

SUPPORTING STATEMENT

A. Justification:

1. Title IV of the Americans with Disabilities Act of 1990 (ADA), which added section 225 to the Communications Act of 1934, as amended (the Act), instructs the Federal Communications Commission to ensure that Telecommunications Relay Service (TRS) is available, “to the extent possible and in the most efficient manner,” to persons with hearing or speech disabilities in the United States. Section 225 requires each common carrier offering “telephone voice transmission services” to offer TRS that is “functionally equivalent” to voice telephone service. When section 225 was first implemented, TRS calls were placed using a TeleTYpewriter (TTY) connected to the public switched telephone network. Since then, the Commission has recognized other forms of TRS, including Speech-to-Speech (STS), and captioned telephone service (CTS), as well as several Internet-based forms of TRS, such as Video Relay Service, Internet Protocol (IP) Relay, and IP CTS.

Section 225 creates a cost recovery regime under which providers of TRS are compensated for their reasonable costs of providing TRS. Specifically, section 225 provides that the “costs caused by” the provision of *interstate* TRS “shall be recovered from all subscribers for every interstate service,” and the “costs caused by” the provision of *intrastate* TRS “shall be recovered from the intrastate jurisdiction.” With respect to interstate TRS, there are two components to the cost recovery framework set forth in the Commission’s rules: (1) collecting contributions from common carriers providing interstate telecommunications services, to create a fund from which eligible TRS providers may be compensated; and (2) compensating eligible TRS providers from the fund for the costs of providing eligible TRS services. Under Commission rules, interstate telecommunications carriers contribute to the Interstate TRS Fund (Fund) based on a percentage of their interstate end-user telecommunications revenues. All contributions are placed in the Fund, which is administered by the TRS Fund administrator. The TRS Fund administrator uses these funds to compensate eligible TRS providers for the costs of providing TRS.

In adopting section 255 of the Act, Congress sought to ensure that *all* Americans, including the approximately 54 million Americans with disabilities, could benefit from advances in telecommunications services and equipment. Section 255 requires manufacturers of “telecommunications equipment or customer premises equipment” (CPE) to ensure that such equipment is accessible to and usable by individuals with disabilities, if readily achievable, and requires providers of a “telecommunications service”¹ to ensure that the service is accessible to and usable by individuals with disabilities, if readily achievable.² Where such access is not readily achievable, the manufacturer or service provider must ensure that the equipment or service is “compatible with” existing peripheral devices or specialized CPE commonly used by individuals with disabilities to achieve access, if such compatibility is readily achievable. Section 255(a) incorporates by reference the ADA definitions of the terms “disability” and “readily achievable.” Section 255(e) directs the Architectural and Transportation Barriers Compliance Board, “in conjunction with the Commission,” to develop “guidelines for accessibility of telecommunications equipment and customer premises equipment.” Finally, section 251(a)(2) of the Act, which appears

¹ “The term ‘telecommunications service’ means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.” 47 U.S.C. § 153(46).

² 47 U.S.C. § 255(b) (“A manufacturer of telecommunications equipment or [CPE] shall ensure that the equipment is designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable”); 47 U.S.C. § 255(c) (“A provider of telecommunications service shall ensure that the service is accessible to and usable by individuals with disabilities, if readily achievable”).

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among the general duties of telecommunications carriers, prohibits such carriers from installing “network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to section 255.”

On June 15, 2007, the Commission released the *Sections 225/255 VoIP Report and Order*.³ The *Sections 225/255 VoIP Report and Order* extended the disability access requirements that apply to telecommunications service providers and equipment manufacturers under section 255 of the Act and 47 C.F.R. Part 6, to providers of “interconnected voice over Internet Protocol (VoIP) services,” as defined by the Commission, and to manufacturers of specially designed equipment used to provide those services.

The Commission adopted this measure in order to:

- (a) give full effect to the accessibility policies embodied in section 255 of the Act, and
- (b) further the Commission’s statutory mandate to make available a nationwide communications system that promotes the safety and welfare of all Americans.

