

SUPPORTING STATEMENT

This collection is being submitted as a revision of an existing collection.

A. Justification:

1. In April 1996, the Commission issued an NPRM, concerning certain provisions of the Telecommunications Act of 1996 (the Act), including Section 251. Section 251 is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition. In order to foster competition in the local telephone market, the Act requires incumbent local exchange carriers (incumbent LECs) to share certain elements of their local telephone networks, providing them to other carriers at reasonable prices on an unbundled basis. These “unbundled network elements” (UNEs) are necessary for competition because the only alternative, building entire new telephone networks, would be prohibitively expensive for new entrants. In Order FCC 03-36, the Commission adopted rules and regulations designed to eliminate operational barriers to competition in the telecommunications services market and implement certain provisions of Section 251, including the UNE obligations of incumbent LECs. In the Order on Remand (FCC 04-290) the Commission responded to a decision by the United States Court of Appeals for the District of Columbia that vacated the “sub-delegation” of authority to state commissions and vacated and remanded certain nationwide impairment findings, including mass market switching and dedicated transport.

a. Service Eligibility for Obtaining Enhanced Extended Links (EELs): Prior to the issuance of the Order, the Commission sought comment on issues relating to combinations of UNEs, called “enhanced extended links” (EELs), in order to effectively tailor access to EELs to those carriers seeking to provide significant local usage to end users. *In the Order, the Commission adopted three specific service eligibility criteria for access to EELs, which are important to assure that requesting carriers may not obtain EELs if they do not provide services that qualify for UNEs under the Commission’s rules. The Order requires carriers to collect certain data regarding usage of local telephone networks, and includes the possibility of audits by the incumbent carrier.* **Under the first of the three EELs eligibility criteria, each carrier must have a state certification of authority to provide local voice service. Second, each carrier must have at least one local number assigned to each circuit and must provide 911 or E911 capability to each circuit, in order to demonstrate actual provision of local voice service. Third, each carrier must satisfy circuit-specific architectural safeguards. Carriers requesting EELs also must certify that they satisfy each criterion, subject to an incumbent LEC’s limited right to obtain an annual independent audit of the requesting carrier.**

As noted on the OMB Form 83i, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

Note: This submission is being made pursuant to authority contained in sections: 1, 3, 4, 201-205, 251, 252, 256, 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 153, 154, 157, 201-205, 251, 252, 256, 303(r) and Part 51 of the Commission's Rules, 47 C.F.R. Part 51.

2. All of the collections implement the requirements of section 251 of the Act.
3. Respondents are free to determine the appropriate means for transmitting the data. The Commission places no restrictions on how respondents file their information.
4. The information collections contained in the Order do not duplicate information gathered pursuant to any other information collection.
5. The collections of information may affect small entities as well as large entities. However, in each instance these requirements were instituted to aid new entrants to the telecommunications market and allow them equal access to the resources available to previously established entities. As some new entrants will be small entities these requirements will benefit such businesses. In addition, for small entities, the Act provides for the exemption, suspension, or modification of certain requirements. (See 47 C.F.R. § 251 (f)).
6. Failing to impose the Order's information collections would prevent the Commission from implementing Section 251 of the Act and fostering opportunities for new entrants in the local telephone market.
7. Not applicable. The collections of information do not have any known special circumstances that would cause them to be conducted in a manner specified in item 7.
8. Pursuant to 5 CFR 1320.8(d), the Commission placed a notice was published in the Federal Register pursuant to 5 C.F.R. § 1320.8 (d). See 71 FR 69123, dated November 29, 2006. (Copy attached). No comments were received. A copy of the 60 day notice is included in this submission to OMB.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. The Commission is not requesting respondents to submit or disclose confidential information. However, in certain circumstances, respondents may voluntarily choose to submit confidential information pursuant to applicable confidentiality rules.
11. There are no questions of a sensitive nature with respect to the information collected.

12. The following represents the burden hour estimates to the respondent:

Eligibility Criteria for EELs:

(1) Number of respondents Approximately 645.

(2) Frequency of response On occasion, recordkeeping and third party disclosure.

(3) Annual burden per respondent 8 hours. Total annual hour burden hours: **5,160 hours.**

(4) Total estimate of annualized cost to respondents for the hour burdens for collection of information \$103,200.

(5) Explanation of calculation We estimate that approximately 645 respondents will be subject to the requirement. We estimate that it would take each respondent approximately 8 hours to comply with the requirements. 645 (number of respondents) \times 1 (number of submissions) \times 8 (hours to comply) \times $\$20$ per hour = $\$103,200$.

Total annual burden = 5,160 hours.

13. The following represents the Commission's estimate of the annual cost burden to respondents or record keepers resulting from the collection of information:

We estimate that there will be no capital or start-up costs for any of these requirements. We do not anticipate that these requirements will necessitate any additional equipment. Therefore, there are no costs to the respondent.

14. There will be few, if any, costs to the Commission because notice and enforcement requirements are already part of Commission duties.

15. The annual public burden for the information collections contained in this submission is now estimated at 5,160 burden hours. The reduction in burden reflects the elimination of the state commission UNE proceedings requirement for approximately 1,724 respondents with 40 hours resulting in a program change reduction of -68,960 hours and -\$5,275,000 reduction in annual costs due to the Order on Remand (FCC 04-290).

16. The Commission does not anticipate that the results of these information collections will be published.

17. The Commission does not intend to seek approval not to display the expiration date for OMB approval of the information collections.

18. Not applicable. There are exceptions to the certification statement. When the Commission published the 60 day notice, we incorrectly included annual costs to the respondents. Upon further review of the Order, the Commission has determined that there are no outside costs to the respondent and this submission accurately reflects that change.

B. Collections of Information Employing Statistical Methods:

The Commission does not anticipate that the collection information will employ statistical methods.