

SUPPORTING STATEMENT

This collection is being submitted to extend an existing collection. There is no change in the reporting and/or third party disclosure requirements. There is a change in the number of responses (+4) but there is no change in the estimated burden hours.

A. Justification:

1. In a *Report and Order*, FCC 99-36, CC Docket No. 95-20, the Commission eliminated outdated, unnecessary regulations, while continuing to protect against potential anticompetitive behavior by the Bell Operating Companies (BOCs) in the provision of information services. The Commission has established the following collections of information:

(a) The Commission no longer requires BOCs to file their Comparably Efficient Interconnection (CEI) plans with the Commission and to obtain pre-approval of CEI plans and amendments before initiating or altering an intraLATA information service. Instead, we require BOCs to post their CEI plans and plan amendments on their publicly accessible Internet sites linked to and searchable from the BOC's main Internet page, and to notify the Wireline Competition Bureau at the time of the posting. The substance of the notification may be limited to the Internet address and path to the relevant CEI plan or amended plan; the form may consist of a letter to the Secretary with a copy to the Bureau. The requirement extends to all CEI plans and plan amendment. In addition, if the BOC receives a good faith request for a plan from someone who does not have internet access, the BOC must notify that person where a paper copy of the plan is available for public inspection. In CC Docket No. 96-128, the Commission requires BOCs to provide initial and modified CEI plans describing how they intend to comply with the CEI equal access parameters with regard to payphones so that the Commission could determine whether the BOCs were providing competing payphones providers with equal access to all the basic underlying network services that are provided to its own payphones. The BOCs were allowed to supplement the CEI plans already filed with the Commission. This submission consolidates all CEI requirements under this control number (3060-0817).

(b) Open Network Architecture (ONA) Reporting Requirements: The Commission seeks comment on whether we should modify current ONA reporting requirements by reducing the frequency of semi-annual reporting to annual, whether the current quarterly installation and maintenance reports and accompanying annual affidavits are necessary or effective for the nondiscrimination obligations of Computer III, or whether the Commission should eliminate current ONA reporting requirements on the BOCs and GTE. In the 1998 *FNPRM*, FCC 98-8, the Commission tentatively concludes that the BOCs should be permitted to make one consolidated filing (or posting) for all generic information they currently submit in their semi-annual ONA reports.

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 sections 47 U.S.C. §§ 151, 152, 154, 161, 201-205, 208, 251, 260, and 271-276.

2. The collections of information relating to CEI plans will be used to ensure that BOCs comply with Commission policies and regulations safeguarding against potential anticompetitive behavior by the BOCs in the provision of information services. The disclosure of CEI information is necessary to encourage competition in the telecommunications services market by lifting operations barriers to entry. All of the proposed collections would be used to ensure that the BOCs comply with the Computer III, ONA requirements as modified by the *FNPRM*, and with the Communications Act, as amended, and with Commission policies and regulations.
3. Instead of requiring BOCs to file CEI plans with the Commission and wait for Commission approval before implementing them, we now allow BOCs to post CEI plans on their Internet pages. The Commission has given BOCs the option to fulfill their public notice network disclosure obligations by providing public notice through industry fora, industry publications or publicly accessible Internet sites. The Commission seeks public comment on whether the electronic posting of information on the internet or through another available mechanism would satisfy ONA reporting requirements. The Commission proposes this means of collection to increase the availability and accessibility of this information to interested parties, while imposing a minimal burden on respondents.
4. There will be no duplication of information. The information sought is unique to each carrier.
5. The collections of information may affect small entities as well as large entities. However, these requirements were instituted to aid new entrants to the telecommunications market and allow them equal access to the resources available to previously estimated entities.
6. If the information sought is not collected or collected less frequently, it will be difficult for the Commission to ensure the full development of competition in information services.
7. There are no known special circumstances.
8. Pursuant to 5 CFR Section 1320.8, the Commission published a 60 day notice in the *Federal Register* on June 2, 2009 (74 FR 26399). No comments were received.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. The Commission is not requesting respondents to submit confidential information. Any respondent who submits information to the Commission that the respondent believes is confidential may request confidential treatment of such information under section 0.459 of the Commission's rules. 47 CFR Section 0.459.
11. There are no questions of a sensitive nature with respect to the information collection.
12. The following represents the Commission's estimate of the annual hour burden for the collection of information:

(a) CEI Plans and Notification:

(1) Number of respondents: 4

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

(3) Annual hour burden per respondent: 50 hours. Total annual burden: **200 hours.***

(4) Total estimate of annualized cost: \$7,000.

(5) Explanation of calculation: We estimated it would take approximately 50 hours to comply with the CEI plan or amendment and notification requirement, and that each respondent would file 5 plans or amendments per year. 50 (number of hours) \times 4 (number of carriers) \times $\$35$ per hour = $\$7,000$.

*This burden estimates considers the time to comply with the Commission's requirements for any new and modified CEI plan, including the time to prepare and post new and/or amended plans.

(b) Consolidation of Generic Information in Semi-Annual Reports:

(1) Number of Respondents: 4.

(2) Frequency of response: Semi-annually reporting requirement (twice a year).

(3) Annual hour burden per respondent: 2 hours. **16 total hours** (4 respondents \times 2 times/per year \times 2 hours)

(4) Method of estimation of burden: We estimate that 4 BOCs would be subject to the semi-annual reporting requirement. We estimate that the BOCs reporting burden would be 2 hours per carrier to consolidate generic information in their semi-annual reports and file the reports.

(5) Explanation of calculation: Total estimate of the annualized cost to respondents for the hour burdens for collection of information: 4 (number of respondents) \times 2 (number of semi-annual reports) \times 2 (burden hours) \times $\$40$ = $\$640$.

Total Annual Burden Estimate This Control Number: 216 ($200 + 16 =$ **216 hours**).

13. The following represents the Commission's estimate of the annual cost burden to respondents or record keepers resulting from the collections of information:

(a) CEI Plans.

(1) Total capital and start-up cost component: \$0

(2) Total operation and maintenance and purchase of services: \$0

(b) Proposed consolidation of Generic Information in Semi-Annual Reports.

(1) Total capital and start-up cost component: \$0.

(2) Total operation and maintenance and purchase of services: \$0

14. There will be few if any costs to the Commission. Cost is estimated to be \$400 ($\40 per hour for review \times 2 (number of semi-annual reports) \times 2 (review hours) \times 5 (respondents) = $\$400$).

15. The total annual burden hours for this information collections remains at 216 hours. However, the Commission has adjusted the number of responses (+4) which is an increase since the 2006 submission.

16. The Commission does not anticipate publishing any of the information collected pursuant to this Order.

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

18. There are no exceptions to item 19 of the Certification on the OMB 83i.

B. Collections of Information Employing Statistical Methods:

The Commission does not anticipate that the collections of information will employ statistical methods.