In addition, the Commission extended the TRS requirements contained in the Commission’s regulations, 47 C.F.R. § 64.601 *et seq.* (Subpart F), to providers of interconnected VoIP services.

Among the TRS requirements extended to interconnected VoIP providers, the Commission required such providers to contribute to the Fund under the Commission’s existing contribution rules, and to offer 711 abbreviated dialing for access to relay services. Together, these measures will ensure that, as more consumers migrate from traditional phone service to interconnected VoIP services, the disability access provisions mandated by Congress under sections 255 and 225 of the Act will apply to, and benefit users of, interconnected VoIP services and equipment.

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

The statutory authority for the information collection requirements is contained in Section 225 [47 U.S.C. § 225] Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals; the Americans with Disabilities Act of 1990, Public Law 101-336, 104 stat. 327, 336-69, enacted on July 26, 1990; Section 255 [47 U.S.C. § 255] Access By Persons with Disabilities, Public Law 104-104, 110 Stat. 56, added to the Communications Act by the Telecommunications Act of 1996; and section 4(i) (47 U.S.C. § 154(i)).

2. The Commission extended the disability access requirements to providers of “interconnected voice over Internet Protocol (VoIP) services” and to manufacturers of specially designed equipment used to provide those services, in order to give full effect to the accessibility policies embodied in section 255 of the Act, and to further the Commission’s statutory mandate to make available a nationwide communications system that promotes the safety and welfare of all Americans.

³ *IP-Enabled Services; Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by The Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; and The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, WC Docket No. 04-36, WT Docket No. 96-198, CG Docket No. 03-123 and CC Docket No. 92-105, Report and Order, 22 FCC Rcd 11275 (2007) (*Sections 225/255 VoIP Report and Order*).

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This information collection does contain personally identifiable information (PII) on individuals.

- (a) As required by OMB Memorandum M-03-22 (September 26, 2003), the FCC completed a Privacy Impact Assessment (PIA)⁴ on June 28, 2007, that gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII covered by these information collection requirements. The PIA may be viewed at http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.
- (b) Furthermore, as required by the Privacy Act, 5 U.S.C. § 552a, the FCC published a system of records notice (SORN), FCC/CGB-1, "Informal Complaints and Inquiries," in the *Federal Register* on December 15, 2009 (74 FR 66356), which became effective on January 25, 2010.

3. The current rules do not specifically provide for technological collection techniques or other forms of electronic technology. However, the Commission expects that complainants who choose to file complaints against VoIP providers or equipment manufacturers will access the complaint form and submit their complaint electronically via the Internet.

4. The information collection requirements are not duplicative of any currently existing federal regulatory obligations. While VoIP providers' contributions to the TRS Fund will be calculated based on data VoIP providers currently report on FCC Form 499 for purposes of the Universal Service Fund (USF), VoIP providers will not have to file any additional paperwork in connection with their obligation to pay into the TRS Fund.

5. In adopting these requirements, the Commission concluded that there may be an increased administrative burden on small businesses by imposing disability access requirements on interconnected VOIP providers and manufacturers, and by imposing TRS requirements on interconnected VOIP providers. Thus, the Commission took steps to minimize the information collection burden for small business concerns, including those with fewer than 25 employees.

For instance, although the Commission requires covered entities to maintain records of their accessibility efforts that can be presented to demonstrate compliance, the Commission did not delineate specific documentation or certification requirements for "readily achievable" analyses.

In addition, by adopting general performance criteria, as opposed to accessibility standards or performance measurements specifying exactly how access must be achieved, the Commission's rules pursuant to section 255 provide small entities flexibility in determining how best to manage their compliance with these rules. Moreover, by adopting the "readily achievable" standard that applies to telecommunications service providers and manufacturers, covered interconnected VoIP providers and manufacturers are required to render their services or products accessible only if doing so is "easily accomplishable and able to be carried out without much difficulty or expense."⁵

⁴ The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

⁵ Congress recently enacted the Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. 111-260 (Oct. 8, 2010), which requires that manufacturers and service providers make their equipment and services "accessible to and usable by individuals with disabilities, unless the requirements . . . are not achievable." 47 U.S.C. § 716 (a)(b). It also charges the Commission with prescribing regulations for performance objectives. 47 U.S.C. § 716 (e). Though these provisions differ from section 255, the standards of section 255 remain intact as applied to interconnected VoIP services and equipment. 47 U.S.C. § 716 (f).

