

**SUPPORTING STATEMENT**

**A. Justification**

***Background:***

1. The Americans with Disabilities Act of 1990 (ADA), Public Law 101-336, 104 Stat. 327, 366-69, was enacted on July 26, 1990. The purpose of the ADA is:
  - (a) to provide a clear and comprehensive national mandate to end discrimination against individuals with disabilities and to bring persons with disabilities into the economic and social mainstream of American life;
  - (b) to provide enforceable standards addressing discrimination against individuals with disabilities; and
  - (c) to ensure that the Federal government plays a central role in enforcing these standards on behalf of individuals with disabilities.

Title IV of the ADA adds section 225 to the Communications Act of 1934. Section 225 requires the Commission to promulgate regulations that require all domestic telephone common carriers to provide telecommunications relay services (TRS).<sup>1</sup>

- (a) Section 225 of the ADA:
  - (1) imposes on all common carriers providing interstate or intrastate telephone voice transmission services the obligation to offer TRS.
  - (2) charges the Commission with regulatory oversight,
  - (3) allows states the option to establish “certified” state programs for the provision of intrastate relay services.
- (b) 47 CFR Part 64, Subpart F implements Title IV of the ADA and the TRS requirements. It contains the operational, technical, and functional standards required of all TRS providers and the procedures for state certification.

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<sup>1</sup> Telecommunications relay service or TRS is a telephone transmission service that allows persons with a hearing or speech disability to engage in communications by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. TRS facilities are staffed by communications assistants who relay conversations between people who use text telephone devices (TTY’s) and people who communicate by voice. See 47 CFR 64.601 (14) of the Commission’s rules.

**Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123**

On March 6, 2000, the Commission released the *Improved TRS Order*,<sup>2</sup> which revised the TRS rules governing the delivery of TRS by expanding the forms of relay services available to consumers and by improving the quality of relay services:

- (a) The *Improved TRS Order* added new standards for the provision of traditional TRS and added Speech-to-Speech (STS)<sup>3</sup> and Spanish relay services as required forms of TRS.
- (b) It recognizes Video Relay Service (VRS)<sup>4</sup> as a form of TRS and also temporarily permitted the recovery of costs for all VRS calls from the interstate TRS funding mechanism.
- (c) It directed the Interstate TRS Fund Administrator (TRS Fund Administrator)<sup>5</sup> and its advisory council to develop recommendations for how the new forms of TRS should be compensated.

On December 21, 2001, the Commission released the *2001 TRS Cost Recovery MO&O & FNPRM*, In the Matter of Telecommunications Services for Individuals with Hearing and Speech Disabilities, Recommended TRS Cost Recovery Guidelines, CC Docket No. 98-67, FCC 01-371.<sup>6</sup>

In the *2001 TRS Cost Recovery MO&O & FNPRM*, the Commission:

- (a) Directed the TRS Fund Administrator to continue applying the average per minute compensation methodology to develop traditional TRS compensation rates;
- (b) Required TRS providers to submit certain projected TRS-related costs and demand data<sup>7</sup> to TRS Fund administrator;
- (c) Directed the TRS Fund Administrator to expand its TRS Center Data Request Form, a form for providers to itemize their actual and projected cost and demand data, to include specific sections to capture STS and VRS costs and minutes of use.

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<sup>2</sup> *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-67, 15 FCC Rcd 5140, 5148-51 (2000) (*Improved TRS Order*)

<sup>3</sup> Speech-to-Speech is a telecommunications relay service that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained communications assistants (CA) who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.

<sup>4</sup> Video Relay Service (VRS) is a telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.

<sup>5</sup> On July 20, 1993, National Exchange Carrier Association (NECA) was appointed the Interstate TRS Fund Administrator. Currently, NECA's contract as the Interstate TRS Fund Administrator has been extended on a month to month basis.

<sup>6</sup> See generally *2001 TRS Cost Recovery MO&O & FNPRM* at ¶¶ 6-35.

<sup>7</sup> These costs and demand data are "total TRS minutes of use, total interstate TRS minutes of use, total TRS operating expenses and total TRS investment," as well as "other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements."

