

Item No.	Bureau	Subject
1	Media .....	<p><i>Title:</i> Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations.</p> <p><i>Summary:</i> The Commission will consider an Order, Further Notice of Proposed Rule-making, and Memorandum Opinion and Order considering issues with respect to the low power television digital transition.</p>
2	Public Safety & Homeland Security .....	<p><i>Title:</i> Improving Public Safety Communications in the 800 MHz Band; Relinquishment By Sprint Nextel of Channels in the Interleaved, Expansion, and Guard Bands.</p> <p><i>Summary:</i> The Commission will consider an Order addressing Sprint Nextel's June 17, 2008 Petition for Relief regarding its 800 MHz spectrum holdings in the Interleaved Band (809–815/854–860 MHz), Expansion Band (815–816/860–861 MHz) and Guard Band (816–187/861–862 MHz).</p>
3	Wireless Tele-Communications .....	<p><i>Title:</i> Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets (WT Docket No. 00–230).</p> <p><i>Summary:</i> The Commission will consider a Second Order on Reconsideration concerning the Secondary Markets proceeding.</p>
4	Wireless Tele-Communications .....	<p><i>Title:</i> Amendment of Part 90 of the Commission's Rules To Provide for Flexible Use of the 896–901 MHz and 935–940 MHz Band Allotted to the Business and Industrial Land Transportation Pool.</p> <p><i>Summary:</i> The Commission will consider a Report and Order whether to adopt geographic service licensing and competitive bidding rules for spectrum presently unencumbered within the spectrum currently allotted at 900 MHz for Business/Industrial Land Transportation (B/ILT) use. The Commission will also consider appropriate interference protection standards and whether the Commission should lift the "freeze" placed on applications for new 900 MHz B/ILT authorizations.</p>
5	Wireless Tele-Communications .....	<p><i>Title:</i> EFL Realty Trust, Applications for New Licenses In the Non-SMR 900 MHz Band for Industrial/Business Pool, Trunked (YU) Stations at Multiple Locations.</p> <p><i>Summary:</i> The Commission will consider an Order addressing the dismissal of thirteen applications filed by EFL Realty Trust, proposing non-Specialized Mobile Radio trunked service in the Industrial/Business Pool 900 MHz band.</p>
6	International .....	<p><i>Title:</i> 2000 Biennial Regulatory Review—Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations.</p> <p>Streamlining the Commission's Rules and Regulations for Satellite Applications and Licensing Procedures.</p> <p><i>Summary:</i> The Commission will consider an Eighth Report and Order and Order On Reconsideration concerning issues raised in the Third Further Notice of Proposed Rule-making in this proceeding, IB Docket No. 00–248.</p>
7	International .....	<p><i>Title:</i> Second Annual Report and Analysis of Competitive Market Conditions with Respect to Domestic and International Satellite Communications Services</p> <p><i>Summary:</i> The Commission will consider a Second Annual Report to the United States Congress on the status of competition in the markets for domestic and international satellite communications services, as required by Section 703 of the Communications Satellite Act of 1962, as amended.</p>

\*The summaries listed in this notice are intended for the use of the public attending open Commission meetings. Information not summarized may also be considered at such meetings. Consequently these summaries should not be interpreted to limit the Commission's authority to consider any relevant information.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

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Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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**FEDERAL TRADE COMMISSION**

**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension**

**AGENCY:** Federal Trade Commission ("Commission" or "FTC").

**ACTION:** Notice.

**SUMMARY:** The information collection requirements described below will be

submitted to the Office of Management and Budget (“OMB”) for review, as required by the Paperwork Reduction Act (“PRA”). The FTC is seeking public comments on its proposal to extend through October 31, 2011, the current PRA clearance for information collection requirements contained in its Trade Regulation Rule on Disclosure Requirements and Prohibitions Concerning Franchising (“Franchise Rule”). That clearance expires on October 31, 2008.

**DATES:** Comments must be submitted on or before November 13, 2008.

**ADDRESSES:** Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to “Franchise Rule, PRA Comment, FTC File No. P094400” to facilitate the organization of comments. Please note that comments will be placed on the public record of this proceeding—including on the publicly accessible FTC website, at (<http://www.ftc.gov/os/publiccomments.shtm>)—and therefore should not include any sensitive or confidential information. In particular, comments should not include any sensitive personal information, such as an individual’s Social Security Number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any “[t]rade secrets and commercial or financial information obtained from a person and privileged or confidential. . . .” as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and Commission Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c).<sup>1</sup>

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by

using the following weblink: (<http://secure.commentworks.com/ftc-franchiserule>) (and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink (<http://secure.commentworks.com/ftc-franchiserule>). If this Notice appears at (<http://www.regulations.gov/search/index.jsp>), you may also file an electronic comment through that website. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC website at <http://www.ftc.gov> to read the Notice and the news release describing it.