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Finally, because the information interconnected VoIP providers currently provide on the Telecommunications Reporting Worksheet (FCC Form 499-A) for purposes of the USF also will be used to determine these entities' TRS contributions, there will be no additional reporting burden on small businesses. These measures should substantially alleviate any burdens on businesses with fewer than 25 employees.

6. Completion of this information collection could afford the Commission an opportunity to ensure that the disability access provisions mandated by Congress under sections 255 and 225 of the Act will apply to and benefit users of interconnected VoIP services and equipment. If such an information collection was not completed, individuals with disabilities would likely not have the information, documentation, instructions, etc. necessary to access or utilize interconnected VoIP services. Moreover, there would be no mechanism by which those with disabilities could lodge complaints against particular providers.

7. In the *Sections 225/255 VoIP Report and Order*, the Commission applied its section 255 rules and requirements, without substantial modification, to interconnected VoIP providers and related equipment manufacturers.⁶ Among the Commission rules consequently applied to interconnected VoIP providers and manufacturers was 47 C.F.R. § 6.19, governing informal complaints.⁷ By the terms of that rule, requiring interconnected VoIP providers and manufacturers to answer any informal complaints filed against them, they may be required to report information to the Commission more often than quarterly.

Similarly, to the extent that informal complaints may be filed against interconnected VoIP providers also providing TRS pursuant to 47 C.F.R. § 64.604(c)(6), the frequency of such complaints may dictate that such providers file responses with the Commission more often than quarterly. In addition, that rule requires providers to "satisfy or answer the complaint within the time specified by the Commission,"⁸ which could be fewer than 30 days depending upon the severity and urgency of the subject alleged conduct.

Furthermore, pursuant to 47 C.F.R. § 64.604(c)(1), States and interstate TRS providers must maintain a log of consumer complaints until the next application for certification is granted. To the extent that, pursuant to 47 C.F.R. § 64.606, the State certification period is five years, this may entail that respondents retain some call logs for more than three years.

8. The Commission placed a notice in the Federal Register as required by 5 C.F.R. § 1320.8(d) seeking comments from the public on the information collection requirements contained in this supporting statement. See 76 FR 2381, dated January 13, 2011. No comments were received.

9. The Commission does not anticipate providing any payment or gift to respondents.

10. Some assurances of confidentiality are being provided to the respondents. The PIA that the FCC completed on June 28, 2007 gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys PII, as required by OMB regulations and the Privacy Act, 5 U.S.C. § 552a. The PIA may be viewed at:

http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

11. This information collection does not raise any questions or issues of a sensitive nature.

⁶ 72 FR 43546, 43548 (Aug. 6, 2007).

⁷ *Id.* at 43559.

⁸ 47 C.F.R. § 64.604(c)(6)(v)(A)(3).

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12. Estimates of the hour burden for collection of information are as follows:

a. The Commission requires **334** interconnected VoIP service providers, and **1,967** manufacturers of equipment or CPE (**2,301 respondents**) that is specially designed to provide this service, to comply with disability access information requirements mirroring those in section 255 of the Act and in the Commission's section 255 regulations (47 C.F.R. § 6.11 *et. seq.*).

Section 6.11:

Section 6.11(a) -- Information, documentation, and training. Respondents are required to (1) provide a description of the accessibility and compatibility features of the product upon request, including, as needed, in alternate formats or alternate modes at no additional charge; (2) provide end-user product documentation in alternate formats or alternate modes upon request at no additional charge.