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On October 25, 2002, the Commission released the *Fifth Report and Order on Coin-Sent Paid*,<sup>8</sup> In the Matter of Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, CC Docket Nos. 90-571 & 98-67, FCC 02-269.<sup>9</sup>

The *Fifth Report and Order on Coin-Sent Paid* concluded that:

- (a) Carriers need not provide coin sent-paid TRS calls from payphones because:
  - (1) it was infeasible to provide coin sent-paid relay service through payphones at that time, and;
  - (2) coin sent-paid functionality was not necessary to achieve functional equivalence.
- (b) Providers of TRS are required to submit a one-time report to the Commission twelve months after final rules are adopted in this proceeding, detailing the steps taken to comply with the consumer education recommendations contained in the *Fifth Report and Order on Coin-Sent Paid*.
- (c) Once the submission of a one-time report has been completed, the providers of TRS are no longer required to submit a report in compliance of the *Fifth Report and Order on Coin-Sent Paid*.

As noted on the OMB Form 83-I, this information collection do not affect individuals or household therefore, there are no impacts under the Privacy Act because it does not require the collection of personally identifiable information (PII) from individuals.

The statutory authority for the information collection requirements is found at Sec. 225 [47 U.S.C. 225] Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals; The Americans with Disabilities Act of 1990 (ADA), Public Law 101-336, 104 Stat. 327, 366-69, was enacted on July 26, 1990.

- 2. All collections of information are promulgated pursuant to section 225 of the ADA, which requires the Commission to ensure that TRS is available to persons with hearing and speech disabilities in the United States in the most efficient manner.
- 3. At this time, the Commission is not considering the use of improved information technology. The cost of implementing new information technology is minimal because this is an extension of a currently approved information collection requirement. The affected respondents currently file their information collections with the Commission's electronic comment filing system (ECFS) docket and mail.
- 4. The information is not duplicated elsewhere. No similar information is available.

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<sup>8</sup> *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, Fifth Report and Order, 17 FCC Rcd 21,233 (2002) (*Fifth Report and Order on Coin-Sent Paid*).

<sup>9</sup> See 17 FCC Rcd 21,233 (2002).

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5. The collections of information from any small business will not be significant. Based on the small number of entities providing TRS service, the Commission concludes that this action will not cause a significant impact on small business.
6. If such an information collection is not completed, the providers may not be eligible for reimbursement from the Interstate TRS Fund.
7. The collections are not being conducted in any manner inconsistent with the guideline of 5 CFR 1320.5(d)(1) of the Commission's rules.
8. The Commission published a notice in the *Federal Register* pursuant to 5 CFR §1320.8(d) on March 1, 2007. See 72 FR 9332, March 1, 2007.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. The Commission is not requesting that respondents submit confidential information. If the Commission requests information from respondents, which the respondents believe is confidential, respondents may request confidential treatment of such information pursuant to 47 CFR 0.459 of the Commission's rules.

Moreover, the Commission requires the TRS Fund Administrator to keep all data from contributors, TRS providers, and state TRS programs confidential. The TRS Fund Administrator shall not disclose such data in any way that would identify individual or specific companies unless directed to do so by the Commission.<sup>10</sup>

11. There are no questions of a sensitive nature with respect to the information collected.
12. Estimates of the hour burden of the existing collection and revised collection of information are as follows:

***Existing Information Collection Requirements (Fifth Report and Order on Coin-Sent Paid approved by OMB on June 24, 2003):***

**Total Number of Respondents:** 5,053 TRS Providers

**Total Number of Annual Responses:** 5,053 TRS & STS Documents/Reports

**Total Annual Hourly Burdens:** 26,837 hours

**Total Annual In-House Costs:** \$2,048

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<sup>10</sup> See 47 CFR 64.604(c)(5)(iii).

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**Revised Information Collection Requirements:**

The Commission estimates that 8 respondents will **no longer need** to submit a report detailing steps taken to comply with the consumer education recommendations contained in the *Fifth Report and Order on Coin-Sent Paid*.

As result, the Commission estimates that 8 respondents would save 1,120 hours from having to submit certain data for both traditional TRS and STS because they may no longer need to do so.