A comment filed in paper form should include the “Franchise Rule, PRA Comment, FTC File No. P094400” reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex J), 600 Pennsylvania Avenue, NW, Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

All comments should additionally be submitted to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Federal Trade Commission. Comments should be submitted via facsimile to (202) 395-6974 because U.S. Postal Mail is subject to lengthy delays due to heightened security precautions.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC website, to the extent practicable, at (<http://www.ftc.gov/os/publiccomments.shtm>). As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC’s privacy policy, at (<http://www.ftc.gov/ftc/privacy.shtm>).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or

copies of the proposed information requirements for the Franchise Rule should be addressed to Craig Tregillus, Staff Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room H-238, 600 Pennsylvania Ave., N.W., Washington, D.C. 20580, (202) 326-2970.

**SUPPLEMENTARY INFORMATION:** On July 15, 2008, the FTC sought comment on the information collection requirements associated with the Franchise Rule, 16 CFR Part 436 (Control Number: 3084-0107).<sup>2</sup> No comments were received. Pursuant to the OMB regulations, 5 CFR Part 1320, that implement the PRA, 44 U.S.C. 3501-3521, the FTC is providing this second opportunity for public comment while seeking OMB approval to extend the existing paperwork clearance for the Rule. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before November 13, 2008.

The Franchise Rule ensures that consumers who are considering a franchise investment have access to the material information they need to make an informed investment decision provided in a format that facilitates comparisons of different franchise offerings. The Rule requires that franchisors disclose this information to consumers and maintain records to facilitate enforcement of the Rule. Revisions to the Rule promulgated on March 30, 2007,<sup>3</sup> which took final effect on July 1, 2008, after a one-year phase-in, largely merged the Rule’s disclosure requirements with the Uniform Franchise Offering Circular (“UFOC”) disclosure format accepted by 15 states that have franchise registration and disclosure laws. This should significantly minimize any compliance burden beyond what is now required by state law.

As amended, the Rule requires franchisors to furnish to prospective purchasers a disclosure document that provides information relating to the franchisor, its business, the nature of the proposed franchise, and any representations by the franchisor about financial performance regarding actual or potential sales, income, or profits made to a prospective franchise purchaser. The franchisor must preserve materially different copies of its disclosures and franchise agreements, as well as information that forms a reasonable basis for any financial performance representation it elects to make. These requirements are subject to

<sup>1</sup> FTC Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission’s General Counsel, consistent with applicable law and the public interest. See FTC Rule 4.9(c), 16 CFR 4.9(c).

<sup>2</sup> 73 FR 40580.

<sup>3</sup> 72 FR 15444 *et seq.*

the PRA, and for which the Commission seeks to extend existing clearance.<sup>4</sup>

**Estimated annual hours burden: 16,750 hours**

Based on a review of trade publications and information from state regulatory authorities, staff believes that, on average, from year to year, there are approximately 2,500 sellers of franchises covered by the Rule, with perhaps about 10% of that total reflecting an equal amount of new and departing business entrants.<sup>5</sup> Staff's burden hour estimate reflects the incremental burden that part 436 may impose beyond the information and recordkeeping requirements imposed by state law and/or followed by franchisors who have been using the UFOC disclosure format nationwide.<sup>6</sup> This estimate likely overstates the actual incremental burden because some franchisors, for various reasons, may not be covered by the Rule (*e.g.*, they sell only franchises that qualify for the Rule's large franchise investment exemption of at least \$1 million).<sup>7</sup>

For October 31, 2008 to October 31, 2009, the first twelve months of prospective 3-year renewed PRA clearance, staff estimates that the average annual disclosure burden to update existing disclosure documents will be three hours each year for the 2,250 established franchisors, or 6,750 hours, and 30 hours each year for the 250 or so new entrant franchisors to prepare their initial disclosure documents, or 7,500 hours. These estimates for the amended Rule are based on staff's prior estimates for the original Rule, and further adopt the

analysis of the 2005 clearance request and the Statement of Basis and Purpose ("SBP") for the amended Rule.<sup>8</sup>

As discussed in the 2005 Notices and the SBP, as under the original Rule, covered franchisors also may need to maintain additional documentation for the sale of franchises in non-registration states, which could take up an additional hour of recordkeeping per year. This yields an additional cumulative total of 2,500 hours per year for covered franchisors (1 hour x 2,500 franchisors).

Part 436 of the amended Rule would also increase franchisors' recordkeeping obligations. Specifically, a franchisor would be required to retain copies of receipts for disclosure documents, as well as materially different versions of its disclosure documents. Such recordkeeping requirements, however, are consistent with, or less burdensome, than those imposed by the states.