Section 6.11(b) -- Information, documentation, and training. Respondents shall include in general product information the contact method for obtaining the information required by 6.11(a).

The Commission estimates that respondents will be required to respond on an occasional basis, 10 times per year, and will expend approximately 1 hour per response in complying with section 6.11(a). The Commission further estimates that respondents will respond on a one-time basis, taking one-quarter hour per response, in complying with section 6.11(b).

Annual Number of Responses: 2,301 respondents x 11 responses = **25, 311 responses**

Annual Burden Hours: 2,301 respondents x 10 responses/respondent x 1 hr/response = 23,010 hrs
 2,301 respondents x 1 response/respondent x .25 hrs/response = 575 hrs
 = **23,585 hrs**

The Commission assumes that respondents will use "in-house" personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead), therefore, the Commission estimates respondents' costs to be about \$62.86 per hour to comply with the requirements:

Annual "In-House" Cost: 23,010 hours x \$62.86/hour = \$1,446,408.60
 575 hours x \$62.86/hour = \$ 36,144.50
\$1,482,553.10

Section 6.18:

Section 6.18(b) – Designation of agents for service. To ensure prompt and effective service of informal and formal complaints filed, respondents shall designate an agent, and may designate additional agents if it so chooses, upon whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission in any matter before the Commission.

The Commission estimates that the required actions will take place on a one-time basis and respondents will expend approximately 1 hour in complying with these requirements.⁹

⁹ Even though the Commission anticipates that this will occur on a one-time basis for the vast majority of respondents, because some respondents may periodically change agents, for the purpose of estimating burdens the Commission assumes respondents will fulfill this requirement once per year, though often that will not actually be the case.

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Annual Number of Responses: 2,301 respondents x 1 response/respondent = **2,301 responses**

Annual Burden Hours:

2,301 respondents x 1 response/respondent x 1 hour/response = **2,301 hours**

Annual “In-House Cost”: The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead), therefore, the Commission estimates respondents’ costs to be about \$62.86 per hour to comply with the requirements:

2,301 respondents x 1 response/respondent x 1 hour/response x \$62.86/hour = **\$144,640.86**

Section 6.19:

Section 6.19 – Answer to informal complaints. Respondents to whom an informal complaint is directed by the Commission under this subpart shall file an answer within the time specified by the Commission. The required actions will take place on an occasional basis. Specifically, based on the actual number of section 255 complaints filed in recent years, the Commission estimates there will be approximately 120 complaints filed per year, each necessitating an answer (response).

Annual Number of Responses: = 120 responses

In preparing and filing an answer to an accessibility complaint with the FCC, and sending a copy to the complainant:

- (a) The Commission expects that 50% of the 120 potential responses (*i.e.*, 60) will be handled by a staff attorney (in house attorney) of respondent, who requires 5 hours to prepare and file the answer:

120 responses x 50% x 5 hours/response = 300 hours

- (b) The Commission expects that 50% of the 120 potential responses (*i.e.*, 60) will entail a respondent’s staff attorney to meet for approximately 1 hour with outside counsel, who will draft the answer to the accessibility complaint:

120 responses x 50% x 1 hour/response = 60 hours

Total Annual Burden Hours for Section 6.19: 300 + 60 = **360 Hours**

Annual “In-House Cost”: The Commission assumes that respondents will use “in-house” staff attorneys whose pay is comparable to a mid-to-senior level federal employee (GS-14/5, plus 30% overhead), therefore, the Commission estimates respondents’ costs to be about \$74.27 per hour to comply with the requirements:

120 responses x 50% x 5 hours/response x \$74.27/hour = \$22,281.00

120 responses x 50% x 1 hour/response x \$74.27/hour = \$ 4,456.20

Total Section 6.19: = **\$26,737.20**

b. The Commission also modified its TRS regulations, adopted pursuant to section 225 of the Act, by extending those regulations to providers of interconnected VoIP service. The Commission

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estimates that a maximum of **106** interconnected VoIP providers (respondents) will also provide TRS, and therefore be subject to those information collection requirements.

