

(Noncommercial Educational AM Stations). *See also* 47 U.S.C. 309(k) (Statutory Standards for Broadcast Renewal Procedures); *Birach Broadcasting Corp.*, 16 FCC Rcd 5015, 5020 (2001) (holding that a station's failure to provide any service during the license term is material to whether it served the public interest, convenience, and necessity pursuant to Section 309(k)). Consistent with the holding in *Birach*, the Commission's rules for minimum operating schedules, and the renewal standards set forth in Section 309(k), Section III includes the new certification and the instructions to include a new description of the certification.

Section III, Item 7 (previously Item 6), has been revised to eliminate the requirement that full power AM and FM licensees submit an exhibit to demonstrate compliance with the Commission's maximum permissible radio frequency ("RF") electromagnetic exposure limits, in the event that they are unable or not eligible to use the RF worksheets contained in the instructions of the Form. All applicants continue to be required to certify that their facilities comply with the Commission's maximum permissible RF limits. The elimination of the exhibit requirement for radio broadcasters, conforms the question so it is now consistent with the requirements for licensees of broadcast television stations, translator (FM and TV stations), and low-power FM stations, who are not required to submit an exhibit. The instructions for Section III, Item 7 and Worksheet #1 Environmental have been revised accordingly.

Finally, Section V, Item 4 has been revised to clarify that Low Power TV ("LPTV") stations still need to file Form 396 with the renewal application, but that they may or may not need to file a public file report and post it to their Web site. One word was changed. The old version said at the end that the stations certify that they have created the public file report and posted it to their Web sites "as" required by regulation. The word "as" was replaced with the word "if." As now explained in an addition made to the instructions for Section V, Item 4, only LPTV stations that are part of a station employment unit with full-power stations, where the unit employs at least five or more full-time employees, needs to file a public file report and post it to the station Web site. Other LPTV stations do not have to create a public file report because they do not have a public file.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 30, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before November 12, 2010. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202-395-5167, or via e-mail to Nicholas.A.Fraser@omb.eop.gov and to Cathy Williams, Federal Communications Commission (FCC) via e-mail at PRA@fcc.gov and to Cathy.Williams@fcc.gov. Include in the comments the OMB control number of the collection as shown in the

SUPPLEMENTARY INFORMATION section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418-2918, or via Internet at Cathy.Williams@fcc.gov, and/or PRA@fcc.gov. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-1078.

Title: Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, CG Docket No. 04-53.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; Individuals or households.

Number of Respondents and Responses: 5,443,062 respondents; 5,443,062 responses.

Estimated Time per Response: 1-10 hours (average per response).

Frequency of Response: Recordkeeping requirement; On occasion reporting requirements; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is the CAN-SPAM Act of 2003, 15 U.S.C. 7701-7713, Pub. L. 108-187, 117 Stat. 2719.

Total Annual Burden: 30,254,373 hours.

Total Annual Cost: \$16,244,026.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's system of records notice (SORN), FCC/CGB-1, "Informal Complaints and Inquiries." As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published SORN, FCC/CGB1, "Informal

Complaints and Inquiries,” in the **Federal Register** on December 15, 2009 (74 FR 66356), which became effective on January 25, 2010.

Privacy Impact Assessment: Yes. The Privacy Impact Assessment was completed on June 28, 2007. It may be reviewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html. The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

Needs and Uses: The reporting requirements included under this OMB Control Number 3060–1078 enable the Commission to collect information regarding violations of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN–SPAM Act). This information is

used to help wireless subscribers stop receiving unwanted commercial mobile services messages.

On August 12, 2004, the Commission released an *Order*, Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, CG Docket No. 04–53, FCC 04–194, published at 69 FR 55765, September 16, 2004, adopting rules to prohibit the sending of commercial messages to any address referencing an Internet domain name associated with wireless subscribers’ messaging services, unless the individual addressee has given the sender express prior authorization. The information collection requirements consist of 47 CFR 64.3100(a)(4), (d), (e) and (f) of the Commission’s rules.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; FCC To Hold Open Commission Meeting Thursday, October 14, 2010

October 7, 2010.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 14, 2010, which is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item No.	Bureau	Subject
1	Consumer & Governmental Affairs	<p><i>Title:</i> Empowering Consumers to Avoid Bill Shock; Consumer Information and Disclosure (CG Docket No. 09–158).</p> <p><i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking seeking comment on rules requiring mobile carriers to provide usage alerts and related information that will assist consumers in avoiding unexpected charges on their bills.</p>
2	Wireless Tele-Communications and Wireline Competition	<p><i>Title:</i> Universal Service Reform; Mobility Fund</p> <p><i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking seeking comment on a proposal to use recently reserved universal service funds to create a Mobility Fund to support private investment in current (3G) and next-generation mobile services in areas where consumers currently lack such services.</p>
3	Media	<p><i>Title:</i> Implementation of Section 304 of the Telecommunications Act of 1996 (CS Docket No. 97–80); Commercial Availability of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronics Equipment (PP Docket No. 00–67); Oceanic Time Warner Cable, A subsidiary of Time Warner Cable, Inc.; Oceanic Time Warner Cable, a division of Time Warner Cable, Inc., Oceanic Kauai Cable System; Oceanic Time Warner Cable, a division of Time Warner Cable, Inc., Oceanic Oahu Central Cable System; and Cox Communications, Inc., Fairfax County, Virginia Cable System; Cable One, Inc.’s Request for Waiver of Section 76.1204(a) of the Commission’s Rules.</p> <p><i>Summary:</i> The Commission will consider a Third Report and Order and Order on Reconsideration that will make changes to the FCC’s CableCARD rules to improve the consumer experience with the video navigation devices used with cable services and promote the development of a competitive market for such devices.</p>