

## SUPPORTING STATEMENT

This collection is being submitted to the Office of Management and Budget (OMB) to revise an expiring collection. The Commission has increased the total annual burden hours. This increase is due to 30,000 additional respondents. Therefore, the total annual burden hours have increased by 7,500 hours. The proposed revision is described below.

### **A. Justification:**

1. The Commission has published a Notice of Proposed Rulemaking, CC Docket No. 02-6, FCC 09-96, which revised this information collection to add a certification that the E-rate applicant has updated its Internet safety policy to include plans for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response, as required by the Protecting Children in the 21st Century Act.

This revision will not require any changes to the FCC Forms 479 or 486, which enable E-rate participants to certify that they are compliant with the Children's Internet Protection Act (CIPA), 47 U.S.C. § 254 (h) and (l). Currently, schools and libraries file the FCC Form 486 to certify their compliance with the existing CIPA requirements of Internet safety policies and technology protection measures. Because schools and libraries will continue to use the same FCC Form 486 to certify their compliance with the proposed requirements, there will be no additional reporting requirements on the FCC Form 486. With the exception of program participants who receive only telecommunications services, CIPA compliance is a necessary prerequisite to invoicing and payment. CIPA provides that schools and libraries that have computers with Internet access must certify that they have in place certain Internet safety policies and technology protection measures in order to be eligible to receive program services under section 254(h) of the Communications Act of 1934 (the Act), as amended. *See* 47 CFR § 54.520.

This revision has no effect on the FCC Form 500, which is also part of this information collection.

In addition, this information collection is being revised to add a rule provision requiring each Internet safety policy that is adopted pursuant to section 254(l) of the Act, as amended, to be made available to the Commission upon request by the Commission. Although this requirement is mandated by the statute, it is not currently in the Commission's rules.

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

The statutory authority for this collection is contained in: [47 U.S.C. § 151-154](#), [201-205](#), [218-220](#), [254](#), [303\(r\)](#), [403](#) and [405](#).

2. The purpose of this information is to ensure that schools and libraries that are eligible to receive discounted Internet access and internal connections have in place certain Internet safety policies. Respondents who received a Funding Commitment Decision Letter indicating services eligible for universal service discounts must file FCC Form 486 in order to start the payment process. In addition, all members of a consortium must submit signed certifications to the Billed Entity (using a FCC Form 479; Certification by Administrative Authority to Billed Entity of Compliance with Children's Internet Protection Act) of each consortium, in language consistent with that on the FCC Form 486.

All of the requirements contained herein are necessary to implement the congressional mandate for universal service.

3. Copies of the forms will be available via the Administrator's web site or through a request to the Administrator's Client Service Bureau. In an effort to reduce any burden created by these information collection requirements, the Administrator permits electronic filing of FCC forms.

4. There will be no duplication of information. The information sought is unique to each respondent and similar information is not already available.

5. Entities directly subject to the requirements in the form are primarily schools and libraries. The forms have been designed to impose the least possible burden on the respondents.

6. Failing to collect the information, or collecting it less frequently, would prevent the Commission from implementing section 254 of the Act, and from ensuring that schools and libraries receiving discounted Internet access, Internet services, and internal connections have in place Internet safety policies.

7. Not applicable. The collections are not designed in any known manner to be inconsistent with OMB's guidelines.

8. The proposed rule was published in the Federal Register pursuant to 5 C.F.R. § 1320.8 (d) on January 19, 2010. See 75 FR 2826. Comments on the Paperwork Reduction Act proposed information collection requirements were to be submitted on or before March 22, 2010. At the time of this submission, no comments have been received.

9. There will be no payments or gifts to respondents.

10. The Commission is not requesting that the respondents submit confidential information to the Commission. If the Commission requests applicants to submit information that the respondents believe is confidential, respondents may request

confidential treatment of such information under section 0.459 of the Commission's rules.

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

12. The following represents the hour burden on the collections of information:

**a. FCC Form 479, Certification by Administrative Authority to Billed Entity of Compliance with Children's Internet Protection Act**

Administrative Authorities for Billed Entities and their consortia generally must submit signed certifications on Form 479 to the Billed Entity, or to their consortium, certifying as to the state of the Billed Entity in its compliance with CIPA. The Billed Entity is required to retain copies of the signed and completed FCC Form 479.

(1) Number of respondents: Approximately 10,000.

(2) Frequency of response: Annual and third party disclosure. In most cases, each respondent must submit a signed Form 479 to its Billed Entities.

(3) Burden per response: 1 hour. The total annual hour burden is: **10,000 hours**. (No change in estimates from the previous submission to OMB.)

(4) Total estimate of the annualized cost to respondents for the hour burdens for collection of information: \$400,000.

(5) Explanation of calculation: We estimate that this obligation will take approximately 1.0 hours and will occur once a year for 10,000 respondents.  $10,000$  (number of respondents)  $\times$   $1$  (number of submissions required)  $\times$   $1.0$  (hours to comply with requirements, to prepare form, including time for reading instructions)  $\times$   $\$40$  per hour (including administrative staff time and overhead) =  $\$400,000$ .

