

Telephone Numbering System and E911 Requirements for Internet-based Telecommunications Relay Service Providers, Further Notice of Proposed Rulemaking, CG Docket No. 03-123 and WC Docket No. 05-196, FCC 08-151

## SUPPORTING STATEMENT

### A. Justification:

1. The Commission proposes revised information collections contained in 3060-1089: Telephone Numbering System and E911 Requirements for Internet-based Telecommunications Relay Service Providers.

The Commission adopted a *Further Notice of Proposed Rulemaking (Notice)* on June 11, 2008, proposing rules to govern providers of three forms of Internet-based Telecommunications Relay Services (TRS) — specifically, Video Relay Service (VRS), Internet Protocol Relay Service (IP Relay), and Internet Protocol Captioned Telephone Service (IP CTS) — in supplying numbering and E911 capabilities to their users.<sup>1</sup> In addition, the *Notice* proposes rules with respect to consumer privacy that would govern TRS providers generally. Specifically, the *Notice* proposed seven separate information collections or modifications to existing information collections:

- (A) *Provision of Registered Location to Non-Default Providers.* The *Notice* proposes to allow non-default providers access to Registered Location information for routing emergency calls to the appropriate emergency services authorities if the caller does not place the emergency call through the default provider.
- (B) *Inter-Provider Signaling.* The *Notice* proposes that Internet-based TRS providers engage in inter-provider signaling and transfer of information for purposes such as registering end users' Internet-based TRS devices, verifying end users' registration, as well as transitioning to future standards-based signaling and Session Initiation Protocol (SIP)-based end devices.<sup>2</sup>
- (C) *Device Registration.* The *Notice* proposes to require device registration, *inter alia*, so that default Internet-based TRS providers only accept calls from their own registered Internet-based TRS users, from the public switched telephone network (PSTN), or from another Internet-based TRS provider.
- (D) *Verification of Registration.* The *Notice* proposes that Internet-based TRS providers implement a closed system requiring Internet-based TRS providers to validate the registration of users before completing non-emergency calls to help curb IP Relay fraud.
- (E) *Slamming.* The *Notice* proposes to adopt rules to protect relay consumers against unauthorized default provider changes. One way in which this could be done is to extend to Internet-based TRS providers existing rules and procedures, set forth in 47 C.F.R. Subpart K, protecting consumers against unauthorized carrier changes; among other options is to adopt a parallel set of rules for

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<sup>1</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CGB Docket No. 03-123, WC Docket No. 05-196, FCC 08-151 (rel. June 24, 2008) (*Order*).

<sup>2</sup> Videophones and other devices that send video via the Internet to make VRS calls operate via specific call signaling protocols or standards that connect the two endpoints to the call. SIP identifies a newer set of these standards.

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submitting or executing a change on behalf of an Internet-based TRS user in the selection of a default provider, modeled after the Commission's current slamming regulations. The *Notice* further proposes to require Internet-based TRS providers to either: (1) obtain the Internet-based TRS user's written or electronically signed authorization; or (2) obtain the Internet-based TRS user's electronic authorization.

(F) *Consumer Privacy*. The *Notice* proposes to extend to Internet-based TRS providers existing Customer Proprietary Network Information (CPNI) rules, set forth in 47 C.F.R. Subpart U, to ensure the privacy and security of Internet-based TRS users' call records or other personally identifiable account or usage information, including their Registered Location information. It also seeks comment on whether such rules should apply to *all* TRS providers.

(G) *Extending Information Collections to IP CTS*. The *Notice* proposes to extend the information collections adopted in the Commission's *Order* as well as the proposals for inter-provider signaling, provision of Registered Location to non-default providers, slamming, and consumer privacy regulations set forth in the *Notice* to IP CTS providers.

Title IV of the Americans with Disabilities Act of 1990 requires the creation of a nationwide TRS program to allow persons with hearing and speech disabilities access to the nation's telephone network.<sup>3</sup> Title IV requires that TRS be available to the extent possible and in the most efficient manner,<sup>4</sup> and that relay services offer access to the telephone system that is "functionally equivalent" to voice telephone services, as reflected in the TRS mandatory minimum standards.

The Commission's *Order* integrated VRS and IP Relay users into the ten-digit numbering system known as the North American Numbering Plan. Moreover, the *Order* ensured that emergency calls placed by VRS and IP Relay users will be routed directly and automatically to the appropriate emergency services authorities.

The *Notice* proposes additional rules to enhance the transfer of information among Internet-based TRS providers as well as enhance the security of the numbering system adopted in the *Order*. In addition, the *Notice* proposes rules regarding verification of user registrations in order to help curb fraudulent use of IP Relay. The *Notice* also proposes to extend slamming and CPNI rules to Internet-based TRS providers and extend the information collections required of VRS and IP Relay providers to IP CTS providers so that users of IP CTS may benefit from the numbering system adopted in the *Order*.

If an Internet-based TRS user places an emergency call through an Internet-based TRS provider other than the Internet-based TRS user's default provider, the default provider may not have access to the Internet-based TRS user's Registered Location information. The Commission therefore proposes rules relating to the provision of Registered Location to non-default Providers.

Implementation of inter-provider signaling using SIP for internet-based TRS will facilitate a transition from the current requirement that end devices implement H.323 protocols<sup>5</sup> to an environment that will support H.323 standard and SIP end devices. The Commission therefore

<sup>3</sup> Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990); 47 U.S.C. § 225.

<sup>4</sup> 47 U.S.C. § 225(b)(1).

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proposes rules relating to the implementation of inter-provider signaling. Requiring Internet-based TRS providers to implement device registration such that default Internet-based TRS providers only accept calls from their own registered Internet-based TRS users, from the public switched telephone network (PSTN), or from another Internet-based TRS provider will improve the security of the TRS numbering system and the equipment and networks of both providers and users.

Requiring that Internet-based TRS providers implement a closed system requiring Internet-based TRS providers to validate the registration of users before completing non-emergency calls is likely to help curb IP Relay fraud.

Section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996,<sup>6</sup> makes it unlawful for any telecommunications carrier to “submit or execute a change in a subscribers selection of a provider of telecommunications exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe.” The Section further provides that any telecommunications carrier that violates such verification procedures and that collects charges for telephone exchange service or telephone toll service from a subscriber shall be liable to the carrier previously selected by the subscriber in an amount equal to all charges paid by the subscriber after such violation. The *Notice* proposes to extend these obligations to Internet-based TRS providers to protect their users from unlawful changes in providers.

Furthermore, Section 222 of the Act<sup>7</sup> regulates telecommunications carriers’ “use and disclosure of CPNI and other customer information obtained by carriers in their provision of telecommunications services. CPNI is “information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service” that is available to a carrier “solely by virtue of the carrier-customer relationship.”<sup>8</sup> As a practical matter, CPNI may include information such as the phone numbers called by a consumer; the frequency, duration, and timing of such calls; and any services purchased by the consumer, such as call waiting. Section 222(c)(1) provides that a carrier may only use, disclose, or permit access to customers’ CPNI in limited circumstances: (1) as required by law; (2) with the customer’s approval; or (3) in its provision of the “telecommunications service from which such information is derived,” or in its provision of “services necessary to, or used in, the provision of such telecommunications service.”<sup>9</sup> The *Notice* proposes to extend these CPNI

obligations to Internet-based TRS providers to protect the privacy of their users’ call records or other personally identifiable account or usage information, including their Registered Location information.

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<sup>5</sup> As discussed above, *see supra* note 2, devices that send video via the Internet to make VRS calls operate via specific call signaling protocols or standards that connect the two endpoints to the call. H.323 identifies one set of protocols for transmitting real-time voice and video over packet-based networks.

<sup>6</sup> 47 U.S.C. § 258.

