

SUPPORTING STATEMENT

A. Justification

1. 47 CFR Section 76.952 states that all cable operators must provide to the subscribers on monthly bills the name, mailing address and phone number of the franchising authority, unless the franchising authority in writing requests that the cable operator omits such information. The cable operator must also provide subscribers with the FCC community unit identifier for the cable system in their communities.

47 CFR Section 76.990(b)(1) requires that a small cable operator, may certify in writing to its franchise authority at any time that it meets all criteria necessary to qualify as a small operator. Upon request of the local franchising authority, the operator shall identify in writing all of its affiliates that provide cable service, the total subscriber base of itself and each affiliate, and the aggregate gross revenues of its cable and non-cable affiliates. Within 90 days of receiving the original certification, the local franchising authority shall determine whether the operator qualifies for deregulation and shall notify the operator in writing of its decision, although this 90-day period shall be tolled for so long as it takes the operator to respond to a proper request for information by the local franchising authority. An operator may appeal to the Commission a local franchise authority's information request if the operator seeks to challenge the information request as unduly or unreasonably burdensome. If the local franchising authority finds that the operator does not qualify for deregulation, its notice shall state the grounds for that decision. The operator may appeal the local franchising authority's decision to the Commission within 30 days.

47 CFR Section 76.990(b)(3) requires that within 30 days of being served with a local franchising authority's notice that the local franchising authority intends to file a cable programming services tier rate complaint, an operator may certify to the local franchising authority that it meets the criteria for qualification as a small cable operator. This certification shall be filed in accordance with the cable programming services rate complaint procedure set forth in §76.1402. Absent a cable programming services rate complaint, the operator may request a declaration of Cable Programming Service Tier (CPST) rate deregulation from the Commission pursuant to §76.7.

History

On April 9, 1996, the Commission released an *Order and Notice of Proposed Rulemaking*, FCC 96-154, In the Matter of Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996. The Order and the Notice amend certain rules to implement the 1996 Act, establish interim rules to govern implementation of the 1996 Act pending the adoption of final rules, and propose certain final rules. The item focuses principally on rules relating to cable television rate regulation. Under the 1996 Act regulation of cable programming services tiers (CPST) will generally continue until the statutory sunset date of March 31, 1999.

On March 29, 1999, the Commission released a *Report and Order*, FCC 99-57, In the Matter of Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996. This *Report and Order* adopts final rules regulating cable television service and cable system operators pursuant to Sections 301 and 302 of the Telecommunications Act of 1996. The 1996 Act amended or deleted numerous provisions of Title VI of the Communications Act of 1934, as amended, and added new provisions affecting cable television.

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

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

The statutory authority for this collection of information is contained in the Telecommunications Act of 1996, Pub. L. No. 104-104, Sections 301 and 302, 110 Stat. 56, 114-124.

2. The requirements accounted for in this information collection serve a variety of purposes for subscribers, cable operators, franchising authorities and the Commission.

47 CFR Section 76.952, franchising authority contact information is furnished on monthly billing statements and is used by cable subscribers when wanting to inquire about cable matters in their community. Franchising authorities have the option to not have this information furnished on billing statements if they so choose. The filing of a written request to the cable operator facilitates this option.

47 CFR Section 76.990, a small cable operator may certify in writing to its franchising authority that it meets the criteria to qualify as a small operator. The information filed as part of the certification is reviewed by the franchising authority to determine whether the operator qualifies for deregulation as a small cable operator.

3. Use of information technology is not feasible for this collection information because the majority of this collection is comprised of third-party disclosures.
4. This agency does not impose similar information collection requirements on the respondents.
5. Information collection requirements accounted for in this information collection will directly affect entities which are small business entities, as defined in Section 601(3) of the Regulatory Flexibility Act, but are not expected to have a significant impact on a substantial amount of small businesses or other small entities
6. If not permitted to conduct the collection of information in this information collection, the Commission would not be in compliance with the Cable Act Reform provisions of the Telecommunications Act of 1996.
7. There are no special circumstances associated with this collection of information.
8. The Commission published a Notice (76 FR 21738) on April 18, 2011 seeking public comment on the information collection requirements contained in this supporting statement. No comments were received from the public.
9. Respondents will not receive gifts or payments.
10. There is no need for confidentiality with this collection of information.
11. These information collection requirements do not address matters of a sensitive nature.
12. The public burden for this information collection is as follows:

<u>Rule Section</u>	<u>Responses</u>	<u>Hourly Burden</u>	<u>Total Annual Burden Hours</u>
Section 76.952¹	50 written notices by LFAs requesting cable operators not to furnish contact information to subscribers	1 hour/notice	50 hours

¹ Since subscribers are provided the name, mailing address and phone number of the franchising authority in their monthly bills there is no burden attached to this requirement. The only burden is attached to the written notices prepared by LFAs.

OMB Control Number: 3060-0706
Title: Sections 76.952 and 76.990, Cable Act Reform

June 2011

Section 76.990	10 requests for certification of small cable status by small business operators	8 hours/request	80 hours
	10 reviews and decisions by LFAs of certification of small cable operator status	8 hours/review/decision	<u>80 hours</u>
TOTAL:	70 responses		210 hours

Total Number of Annual Respondents:

Section 76.952 -	50 LFAs
Section 76.990 -	10 small cable operators
	<u>10 LFAs</u>
	70 respondents

Total Number of Annual Responses – 70 (responses)

Total Annual Burden Hours – 210 hours

Annual “In-house” Cost: Section 76.990 details procedures for certifications that are prepared by cable operators and that are reviewed by franchising authorities. These activities will be performed by in-house legal staff at an estimated pay rate of \$100 per hour. Other activities accounted for in this collection under Section 76.952 are assumed to be performed by a variety of professional and administrative staff at an estimated average rate of \$25 per hour.

Section 76.952: 50 notices x \$25 per hour x 1 hr/notice =	\$ 1,250.00
Section 76.990: 20 requests/reviews/decisions x \$100/hr. x 8 hrs./request/ review/decision =	<u>\$16,000.00</u>
Total Annual In-House Cost Burden =	\$17,250.00

(a) Total annualized capital/startup costs: None

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

(c) Total annualized cost required: None

14. There is no cost to the Federal Government.

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

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

17. The Commission does not seek approval to not display the expiration date for this collection of information.

18. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.