

**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)<sup>1</sup> 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 of the Act, requires each common carrier offering “telephone voice transmission services” to offer TRS that is “functionally equivalent” to voice telephone service. When section 225 of the Act was first implemented, TRS calls were placed using a text telephone (TTY)<sup>2</sup> connected to the public switched telephone network. Since then, the Commission has recognized other forms of TRS, including Speech-to-Speech (STS),<sup>3</sup> and captioned telephone service (CTS),<sup>4</sup> as well as several Internet-based forms of TRS, such as Video Relay Service (VRS),<sup>5</sup> Internet Protocol Relay (IP Relay),<sup>6</sup> and IP captioned telephone service (IP CTS).<sup>7</sup>

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<sup>1</sup> Telecommunications Relay Service (TRS) is a telephone transmission service that provide the ability for an individual who has a hearing or speech disability to engage in communication 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.

<sup>2</sup> Text Telephone (TTY) is a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY supersedes the term “TDD” or telecommunications device for the deaf”, and TT.

<sup>3</sup> Speech-to-Speech (STS) is a form of TRS 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> Captioned Telephone Service (CTS) is generally used by someone who has the ability to speak and some residual hearing. It uses a special telephone that has a text display, so that on one standard telephone line the user can both listen to what is said over the telephone (to the extent possible) and simultaneously read captions of what the other person is saying.

<sup>5</sup> Video Relay Service (VRS) is a form of TRS 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>6</sup> Internet-Protocol Relay (IP Relay) uses text, but the user connects to the CA via the Internet (rather than the Public Switched Telephone Network (PSTN)) and a personal computer or other web-enabled device. The IP Relay user directs the web browser to one of the IP Relay providers’ web sites. When the IP Relay user is connected to the IP Relay service provider, the user is immediately routed to a CA, who then makes the outbound call to the hearing person and relays the call between the parties.

<sup>7</sup> Internet-Protocol Captioned Telephone Service (IP CTS) is when a consumer would make a voice to voice call to the other party on a standard telephone and the PSTN; at the same time, the voice of the called party is directed from the consumer’s telephone to a personal computer (or similar device) that routes it to the provider via the Internet. The provider, in turn, sends back to the consumer the text of what was spoken. As a result, the consumer can both hear (to the extent possible) what the called party is saying over the standard voice telephone headset, and read the text of what the called party said on the computer or similar device.

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Section 225 of the Act, creates a cost recovery regime under which providers of TRS are compensated for their reasonable costs of providing TRS. Specifically, section 225 of the Act 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, currently the National Exchange Carrier Association, Inc. (NECA). 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 of the Act 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”<sup>8</sup> to ensure that the service is accessible to and usable by individuals with disabilities, if readily achievable.<sup>9</sup> 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) of the Act incorporates by reference the ADA definitions of the terms “disability” and “readily achievable.” Section 255(e) of the Act 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 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 of the Act.”

On June 15, 2007, the Commission released the *Sections 225/255 VoIP Report and Order*.<sup>10</sup> The *Sections 225/255 VoIP Report and Order* extends the disability access requirements that currently apply to telecommunications service providers and equipment manufacturers under section 255 of the Act and 47 CFR part 6 of the Commission’s rules, to providers of “interconnected voice over

<sup>8</sup> “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).

<sup>9</sup> 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”).

<sup>10</sup> 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, FCC 07-110, 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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Internet Protocol (VoIP) services,”<sup>11</sup> and to manufacturers of specially designed equipment used to provide those services.

The Commission adopted this measure under its Title I ancillary jurisdiction in order to:

- (a) give full effect to the accessibility policies embodied in section 255 of the Act, and
- (b) to 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 CFR 64.601 *et seq.* (Subpart F) of the Commission’s rules, to providers of interconnected VoIP services, pursuant to section 225(b)(1) of the Act and the Commission’s Title I ancillary jurisdiction.

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<sup>12</sup> 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 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 154(i) (47 U.S.C. 154(i)) of the Communications Act.

2. The Commission extended the disability access requirements that currently apply to telecommunications service providers and equipment manufacturers 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. 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 and equipment manufacturers will access the complaint form and submit their complaint electronically via the Internet.