<sup>7</sup> 47 U.S.C. § 222.

<sup>8</sup> *See* 47 U.S.C. § 222(h)(1).

<sup>9</sup> *See* 47 U.S.C. § 222(c)(1).

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There was insufficient information in the record of the *Order* to make a finding on whether to extend the information collection obligations set forth therein to IP CTS. IP CTS is, however, a form of Internet-based TRS. The *Notice* therefore proposes to extend the obligations set forth in the *Order*, as well as those set forth in the *Notice*, to IP CTS.

Statutory authority is contained in sections 1, 2, 4(i), 4(j), 222, 225, 251, 258, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 222, 225, 251, 258, 303(r).

2. (A) *Provision of Registered Location to Non-Default Providers.* Registered Location information will be used by each Internet-based TRS provider, as well as their 911 service providers, to complete 911 calls placed by callers that have selected another Internet-based TRS provider as their default provider. This information will be used whenever a 911 call is placed through a non-default provider.

(B) *Inter-Provider Signaling.* Each Internet-based TRS provider will collect its registered users' registration and routing information to register its users' Internet-based TRS devices, verify its users' registration, and use the information in the transition to standards-based signaling and SIP-based end devices.

(C) *Device Registration.* Device registration will be used to improve the security of the TRS numbering system and the equipment and networks of both providers and users.

(D) *Verification of Registration.* Registration verification will be used to help reduce fraud by ensuring a calling party is entitled to access the network.

(E) *Slamming.* Each Internet-based TRS provider will use the Internet-based TRS users' information to implement Section 258 of the Act and deter slamming, while protecting Internet-based TRS users from providers that may take advantage of confusion over different types of Internet-based TRS services.

(F) *Consumer Privacy.* Each Internet-based TRS provider will collect its users' network information, including their call records, Registered Location, or other personally identifiable account or usage information in accordance with Section 222 of the Act and the Commission's implementing rules.

(G) *Extending Information Collections to IP CTS.* Each IP CTS provider will collect the necessary information from its users to comply with the rules set forth in the *Order* as well as the proposals set forth herein to allow users of IP CTS to take advantage of the ten-digit numbering system and related protections.

3. The Commission encourages Internet-based TRS providers to use information technology to whatever extent possible to reduce the burden of these information collections. The Commission expects that the provision of Registered Location to non-default providers and inter-provider signaling will be completed automatically using information technology.
4. None of the information collections in the *Notice* will be duplicative of other information collections. The Commission has also taken the affirmative step of proposing inter-provider signaling procedures so that Internet-based TRS providers may share registration, routing, and Registered Location

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information and, therefore, Internet-based TRS users will not need to provide their information to each VRS, IP Relay and IP CTS provider.

5. The collections of information may impact small business entities. The Commission is committed to reducing the regulatory burdens on small businesses whenever possible, consistent with the

Commission's other public interest responsibilities. As part of the provision of Registered Location to non-default providers and inter-provider signaling requirements proposed in the *Notice*, once Internet-based TRS providers have collected their users' registration, routing, and Registered Location information, that information may be transferred to other Internet-based TRS providers electronically. Device registration and verification of registration are likewise expected to be fully automated processes. The *Notice* also contemplates compensating VRS, IP Relay and IP CTS providers for their reasonable costs of complying with the proposals set forth herein. Moreover, the *Notice* seeks specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

6. (A) *Provision of Registered Location to Non-Default Providers.* If an Internet-based TRS user places an emergency call through an Internet-based TRS provider other than the Internet-based TRS user's default provider, the default provider may not have access to the Internet-based TRS user's Registered Location information. The non-default provider will be unable to ensure that Internet-based TRS users' calls will be routed directly and automatically to the appropriate emergency services authorities.

(B) *Inter-Provider Signaling.* Without this information, Internet-based TRS providers will be unable to transition to a standards-based signaling system and to SIP-based end devices.

(C) *Device Registration.* Without this information, Internet-based TRS providers will be unable to improve the security of the TRS numbering system and the equipment and networks of both providers and users.

(D) *Verification of Registration.* Without this information, Internet-based TRS providers will be less able to curb IP Relay fraud.

(E) *Slamming.* Without the information collection requirements proposed in the *Notice*, Internet-based TRS users might not be aware of their rights and responsibilities with respect to Internet-based TRS provider changes.

(F) *Consumer Privacy.* Without the information collections proposed in the *Notice*, the privacy and security of Internet-based TRS users' call records or other personally identifiable account or usage information, including their Registered Location information, may be at risk.

(G) *Extending Information Collections to IP CTS.* If IP CTS providers do not collect the information proposed in the *Order* and the *Notice*, users of IP CTS will be unable to take advantage of the ten-digit numbering system and related protections.

7. No other special circumstances will apply to the information collections proposed in the *Notice*.

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8. Pursuant to 5 C.F.R. § 1320.8(d)(4), the Commission is soliciting comments on this proposed information collection in a proposed rule to be reviewed under 5 C.F.R. § 1320.11. The Commission published a 60 day notice in the *Federal Register* pursuant to 5 CFR 1320.8(d). See 73 FR 41307, July 18, 2008.
9. Section 225 of the Communications Act of 1934, as amended, creates a cost recovery regime whereby the TRS Interstate Fund compensates interstate and, presently, Internet-based TRS providers for the reasonable costs of providing service in compliance with TRS regulations.<sup>10</sup> The *Notice* proposes that the TRS Interstate Fund will reimburse IP CTS respondents for the actual reasonable costs of complying with the new requirements adopted in the *Order* and the *Notice*.
10. This information collection affects individuals or households, and thus there are impacts under the Privacy Act. However, a third party, the individual or household's VRS, IP Relay or IP CTS provider, collects the information that is related to individuals or households; and the Commission has no direct involvement in this collection. As such, the Commission is not required to complete a privacy impact assessment. Further, Internet-based TRS providers generally have written privacy policies governing the treatment of information collected from their users, and the Commission expects that much of the information collected here would fall under those policies.

In addition, in the *Notice*, the Commission sought comment on the extent to which its customer proprietary network information rules, which are designed to ensure the privacy and security of consumers' personally identifiable account or usage information, should apply to Internet-based TRS providers. The Commission will address these issues in the forthcoming order.

11. This information collection does not address any private matters of a sensitive nature.
12. ***Estimates of the burden hours to comply with the proposed collection of information are as follows:***

Eleven entities currently provide VRS, IP Relay, and IP CTS services to about 200,000 users.

(A) *Provision of Registered Location to Non-Default Providers.*

- (1) Number of Respondents: **11.**
- (2) Frequency of response: On occasion.
- (3) Total Number of Responses Annually: The Commission estimates that approximately 15% of all Internet-based TRS users will place a 911 call during a calendar year, but that only 5% of those calls will be placed through a non-default provider.  $200,000 \text{ users} \times .15 \times .05 = \mathbf{1,500 \text{ responses}}$
- (4) Total Annual Hourly Burden: **426 hours**

The Commission estimates that Internet-based TRS providers will use advanced IT software to design the system to provide non-default Internet-based TRS providers access to

<sup>10</sup> 47 U.S.C. § 225(d)(3); 47 C.F.R. § 64.604(c)(5).

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Registered Location data such that the process is fully automated. This will minimize both the response time and the cost for Internet-based TRS providers.

1,500 responses x 1 minute (.017 hours)/response = 25.5 hours (rounded to 26 hours)

The Commission further estimates that, in the aggregate, Internet-based TRS providers will require 300 hours to develop the system and 100 hours to manage it.

