs} &= \$110,170.51 \\ \text{Total Annual "In-house cost"} &= \mathbf{\$110,170.51} \end{aligned}$$

**13. Annual Cost Burden:**

- (a) Total annualized capital/startup costs: None
- (b) Total annual costs (O&M): The Commission charges a fee of \$60.00 for each FCC Form 321 filing.
- (c) Total annualized cost requested: \$60.00 filing fee x 3,420 FCC Form 321 annual filings = **\$205,200**

**14. Cost to the Federal Government:** The annual number of FCC Form 321 filings is 3,420. The Commission will use professional staff at the GS-12, step 5 level (\$39.70/hour), paraprofessional staff at the GS-7, step 5 level (\$22.38/hour), and clerical staff at the GS-5, step 5 level (\$18.07/hour). The estimated processing time per filing is 2.25 hours.

$$\begin{aligned} 0.50 \text{ hours} \times \$39.70/\text{hour} \times 3,420 \text{ FCC Form 321 filings} &= \$ 67,887.00 \\ 1.50 \text{ hours} \times \$22.38/\text{hour} \times 3,420 \text{ FCC Form 321 filings} &= \$114,809.40 \\ 0.25 \text{ hours} \times \$18.07/\text{hour} \times 3,420 \text{ FCC Form 321 filings} &= \underline{\$ 15,449.85} \\ &= \mathbf{\$198,146.25} \end{aligned}$$

**Total Cost to the Federal Government: \$198,146.25**

15. There are adjustments to the total annual burden hours and total annual cost burden due to an increase in the total number of annual FCC Form 321 filings with the Commission.

16. The results of this information collection will be published via the COALS online database.

17. The Commission seeks approval to not display the expiration date of this collection of information.

18. There are no exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods**

No statistical methods are employed.