

## SUPPORTING STATEMENT

### **A. Justification:**

The Commission is requesting a revision of this ICR because certain benchmark requirements have been met (see item 12, page 3 of this supporting statement) since it was approved by OMB in 2004. The Commission also minimized the burden of compliance by adopting a phased-in implementation schedule over several years, rather than demanding compliance in a short time frame. The requirement to report every six months during the first three years of implementation, and then annually thereafter through the fifth year, is less burdensome than the quarterly reporting requirement originally proposed in the Notice of Proposed Rulemaking.

1. In the Report and Order in WT Docket 01-309, FCC 03-168, adopted and released September 2003, the Federal Communications Commission modified the exemption for telephones used with public mobile services from the requirements of the Hearing Aid Compatibility Act of 1988 (HAC Act). The Order required digital wireless phone manufacturers and service providers to make certain digital wireless phones capable of effective use with hearing aids.

The Order required digital wireless phone manufacturers and service providers to make available a certain number of digital wireless phones that meet specific performance levels set forth in an established technical standard. The phones must be made available according to an implementation schedule specified in the Order. To monitor the progress of digital wireless phone manufacturers and service providers toward meeting the requirements, the Commission required these entities to submit reports every six months during the first three years of implementation, and then annually thereafter through the fifth year of implementation. The reports should describe manufacturer and carrier efforts aimed at complying with the requirements of the Order, and they should address the specific points described in paragraphs 89 to 91.

Digital wireless phone manufacturers also must label compliant phones. Service providers are similarly responsible for ensuring that handsets are properly labeled, and must also make information available to consumers in retail stores about which phone models provide hearing aid compatibility features. The Commission also encouraged hearing aid manufacturers to label hearing aid packages to assist consumers in finding hearing aids and digital wireless phones that work together effectively.

Statutory authority for this collection of information is contained in Sections 47 U.S.C. §§ 151, 154 (i), 157, 160, 201, 202, 208, 214, 301, 303, 308, 309 (j), and 310.

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

2. The annual reports will assist the Commission staff in monitoring the progress of implementation by phone manufacturers and wireless carriers, and they will provide valuable information to the public concerning compatible handsets and hearing aids. The reporting requirement will extend through the end of the fifth year of implementation to assist the Commission in verifying compliance with the requirement to make 50 percent of all phone models offered compliant by February 18, 2008. The reports will also permit the Commission to stay abreast of ongoing standards work, testing, and other pertinent information associated with achieving digital wireless compatibility with hearing aids and cochlear implants. This information will help to ensure that the Commission's decisions relating to hearing aid compatibility with wireless phones are fair to all involved and reflect the actual status of technology. The technical standard is required by the HAC Act, and will be used by covered entities and the Commission as a compliance guide.

3. Reports may be filed electronically using the Commission's Electronic Comment Filing System (ECFS), which is accessible at [www.fcc.gov](http://www.fcc.gov). The information which will be contained in the reports is not available in any existing databases within the Commission or other federal agencies.

4. The Commission does not impose a similar information collection on the respondents. There is no similar data available.

5. In order to minimize report burdens on all respondents, the Commission allows digital wireless phone manufacturers and service providers to submit joint reports, if they wish.

6. If the reports were required less frequently or if no reporting requirements were adopted, it would be significantly more difficult to monitor the industry's progress toward implementation, and it would be nearly impossible to verify compliance with the regulatory deadlines. Under these scenarios, accessibility to wireless telecommunications by individuals with hearing disabilities would be frustrated rather than expanded, which is contrary to the statutory goals of the HAC Act to "establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing." 47 U.S.C. § 610(a).

7. Current data collection is consistent with the guidelines in 5 CFR 1320.6.

8. The Commission initiated a 60-day public comment period which appeared in the Federal Register on February 7, 2007 (72 FR 5712). No comments were received as a result of the notice. A copy of the Federal Register notice is included in this submission to the OMB.

