

SUPPORTING STATEMENT

A. Justification:

The Commission is requesting a revision of this information collection requirement because it is promulgating a mandatory electronic form that affects the previous version of this information collection.

1. In the Report and Order in WT Docket 01-309, FCC 03-168, adopted and released in September 2003, the Federal Communications Commission modified the exemption for telephones used with public mobile services from the requirements of the Hearing Aid Compatibility Act of 1988 (HAC Act). The Order required digital wireless phone manufacturers and service providers to make certain digital wireless phones capable of effective use with hearing aids. As part of that Order, manufacturers and service providers were required to label certain phones they sold with information about their compatibility with hearing aids, and also to report to the Commission (at first every six months, then on an annual basis) on the numbers and types of hearing aid-compatible phones they were producing or offering to the public.

In February 2008, the Commission adopted final rules in a Report and Order, FCC 08-68, which updated several of the performance benchmarks for manufacturers and service providers, and instituted new requirements for manufacturers to refresh their product lines and for service providers to offer hearing aid-compatible handset models with differing levels of functionality. The Commission also adopted a new version of the technical standard for measuring hearing aid compatibility, and addressed the application of the rules to phones that operate in multiple frequency bands or air interfaces. In order to avoid potential consumer confusion over technical capabilities, the Order also modified the product labeling requirements slightly.

To assist the Commission in monitoring the implementation of the new requirements and to provide information to the public, the Report and Order also required manufacturers and service providers to continue to file annual reports on the status of their compliance with these requirements, and required manufacturers and service providers that maintain public websites to publish up-to-date information on those websites regarding their hearing aid-compatible handset models. The annual reports required in the Order contained different and additional information than in previous versions of this information collection.

Now, as part of its continuing effort to reduce paperwork burden, the Commission is revising this information collection because of a reduction of burden hours due to the implementation of a mandatory electronic filing requirement for all manufacturers and service providers. The Commission is eliminating the use of paper-based annual reports and will require annual reports filed by manufacturers and service providers to be

submitted using electronic FCC Form 655 beginning July 15, 2009. Use of the electronic FCC Form 655 will help filers ensure that their reports include all of the required information, will facilitate the Commission's compilation of data from the reports, and will decrease the paperwork burden on all respondents (service providers and manufacturers).

Statutory authority for this collection of information is contained in Sections 47 U.S.C. §§ 151, 154 (i), 157, 160, 201, 202, 208, 214, 301, 303, 308, 309 (j), and 310.

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

2. The annual reports assist the Commission staff in monitoring the progress of implementation by phone manufacturers and wireless carriers. The reports permit the Commission to stay abreast of ongoing standards work and other pertinent information associated with achieving digital wireless compatibility with hearing aids and cochlear implants. This information helps to ensure that the Commission's decisions relating to hearing aid compatibility with wireless phones are fair to all involved and reflect the actual status of technology. The website postings, which encompass a portion of the information required in the reports, provide valuable information to the public concerning compatible handsets and hearing aids. In particular, we note that while the Commission intends to make the contents of the reports publicly available, the reports are only required on an annual basis. The website requirement is designed to ensure that consumers have critical up-to-date information between reporting dates on which they can base their search for compatible phones. The labeling requirements alert consumers that phones operating in part over the Wi-Fi air interface, for which technical standards regarding hearing aid compatibility do not yet exist, have not been rated for those operations.

3. Reports must be filed electronically using the Commission's electronic filing system, which is accessible at <http://wireless.fcc.gov/hac>. The information which will be contained in the reports is not available in any existing databases within the Commission or other federal agencies. Website postings are only required if the party already has a publicly-available website, and the format and manner of presentation are left entirely to the party. Similarly, the manner of informing consumers about the lack of a rating for Wi-Fi operations is left to the discretion of the manufacturers and service providers doing the informing, so long as the disclosure is made wherever hearing aid compatibility ratings are provided.

4. As noted above, some of the information required to be posted on websites is also part of the parties' annual reporting obligations. However, the two batches of information are not identical, and are keyed in part to different audiences.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents regardless of size. Due to the mandatory electronic filing requirement, the Commission no longer allows digital

wireless phone manufacturers and service providers to submit joint reports. However, the streamlining effect of the electronic filing system will decrease the paperwork burden on all respondents.

6. If the mandatory electronic filing requirement were not instituted, all respondents would be unnecessarily burdened. The electronic filing system ensures that the reports include all of the required information. The system also facilitates future filings by referencing previous submissions and creating pre-filled data fields that will eliminate much of the repetition inherent in previous paper filings. Without the implementation of this mandatory electronic filing system, these efficiencies would not otherwise be available to all respondents.

7. Current data collection is consistent with the guidelines in 5 CFR 1320.6.

8. The Commission initiated a 60-day public comment period which appeared in the Federal Register on February 24, 2009 (74 FR 8256). No comments were received as a result of the notice. A copy of the Federal Register notice is referenced in this submission to the OMB.

9. Respondents will not receive any payments.

10. Information requested in the reports may include confidential information. However, covered entities would be allowed to request that such materials submitted to the Commission be withheld from public inspection. See 47 C.F.R. § 0.459.

11. None of the reporting burdens address any private matters or questions of a sensitive nature.

12. As noted in the Supporting Statement associated with the Notice of Proposed Rulemaking (2007), there were three groups of entities that could be affected by the actions taken in the September 2003 Report and Order: carriers offering public mobile services, digital wireless handset manufacturers, and hearing aid manufacturers. The estimates of the number of these entities were: approximately **900** operating wireless carriers and approximately **25** digital wireless handset manufacturers. These estimates are unchanged. Thus, the total number of estimated respondents is **925**.

