

Section 68.5, Waivers (Application for Waiver of Hearing Aid Compatibility Requirements)

SUPPORTING STATEMENT

A. Justification:

1. Section 710(b) of the Communications Act requires that almost all telephones manufactured in or imported into this country after August 16, 1991 be hearing aid compatible. Congress recognized, however, that there may be technological and/or economical reasons some new telephones may not meet the hearing aid compatibility requirement. Therefore, it provided for a waiver procedure for new telephones base on technological and economical grounds. Section 68.5 of the Commission's rules, 47 CFR § 68.5, provides the criteria to be used to assess waiver requests. Applicants seeking waivers must submit sufficient information for the Commission to make an informed decision.

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

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

The statutory authority for the information collection requirements is found at Sec.710 [47 U.S.C. 610] Telephone Service For The Disabled; Hearing Aid Compatibility Act of 1988, Public Law 100-394, 102 Stat. 976, August 16, 1988.

2. The Commission will receive requests for waivers of the hearing aid compatibility requirement from telephone manufacturers and distributors pursuant to Section 68.5. Upon receipt of such requests the Commission will review the merits of the requests and determine whether the public interest would be served by grant of waiver. If this procedure is not followed, the requirement for near universal hearing aid compatible telephones could be circumvented by those manufacturing and distributing non-hearing aid compatible telephones, thereby frustrating the Commission's effort to ensure that all Americans have reasonable access to telephone services.
3. This may be a one-time filing requirement for most respondents, and thus, requiring the filing of information on paper should be the least burdensome form of filing. There may be other instances when a respondent may have to file a waiver more than once yearly "on occasion" with the respect to new telephones, or telephones associated with a new technology or service that is technologically infeasible.
4. No other data collection program exists which would make the necessary information available to the Commission. There is no similar information in this field.
5. Small businesses would only be impacted by this information collection requirement to the extent that they produced or distribute new non-hearing aid compatible telephones and apply for a waiver pursuant to Section 68.5. The number of such waiver requests is expected to be minimal. Therefore, the impact on any entity is expected to be negligible.
6. No regular interval has been established for submitting waiver requests. The frequency of such submissions depends on the frequency an entity produces new non-hearing aid compatible telephones.
7. The information collection is not inconsistent with the guidelines of 5 CFR § 1320.6.
8. The Commission published a notice in the *Federal Register* pursuant to 5 CFR § 1320.8(d) on July 5, 2007. See 72 FR 36705, July 5, 2007. No comments were received.

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- 9. The Commission does not anticipate providing any payment or gift to any respondents.
- 10. Assurance of confidentiality is not offered to those subject to the rules.
- 11. Information of sensitive nature is not solicited. Waiver applicants are not required to respond to any questions of a sensitive nature as described in the instructions.
- 12. Estimates of the hour burden for the collection of information are as follows:

Section 68.5 Waivers – Manufacturers seek waiver from the requirement that telephones to be hearing aid compatible.

The Commission estimated that there will be approximately 10 manufacturers (respondents) that would seek a waiver of the rule which requires that telephones be hearing aid compatible. This process will be done “on occasion” and will require 3 hours to amass the data essential for seeking a waiver and prepare the document for submission to the Commission.

Total Number of Annual Respondents: 10 manufacturers (respondents)

Total Number of Responses Annually:

10 manufacturers requesting 1 waiver annually = 10 responses

Total Annual Burden Hours: 10 manufacturers (respondents) x 3 hours/waiver/year = 30 hours

Annual In-House Cost: The Commission believes that respondents would use “in-house” personnel whose pay is comparable to mid-level federal employee (GS-13/5 (\$43.12/hour), plus 30% overhead (\$12.94)), therefore, the Commission estimates the respondent’s cost to be about \$56.06 per hour (\$43.12 + \$12.94) to comply with the requirement:

Total Annual In-House Cost: 10 manufacturers (respondents) x 3 hours x \$56.06 = **\$1,681.80.**

- 13. The Commission believes that manufacturers will use in-house personnel to prepare the waiver request pursuant to Section 68.5, and thus there will be no cost to the respondent.

(a) Total annualized capital/startup costs: **None**

(b) Total annual cost (O&M): **None**

(c) Total annualized cost requested: **None**

- 14. The Commission will use staff attorneys to review and process waiver requests, and any associated documents, and prepare an appropriate reply. This process will require 3 hours per request and the hourly salary for an employee charged with this task will be a GS-13/5 staff attorney paid at \$43.12/hour plus 30% overhead \$12.94 totaling \$56.06 per hour (\$43.12 + \$12.94).

Total Cost to the Federal Government: 10 respondents x 3 hours x \$56.06/hr. = **\$1,681.80**

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15. There are no adjustment or program changes to this information collection.
16. The Commission does not intend to publish the results of the information collection requirements.
17. The Commission does not intend to seek approval not to display the expiration date for OMB approval of this information collection.
18. There are no exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB Form 83-I.

B. Collections of Information Employing Statistical Method:

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