300 development hours + 100 management hours = 400 hours

Total: 26 hours + 400 hours = 426 hours

(5) Total "In House" Costs: \$20,348

The Commission assumes the Internet-based TRS providers use these comparable staff:

(a) a GS-13/Step 5 (\$45.05/hour) Federal employee, plus 30% overhead, to implement the automated system required to make Registered Location information available to non-default providers. The Commission estimates respondents' costs to be about \$58.57 per hour to comply with the requirement:

(b) a GS-7/Step 5 (\$21.36/hour) Federal employee, plus 30% overhead, to manage the processes on an annual basis. The Commission estimates respondents' costs to be about \$27.77 per hour to comply with the requirement;

300 development hours x \$58.57 /hour= \$17,571.00

100 management hours x \$27.77/hour = \$2,777.00

Total: \$20,348.00

There are no costs associated with the placement of 911 calls through non-default providers (for which the Commission estimates an annual burden of 25.5 hours), because that process will be fully automated.

(B) *Inter-Provider Signaling.*

(1) Number of Respondents: 11.

(2) Frequency of response: On occasion.

(3) Total Number of Responses Annually: The Commission estimates that approximately 105 million Internet-based TRS calls are placed per year.

(4) Total Annual Hourly Burden: 29,767 hours

The Commission estimates that Internet-based TRS providers will use advanced IT software to design the inter-provider signaling system such that the process is fully automated. This will minimize both the response time and the cost for Internet-based TRS providers.

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105,000,000 responses x 1 second/response = 29,166.67 hours (rounded to 29,167 hours)

The Commission further estimates that, in the aggregate, Internet-based TRS providers will require 500 hours to develop the system and 100 hours to manage it.

500 development hours + 100 management hours = 600 hours

Total: 29,167 hours + 600 hours = 29,767 hours

(5) Total “In House” Costs: \$32,062

The Commission assumes the Internet-based TRS providers use these comparable staff:

- (a) a GS-13/Step 5 (\$45.05/hour) Federal employee, plus 30% overhead, to implement the automated system required to make Registered Location information available to non-default providers. The Commission estimates respondents’ costs to be about \$58.57 per hour to comply with the requirement;
- (b) a GS-7/Step 5 (\$21.36/hour) Federal employee, plus 30% overhead, to manage the processes on an annual basis. The Commission estimates respondents’ costs to be about \$27.77 per hour to comply with the requirement.

500 development hours x \$58.57/hour = \$29,285.00

100 management hours x \$27.77/hour = \$2,777.00

Total: \$32,062.00

There are no costs associated with the placement of Internet-based TRS calls (for which the Commission estimates an annual burden of 29,167 hours), because that process will be fully automated.

(C) *Device Registration.*

- (1) Number of Respondents: 200,000.
- (2) Frequency of response: On occasion.
- (3) Total Number of Responses Annually: The Commission estimates that an end user will bring his or her device online such that it must register with the network once per day.

200,000 users x 1 registration/day x 365 days = 73,000,000 responses annually

- (4) Total Annual Hourly Burden: 20,878 hours

The Commission estimates that Internet-based TRS providers will use advanced IT software to design the device registration system such that the process is fully automated. This will minimize both the response time and the cost for Internet-based TRS providers.



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73,000,000 responses x 1 second/response = 20,278 hours

The Commission further estimates that, in the aggregate, Internet-based TRS providers will require 500 hours to develop the system and 100 hours to manage it.

500 development hours + 100 management hours = 600 hours

Total: 20,278 hours + 600 hours = 20,878 hours

(5) Total "In House" Costs: \$32,062.00

The Commission assumes the Internet-based TRS providers use these comparable staff:

- (a) a GS-13/Step 5 (\$45.05/hour) Federal employee, plus 30% overhead, to implement the automated system required to register end-user devices. The Commission estimates respondents' costs to be about \$58.57 per hour to comply with the requirement.
- (b) a GS-7/Step 5 (\$21.36/hour) Federal employee, plus 30% overhead, to manage the processes on an annual basis. The Commission estimates respondents' costs to be about \$27.77 per hour to comply with the requirement

500 development hours x \$58.57/hour = \$29,285.00

100 management hours x \$27.77/hour = \$ 2,777.00

Total: \$32,062.00

There are no costs associated with daily registration of user devices (for which the Commission estimates an annual burden of 20,278 hours), because that process will be fully automated.

(D) *Verification of Registration.*

- (1) Number of Respondents: 11.
- (2) Frequency of response: Occasional.
- (3) Total Number of Responses Annually: An Internet-based TRS provider will need to validate the registration of newly registered users. The Commission estimates that approximately 20% of users will change their default providers during a calendar year. The following calculation therefore includes initial registration of the existing user base, plus 20% churn.

200,000 initial user verifications + 40,000 churn verifications = 240,000 verifications annually

- (4) Total Annual Hourly Burden: 40,660 hours

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The Commission estimates that Internet-based TRS providers will use advanced IT software to design the inter-provider signaling system such that the process is automated. This will minimize both the response time and the cost for Internet-based TRS providers.

240,000 verifications x 5 minutes (.084 hours)/verification = 20,160 hours

The Commission further estimates that, in the aggregate, Internet-based TRS providers will require 500 hours to develop the system and 20,000 hours to manage it.

500 development hours + 20,000 management hours = 20,500 hours

Total: 20,160 hours + 20,500 hours = 40,660 hours

(5) Total “In House” Costs: \$584,685

The Commission assumes the Internet-based TRS providers use these comparable staff:

- (a) a GS-13/Step 5 (\$45.05/hour) Federal employee, plus 30% overhead, to implement the automated system required to verify registration. The Commission estimates respondents’ costs to be about \$58.57 per hour to comply with the requirement.
- (b) a GS-7/Step 5 (\$21.36/hour) Federal employee, plus 30% overhead, to execute verifications on an annual basis. The Commission estimates respondents’ costs to be about \$27.77 per hour to comply with the requirement.

500 development hours x \$58.57/hour = \$29,285.00

20,000 management hours x \$27.77/hour = \$555,400.00

Total: \$584,685.00

There are no costs associated with validation of the registration of newly registered users (for which the Commission estimates an annual burden of 20,160 hours), because that process will be fully automated.

(E) *Slamming.*

In the *Notice*, the Commission proposes to adopt rules to protect Internet-based TRS users against “slamming,” which in the case of Internet-based TRS would be unauthorized default provider changes. The Commission seeks comment on whether its current slamming rules protecting consumers against unauthorized carrier changes may be modified in such a way that they also may apply to VRS and IP

Relay, or whether it should adopt a parallel set of slamming rules to apply specifically to VRS and IP Relay providers and that largely track the Commission’s current slamming regulations. In either case, the

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Commission finds it appropriate to estimate the burdens of any slamming regulations it adopts in response to the *Notice* based on the burdens imposed by the current slamming regulations.

- a. Section 64.1110 – State Notification of Election to Administer FCC Rules. The following represents the estimate of hour burden for the information collection under Section 64.1110:

The Commission estimates that there are approximately 52 state commissions subject to the requirement. This process will be done “on occasion” and will require approximately 2 hours to comply with the requirement. In fact, fewer state commissions may opt to comply with this requirement, which is voluntary. In addition, the Commission anticipates that many states will only comply with this requirement once.

52 state commissions x 1 notification = 52 responses

52 state commissions x 1 notification x 2 hours = 104 hours

The Commission assumes that respondents use “in house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead).

52 state commissions x 1 notification x 2 hours x \$58.57/hr = \$6,091.28

- b. Section 64.1120 – Verification of Orders for Telecommunications Service. The following represents the estimate of hour burden for the information collection under Section 64.1120:

The Commission estimates that there are approximately 11 Internet-based TRS providers subject to the requirement. This process will be done “on occasion” and will require approximately 2 hours to comply with the requirements.

11 providers x 1 verification document = 11 responses

11 providers x 1 verification document x 2 hours = 22 hours

The Commission assumes that respondents use “in house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead).