9. Respondents will not receive any payments.

10. Information requested in the reports might need to disclose confidential information. However, covered entities would be allowed to request that such materials submitted to the Commission be withheld from public inspection. See 47 C.F.R. § 0.459.

11. None of the reporting burdens address any private matters or questions of a sensitive nature.

12. As noted in the original Supporting Statement associated with the Notice of Proposed Rulemaking, there are three groups of entities that could be affected by the actions taken in the Report and Order: carriers offering public mobile services, digital wireless handset manufacturers, and hearing aid manufacturers. The estimates of the number of these entities contained: approximately **900** operating wireless carriers, approximately **25** digital wireless handset manufacturers, and approximately **40** operating hearing aid manufacturers. Thus, the total number of estimated respondents is **965**. The numbers of respondents are reduced to **925** for years four and five because the **40** operating hearing aid manufacturers have fulfilled their reporting requirements during the first three years.

The estimates regarding the annual hour burden require adjustment because the Commission did not impose a semi-annual reporting requirement on all three groups. Instead, it required wireless service providers and digital wireless handset manufacturers to report every six months for the first three years of implementation, and then annually thereafter through the fifth year of implementation. The Commission expects that each company would utilize staff engineers to draft the reports, and each report would take about two hours to draft. Therefore, the service provider and handset manufacturer reports took an estimated total of 4 hours per entity for the first three years, and will take 2 hours per entity in the current (fourth) and the fifth year. Thus, the annual burden for the remaining information collections involving annual reports is **925 entities x 2 hours = 1,850 hours per year** for years 4 and 5. The actual annual hour burden may be less because the Commission gave these entities the option to submit joint reports, if desired.

Additionally, we anticipate there may be on going modifications to the technical standard. We expect that a subset of **approximately 50** of the **965** entities will meet and make modifications to the technical standard for the remaining years. The total estimated annual burden hours for these entities are **4,200**. We base the total estimated annual burden hours on the following: we anticipate that twelve principal representatives will account for **1,920** hours (**12** principal representatives\***160** hours) and 38 representatives will account for **2,280** hours (**38** representatives\***60** hours).

**The total annual burden is: 1,850 + 4,200 = 6,050 hours.**

The Commission's rules require digital wireless handset manufacturers to label packages containing compliant handsets and to make information available in the package or product manual. The rules similarly require digital wireless service providers to ensure that handsets include the above-referenced labeling and information, and also require them to make available to consumers the performance ratings of compliant phones. The

Commission expects that these steps will be taken as part of the normal manufacturing and marketing processes, and that adding information about the performance ratings of the phones will not be a significant additional burden for these entities.

13. There will be no costs incurred by the respondents.

14. The Commission would likely assign a staff engineer at \$50 per hour to review the annual reports, which should take about 5 hours, resulting in a potential cost to the Federal Government of \$250 per year per report for years 4 and 5 (when 1 report per respondent is filed each year). Thus, the annual cost to the Federal government is 925 respondents x 5 hours x \$50 = \$231,250.

15. The Commission is reporting a program change of -10,249 burden hours due to certain entities having met the benchmark requirements set forth in 47 CFR 20.19. The Commission also minimized the burden of compliance by adopting a phased-in implementation schedule over several years, rather than demanding compliance in a short time frame. The requirement to report every six months during the first three years of implementation, and then annually thereafter through the fifth year, is less burdensome than the quarterly reporting requirement originally proposed in the Notice of Proposed Rulemaking.

16. The data will not be published for statistical use.

17. We do not seek approval to not display the expiration date for OMB approval of the information collection.

18. There are exceptions to the certification statement. After further review the number of respondents, responses and hours were revised after publication in the Federal Register. The program change was a result of the earlier requirements for this collection being met and the previous numbers not being distributed annually thus reducing the hours and information needed for this collection. Finally, we are correcting the 60 day notice with a 30 day notice that is stating we are revising this collection rather than extending it.

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

No statistical methods are employed.