<sup>11</sup> The Commission has not formally defined the term “VoIP”, but has stated that its use of the term generally encompasses “any IP-enabled services offering real-time, multidirectional voice functionality, including, but not limited to, services that mimic traditional telephony.” See VoIP Report and Order, FCC 07-110, 22 FCC Rcd 11275, June 15, 2007, Fn. 45.

<sup>12</sup> The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). If you want to call someone using TRS, use your TTY or telephone, dial 711, and you will automatically be connected to a TRS operator. If you’re a TRS user traveling out of state and want to make a call, there is no longer a need to learn the state’s TRS provider’s telephone number.

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4. The information collection requirements are not duplicative of any currently existing federal regulatory obligations, however, as set forth in the recent supporting statement of 3060-0855, 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 new obligation to pay into the TRS Fund.
5. The Commission concludes 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. However, the increase **will not** have a significant economic impact on a substantial number of small entities/businesses. Thus, the Commission has taken steps to minimize the information collection burden for small business concerns, including those 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 is 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. No special circumstances exist that would cause this collection to be conducted in a manner inconsistent with the guidelines and/or requirements set forth in the Paperwork Reduction Act of 1995.
8. The Commission placed a notice in the *Federal Register* as required by 5 C.F.R. 1320.8 (d). See 72 FR 43638, dated August 6, 2007. No comments were received.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. Assurances of confidentiality are being provided to the respondents.
  - (a) The Commission is requesting that individuals (consumers/respondents) submit their names, addresses, and telephone numbers, which the Commission's staff needs to process complaints of noncompliance by VoIP providers or equipment manufacturers with the rules. A privacy statement is included on all FCC forms accessed through the Commission's Internet web site.
  - (b) In addition, respondents are made aware of the fact that their complaint information may be released to law enforcement officials and other parties as mandated by law (*e.g.* court-ordered subpoenas). Complaint information is contained in the operations support for complaint analysis and resolution (OSCAR) and consumer information management system (CIMS) databases, which is covered under the Commission's system of records notice (SORN), FCC/CGB-1, "Informal Complaints and Inquiries." The personally identifiable information (PII) covered by this SORN is used by Commission personnel to handle and to process informal complaints from individuals and groups. The Commission will not share this information with other federal agencies except under the routine uses listed in the SORN.

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The privacy impact assessment (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 the PII, as required by OMB regulations and the Privacy Act, 5 U.S.C. 552(a). The PIA may be viewed at:

[http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](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.

- (a) Additionally, consumers are cautioned not to provide personal information such as social security number, credit card numbers, *etc.*
- (b) As noted earlier, the Commission does require consumers (respondents) to provide their names, addresses, and telephone numbers so that Commission staff may process these complaints more expeditiously and if the Commission needs to contact the complainant for any additional information to resolve the complaint.
- (c) In instances where consumers provide PII, the FCC has a SORN, FCC/CGB-1, "Informal Complaints and Inquiries," to cover the collection, use, storage, and destruction of the PII. A full explanation of the privacy safeguards may be found in the Privacy Impact Assessment that the FCC completed on June 28, 2007 and that may be viewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html).

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

The Commission requires **385** interconnected VoIP service providers, and **5,326** manufacturers of equipment or CPE (**5,711 respondents**) that are 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 CFR 6.11 *et. seq.* of the Commission's rules).

**Burden for Section 6.11:**

The Commission estimates that approximately 5,711 respondents will be subject to the requirements. The required actions will take place on an "occasional" basis, requiring approximately 5 hours to comply with the requirement.

- a. 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 its customers if readily achievable, NECA including, as needed, in alternate formats or alternate modes at no additional charge; (2) provide end-user product documentation, *e.g.*, user guides, bills, installation guides for end-user installable devices, in alternate formats or alternate modes upon request at no additional charge to its customers.

