

SUPPORTING STATEMENT

This information collection is being submitted to extend an existing collection. There is a change in the Commission's estimated burden hours. This is due to fewer respondents. Therefore, the total annual burden hours has been reduced by 200 total annual hours. In the previous submission to the OMB, the Commission estimated 16 respondents with 800 burden hours. With this submission to the OMB, the Commission is reporting more accurate estimates. See item 15 for a full explanation of the change in burden.

A. Justification:

1. Bell Operating Companies (BOCs) are required to provide nondiscrimination reports on a quarterly basis (on Quality of Service, Installation and Maintenance). Without provision of these reports, the Commission in the *1996 Payphone Order*¹ stated it would be unable to ascertain whether the BOCs were discriminating in favor of their own payphones.

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

Note: This submission is being made pursuant to authority contained in 47 U.S.C. §§ 151, 154, 201-205, 215, 218-220, 226 and 276.

2. The report allows the Commission to determine how the BOCs will provide competing payphone providers with equal access to all the basic underlying network services that are provided to its own payphones.

3. The BOCs are permitted to use information technologies at their mutual option.

4. There is no duplication of information. In most instances, the information sought is unique to each carrier.

5. The collection of information will not significantly impact small businesses or other small entities.

6. The Commission would not be able to ascertain whether the BOCs were providing competing payphone providers with equal access to all the basic underlying network services that are provided to its own payphones. This would derail the Commission's goal of maintaining a competitive payphone market.

¹ *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-388, Report and Order, 11 FCC Rcd 20541, 20644, para. 207 (1996) (*First Payphone Order*).

7. Generally, FCC requirements do not impose any obligations that would require parties to report information to the FCC more often than quarterly, nor will these requirements impose any other special circumstances.

8. A notice was published in the Federal Register as required by 5 C.F.R. § 1320.8(d). See 74 FR 25239-01 (May 19, 2009). Copy attached. No comments were received.

9. The Commission does not anticipate providing any payment or gift to respondent.

10. The Commission is not requesting respondents to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under section 0.459 of the Commission's rules. Further, the agency will be permitted to use the information only for the purpose of evaluating the BOCs' provision of equal access to all the basic underlying network services to competing payphone providers. The agency will not be permitted to share the reports with any other entities.

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

12. The following represents the estimate of hour burden of the collection of information:

1. Number of respondents: 3.

2. Frequency of response: Quarterly reporting requirement.

3. Annual burden per respondent response: 50 hours. Total annual hour burden: 3 respondents x 4 quarterly responses x 50 hours per response = **600 hours**.

4. Total estimate of annualized cost to respondents for the hour burdens for collection of information: \$24,780.

5. Explanation of calculation: The annual burden would entail the labor of two clerical employees (at \$17.00 per hour) and three professional employees (at \$55 per hour) for 10 hours each. Each respondent would have the burden of a maximum of fifty hours of labor to prepare its report. Therefore the 3 BOCs would together have a burden of 600 hours for the report. The cost for the report to each BOC would be, at a maximum, \$2,065 (\$1,990 for labor and \$75 for printing and overhead). The total annual in-house cost of the reports for all 3 BOCs would be \$24,780.

13. Cost to the Respondent: None.

14. Cost to the Federal government: None.

15. The Commission is reporting four fewer responses and therefore a 200 hour decrease in the estimated burden. The adjustment is due to fewer respondents filing quarterly reports with the Commission.

16. Not applicable. The Commission does not anticipate that it will publish the results of this collection of information.

17. Not applicable. The Commission does not intend to seek approval not to display the expiration date for OMB approval of the information collections.

18. The Commission is reporting an exception to item 19 of the Certification Statement. The estimates in the 60 day notice were the same as in 2006. The quarterly reports apply to BOCs² and since the last Paperwork Reduction Act submission in 2006, the number of BOCs was reduced from 4 to 3 BOCs. In 2007, the Commission approved the merger between AT&T Inc. (AT&T) and BellSouth Corporation (BellSouth).³ Thus, the annual burden was adjusted to account for this merger.

B. Collections of Information Employing Statistical Methods:

Not applicable.

² *First Payphone Order*, 11 FCC Rcd at 20641, para. 200.

³ See, e.g., *AT&T Inc. and BellSouth Corporation Application for Transfer of Control*, WC Docket No. 06-74, Memorandum Opinion and Order, 22 FCC Rcd 5662 (2007); see also http://en.wikipedia.org/wiki/Regional_Bell_Operating_Company (showing that there are only 3 remaining BOCs in the United States – AT&T, Qwest, and Verizon).