The estimates regarding consultations on technical standards, labeling, and web posting are unchanged because there are no changes in these requirements. Nonetheless, because the reporting burden has changed, the total burden estimate over the course of time has changed.

Technical Standard. The previous estimate of burden for ongoing discussions of the technical standard is unmodified. We expect that a subset of **approximately 50** of the **925** entities will meet and make modifications to the technical standard for the remaining years. The total estimated annual burden hours for these entities are **4,200**. We base the total estimated annual burden hours on the following: we anticipate that

twelve principal representatives will account for **1,920** hours (**12** principal representatives***160** hours) and **38** representatives will account for **2,280** hours (**38** representatives***60** hours).

Reporting: There have been changes to the reporting format since the previous supporting statement that will reduce the per-report burden and therefore the overall hour burden on an annual basis. Filings must now be remitted electronically via a filing management database. This database will prompt the respondents and help guide them through the process, thus limiting errors and streamlining the filing process. This database will also store all filings for future reference. In subsequent years, the burden will further be reduced due to the pre-filled data fields from previous submissions that will eliminate much of the repetition inherent in previous paper filings. The Commission expects that each company will utilize staff engineers to draft and file the reports. Manufacturers will file electronically on an annual basis beginning in July 2009 and service providers are to file the new reports electronically on an annual basis beginning January 2010. Therefore, only the manufacturers will file electronically in 2009, but both the manufacturers and the service providers will file in 2010 and annually thereafter. Our current estimate of the burden for an individual report through the electronic system is two and a half hours. Thus, the annual burden for the information collection is:

For 2009:

One report per manufacturer X 2.5 hours X 25 manufacturers: 63 hours

Total for 2009 = 63 hours.

For 2010 and beyond:

One report per manufacturer X 2.5 hours X 25 manufacturers: 63 hours

One report per provider X 2.5 hours X 900 service providers: 2250 hours.

Annual Total for 2010 and beyond = 2,313 hours.

Labeling. The Commission's rules require digital wireless handset manufacturers to label packages containing compliant handsets and to make information available in the package or product manual. The rules similarly require digital wireless service providers to ensure that handsets include the above-referenced labeling and information, and also require them to make available to consumers the performance ratings of compliant phones. The Commission expects that these steps will be taken as part of the normal manufacturing and marketing processes, and that adding information about the performance ratings of the phones will not be a significant additional burden for these entities.

Web posting. Manufacturers and service providers that otherwise maintain public websites are required, as of January 2009, to post on their websites information on the numbers, types, ratings and functionality of hearing aid-compatible phones offered, as well as an explanation of the rating and functionality systems. All of this information is

also required in either the entities' periodic reports to the Commission or in the product labeling. The reason for the web posting requirement is to ensure that consumers have access to up-to-date versions of the information. Because no new information need be gathered, nor any new web sites created, we judge that compliance with this requirement will take no more than one and a half hours. However, because we also require that the information be updated within thirty days of a change, we expect that each entity will need to update its web posting several times per year. As a result, we calculate the burden as:

925 entities affected X 1.0 hour per update X 6 updates per year = 5,550 hours.

Total annual burden hours for this collection:

Annual Burden for 2009:

4,200 standards + 5,550 web posting + 63 reporting = 9,813 hours.

Annual Burden for 2010 and beyond:

4,200 standards + 5,550 web posting + 2,313 reporting = 12,063 hours.

(NOTE: Due to a timing anomaly with regard to filing, the estimated burden hours are less in year 2009 than in all other reporting years. For the purposes of OMB Form 83i and this collection revision, the total annual hours requested will be the larger and more representative of the annual totals, the 12,063 hours of years 2010 and beyond.)

13. There will be no costs incurred by the respondents.

14. The Commission would likely assign a staff engineer, GS-13, Step 5, at \$47.21 per hour to review the annual reports, which should take about 3 hours, resulting in a potential cost to the Federal Government of about \$141.63 per year per report. As noted above, 25 manufacturers will file in July of 2009 and annually thereafter, while 900 service providers will file in January 2010 and annually thereafter. Therefore, in 2009, the cost to the Federal government would be 25 respondents x 3 hours x \$47.21 = \$3,540.75. However, in 2010 and beyond, the annual cost would be 925 respondents x 3 hours x \$47.21 = \$131,007.75. Web postings and consumer labeling will not be actively monitored in the absence of consumer complaints.

15. The Commission is reporting an adjustment of **-537 hours** when compared to the estimate in the previous supporting statement. This change in burden hours arises due to the general streamlining effect of the new electronic filing system. As noted above, this system will help guide respondents through the filing process, thus limiting errors and streamlining the overall process. Further, this database will also record all filings for

future reference, creating pre-filled data fields stored from previous submissions that will eliminate much of the repetition inherent in previous paper filings.

16. The data will not be published for statistical use.

17. We do not seek approval to not display the expiration date for OMB approval of the information collection.

18. There are exceptions to the “Certification Statement” in Item 19. When the Commission published the 60-day notice, the Commission estimated the burden hours to be 12,525 hours annually. Since the 60-day notice was published, the Commission has re-estimated the time per response to be 2 and one half hours instead of three. The new estimate of 12,063 hours more accurately reflects the actual annual burden hours required in this information collection. This new estimate is reflected in the 30-day notice.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.