Therefore, the Commission has recalculated its burdens to exclude the 1,120 hours once needed to comply with the one-time filing requirement.

**Total Hourly Burden:** 26,837 – 1,120 = **25,717 hours**

**Total Revised Number of Respondents:** 5,053 respondents – 8 respondents = **5,045 respondents**

**Total Revised Number of Responses Annually:** 5,053 responses – 8 responses = **5,045 responses**

**Total “In-House” Costs:** Because respondents receive reimbursement from the Interstate TRS Fund for the costs associated with the submission, the \$2,048 “in house” costs are reduced to \$0.00.

<b>Information Collection Requirements</b>	<b>Total Number of Respondents</b>	<b>Total Number of Responses</b>	<b>Total Annual Hourly Burden</b>	<b>Total “In House” Costs</b>	<b>Total Annual Costs</b>
Existing Requirements	5,053	5,053	26,837	\$2,048	\$0.00
Revised Existing Requirements	5,045	5,045	25,717	\$0.00 <sup>11</sup>	\$0.00
<b>Revised Totals</b>	<b>5,045</b>	<b>5,045</b>	<b>25,717</b>	<b>\$0.00</b>	<b>\$0.00</b>

13. Traditional TRS and STS providers may incur some cost(s) for the record keeping and reporting requirements. However, the Commission believes that most of the work to comply with these information collection requirements will be done “in house.”

Providers receiving contract(s) to provide a traditional TRS and STS services will be reimbursed indirectly when they received compensation from the Interstate TRS Fund for providing such service. Thus:

- (a) Total annualized capital/start-up cost: **\$0**
- (b) Total annual costs (operation and maintenance): **\$0**

<sup>11</sup> The TRS Fund reimburses respondents for the “in house” cost to meet the information collection requirement.

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(c) Total annualized cost requested: **\$0**

14. The Commission believes that the cost to the Federal Government may be collecting rate data from state TRS programs:

(a) The Commission will administer the certified/recertified TRS applications submitted by state TRS programs.

(b) The Commission will use staff attorneys at the GS-14/5 level to collect and process rate data from traditional TRS and STS providers.

(c) The Commission estimates the time to process each submission to be approximately 10 hours.

(d) On average, the Commission estimates that it may receive approximately 52 submissions of certified/recertified state program applications annually:

$$52 \text{ submissions} \times 10 \text{ hours/processing time} \times \$49.64 = \$25,812.80$$

$$30\% \text{ overhead} = \$ \underline{7,743.84}$$

**Total cost to the Federal Government: \$ 33,556.64**

15. On October 25, 2002, the Commission released the *Fifth Report and Order on Coin-Sent Paid*, In the Matter of Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, CC Docket Nos. 90-571 & 98-67, FCC 02-269.

As a result of the *Fifth Report and Order on Coin-Sent*, the Commission required providers of TRS to submit of a one-time report to the Commission twelve months after final rules are adopted in this proceeding, detailing the steps taken to comply with the consumer education recommendations contained in the *Fifth Report and Order on Coin-Sent Paid*.

The Commission has re-evaluated its previous assessments of the various burdens for this information collection for the existing information collection requirements.

Due to the particularities of the ROCIS system and the elimination of the *Fifth Report and Order on Coin-Sent paid*, the Commission estimates that 8 respondents would **no longer need** to submit a one-time report detailing steps taken to comply with the consumer education recommendations. Therefore, this elimination resulted in a deduction in the total number of respondents, responses and burden hours for this information collection.

16. There are no plans to publish the result of the collection of information.

17. The Commission is not seeking approval not to display the expiration date for OMB approval of this information because the collection does not include a form number.

18. On the 60 day FRN published March 1, 2007 (72 FR 9332), the Commission reported in error the number of respondents to be 5,052 and total annual burden hours to be 26,831. Therefore, the Commission corrects these numbers to read: 5,045 responses and 25,717 total annual burden

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hours. There are no other exception to Item 19, "Certification for Paperwork Reduction Act Submission," OMB Form 83-1.

**B. Collections of Information Employing Statistical Methods**

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