

SUPPORTING STATEMENT

A. Justification:

Background Information:

1. The Federal Communications Commission (“Commission”) is requesting that the Office of Management and Budget (OMB) approve a three-year extension of the information collection titled, “Section 63.701, Request for Designation as a Recognized Private Operating Agency (RPOA),” under OMB Control No. 3060-0357 (Delegated Authority Collection). There are no changes in the number of annual respondents and annual burden hours. There is a change (adjustment) to the annual costs. In the previous submission to the OMB, there was a error in calculating the cost. It has been corrected in this submission (-\$3,000 in annual costs).

At the request of the U.S. Department of State, the Commission adopted a voluntary program by which companies that provide enhanced services could seek designation as a recognized private operating agency (RPOA). The term RPOA was used in the International Telecommunication Convention, the international agreement that created the International Telecommunication Union (ITU), to refer to private-sector providers of international telecommunication services that had been “recognized” either by the government of the country in which they had been incorporated, or the country where they operated.

Most providers of international telecommunications services to or from the U.S. hold either an authorization under Section 214 of the Communications Act or a radio license under Section 301 of the Act. The issuance of such authorizations or licenses is public evidence that the U.S. government “recognizes” the entities to which they are issued. However, providers of enhanced services are not licensed or authorized. They are permitted to begin operations without any formal applications or notifications. It is not, therefore, immediately apparent to foreign governments that a U.S. enhanced service provider has been “recognized” within the meaning of the ITU Convention. As a consequence, such entities have sometimes found foreign governments unwilling to let them operate in those countries.

As a result, providers requested that the Commission and Department of State develop a program whereby enhanced service providers could be formally designated as RPOAs. The program that was developed calls for those entities wishing to obtain such a designation to submit an application to the Commission setting forth pertinent information about the provider and the services it proposes to provide and a pledge by the provider that it would abide by all international obligations to which the U.S. is a signatory. The Commission places the application on public notice and allows interested parties to comment on the application. The Commission then makes a recommendation, based on the application and comments, to the Department of State either to grant or deny the request. The Department of State then acts on

the recommendation and notifies the ITU of any applications that it grants. RPOA designation is voluntary. If an enhanced service provider does not find such designation necessary, it is not required to file an application.

In order to implement this program, the Commission adopted 47 CFR 63.701 to set forth the information that must be contained in an application for designation as an RPOA. RPOA designations do not have expiration dates. They continue indefinitely, unless revoked for cause. RPOAs are not required to file any reports or other information with the Commission throughout their indefinite period of designation.

Any party requesting designation as an RPOA within the meaning of the International Telecommunication Convention must file a request for such designation with the Commission. This filing includes a statement of the nature of the services to be provided and a statement that the applicant is aware that it is obligated under Article 6 of the International Telecommunications Union (ITU) to obey the mandatory provisions thereof, and all regulations promulgated there under, and a pledge that it will engage in no conduct or operations that contravene such mandatory provisions and that it will otherwise obey the Convention and regulations in all respects. The applicant must also include a statement that it is aware that failure to comply will result in an order from the Commission to cease and desist from future violations of an ITU regulation and may result in revocation of its RPOA status by the U.S. Department of State.

The International E-Filing R&O implemented the proposals made in the preceding Notice of Proposed Rulemaking (NPRM) of the same title (FCC 04-133). The International E-Filing R&O eliminated paper filings and requires applicants to file electronically all applications and other filings related to international telecommunications services via the user-friendly, Internet-based International Bureau Filing System (IBFS).

Electronic filing has become a public standard for international telecommunications services. Over 90 percent of all applications for international telecommunications services that are currently available on-line are voluntarily filed with the Commission electronically in the IBFS. There is a great user demand for forms that currently do not exist in an electronic format. The R&O fulfills the public's high demand for electronic applications that are (or will be) accessible in the IBFS. Of particular note, the Commission did not receive any comments from the public opposing mandatory electronic filing of applications during the NPRM stage of the rulemaking. Therefore, the Commission requested and obtained OMB's approval of mandatory electronic filing requirements for all applications related to request for designation as a Recognized Private Operating Agency (RPOA).

The Commission plans to develop a new request titled, "Recognized Operating Agency (ROA) – Other Filings" that impacts this information collection. We do not know the specific time frame

for the development of the request. We estimate that the projected completion date for the application is no later than December 31, 2008. The development of the request is contingent upon the availability of budget funds, human resources and other factors. The annual burden hours and costs are unknown at this time because the request has not been developed by the Commission yet. Therefore, this PRA submission does not reflect any changes in annual burden hours and annual costs.

