

**Section 54.507(d)(1)-(4), Request for Extension of the Implementation  
Deadline for Non-Recurring Services,**

**SUPPORTING STATEMENT**

**A. Justification:**

1. *Circumstances that make collection necessary.* In the Federal-State Joint Board on Universal Service Report and Order, CC Docket No. 96-45, adopted on June 27, 2001 (FCC 01-195) (Report and Order) the Commission adopted a rule to provide additional time for recipients under the schools and libraries universal service support mechanism to implement contracts or agreements with service providers for non-recurring services. The rule extends the deadline for receipt of non-recurring services for certain qualified applicants who are unable to complete implementation by the September 30 deadline. Applicants may qualify for the extension, based on satisfaction of one of four criteria. Subsequently, the Administrator calculates a revised implementation deadline, based on the date that the applicant satisfies one of the criteria.

Specifically, under the rule, applicants qualify for an extension of the September 30 deadline for non-recurring services if they satisfy one of the following criteria: (1) applicants whose funding commitment decision letters are issued by the Administrator on or after March 1 of the funding year for which discounts are authorized; (2) applicants who receive service provider change authorizations from the Administrator on or after March 1 of the funding year for which discounts are authorized; (3) applicants whose service providers are unable to complete implementation for reasons beyond the service provider's control; or (4) applicants whose service providers are unwilling to complete installation because funding disbursements are delayed while the Administrator investigates their application for program compliance.

These extensions ensure that schools and libraries are not penalized when they are not responsible for missing the installation deadline. Additionally, implementation of this policy provides clarity to the Administrator and applicants by establishing a certain deadline for installation. Ultimately, this rule gives all schools and libraries the opportunity to schedule implementation of non-recurring services over the summer months.

The Commission recently adopted the *2007 Comprehensive Review of the Universal Service Fund Management, Administration and Oversight*, WC Docket Nos. 05-195, 02-60, 03-109 and CC Docket Nos. 96-45, 02-6, 97-21, FCC 07-150. This order does not alter requirements for this collection.

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

With this submission, the Commission is requesting an extension (no change) to the information collection requirements in order to obtain the full three year clearance from OMB.

Statutory authority for this collection of information is contained in Sections 1-4, 201-205, 218-220, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C.

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§§ 151-154, 201-205, 218-220, 254, 303(r), 403 and section 553 of the Administrative Procedure Act, 5 U.S.C. § 553.

2. *Use of information.* The Commission will use the information collected to determine whether schools and libraries applicants qualify for additional time to implement non-recurring services.
3. *Technological collection techniques.* The Commission will use the information collected to determine whether schools and libraries applicants qualify for additional time to implement non-recurring services.
3. *Technological collection techniques.* Respondents will submit paper copies of the certification.
4. *Efforts to identify duplication.* This information collection requires schools and libraries applicants seeking an extension of the non-recurring services deadline to submit documentation to USAC (Universal Service Administrative Company) prior to the expiration of the September 30 deadline. The submitted documentation must demonstrate that the applicant's service provider was unable to deliver the services due to events beyond the service provider's control, such as labor walk-outs or natural disasters. Also, if an applicant believes it qualifies for relief under criteria (4), applicants must notify the Administrator that its service provider was unwilling to deliver or install non-recurring services before the expiration of the original non-recurring services installation deadline, because the Administrator had withheld payment for those services on a properly-submitted invoice for more than sixty (60) days after the submission of the invoice. There is no identified duplication of efforts. The information sought is unique to each respondent and similar information is not already available.
5. *Efforts to identify duplication.* Entities directly subject to the requirements are primarily schools and libraries. The requirements have been designed to impose the least possible burden on the respondents.
6. *Consequences if information is not collected.* Without the requested information, USAC would be unable to determine whether schools and libraries applicants qualify for an extension of the September 30 deadline for implementation of non-recurring services. The failure to collect this information would prevent the Commission from implementing section 254 of the 1996 Act and ensuring that the goals of affordable telecommunication service and access to advanced telecommunication services are met by means that enhance, rather than distort, competition.
7. *Special circumstances.* The collections are not designed in any known manner to be inconsistent with OMB's guidelines.
8. *Federal Register notice; efforts to consult with persons outside the Commission.* The Commission placed a notice in the Federal Register on October 4, 2007, 72 FR 56759, as required by 5 C.F.R. § 1320.8. (copy attached). No comments were received.

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

10. *Assurances of confidentiality.* The Commission is not requesting that the respondents submit confidential information to the Commission. If the Commission requests applicants to submit information that the applicants believe is confidential, they may request confidential treatment of such information under section 0.459 of the Commission's rules.

11. *Questions of a sensitive nature.* There are no questions of a sensitive nature with respect to the information collected.

12. *Estimates of the hour burden of the collection to respondents.*  
The following represents the hour burden on the collections of information.

**a. Letter explaining that the service provider is unable to complete implementation for reasons beyond the service providers' control:**

(1) Number of respondents: Approximately 100 schools and libraries.

(2) Frequency of response: On occasion reporting requirement, recordkeeping and third party disclosure requirement.

(3) Annual hour burden per respondent: 1 hour for approximately 100 respondents. Total hour burden: **100 hours.**

(4) Total estimate of annualized cost to respondents for the hours burdens for collection of information: We estimate that this requirement will take approximately 1 hour per respondent and will occur only once for approximately 100 respondents.  $100 \text{ (number of respondent)} \times 1 \text{ (number of hours)} \times \$45 \text{ per hour (includes administrative staff time and overhead)} = \$4,500.$

**b. Letter certifying that its service provider was unwilling to deliver or install non-recurring services before the expiration of the original non-recurring service installation deadline, because the Administrator had withheld payment for those services on a properly-submitted invoice for more than 60 days after the submission of the invoice:**

(1) Number of respondents: Approximately 750 schools and libraries.

(2) Frequency of response: On occasion reporting requirement, recordkeeping and third party disclosure requirement.

(3) Annual hour burden per respondent: 1 hour for approximately 750 respondents. Total hour burden: **750 hours.**

(4) Total estimate of annualized cost to respondents for the hours burdens for collection of information: We estimate that this requirement will take approximately 1 hour per respondent

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and will occur only once for approximately 750 respondents.  $750$  (number of respondent)  $\times$   $1$  (number of hours)  $\times$   $\$45$  per hour (includes administrative staff time and overhead) =  $\$33,750$ .

**Total Number of Respondents:**  $100 + 750 = 850$  respondents

**Total Number of Responses Annually:**  $100 + 750 = 850$  responses

**Total Annual Burden Hours:  $100 + 750 = 850$  hours.**

13. The following represents the Commission's estimate of the annual cost burden to respondents or record-keepers resulting from the collections of information: We estimate that there will not be capital or start-up costs for any of these requirements. We do not believe that these requirements will necessitate any additional equipment. We estimate that there will be no operating and maintenance or purchase of service costs for these requirements. There is no filing fee associated with this collection.

14. There will be few, if any costs to the Commission because notice and enforcement requirements are already part of Commission duties. Moreover, there will be minimal cost to the Federal government since an outside party will administer this program.

15. No change in burden is requested. The public burden for the collections contained herein continues to be estimated to be 850 burden hours. The information collection requirements are necessary to implement the universal service discount program for schools and libraries.

16. Non-proprietary information will likely be made publicly available although the Commission does not have specific plans for doing so at this time.

17. No request is being made not to display the expiration date since this information collection does not include any FCC forms.

18. The Commission notes that we now believe that the respondents include state, local, or tribal government; ~~t~~There are no other exceptions to the Certification Statement.

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

This information collection does not employ any statistical methods.