Section 64.604(a)(5):

Section 64.604(a)(5) - STS called numbers. Respondents must offer STS users the option to maintain at the relay center a list of names and telephone numbers which the STS user calls.

The Commission estimates that the required actions will take place on an occasional basis, and respondents will expend approximately 1 hour per response for an estimated 5 responses per year in complying with these requirements.

Annual Number of Responses: 106 respondents x 5 responses/respondent = **530 responses**

Annual Burden Hours:

530 responses x 1 hour/response = **530 hours**

Annual “In-House Cost”: The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead), therefore, the Commission estimates respondents’ costs to be about \$62.86 per hour to comply with the requirements:

530 responses x 1 hour/response x \$62.86/hour = **\$33,315.80**

Section 64.604(c)(1):

The Commission estimates that the required actions will take place on an annual and occasional basis, requiring approximately 5 hours to comply with each requirement.

Section 64.604(c)(1)(i) – Consumer complaint logs. Respondents must maintain a log of consumer complaints including all complaints about its TRS service in the state, whether filed with the TRS provider or the state, and must retain the log until the next application for certification is granted.

Annual Number of Responses: 106 respondents x 1 response/respondent = **106 responses**

Annual Burden Hours:

106 responses x 5 hours/response = **530 hours**

Section 64.604(c)(1)(ii) – Consumer complaint logs. Respondents shall submit annual summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year.

Annual Number of Responses: 106 respondents x 1 response/respondent = **106 responses**

Annual Burden Hours:

106 responses x 1 response/respondent x 5 hours/response = **530 hours**

Annual “In-House Cost” for Sections 64.604(c)(1): The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead), therefore, the Commission estimates respondents’ costs to be about \$62.86 per hour to comply with the requirements:

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212 responses x 5 hours/response x \$62.86/hour = **\$66,631.60**

Section 64.604(c)(2):

Section 64.604(c)(2) - Contact persons. Respondents that have state contracts must submit to the Commission a contact person and/or office for TRS consumer information and complaints about a certified state TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service.

The Commission estimates that the required actions will take place on a one-time basis and respondents will expend approximately 1 hour in complying with these requirements.¹⁰

Annual Number of Responses: 106 respondents x 1 response/respondent = **106 responses**

Annual Burden Hours:

106 responses x 1 response/respondent x 1 hour/response = **106 hours**

Annual "In-House Cost": The Commission assumes that respondents will use "in-house" personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead), therefore, the Commission estimates respondents' costs to be about \$62.86 per hour to comply with the requirements:

106 responses x 1 hour/response x \$62.86/hour = **\$6,663.16**

Section 64.604(c)(3):

Section 64.604(c)(3) – Public access to information. Respondents, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS.

The Commission estimates that the required actions will take place on an occasional basis, and respondents will expend approximately 5 hours in the aggregate per year in planning and complying with these requirements.

Annual Number of Responses: 106 respondents x 1 response/respondent = **106 responses**

Annual Burden Hours:

106 responses x 5 hours/response = **530 hours**

Annual "In-House Cost": The Commission assumes that respondents will use "in-house" personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead), therefore, the Commission estimates respondents' costs to be about \$62.86 hour to comply with the requirements:

106 responses x 5 hours/response x \$62.86/hour = **\$33,315.80**

¹⁰ Even though the Commission anticipates that this will occur on a one-time basis for the vast majority of respondents, because some respondents may periodically change agents, for the purpose of estimating burdens the Commission assumes respondents will fulfill this requirement once per year, though often that will not actually be the case.

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Section 64.604(c)(5):

Section 64.604(c)(5)(iii)(C) - Data collection from TRS Providers. Respondents shall provide the TRS Fund administrator with true and adequate data necessary to determine TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS operating expenses and total TRS investment in general accordance with 47 C.F.R. Part 32, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.