11 providers x 1 verification document x 2 hours x \$58.57/hr = \$1,288.54

- c. 64.1130 – Letters of Agency. The following represents the estimate of hour burden for the information collection under Section 64.1130:

The Commission estimates that there are approximately 11 Internet-based TRS providers subject to the requirement. This process will be done “on occasion” and will require approximately 4 hours to comply with the requirement. This estimate of the average burden contemplates that some companies will experience no burden, while others may need several more hours to comply with the requirements.

11 providers x 1 letter of agency & consent/provider form = 11 responses

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11 providers x 1 letter of agency & consent/provider form x 4 hours = 44 hours

The Commission assumes that respondents use “in house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead).

11 providers x 1 letter of agency & consent/provider form x 1 hour x \$58.57/hr = \$644.27

Also, assuming the respondents use “in house” personnel whose pay is comparable to a mid level federal employee (GS-7/5, plus 30% overhead).

11 provider x 1 letter of agency & consent/provider form x 3 hours x \$27.77/hr = \$916.41

- d. Section 64.1140 – Carrier Liability for Slamming. The following represents the estimate of hour burden of the information collection under Section 64.1140:

The Commission estimates that there are approximately 11 Internet-based TRS providers subject to the requirement. This process will be done “on occasion” taking approximately 2 hours to comply with the requirement. This estimate of the average burden contemplates that some companies will experience no burden, while others may need several more hours to comply with the requirements.

11 providers x 1 notification/provider = 11 responses

11 providers x 1 notification/provider x 2 hours = 22 hours

The Commission assumes that the respondents use “in house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead).

11 providers x 1 notification/provider x 2 hours x \$58.57/hr = \$1,288.54

- e. Section 64.1150 – Procedures for Resolution of Unauthorized Changes in Preferred Carrier. The following represents the estimate of hour burden of the information collection under 64.1150:

The Commission estimates that there are approximately 11 Internet-based TRS providers and 39 state commissions subject to the requirement. This process will be done “on occasion” and will require approximately 5 hours to comply with the requirement.

11 providers + 39 states x 1 notification/respondent = 50 responses

11 providers + 39 states x 1 notification/respondent x 5 hours = 250 hours

The Commission assumes that respondents use “in house” personnel whose pay is comparable to a mid-to-senior level employee (GS-13/5, plus 30% overhead).

11 providers + 39 states x 1 notification/respondent x 5 hours x \$58.57/hr = \$14,624.50

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- f. Section 64.1160 – Absolution Procedures Where the Subscriber has Not Paid Charges. The following represents the estimate of hour burden for the information collection under 64.1160:

The Commission estimates there are approximately 11 providers and 39 state commissions subject to the requirement. This process will be done “on occasion” and will require approximately 8 hours to comply with the requirement.

11 providers + 39 states x 1 notification/respondent = 50 responses

11 providers + 39 states x 1 notification or complaint/respondent x 8 hours = 400 hours

The Commission assumes that respondents use “in house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead).

11 providers + 39 states x 1 notification or complaint/respondent x 8 hours x \$58.57/hr = \$23,428

- g. Section 64.1170 – Reimbursement Procedures Where the Subscriber Has Paid Charges. The following represents the estimate of hour burden of the information collection under Section 64.1170:

The Commission estimates that there are approximately 11 providers and 39 states subject to the requirement. This process will be done “on occasion” and will require approximately 7 hours to comply with the requirement.

11 providers + 39 states x 1 notification/filings/respondent = 50 responses

11 providers + 39 states x 1 notification/filings/respondent x 7 hours each = 350 hours

The Commission assumes that respondents use “in house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead).

11 providers + 39 states x 1 notification/filings/respondent x 7 hours each x \$58.57/hr = \$20,499.58

- h. Section 64.1190 – Preferred Carrier Freezes. The following represents the estimate of hour burden for the information collection under Section 64.1190:

The Commission estimates that there are approximately 11 providers subject to the requirement. This process will be done “on occasion” and will require approximately 2 hours to comply with the requirement.

11 providers x 1 preferred provider freeze document = 11 responses

11 providers x 1 preferred provider freeze document x 2 hours = 22 hours

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The Commission assumes that respondents use “in house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead).

11 providers x 1 preferred provider freeze document x 2 hours x \$58.57/hr = \$1,288.54

- i. Section 1.719 – Informal Complaints Filed Pursuant to Section 258 of Act. The following represents the estimate of hour burden for the information collection under Section 1.719:

The Commission estimates that there are approximately 1,675 consumers subject to the requirement. This process will be done “on occasion” and will require approximately 4 hours to comply with the requirement.

1,675 consumers x 1 complaint/document/filing/respondent = 1,675 responses

1,675 consumers x 1 complaint/document/filing/respondent x 4 hours each = 6,700 hours

Because consumers utilize FCC Form 501 to file informal complaints pursuant to Section 258 of the Act, there will be no ‘in-house” personnel to comply with the requirement.

- j. Voluntary Reporting Requirement. The following represents the estimate of hour burden for the voluntary information collection:

The Commission estimates that there are approximately 52 state commissions subject to the requirement. This process will be done “twice per year” which will take approximately 10 hours in total (5 hours each time) to comply with the requirement. In fact, fewer state commissions may opt to undertake this voluntary information collection.

52 state commissions x 1 filing/respondent = 52 responses

52 state commissions x 1 filing/respondent x 10 hours each = 520 hours

The Commission assumes that respondents use “in house” personnel whose pay is comparable to mid-to-senior level federal employee (GS-13/5, plus 30% overhead).

52 state commissions x 1 filing/respondent x 10 hours each \$58.57/hr = \$30,456.40

- k. Drop-off Rule Exemption Requirement. The following represents the estimate of hour burden for the voluntary information collection:

The Commission estimates that there are approximately 11 providers subject to the requirement. This process will be “once every two years” and take 1 hour (which equals to 0.50 hours per year) to comply with the requirement.

11 providers x 1 certification/respondent = 11 responses

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11 providers x 1 certification/respondent x 0.50 hours each<sup>11</sup> = 5.5 hrs/year (rounded to 6 hrs/year)

The Commission assumed that the respondents use “in house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5, plus 30% overhead).

11 providers x 1 certification/respondent x 0.50 hours each x \$58.57/hr = \$322.14

**Total annual responses:** 52 + 11 + 11 + 11 + 50 + 50 + 50 + 11 + 1,675 + 52 + 11 = **1,984 responses**

**Total annual hour burden:** 104 + 22 + 44 + 22 + 250 + 400 + 350 + 22 + 6,700 + 520 + 6 = **8,440 hours**

**Total “in house” cost of this burden using 2008 wages:** \$6,091.28 + \$1,288.54 + \$644.27 + \$916.41 + \$1,288.54 + \$14,624.50 + \$23,428 + \$20,499.58 + \$1,288.54 + \$30,456.40 + \$322.14 = **\$100,848.20**

(F) *Consumer Privacy.* The *Notice* proposes to extend to all TRS providers, including traditional TTY-based TRS providers, existing CPNI rules, set forth in 47 C.F.R. Subpart U, to ensure the privacy and security of TRS users’ call records or other personally identifiable account or usage information, including their Registered Location information.

a. Customer approval:

(1) Number of Respondents: 14<sup>12</sup>

(2) Frequency of Response: On occasion reporting requirement.

(3) Total Number of Responses Annually: 14

14 respondents x 1 response/notification designed and sent to customers = 14 responses

(4) Total Annual Hour Burden: 38.5 hours (rounded to 39 hours). The Commission estimates that the respondents will require approximately two hours to design the notification, giving the respondents permission from their customers to use CPNI to market service offerings outside a customer’s existing service relationship.