**b. FCC Form 486, Receipt of Service Confirmation Form**

Billed Entities must use the Form 486 to authorize the payment of invoices from service providers, indicate approval of technology plans, and indicate compliance with CIPA.

(1) Number of respondents: Approximately 30,000. Respondents include: school, school boards, local education agency, or other authority with responsibility for administration of the school, library, library board, or other authority with responsibility for administration of the library.

(2) Frequency of response: Annual and third party disclosure. In order to receive discounts for Internet access and internal connections services under the universal service support mechanism, school and library authorities must certify that they are enforcing a policy of Internet safety that includes measures to block or filter Internet access for both minors and adults to certain visual depictions.

(3) Burden per response: 1.5 hours. The total annual hour burden is: **45,000 hours**. (No change in estimates from the previous submission to OMB.)

(4) Total estimate of the annualized cost to respondents for the hour burdens for collection of information: \$1,800,000.

(5) Explanation of calculation: We estimate that this obligation will take approximately 1.5 hours and will occur once a year for 30,000 schools and libraries.  $30,000$  (number of respondents) x 1 (number of submissions required) x 1.5 (hours to comply with requirements, to prepare form, including time for reading instructions) x \$40 per hour (including administrative staff time and overhead) = \$1,800,000.

### **c. FCC Form 500, Funding Commitment (FRN) Change Request Form**

Billed Entities use the Form 500 to make adjustments to previously filed forms, such as changing the contract expiration date filed with the Form 471, or changing the funding year service start date filed with the Form 486. The Billed Entity will be required to retain copies of the signed and completed FCC Form 500.

(1) Number of respondents: Approximately 5,000.

(2) Frequency of response: On occasion and third party disclosure.

(3) Annual burden per response: 1.5 hours for certifying to the Billed Entity. The total annual hour burden is: **7,500 hours**. (No change in estimates from the previous submission to OMB.)

(4) Total estimate of the annualized cost to respondents for the hour burdens for collection of information: \$300,000.

(5) Explanation of calculation: We estimate that this obligation will take approximately 1.5 hours and will occur once a year for 5,000 respondents.  $5,000$  (number of respondents) x 1 (number of submissions required) x 1.5 (hours to comply with requirements, to prepare form, including time for reading instructions) x \$40 per hour (including administrative staff time and overhead) = \$300,000.

### **d. Provision of Internet Safety Policy to the Federal Communications Commission**

The rules are being revised to require that schools and libraries provide to the Commission, upon request, copies of the Internet safety policies that are adopted pursuant to section 254(l) of the Act. This is a new information collection.

(1) Number of respondents: Approximately 30,000.

(2) Frequency of response: On occasion and third party disclosure.

(3) Annual burden per response: .25 hours for providing the policies to the Commission. The total annual hour burden is: **7,500 hours**.

(4) Total estimate of the annualized cost to respondents for the hour burdens for collection of information: \$300,000.

(5) Explanation of calculation: We estimate that this obligation will take approximately .25 hours and will occur once a year for 30,000 respondents.  $30,000$  (number of respondents) x 1 (number of submissions required) x .25 (hours to comply with requirements, to prepare form, including time for reading instructions) x \$40 per hour (including administrative staff time and overhead) = \$300,000.

### **Summary of Estimated Total Annual Burden Hours:**

**Total Number of Respondents** = 10,000 + 30,000 + 5,000 + 30,000 = **75,000**

**Respondents**

**Total Number of Responses** = 10,000 + 30,000 + 5,000 + 30,000 = **75,000 Responses**

**Total Annual Burden** = 10,000 + 45,000 + 7,500 + 7,500 = **70,000 Hours**

**Total Annual In-House Cost** = \$400,000 + \$1,800,000 + \$300,000 + \$300,000 = \$2,800,000.

13. We estimate that there will be no capital or start-up costs to comply with this collection. We do not believe that these requirements will necessitate the purchase of additional equipment. We estimate that there will be no operation, maintenance or purchase of services, or costs associated with this collection.

14. There will be few, if any costs to the Commission because notice and enforcement requirements are already part of Commission duties. Moreover, there will be minimal cost to the Federal government since an outside party will administer this program.

15. There is a change in the public burden for this collection. The increase is due to 30,000 additional respondents/responses. The program change increase of 7,500 additional hours to this information collection is also due to a revision that proposes to add a certification that the E-rate applicant has updated its Internet safety policy to include plans for educating minors about appropriate on-line behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

16. Non-proprietary information from the FCC Forms 479 and 486 may be made publicly available at some point, although the Commission does not have specific plans for doing so at this time.

17. The Commission seeks continued approval to not display the OMB expiration date for OMB approval of the information collections. Display of the expiration date on the forms and instructions would not be in the public interest because, after the approval period, we would have to destroy all of the unused forms bearing an outdated OMB expiration date; or require the update of electronic forms. This would constitute waste and would not be cost effective. The Commission will use an edition date in lieu of the OMB expiration date. Additionally, the Commission publishes the OMB control number, OMB expiration date, and title in 47 CFR 0.408 of the Commission's rules.

18. Not applicable.

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

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