Thus, staff estimates the average hours burden for new and established franchisors during the three-year clearance period ahead would be 16,750 ((30 hours of annual disclosure burden x 250 new franchisors = 7,500 hours) + (3 hours of average annual disclosure burden x 2,250 established franchisors = 6,750 hours) + (1 hour of annual recordkeeping burden x 2,500 franchisors = 2,500 hours)).

**Estimated annual labor cost burden for part 436: \$3,595,000**

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. The hourly rates used below are estimated averages.

As stated in the 2005 Notices, staff believes that an attorney will prepare the disclosure document, and at an estimated \$250 per hour. Accordingly, staff estimates that 250 new franchisors will each annually incur \$7,500 in labor costs (30 hours x \$250 per hour) and 2,250 established franchisors will each incur \$750, annually, in labor costs (3 hours x \$250 per hour).

Further, staff anticipates that recordkeeping under part 436 will be performed by clerical staff at approximately \$13 per hour. Thus, 2,500 hours of recordkeeping burden per year for all covered franchisors will amount to a total annual labor cost of \$32,500.

<sup>8</sup> 70 FR 28937, 28940 (May 19, 2005); 70 FR 51817, 51819 (Aug. 31, 2005) ("2005 Notices"); 72 FR 15444, 15542 (Mar. 30, 2007). Although the 2005 Notices and the amended Rule's SBP assumed that additional time (cumulatively, 2,750 hours) would be required to prepare disclosures during the transition to compliance with the amended Rule, the one-year transition period ended on July 1, 2008, when the amended Rule took full effect.

Cumulatively, then, total estimated labor costs under part 436 is \$3,595,000 ((\$7,500 attorney costs x 250 new franchisors = \$1,875,000) + (\$750 attorney costs x 2,250 established franchisors = \$1,687,500) + (\$13 clerical costs x 2,500 franchisors = \$32,500)).

**Estimated non-labor costs for part 436: \$8,000,000**

As an initial matter, in developing cost estimates, Commission staff consulted with practitioners who prepare disclosure documents for a cross-section of franchise systems. Accordingly, the Commission believes that its cost estimates are representative of the costs incurred by franchise systems generally. In addition, many franchisors establish and maintain websites for ordinary business purposes, including advertising their goods or services and to facilitate communication with the public. Accordingly, any costs franchisors would incur specifically as a result of electronic disclosure under part 436 appear to be minimal.

As set forth in the 2005 Notices, staff estimates that the non-labor burden incurred by franchisors under part 436 will differ based on the length of the disclosure document and the number of disclosure documents produced. Staff estimates that 2,000 franchisors (80% of total franchisors covered by the Rule) will print and mail 100 disclosure documents at \$35 each. Thus, these franchisors will each incur \$3,500 in printing and mailing costs. Staff estimates that the remaining 20% of covered franchisors (500) will transmit 50% of their 100 disclosure documents electronically, at \$5 per electronic disclosure. Thus, these franchisors will each incur \$2,000 in distribution costs ((\$250 for electronic disclosure [\$5 for electronic disclosure x 50 disclosure documents]) + (\$1,750 for printing and mailing [\$35 for printing and mailing x 50 disclosure documents])).

Accordingly, the cumulative annual non-labor costs for part 436 of the amended Rule is approximately \$8,000,000 ((\$3,500 printing and mailing costs x 2,000 franchisors = \$7,000,000) + (\$250 electronic distribution costs + \$1,750 printing and mailing costs) x 500 franchisors = \$1,000,000)).

**William Blumenthal,**

*General Counsel.*

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<sup>4</sup> The current clearance under OMB Control Number 3084-0107 covers the disclosure and recordkeeping requirements of the original Franchise Rule, 16 CFR Part 436, which applied both to the sale of franchises and of business opportunity ventures. The disclosure and recordkeeping requirements applicable to business opportunity ventures are now separately set forth in 16 CFR Part 437, and are covered under recently assigned OMB Control Number 3084-0142. The portion of the prior clearance applicable to business format franchisors under Part 436 retains the pre-existing OMB Control Number 3084-0107.

<sup>5</sup> This is one-half of the number used in the 2005 clearance request, when both franchises and business opportunities were covered by the Rule, and reflects the fact that business opportunities are now separately covered by Part 437 and a separate OMB clearance. This number appears to be consistent with the number of business format franchise offerings registered in compliance with state franchise laws, and listed in franchise directories.

<sup>6</sup> Staff estimates that about 95 percent of all franchisors use the UFOC format because the original Franchise Rule authorized use of the UFOC in lieu of the Rule disclosure format to satisfy the Rule's disclosure requirements and reduce compliance burdens.

<sup>7</sup> 16 CFR 436.8(a)(5). This exemption was added by the amended Rule.