14 respondents x 2 hours/notification design = 28 hours

<sup>11</sup> The Commission based its estimate on a yearly calculation which equals 0.50 hours per year.

<sup>12</sup> There are 14 respondents for the proposed consumer privacy rules because the Commission proposes to extend these rules to *all* TRS providers, not just the 11 Internet-based TRS providers.

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Once the customer grants the respondent permission to use his/her CPNI to market services outside the existing service relationship, the respondent does not have to seek approval again for the purpose for which it informed the customer.

However, if the respondent uses the opt-out approval mechanism, it must send a notice of customers' rights to each customer biennially.

The Commission estimates that a respondent will require approximately 45 minutes (0.75 hours) to transmit this notice to its customers. The Commission believes that respondents can comply with this requirement by using sophisticated IT software, which poses only a minimal, incremental hourly burden on the respondents.

$14 \times 0.75 \text{ hours/transmit notification} = 10.5 \text{ hours}$

Total Annual Hourly Burden:  $28 + 10.5 = 38.5 \text{ hours (rounded to 39 hours)}$

(5) Total "In House" Costs: \$2,229.50

The Commission assumes that respondents will use personnel comparable in pay to a GS-14/Step 5 (\$53.24/hour) Federal employee, plus 30% overhead, to design the customer approval solicitation device:

$14 \text{ respondents} \times 2 \text{ hours/notification} \times \$53.24/\text{hour} = \$1,490.72$

The Commission also assumes that respondents use personnel comparable in pay to a GS-7/Step 5 Federal employee, plus 30% overhead, to transmit the solicitation.

$14 \text{ respondents} \times 0.75 \text{ hours/notification transmission} \times \$21.36/\text{hour} = \$ 224.28$

$\$1,490.72 + \$224.28 = \qquad \qquad \qquad \$1,715.00$

30% overhead = \$ 514.50

Total: \$2,229.50

b. Customer Approval Documentation and Recordkeeping.

(1) Number of Respondents: 14

(2) Frequency of Response: Recordkeeping requirement

(3) Total Number of Responses Annually: 14

$14 \text{ respondents} \times 1 \text{ recordkeeping requirement/annum} = 14 \text{ responses}$

(4) Total Annual Hourly Burden: 7 hours



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The Commission estimates that a respondent will require approximately 30 minutes (0.5 hours) annually to maintain records of approval, whether written, oral, or electronic for a period of at least one year, and be capable of producing them if the sufficiency of a customer's approval is challenged.

14 respondents x 0.50 hours/recordkeeping for customer's CPNI status = 7 hours

(5) Total "In House" Cost: \$194.38

The Commission assumes that the respondents use personnel comparable in pay to a GS-7/Step 5 (\$21.36/hour) Federal employee, plus 30% for overhead, to comply with the recordkeeping requirement:

14 respondents x 0.5 hours/recordkeeping for CPNI status x \$21.36/hour = \$149.52

30% overhead = \$ 44.86

Total: \$194.38

c. Notification of CPNI Rights Requirement.

(1) Number of Respondents: 14

(2) Frequency of Response: One time notification requirement.

The timing of this notification is at the discretion of the Internet-based TRS provider.

(3) Total Number of Responses Annually: 14

14 respondents x 1 response/notification design and sent to customers = 14 responses

(4) Total Annual Hourly Burden: 38.5 hours (39 hours rounded)

The Commission estimates that all the respondents that choose to solicit customer approval will require approximately 2 hours to create the one-time notification that they must provide to their customers informing them of their CPNI rights prior to any such solicitation.

14 x 2 hours/notification design = 28 hours

The Commission estimates that a respondent will require approximately 45 minutes (0.75 hours) to transmit this notification to their customers. The Commission believes that respondents can comply with this requirement by using sophisticated IT software, which poses only a minimal, incremental hourly burden on the respondents.

14 respondents x 0.75 hours/notification transmission = 10.5 hours

Total Annual Hourly Burden: 28 + 10.5 = 38.5 hours (39 hours rounded)

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(5) Total “In House” Costs: \$2,229.50

The Commission assumes that respondents use personnel comparable in pay to a GS-14/Step 5 (\$53.24/hour) Federal employee, plus 30% overhead, to design the notification statement:

$$14 \text{ respondents} \times 2 \text{ hours/notification} \times \$53.24/\text{hour} = \$1,490.72$$

The Commission also assumes that respondents use personnel comparable in pay to a GS-7/Step 5 Federal employee, plus 30% overhead, to transmit the solicitation.

$$14 \text{ respondents} \times 0.75 \text{ hours/notification transmission} \times \$21.36/\text{hour} = \$ 224.28$$

$$\$1,490.72 + \$224.28 = \$1,715.00$$

$$30\% \text{ overhead} = \underline{\$ 514.50}$$

$$\text{Total: } \$2,229.50$$

d. Notification Recordkeeping.

(1) Number of Respondents: 14

(2) Frequency of Response: Recordkeeping requirement

(3) Total Number of Responses Annually: 14

$$14 \text{ respondents} \times 1 \text{ recordkeeping requirement} = 14 \text{ recordkeeping requirements}$$

(4) Total Annual Hourly Burden: 7 hours

The Commission estimates that a respondent will require approximately 30 minutes (0.5 hours) to maintain records of their one-time notification to customers of each customer’s CPNI rights prior to any solicitations.

$$14 \text{ respondents} \times 0.50 \text{ hours/recordkeeping for customer’s CPNI status} = 7 \text{ hours}$$

(5) Total “In House” Cost: \$194.38

The Commission assumes that respondents use personnel comparable in pay to a GS-7/Step 5 (\$21.36/hour) Federal employee, plus 30% for overhead, to comply with the recordkeeping requirement.

$$14 \text{ respondents} \times 0.5 \text{ hours} \times \$21.36/\text{hour} = \$149.52$$

$$30\% \text{ overhead} = \underline{\$44.86}$$

$$\text{Total: } \$194.38$$

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e. Event Histories Recordkeeping.

- (1) Number of Respondents: 14
- (2) Frequency of Response: Recordkeeping requirement
- (3) Total Number of Responses Annually: 14

14 respondents x 1 recordkeeping requirement = 14 recordkeeping responses

- (4) Total Annual Hourly Burden: 7 hours

The Commission estimates that respondents will require approximately 30 minutes (0.5 hours) annually to comply with the recordkeeping requirement that they record the date and purpose of the campaign, and what products and services were offered to customers, when they use customer CPNI for sales and marketing campaigns.

14 respondents x 0.5 hours/annual recordkeeping requirement = 7 hours

- (5) Total "In House" Cost: \$194.38

The Commission estimates that respondents will use personnel comparable in pay to a GS-7/Step 5 (\$21.36/hour) Federal employee, plus 30% for overhead, to comply with the recordkeeping requirement:

14 respondents x 0.5 hours/recordkeeping x \$21.36/hour = \$149.52

30% overhead = \$ 44.86

Total: \$194.38

f. Compliance Certificate.

- (1) Number of Respondents: 14
- (2) Frequency of Response: Annual reporting requirement.
- (3) Total Number of Responses Annually: 14

14 respondents x 1 response/annum = 14 responses

- (4) Total Annual Hourly Burden: 42 hours

The Commission estimates that respondents will take approximately 3 hours annually to comply with the requirement that they file their compliance certificate.

14 respondents x 3 hour/certification certificate = 42 hours

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(5) Total "In House" Cost: \$3,419.06

The Commission estimates that respondents will use personnel comparable in pay to a GS-15/Step 5 (\$62.62/hour) Federal employee, plus 30% overhead, to prepare this compliance report.

14 respondents x 3 hours/compliance report x \$62.62/ hour = \$2,630.04

30% overhead = \$789.02

Total: \$3,419.06

g. Aggregate Customer Information Disclosure Requirements.