Section 64.604(c)(5)(iii)(E) - Payments to TRS Providers. Respondents receiving payments shall file a form prescribed by the administrator.

Section 64.604(c)(5)(iii)(G) - Any eligible respondent as defined in 47 C.F.R. § 64.604(c)(5)(iii)(F) shall notify the administrator of its intent to participate in the TRS Fund 30 days prior to submitting reports of TRS interstate minutes of use in order to receive payment settlements for interstate TRS, and failure to file may exclude the TRS provider from eligibility for the year.

The Commission estimates that the required actions will take place on an occasional and annual basis, and respondents will expend approximately 25 hours in the aggregate per year in complying with these requirements.

Annual Number of Responses: 106 respondents x 1 response/respondent = **106 responses**

Annual Burden Hours: 106 responses x 25 hours/response = **2,650 hours**

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead), therefore, the Commission estimates respondents’ costs to be about \$62.86 per hour to comply with the requirements:

Annual “In-House” Cost: 106 responses x 25 hours/response x \$62.86/hour = **\$166,579**

Section 64.604(c)(6):

Section 64.604(c)(6)(v)(A)(3) - Service; designation of agents. The Commission shall promptly forward any complaint meeting the requirements of this subsection to the TRS provider named in the complaint. Respondents shall be called upon to satisfy or answer the complaint within the time specified by the Commission. Every TRS provider shall file with the Commission a statement designating an agent or agents whose principal responsibility will be to receive all complaints, inquiries, orders, decisions, notices and other pronouncements forwarded by the Commission.

Section 64.604(c)(6)(v)(G) - Answers to complaints and amended complaints. Any party upon whom a copy of a complaint or amended complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint.

The Commission estimates that the required action to file with the Commission a statement designating an agent or agents to receive materials forwarded by the Commission will take place on a one-time basis, and is estimated to take 1 hour per respondent.¹¹ The other required actions will

¹¹ Even though the Commission anticipates that this will occur on a one-time basis for the vast majority of

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take place on an occasional basis; specifically, the Commission estimates that respondents will expend approximately 1 hour per complaint for responding to 10 complaints per year. Therefore, in sum, the Commission estimates that each respondent will be responsible for 11 responses, taking one hour each, per year in order to comply with the information collection requirements in 47 C.F.R. § 64.604(c)(6).

Annual Number of Responses: 106 respondents x 11 responses/respondent = **1,166 responses**

Annual Burden Hours: 1,166 responses x 1 hour/response = **1,166 hours**

Annual “In-House” Cost: The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead), therefore, the Commission estimates respondents’ costs to be about \$62.86 per hour to comply with the requirements:

1,166 responses x 1 hour/response x \$62.86/hour = **\$73,294.76**

Section 64.604(c)(7):

Section 64.604(c)(7) - Treatment of TRS customer information. Contracts between the TRS Fund Administrator and the respondents shall provide for the transfer of TRS customer profile data from the outgoing TRS provider to the incoming TRS provider. Such data must be disclosed in usable form at least 60 days prior to the provider's last day of service provision.

The Commission estimates that the required actions will take place on a one-time basis during the three year period covered by this extension, and respondents will expend approximately 20 hours in complying with these requirements.

Annual Number of Responses: 106 respondents x 1 response/respondent/3 years = 106 responses/3 years = **35 responses**

Annual Burden Hours:
35 responses x 20 hours/response = **700 hours**

Annual “In-House Cost”: The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead), therefore, the Commission estimates respondents’ costs to be about \$62.86 per hour to comply with the requirements:

35 responses x 20 hours/response x \$62.86/hour = **\$44,002**

Section 64.607(b):

Section 64.607(b) – Furnishing related customer premises equipment. Any respondent that provides telecommunications devices for persons with hearing and/or speech disabilities, whether or not pursuant to tariff, shall respond to any inquiry concerning: (1) the availability (including general

respondents, because some respondents may periodically change agents, for the purpose of estimating burdens the Commission assumes respondents will fulfill this requirement once per year, though often that will not actually be the case.