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 Commission has authority for this collection pursuant to Sections 4(i), 4(j), 201-205, 214 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(j), 201-25, 214 and 403.

2. The Commission requests this information in order to make recommendations to the U.S. Department of State for granting recognized private operating agency (RPOA) status to requesting entities. The Commission does not require entities to request RPOA status. Rather, this is a voluntary application process for use by companies that believe that obtaining RPOA status will be beneficial in persuading foreign governments to allow them to conduct business abroad. RPOA status also permits companies to join the International Telecommunication Union's (ITU's) Telecommunications Sector, which is the standards-setting body of the ITU. The information furnished in RPOA requests is collected pursuant to Section 63.701 of the Commission rules.

3. As a result of the International E-Filing R&O, the Commission requires mandatory electronic filing of RPOA applications. Therefore, this information collection reflects that 100 percent of RPOA applications are filed with the Commission electronically in the International Bureau Filing System (IBFS).

4. This information that is collected in these applications is not duplicated elsewhere. Similar information is not available.

5. This collection of information does not have a significant impact on small entities. Requesters for designation as RPOAs traditionally are large entities. Also, the yearly volume of applications received by the Commission is minimal, and the paperwork burden per application is minimal.

6. Entities submit these applications on a voluntary basis. The collection of information is a one-time collection for each respondent. Without this information collection, the Commission's policies and objectives for assisting unregulated providers of enhanced services to enter the market for international enhanced services would be thwarted.

7. The collection of information is not being conducted in any manner known to be inconsistent with the guidelines 5 CFR 1320.6.
8. The Commission published a notice in the Federal Register on December 10, 2007 (72 FR 69682). No comments were received from the public with regard to the notice. A reference to the notice is included in the submission to the OMB.
9. The Commission will not provide any payment or gift to respondents.
10. Persons who believe that the collection contains confidential information may request confidential treatment under the Commission's rules, see 47 CFR 0.459.
11. The collection does not contain questions of a sensitive nature.
12. Current filing trends show that no more than ten applications are filed with the Commission on an annual basis. We estimate that half of the respondents file these with the use of their in-house staff and undergo an average paperwork burden of five hours to prepare and file each application. We estimate that the other half of the respondents still rely on outside legal assistance to file their applications. These respondents undergo a paperwork burden of two hours to coordinate with outside legal assistance who then prepare and file the application. The annual paperwork burden for this collection is therefore:

5 respondents using in-house staff	x 5 hrs	= 25 hrs.
5 respondents using outside legal assistance	x 2 hrs.	= 10 hrs.
Total annual paperwork burden		= 35 hrs.

Respondents' In-House Costs: We estimate that the loaded hourly rate for in-house staff at respondents' companies to prepare and file the applications will be \$40.

5 applications filed by in-house staff x 5 hrs. each x \$40 per hr. = \$1,000.

13(a). For this collection, we estimate that half of the respondents will use outside legal assistance to prepare and file their applications. We estimate that respondents pay outside legal assistance approximately \$200 per hour for their assistance. The paperwork burden for each application is 2 hours. Therefore, 5 applications x 2 hrs. each x \$200 per hr. = \$2,000.

The filing of each of these applications also entails an \$815 application fee. We estimate that 10 applications are filed annually (5 by in-house staff, and 5 with outside legal assistance). Therefore, 10 applications x \$815 = \$8,150.

Total capital and start up costs = \$2,000 + \$8,150 = \$10,150 rounded down to \$10,000.

13(b). Total operation and maintenance and purchase of services component: None.

13(c). Total annual cost burden to respondents: \$10,000.

14. Government Costs:

No. of Responses	Burden Hours	Total Hours	Costs per/hour	Total costs
10	3	30	\$40	\$1,200

15. The Commission has adjusted the annual cost burden to correct a mathematical error that was reported in the last submission to the OMB. In the 2005 submission to the OMB, we used 5 hours per response for outside contracting costs. The estimate should have been 2 hours per response. With this submission, we are reporting -\$3,000 in annual costs.

16. This information will not be tabulated for statistical use. The data will be used only to act on individual applications. The Commission does not publish the information but it does make the individual application files available for public inspection.

17. No waiver of the OMB expiration date is necessary.

18. There are exceptions to the certification statement. When the Commission published the 60-day notice, we stated an incorrect annual cost estimate. With this submission to the OMB, we are reporting more accurate estimates.

B. Collections of Information Employing Statistical Methods.

The Commission does not employ statistical methods.