(1) Number of Respondents: 14

(2) Frequency of Response: On occasion reporting requirements.

(3) Total Number of Responses Annually: 14 responses

14 respondents x 1 response/annum = 14 responses

(4) Total Annual Hourly Burden: 28 hours

The Commission estimates that respondents will require approximately 2 hours to comply with the requirement.

The Commission believes that a respondent will have this information readily available in their electronic database(s) and use sophisticated IT software, which poses only a minimal, incremental burden on the respondents.

14 respondents x 2 hours/disclosure requirements = 28 hours

(5) Total "In House" Costs: \$777.51

The Commission assumes that a respondent will use personnel comparable in pay to a GS-7/Step 5 (\$21.36/hour) Federal employee, plus 30% overhead, to comply with this disclosure requirement.

14 respondents x 2 hour/disclosure requirement x \$21.36/hour = \$598.08

30% overhead = \$179.43

Total: \$777.51

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h. CPNI Disclosure to Third Parties (47 U.S.C. Section 222(c)(2))

(1) Number of respondents: 500

(2) Frequency of Response: On occasion reporting requirement; Third party disclosure.

This obligation will arise when third parties that have obtained affirmative written customer authorization request access to CPNI. The Commission believes that on average, TRS providers will be required to respond to 500 or fewer requests for access to CPNI from third parties.

(3) Total Number of Responses Annually: 500 responses

500 respondents x 1 CPNI disclosure/annum = 500 responses

(4) Total Annual Hourly Burden: 1,000 hours

The Commission estimates that the respondents will require approximately two hours (2.0 hours) to respond annually to approximately 500 requests for access to CPNI from third parties, pursuant to affirmative written customer authorization.

This obligation will arise when these third parties that have obtained affirmative written customer authorization request access to CPNI.

The Commission estimates that the respondents will use sophisticated IT software, automation, and office standardization procedures, which make it possible for respondents to provide this information quickly to those third parties who request the information with the customer's written authorization.

500 respondents x 2 hours/CPNI disclosures annually = 1,000 hours

(5) Total "In House" Cost: \$27,768.00

The Commission assumes that respondents will use personnel comparable in pay to a GS-7/Step 5 Federal employee (\$21.36/hour), plus 30% overhead, to provide this CPNI information to these third party requesters:

500 respondents x 2 hours/CPNI disclosure x \$21.36/hour = \$21,360.00

30% overhead = \$6,408.00

Total: \$27,768.00

i. Safeguards Required for Use of CPNI

(1) Number of Respondents: 14

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(2) Frequency of Response: On occasion reporting requirement.

(3) Total Number of Responses Annually: 14

11 respondents x 1 response/annum = 14 responses

(4) Total Annual Hour Burden: 70 hours

The Commission believes that the instances where the respondents must report to the Commission any instances when the opt-out mechanisms did not work will require approximately five hours (5.0 hours) annually.

14 respondents x 5 hours/opt-out notification safeguard/annum = 70 hours

(5) Total "In House" Costs: \$4,844.84

The Commission assumes that respondents will use personnel comparable in pay to a GS-14/Step 5 Federal employee (\$53.24), plus 30% for overhead, to comply with this notification requirement.

14 respondents x 5 hours/annum x \$53.24/hour = \$3,726.80

30% overhead = \$1,118.04

Total: \$4,844.84

j. Subscriber List Information Disclosure:

(1) Number of Respondents: 14

The Commission believes that there are approximately 14 Internet-based TRS providers providing service.

(2) Frequency of Response: On occasion reporting requirements (periodic responses/annum)

(3) Total Number of Responses Annually: 84

14 respondents x 6 responses/annum = 84 responses

(4) Total Annual Hourly Burden: 168 hours

The Commission estimates that, on average, most respondents will be required to provide subscriber list information to directory publishers six times a year, including requests for

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updated subscriber list information and that the respondents will require approximately two hours annually to comply with this requirement.

The Commission also believes that because these requests are likely to be routine requests, the respondents will use advanced IT software, automation, and standardized business procedures to assemble the information quickly and to e-mail it to the directory publisher.

14 respondents x 2.0 hours/response x 6 times/annum = 168 hours.

(5) Total "In House" Costs: \$8,275.18

The Commission estimates that the respondents will use staff comparable in pay to a GS-12/Step 5 (\$37.89/hour) Federal employee, plus 30% overhead, to comply with this requirement that they provide updated subscriber list information to requesting directory publishers.

168 hours/subscriber list requests x \$37.89/hour = \$6,365.52

30% overhead = \$1,909.66

Total: \$8,275.18

k. Notifications.

(1) Number of Respondents: 14

(2) Frequency of Response: On occasion reporting requirement; third party response.

(3) Total Number of Responses Annually: 14

The Commission estimates that the respondents may receive approximately 14 requests from directory publishers annually for information on the Internet-based TRS providers' subscriber list information.

14 requests x 1 subscriber list request/annum = 14 responses

(4) Total Annual Hourly Burden: 28 hours

The Commission estimates that respondents will take approximately two hours to fulfill each directory publisher's subscriber list information requests, which the Internet-based TRS provider must do at the time it is requested by the directory publisher, provided that the directory publisher has given advance notice, and the Internet-based TRS provider's internal systems permit the request to be filled within that time frame.

The Commission believes that respondents are likely to use sophisticated IT software to create an automated and standardized process to assemble the subscriber list information

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requests quickly and expeditiously so that the information can be sent via e-mail to the directory publisher.

14 requests for subscriber list information x 2.0 hours/request = 28 hours

(5) Total "In House" Cost: \$1,379.20

The Commission estimates that the respondents will use personnel comparable in pay to a GS-12/Step 5 (\$37.89/hour) Federal employee, plus 30% overhead, to comply with this requirement to provide the subscriber list information whenever directory publishers make such requests.

28 hours/subscriber list information request x \$37.89/hour = \$1,060.92

30% overhead = \$ 318.28

Total: \$1,379.20

I. Cost Study.

(1) Number of Respondents: 14

The Commission estimates that approximately 14 TRS providers may receive complaints from directory publishers annually regarding the TRS provider's subscriber list information rates.

(2) Frequency of response: On occasion reporting requirements

(3) Total Number of Responses Annually: 14

14 respondent TRS provider's x 1 complaint/directory publisher = 14 complaint responses

(4) Total Annual Hourly Burden: 357 hours

The Commission estimates that respondents who receive a complaint regarding their subscriber list information rates will require approximately 50 hours to compile a "cost study" that provides credible and verifiable cost data to justify the challenge to their subscriber list information rates.

The Commission believes that respondents will have this information readily available because of the sophisticated IT software recordkeeping, automated accounting, and office management systems that they use in their business practices, making it easy to assemble the requisite data for the cost study as necessary to refute the publisher's complaint.

Furthermore, the Commission believes that approximately 50% of the respondents will contract out this requirement.

14 respondents x 0.50/contracting out this requirement = 7



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7 respondents x 50 hours/cost study “in house” = 350 hours.

The Commission believes that the 7 respondents that contract out this requirement will spend approximately one hour in consultation with the contractors who prepared the cost studies.

7 respondents x 1.0 hour/consultation = 7 hours

Total: 350 hours + 7 hours = 357 hours

(5) Total “In House” Costs: \$29,061.94

The Commission estimates that the respondents will use personnel comparable in pay to a GS-15/Step 5 Federal employee (\$62.62), plus 30% for overhead, to prepare the cost study or to consult with their consultants:

350 hours/cost study preparation x \$62.62/hour = \$21,917.00

7 hours/consultants conference x \$62.62/hour = \$ 438.34

\$22,355.34

30% overhead = \$ 6,706.60

Total: \$29,061.94

m. Certification.