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price levels) of TTYs using ASCII, Baudot, or both formats; and (2) the compatibility of any TTY with other such devices and computers.

The Commission estimates that the required actions will take place on an occasional basis and respondents will expend approximately one-quarter hour, for 8 responses per year, in complying with these requirements.

Annual Number of Responses:

106 respondents x 8 responses/respondent = **848 responses**

Annual Burden Hours:

848 responses x .25 hours/response = **212 hours**

Annual “In-House Cost”: The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead), therefore, the Commission estimates respondents’ costs to be about \$62.86 per hour to comply with the requirements:

848 responses x .25 hours/response x \$62.86/hour = **\$13,326.32**

Total Number of Respondents for Collection: 2,301 respondents

Total Number of Responses for Collection: 30,841 responses

Total Annual Burden Hours for Collection: 33,200 hours

Total Annual “In-House” Costs for Collection: \$2,091,079.60

13. The following represents the Commission’s estimate of the total annual cost burden resulting from the collection of information:

(a) Total annualized capital/start-up costs: **\$0.**

(b) Annual cost (O&M):

(1) Under 47 C.F.R. § 6.19:

- A respondent answering a complaint must file an answer that is prepared or formatted in the manner requested by the complainant (*e.g.*, in Braille). The Commission estimates that respondents will outsource such formatting of complaint answers.
 - 120 responses x 1 hour for formatting services/response x \$100/per hour = **\$12,000**
- Per Question 12, above, the Commission expects that 50% (*i.e.*, 60) of the 120 potential answers to informal complaints (responses) will be handled by outside counsel, who requires 5 hours total to meet with the respondent’s staff attorney regarding, and prepare and file, each answer.

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$$o \quad 120 \text{ responses} \times 50\% \times 5 \text{ hours/response} \times \$300/\text{hour} = \mathbf{\$90,000}$$

- (2) Under section 64.604(c)(3), respondents, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS. Providers will hire outside printing firms to handle the publication requirements. To estimate the costs of respondents covered by this collection doing so, first the Commission takes the average outreach costs for IP-based TRS over the past two calendar years, which is \$34.1 million per year. Then, as a proxy, the Commission uses figures for the percentage of TRS minutes attributable to non-IP-based TRS services as an estimate of the *maximum* amount of TRS traffic that will be handled by VoIP providers, which in this case is 9%.

$$\$34.1 \text{ million/year} \times 9\% = \mathbf{\$3,069,000}$$

The Commission does not anticipate that actual outside costs for complying with section 64.604(c)(3) will remotely approach that figure. Overall outreach costs, such as the \$34.1 million used in this calculation, encompass more activities than merely complying with section 64.604(c)(3). Moreover, VoIP providers currently do not handle any significant portion of TRS traffic. Finally, even to the extent that respondents incur costs for complying with section 64.604(c)(3), they are indirectly reimbursed for these costs by the TRS Fund via the per-minute reimbursement rates attributable to the traffic they carry. Therefore, while the Commission presents \$3,069,000 out of an abundance of caution as an estimated annual burden for respondents subject to this collection to comply with section 64.604(c)(3), it does not anticipate that in reality the actual burdens on respondents subject to this collection will come close to that figure.

$$(c) \text{ Total annualized cost requested: } \$12,000 + \$90,000 + 3,069,000 = \mathbf{\$3,171,000}$$

14. Estimates of annualized costs to the Federal government:

(1) The Commission will use staff at the GS-13/Step 5 level (\$48.35/hour):

(a) to post designated agent information (Section 6.18) to its website (the time required to post designated agent information to the website is estimated to be approximately .25 hours);

$$2,301 \text{ responses (web postings)} \times \$48.35/\text{hour} \times .25 \text{ hours/web posting} = \$27,813.34$$