**Annual Number of Responses:** 5,711 respondents x 1 response/respondent<sup>13</sup> = **5,711 responses**

**Annual Burden Hours:**

5,711 respondents x 1 response/respondent x 5 hours/response = **28,555 hours**

- b. Section 6.11(b) Information, documentation, and training. Respondents shall include in general product information, the contact method available, *e.g.* Braille, large print, electronic

<sup>13</sup> The corresponding documents are included in the initial package to new customers acquiring services.

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files, audio formats, *etc.* for obtaining the information required by 6.11(a), requiring approximately 5 hours to comply with the requirement.

**Annual Number of Responses:** 5,711 respondents x 1 response/respondent = **5,711 responses**

**Annual Burden Hours:**

5,711 respondents x 1 response/respondent x 5 hours/response = **28,555 hours**

**Annual “In-House Cost” for Sections 6.11(a) and (b):** 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 \$56.06 per hour to comply with the requirements:

11,422 responses x 5 hours/response x \$56.06/hour = **\$3,201,586.60**

**Burden for Section 6.18:**

c. 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 approximately 5,711 respondents will be subject to the requirements. The required actions will take place on an “occasional” basis and respondents will expend approximately 1 hour in complying with these requirements.

**Annual Number of Responses:** 5,711 respondents x 1 response/respondent = **5,711 responses**

**Annual Burden Hours:**

5,711 respondents x 1 response/respondent x 1 hour/response = **5,711 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 \$56.06 per hour to comply with the requirements:

5,711 respondents x 1 response/respondent x 1 hour/response x \$56.06/hour = **\$320,158.66**

**Burden for Section 6.19:**

d. 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. Although this section warrants compliance with the requirements in section 6.18, the outside costs are incurred as a result of this section’s requirements.

The Commission estimates that approximately 5,711 respondents will be subject to the requirements. The required actions will take place on an “occasional” basis and respondents will expend approximately 10 hours in complying with these requirements.

**Annual Number of Responses:** 5,711 respondents x 1 response/respondent = **5,711 responses**

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**Annual Burden Hours:**

5,711 respondents x 1 response/respondent x 10 hours/response = **57,110 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 \$56.06 per hour to comply with the requirements:

5,711 respondents x 1 response/respondent x 10 hours/response x \$56.06/hour = **\$3,201,586.60**

The Commission also modified its TRS regulations, 47 C.F.R. 64.604 *et seq.*, adopted pursuant to section 225 of the Act, by extending those regulations to providers of interconnected VoIP service.

**Burden for Section 64.604(a)(5):**

(e) 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 approximately 385 VoIP providers (respondents) will be subject to the requirements. The required actions will take place on an “occasional” basis and respondents will expend approximately 5 hours in complying with these requirements.

**Annual Number of Responses:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 5 hours/response = **1,925 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 \$56.06 per hour to comply with the requirements:

385 respondents x 1 response/respondent x 5 hours/response x \$56.06/hour = **\$107,915.50**

**Burden for Section 64.604(c)(1):**

The Commission estimates that approximately 385 VoIP providers (respondents) will be subject to the requirements. The required actions will take place on an “annual” and “occasional” basis requiring approximately 5 hours to comply with each requirement.

(f) 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:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 5 hours/response = **1,925 hours**

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(g) 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. Respondents may expend approximately 5 hours to comply with this requirement.

**Annual Number of Responses:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 5 hours/response = **1,925 hours**

**Annual “In-House Cost” for Sections 64.604(c)(1)(i) and (ii):** 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 \$56.06 per hour to comply with the requirements:

770 responses x 5 hours/response x \$56.06/hour = **\$215,831.00**

**Burden for Section 64.604(c)(2):**

(h) 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 approximately 385 respondents will be subject to the requirements. The required actions will take place on an “occasional” basis and respondents will expend approximately 1 hour in complying with these requirements.

**Annual Number of Responses:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 1 hour/response = **385 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 \$56.06 per hour to comply with the requirements:

385 respondents x 1 response/respondent x 1 hour/response x \$56.06/hour = **\$21,583.10**

**Burden for Section 64.604(c)(3):**

(i) 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,



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shall assure that callers in their service areas are aware of the availability and use of all forms of TRS.