(1) Number of Respondents: 2000

(2) Frequency of Response: On occasion reporting requirements; third party disclosure

(3) Total Number of Responses Annually: 2000

2000 respondents x 1 response/annum = 2000 responses

(4) Total Annual Hourly Burden: 1,000 hours

The Commission estimates that publishers who request subscriber lists from the respondents are required to certify that the publisher will use the information only for the purposes of publishing a directory. The Commission estimates that the directory publishers will require approximately 30 minutes (0.5 hours) to comply with this third party requirement.

2,000 directory publishers (third parties) x 0.5 hours/certification = 1,000 hours.

(5) Total “In House” Cost: \$81,406.00

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The Commission estimates that the third party directory publishers who are required to provide this certification to the Internet-based TRS providers will use staff comparable in pay to a GS-15/Step 5 (\$62.62/hour) Federal employee, plus 30% for overhead, to prepare the certification to send to the third party entities certifying that they will use the subscriber information only for publishing their directory.

1,000 hours/certifications x \$62.62/hour = \$62,620.00

30% overhead = \$18,786.00

Total: \$81,406.00

n. Disclosure of Contract Rates, Terms, and Conditions and Recordkeeping.

(1) Number of Respondents: 14

(2) Frequency of response: Recordkeeping requirements; third party disclosure

(3) Total Number of Responses Annually: 56

The Commission estimates that these are two recordkeeping requirements and one disclosure requirement for respondents:

- (a) they maintain records on their contract rates, terms, and conditions for at least one year,
- (b) they maintain records for at least one year after the Internet-based TRS provider provides subscriber list information to directory publishers, and
- (c) they make these records available to the FCC and to any directory publisher upon request.

14 TRS providers x 2 recordkeeping requirements = 28 responses

The Commission also estimates that respondents will receive approximately two requests annually to provide these records and the contract disclosure information to third party directory publishers.

14 respondents x 2 record and contract request disclosures/annum = 28 responses

28 recordkeeping requirements + 28 third party disclosures = 56 responses

(4) Total Annual Hour Burden: 56 hours

The Commission estimates that respondents will require approximately 30 minutes (0.5 hours) annually to comply with each of these two recordkeeping requirements:

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- (a) that they retain, for at least one year after its expiration, each written contract executed for the provision of subscriber list information; and
- (b) that they maintain, for at least one year, records after these respondent TRS providers and providers furnish subscriber list information to directory publishers.

The Commission also estimates that respondents will require approximately one hour to furnish directory publishers with these records on the contracts and subscriber lists. The Commission estimates that the respondents will receive two such requests annually:

14 respondents x 2 recordkeeping requirement/annum x 0.5 hours/response = 14 hours

14 respondents x 2 recordkeeping requirement/annum x 0.5 hours/response = 14 hours

14 respondents x 2 responses/annum x 1.0 hours/response = 28 hours

Total: 11 hours + 11 hours + 28 hours = 56 hours

(5) Total "In House" Costs: \$2,758.39

The Commission estimates that respondents will use staff comparable in pay to a GS-12/Step 5 (\$37.89/hour) Federal employee, plus 30% overhead, to maintain these records and to disclose the contract and subscriber list information to publishers and the FCC, upon request, e.g., third party disclosure requirement.

56 hours/recordkeeping and disclosure requirements x \$37.89/hour = \$2,121.84

30% over head = \$ 636.55

Total: \$2,758.39

o. Password and Back-up Authentication Methods for Lost or Forgotten Passwords for Call Detail Telephone Access and Online Access.

(1) Number of Respondents: 14

(2) Frequency of response: Recordkeeping requirement; third party disclosure.

(3) Total Number of Responses Annually: 200,014 reporting and recordkeeping responses

14 respondents x 1.0 recordkeeping requirement = 14 recordkeeping responses

The Commission believes that all customers will request a password at least once:

200,000 customers x 1.0 responses/customer = 200,000 responses

14 responses + 200,000 responses = 200,014 responses

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(4) Total Annual Hourly Burden: 428 hours

The Commission estimates that respondents that provide call detail CPNI to their customers over their end-user device will require approximately one hour to design the password and back-up authentication mechanism for customers who lose or forget their passwords and need access to their call detail telephone access and on-line access.

The Commission also estimates that these same respondents will require approximately one hour to maintain the records of the customer chosen passwords or responses to back-up authentication methods.

The Commission estimates that respondents will use advanced IT software to design the recordkeeping mechanism for the password and back-up authentication that can virtually automate this process, and therefore, minimize both the response time and the cost for the TRS providers.

The Commission also notes that this cost burden will be lessened considerably once respondents design a reporting statement and have their customers establish passwords.

14 respondents x 1.0 hour/password and back-up authentication mechanism = 14 hours

14 respondents x 1.0 hrs/recordkeeping = 14 hours

Finally, the Commission estimates that using similar sophisticated IT software and automation systems, these respondents can provide their 200,000 customers who may request passwords using the back-up authentication process quickly and expeditiously in as little as 6 seconds (0.002 hours).

200,000 customers x 0.002 hours/password authentication = 400 hours

Total: 14 hours +14 hours + 400 hours = 428 hours

(5) Total "In House" Costs: \$21,361.37

The Commission assumes the respondent providers use these comparable staff:

(a) a GS-14/Step 5 (\$53.24/hour) Federal employee, plus 30% overhead, to design the password and back-up authentication recordkeeping process;

(b) a GS-12/Step 5 (\$37.89/hour) Federal employee, plus 30% overhead, to manage the password and back-up authentication processes; and

(c) a GS-12/Step 5 (\$37.89/hour) Federal employee, plus 30% overhead, to perform the recordkeeping requirement.

14 hours x \$53.24/hour/password and back-up authentication design = \$745.36

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14 hours x \$37.89/hour/recordkeeping =	\$ 530.46
400 hours x \$37.89/hour/customer password and back-up authentications =	<u>\$15,156.00</u>
	\$16,431.82
30% overhead =	<u>\$ 4,929.55</u>
Total:	\$21,361.37

p. Notification of Account Changes.

- (1) Number of Respondents: 14
- (2) Frequency of Response: On occasion reporting requirement; recordkeeping; third party disclosure.
- (3) Total Number of Responses Annually: 200,000 responses  
200,000 customers x 1.0 response/customer = 200,000 responses
- (4) Total Annual Hourly Burden: 414 hours

The Commission estimates that respondents will require approximately one hour to design the notification:

$$14 \text{ respondents} \times 1.0 \text{ hour/notification design} = 14 \text{ hours}$$

It is difficult to estimate the time involved because the Commission does not know how many of the respondents' customers change their account information annually. The Commission estimates that the respondents' 200,000 customers may change their account information once annually, which will require approximately 6 seconds (0.002 hours) for the respondents to transmit this notification to these customers:

$$200,000 \text{ customers} \times 0.002 \text{ hours/notification transmission} = 400 \text{ hours}$$

$$\text{Total: } 14 \text{ hours} + 400 \text{ hours} = 414 \text{ hours}$$

- (5) Total "In House" Costs: \$12,464.92

The Commission believes that respondents will use personnel comparable in pay to a GS-14/ Step 5 (\$53.24) Federal employee, plus 30% overhead, to design the recordkeeping device and a GS-7, Step 5 (\$21.36) Federal employee, plus 30% for overhead, to do the recordkeeping.

(The cost burden will be lessened considerably once respondents design a notification statement.)

$$14 \text{ hours} \times \$53.24/\text{hour} = \$745.36$$

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414 hours x \$21.36/hour = \$8,843.04  
 \$9,588.40  
 30% overhead = \$2,876.52  
 Total: \$12,464.92

q. Notification of CPNI Security Breaches.