(b) to review, and forward to interconnected VoIP providers and manufacturers, as appropriate, for their response, informal section 255 and TRS complaints. This process will require approximately .5 hours per complaint (response); and

$$\text{Section 6.19: } 120 \text{ responses/year} \times \$48.35/\text{hour} \times .5 \text{ hours/response} = \$2,901$$

$$\text{Section 64.604(c)(6): } 106 \text{ respondents} \times 10 \text{ responses/respondent/year} \times \$48.35/\text{hour} \times .5 \text{ hours/response} = \$25,625.50$$

Sections 225 and 255, Interconnected Voice over Internet Protocol Services (VoIP)

(c) to review and post complaint log summaries submitted by interconnected VoIP TRS providers pursuant to section 64.604(c)(1)(ii):(the time required to review the complaint logs and prepare summaries, and to post complaint log summaries to the website is estimated to be approximately 2 hours per submission);

106 responses/year x \$48.35/hour x 2 hours/response = \$10,250.20

(2) The Commission will use staff at the GS-14/Step 5 level (\$57.13/hour) to review approximately 1,180 answers to informal complaints (responses) annually. The review takes approximately 4 hours per answer to complaint filed pursuant to 47 C.F.R. § 6.19, and 2 hours per answer to complaint filed pursuant to 47 C.F.R. § 64.604(c)(6).

Section 6.19: 120 responses x 4 hours/response x \$57.13/hour = \$27,422.40

Section 64.604(c)(6): 106 respondents x 10 responses/respondent/year x 2 hours/response x \$57.13/hour = \$121,115.60

Total Cost to Federal Government: \$215,128.04

15. This supporting statement contains adjustments from the previous collection under OMB Control Number 3060-1111. The number of respondents decreased from 5,711 to 2,301 (-3,410), the annual number of responses increased from 27,464 to 30,841 (+3,377), the annual burden hours decreased from 149,962 hours to 33,200 (-116,762) and the total annual cost burden decreased from \$5,711,000 to \$3,171,000 (-\$2,540,000).

With this submission, the Commission really examined and evaluated the numbers that were accounted for in this supporting statement. Therefore, the Commission used more concrete and precise numbers than what was previously used. The large reduction in the annual burden hours and annual costs is due to the large reduction in the number of annual respondents to this information collection.

There are no program changes to the information collection.

16. The Commission currently posts on its website designated agent and other contact information, as well as complaint log summaries, submitted to the Commission pursuant to the information collection requirements discussed above.

17. The Commission is not seeking approval to not display the expiration date for OMB approval of this information collection.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

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

Sections 225 and 255, Interconnected Voice Over Internet Protocol Services (VoIP)

INFORMATION COLLECTION REQUIREMENTS CHART

	Number of Responses	Hour Burden Per Response	Annual Hourly Burden	Hourly "In-House" Cost	Total "In-House" Cost
3060-1111					
Section 6.11	25,311				\$1,482,553.10
Section 6.11 (a)		1	23,010 hours	\$62.86	
Section 6.11 (b)		.25	575 hours	\$62.86	
Section 6.18	2,301	1	2,301 hours	\$62.86	\$144,640.86
Section 6.19	120	1-5	360 hours	\$74.27	\$26,737.20
Section 64.604(a)(5)	530	1	530 hours	\$62.86	\$33,315.80
Section 64.604(c)(1)					\$66,631.60
Section 64.604(c)(1)(i)	106	5	530 hours	\$62.86	
Section 64.604(c)(1)(ii)	106	5	530 hours	\$62.86	
Section 64.604(c)(2)	106	1	106 hours	\$62.86	\$6,663.16
Section 64.604(c)(3)	106	5	530 hours	\$62.86	\$33,315.80
Section 64.604(c)(5)	106	25	2,650 hours	\$62.86	\$166,579
Section 64.604(c)(6)	1,166	1	1,166 hours	\$62.86	\$73,294.76
Section 64.604(c)(7)	35	20	700 hours	\$62.86	\$44,022
Section 64.607(b)	848	.25	212 hours	\$62.86	\$13,326.32
TOTALS:	30,841	-	33,200 hours	-	\$2,091,079.60