The Commission estimates that approximately 385 VoIP providers (respondents) will be subject to the requirements. The required actions will take place on an “occasional” basis, and respondents will expend approximately 5 hours in complying with these requirements.

**Annual Number of Responses:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 5 hours/response = **1,925 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 \$56.06 per hour to comply with the requirements:

385 respondents x 1 response/respondent x 5 hours/response x \$56.06/hour = **\$107,915.50**

**Burden for Sections 64.604(c)(5)(iii)(C), (E) and (G):**

The Commission estimates that approximately 385 VoIP providers (respondents) will be subject to the requirements. The required actions will take place on an “occasional” basis, requiring approximately 8 hours to comply with each requirement.

(j) 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 TRS Fund 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 part 32, and other historical or projected information reasonably requested by the TRS Fund Administrator for purposes of computing payments and revenue requirements.

**Annual Number of Responses:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 8 hours/response = **3,080 hours**

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

**Annual Number of Responses:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 8 hours/response = **3,080 hours**

(l) Section 64.604(c)(5)(iii)(G) - Any eligible respondent as defined in paragraph 64.604(c)(5)(iii)(F) shall notify the TRS Fund Administrator of its intent to participate in the TRS Fund thirty (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.

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**Annual Number of Responses:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 8 hours/response = **3,080 hours**

**Annual “In-House Cost” for Sections 64.604(c)(5)(iii)(C), (E) and (G):** 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 \$56.06 per hour to comply with the requirements:

1,155 responses x 8 hours/response x \$56.06/hour = **\$517,994.40**

**Burden for Section 64.604(c)(6)(v)(A)(3) and (G):**

The Commission estimates that approximately 385 VoIP providers (respondents) will be subject to the requirements. These required actions to file with the Commission a statement designating an agent or agents to receive materials forwarded by the Commission and submit answers to complaints will take place on an “occasional” basis, requiring approximately 5.5 hours to comply with each requirement.

(m) 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.

**Annual Number of Responses:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 5.5 hours/response = **2,118 hours**

(n) 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.

**Annual Number of Responses:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 5.5 hours/response = **2,118 hours**

**Annual “In-House Cost” for Section 64.604(c)(6)(v)(A)(3) and (G):** 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 \$56.06 per hour to comply with the requirements:

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770 responses x 5.5 hours/response x \$56.06/hour = **\$237,414.10**

**Burden for Section 64.604(c)(7):**

(o) 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 385 VoIP providers (respondents) will be subject to the requirements. The required actions will take place on an “occasional” basis and respondents will expend approximately 20 hours in complying with these requirements.

**Annual Number of Responses:** 385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 20 hours/response = **7,700 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 \$56.06 per hour to comply with the requirements:

385 respondents x 1 response/respondent x 20 hours/response x \$56.06/hour = **\$431,662**

**Burden for Section 64.606(b):**

(p) Section 64.606(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 price levels) of Text Telephones (TTYs) using ASCII, Baudot, or both formats; and (2) the compatibility of any TTY with other such devices and computers.

The Commission estimates that approximately 385 VoIP providers (respondents) will be subject to the requirements. The required actions will take place on an “occasional” basis and respondents will expend approximately 2 hours in complying with these requirements.

**Annual Number of Responses:**

385 respondents x 1 response/respondent = **385 responses**

**Annual Burden Hours:**

385 respondents x 1 response/respondent x 2 hours/response = **770 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 \$56.06 per hour to comply with the requirements:

385 respondents x 1 response/respondent x 2 hours/response x \$56.06/hour = **\$43,166.20**

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

**Total Number of Respondents for Collection: 5,711 respondents**

**Total Number of Responses for Collection: 27,464 responses**

**Total Annual Burden Hours for Collection: 149,962 hours**

**Total Annual "In-House" Costs for Collection: \$8,406,869.50**

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

Under 47 CFR 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 preparing or formatting the answer will result in cost to the respondent.