- (1) Number of respondents: 14
- (2) Frequency of response: On occasion reporting requirements.
- (3) Total Number of Responses Annually: 28

14 respondents x 1 law enforcement notification = 14 responses

14 respondents x 1 customer notification = 14 responses

14 responses + 14 responses = 28 responses

- (4) Total Annual Hourly Burden: 8.4 hours (rounded to 8 hours)

It is difficult to estimate the time involved because this reporting requirement only exists in the event of a CPNI security breach.

The Commission estimates that the respondents will require approximately 30 minutes (0.5 hours) to notify law enforcement officials of a breach of their customers' CPNI via a central reporting facility located at <http://www.fcc.gov/eb/cpni> within seven business days.

The Commission estimates that these same respondents will also require approximately 6 minutes (0.10 hours) to notify a customer whose CPNI has been breached, once the FCC has been notified.

14 respondents x 0.5 hours/CPNI breach notification ("triggering event") = 7 hours

14 respondents x 0.10 hours/customer CPNI breach notification = 1.4 hours

Total: 7 hours + 1.4 hours = 8.4 hours (rounded to 8 hours)

- (5) Total "In House" Costs: \$581.39

The Commission believes that respondents will use personnel comparable in pay to a GS-14/ Step 5 (\$53.24) Federal employee plus 30% for overhead, to comply with the two notification requirements: (1) to law enforcement officials and (2) to the customers of the provider:

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14 respondents x 0.5 hours/notification x \$53.24/hour = \$372.68

14 respondents x 0.10 hours/notification x \$53.24/hour = \$ 74.54

\$447.22

30% Overhead = \$134.17

Total: \$581.39

r. Breach Notification Recordkeeping.

(1) Total Number of Respondents: 14

(2) Frequency of response: Recordkeeping requirement.

(3) Total Number of Responses Annually: 14 recordkeeping responses

The Commission estimates that approximately 14 respondents may experience a CPNI breach annually, for which respondents are required to maintain records.

14 respondents x 1 recordkeeping requirement per breach = 14 responses/annum

(4) Total Annual Hour Burden: 14 hours

Because of the seriousness of such breaches, the Commission believes that the respondents will have a rapid response plan in place.

The Commission believes that such a plan will identify such CPNI breaches and respond quickly and efficiently to remedy these situations using advanced IT software to maintain a record of any breach situations—including discovery of the breach and subsequent notifications to the United States Secret Service and the FBI and to customers; and if available, the dates of discovery and notification, a detailed description of the CPNI that was subject of the breach, and the circumstances of the breach.

The Commission believes that it will take respondents approximately one hour to maintain the records for any breach emergencies using advanced IT software and office automation systems as part of a “breach emergency” plan.

14 breaches/annum x 1.0 hours/recordkeeping = 14 hours

(5) Total “In House” Costs: \$689.60

The Commission assumes that the respondents will use personnel comparable in pay to a GS-12/ Step 5 (\$37.89/hour) Federal employee, plus 30% overhead, to maintain this recordkeeping requirement for CPNI breaches.

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14 recordkeeping hours/annum x \$37.89/hour = \$530.46

30% overhead = \$159.14

Total: \$689.60

**Total annual responses:** 14 + 14 + 14 + 14 + 14 + 14 + 14 + 500 + 14 + 84 + 14 + 14 + 2,000 + 56 + 200,014 + 200,000 + 28 + 14 = **402,836 responses**

**Total annual hour burden:** 39 + 7 + 39 + 7 + 7 + 42 + 28 + 1,000 + 70 + 168 + 28 + 357 + 1,000 + 56 + 428 + 414 + 8 + 14 = **3,712 hours**

**Total "in house" cost of this burden using 2008 wages:** \$2,229.50 + \$194.38 + \$2,229.50 + \$194.38 + \$194.38 + \$3,419.06 + \$777.51 + \$27,768.00 + \$4,844.84 + \$8,275.18 + \$1,379.20 + \$29,061.94 + \$81,406 + \$2,758.39 + \$21,361.37 + \$12,464.92 + \$581.39 + \$689.60 = **\$199,829.54**

(G) *Extending Information Collections to IP CTS.* The two entities that currently provide IP CTS already are providers of other Internet-based TRS services. Extending this information collection to IP CTS should not, therefore, result in additional annual burdens.

**Total annual responses:**

(A) *Provision of Registered Location to Non-Default Providers* = 1,500

(B) *Inter-Provider Signaling* = 105,000,000

(C) *Device Registration* = 73,000,000

(D) *Verification of Registration* = 240,000

(E) *Slamming* = 1,984

(F) *Consumer Privacy* = 402,836

(G) *Extending Information Collections to IP CTS* = 0

Total = **178,646,320 responses**

**Total annual burden:**

(A) *Provision of Registered Location to Non-Default Providers* = 426 hours

(B) *Inter-Provider Signaling* = 29,767 hours

(C) *Device Registration* = 20,878 hours

(D) *Verification of Registration* = 40,660 hours



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(E) *Slamming* = 8,440 hours

(F) *Consumer Privacy* = 3,712 hours

(G) *Extending Information Collections to IP CTS* = 0

Total = **103,883 hours**

**Total “in house” costs:**

(A) *Provision of Registered Location to Non-Default Providers* = \$20,348

(B) *Inter-Provider Signaling* = \$32,062

(C) *Device Registration* = \$32,062

(D) *Verification of Registration* = \$584,685

(E) *Slamming* = \$100,848.20

(F) *Consumer Privacy* = \$199,829.54

(G) *Extending Information Collections to IP CTS* = 0

Total = **\$969,834.74**

13. *Slamming*. The Commission believes that there are approximately 30 companies that perform the verification services for carriers, when consumers switch their telephone service from one carrier to another carrier. Based on industry estimates, it takes on average approximately 5 minutes (.084 hours) to perform the verification procedure. These 30 companies perform this verification service annually for approximately 4000 users of Internet-based TRS who will change carriers through this method. Industry estimates of the verification cost per subscriber average \$2.63.  
4000 verifications x \$2.63 per verification = **\$10,520**

14. *Slamming*. The cost to the Federal Government for administering the slamming liability rules is estimated to be **\$392,419.00**. This cost is based on the following calculations:

(1) The Commission estimates the expected number of complaints = 1,675

(2) The Commission estimates that it will take 4 hours for a GS-13/5 staff attorney at approximately \$58.57 to review/process complaints received, which includes 30% for operational expenses such as storage space and support staff:

(3) 1,675 complaints x 4 hours/complaint x \$58.57 /hour = **\$392,419.00**

The Commission expects there will be few if any costs for the remaining information collected as the information will not be directly reported to or reviewed by the Commission. To the extent that

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Internet-based TRS providers can seek compensation from the Interstate TRS Fund for the reasonable, actual costs of complying with the *Notice*, that funding will come not from the federal budget, but instead from contributions from carriers providing interstate telecommunications services.<sup>13</sup> Consequently, the annual cost to the federal government of these information collections should be negligible.

15. The *Notice* proposes additional rules, and revises the information collections in 3060-1089, to enhance the transfer of information among Internet-based TRS providers as well as enhance the security of the ten-digit numbering system adopted in the *Order*. The *Notice* also proposes information collections on IP CTS providers, so that users of IP CTS may benefit from the numbering system adopted in the *Order*. IP CTS providers, however, will already collect this information as they also provide VRS and IP Relay services. The *Notice* proposes new information collections to implement the slamming and customer privacy protections for Internet-based TRS users.
16. The information collected will not be published for statistical use.
17. The Commission has no reason to seek approval to avoid displaying the expiration date for OMB approval of the information collections.
18. There are no exceptions to the Certification Statement in Item 19 of OMB Form 83-I.

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

This information collection does not employ any statistical methods.

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<sup>13</sup> See 47 C.F.R. § 64.604(c)(5)(iii).