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

(2) Total annual cost (O&M):

5,711 respondents x 1 response/respondent x 10 hours for services (e.g., in Braille) x \$100/per hour = **\$5,711,000**

(3) Total annualized cost requested: **\$5,711,000**

14. The Commission will use staff at the GS-14/Step 5 level (\$50.95/hour):

(a) to post designated agent information to its website (the time required to post designated agent information to the website is estimated to be approximately 4 hours); and

(b) to forward section 255 informal complaints filed by complainants to interconnected VoIP providers and manufacturers for their response. (This process will require approximately .5 hours.)

5,711 respondents x \$50.95/hours x 4 hours/web posting =	\$1,163,901.80
5,711 respondents x \$50.95/hours x .5 hours/complaint =	\$ 145,487.70
+ 30% overhead =	<u>\$ 392,816.85</u>
<b>Total Cost to Federal Government:</b>	<b>\$1,702,206.35</b>

15. The Commission is submitting the information collection as a new collection.

16. There are no plans to publish the result of this collection of information. However, the Commission may post this information on its website and will comply with all valid FOIA requests with regard to information sought pertaining to the newly extended disability access requirements.

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. In the 60 day *Federal Register* Notice ("Notice") published on August 6, 2007 at 72 FR 43638, the Commission reported the total annual burden hours and cost as "57,110 to 114,220

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

hours” and “\$11,422,000.” The Commission revises these numbers to read as: total annual burden hours: 149,962 and total annual cost: \$5,711,000. Also, the Commission corrects the estimated time per response from “10 – 20 hours” to “1 – 20 hours.” Lastly, annual reporting requirement should be omitted from the Notice in error. This information collection does not include an annual reporting requirement. There are no other exceptions to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

**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

3060-XXXX	Number of Responses	Respondent Hour Burden	Annual Hourly Burden	Hourly "In-House" Cost	Total "In-House" Cost
<b>Section 6.11</b>					
(a). Section 6.11 (a)	5,711	5	28,555 hours	\$56.06	\$1,600,793.30
(b). Section 6.11 (b)	5,711	5	28,555 hours	\$56.06	\$1,600,793.30
<b>Section 6.18</b>					
(c). Section 6.18(b)	5,711	1	5,711 hours	\$56.06	\$320,158.66
<b>Section 6.19</b>					
(d). Section 6.19	5,711	10	57,110 hours	\$56.06	\$3,201,586.60
<b>Section 64.604(a)(5)</b>					
(e). Section 64.604(a)(5)	385	5	1,925 hours	\$56.06	\$107,915.50
<b>Section 64.604(c)(1)</b>					
(f) Section 64.604(c)(1)(i)	385	5	1,925 hours	\$56.06	\$107,915.50
(g) Section 64.604(c)(1)(ii)	385	5	1,925 hours	\$56.06	\$107,915.50
<b>Section 64.604(c)(2)</b>					
(h) Section 64.604(c)(2)	385	1	385 hours	\$56.06	\$21,583.10
<b>Section 64.604(c)(3)</b>					
(i) Section 64.604(c)(3)	385	5	1,925	\$56.06	\$107,915.50
<b>Section 64.604(5)(iii)</b>					
(j) Section 64.604(c)(5)(iii)(C)	385	8	3,080 hours	\$56.06	\$172,664.80
(k) Section 64.604(c)(5)(iii)(E)	385	8	3,080 hours	\$56.06	\$172,664.80
(l) Section 64.604(c)(5)(iii)(G)	385	8	3,080 hours	\$56.06	\$172,664.80
<b>Section 64.604(c)(6)(v)</b>					
(m) Section 64.604(c)(6)(v)(A)(3)	385	5.5	2,118 hours	\$56.06	\$118,735.08
(n) Section 64.604(c)(6)(v)(G)	385	5.5	2,118 hours	\$56.06	\$118,735.08
<b>Section 64.604(c)(7)</b>					
(o) Section 64.604(c)(7)	385	20	7,700 hours	\$56.06	\$431,662
<b>Section 64.606(b)</b>					
(p) Section 64.606(b)	385	2	770 hours	\$56.06	\$43,166.20
<b>TOTALS:</b>	<b>27,464</b>	<b>-</b>	<b>149,962 hours</b>	<b>-</b>	<b>\$8,406,869.50</b>