

Non-Substantial Change for the Webform alternative method, FCC 09-109

On December 4, 2009, the Commission adopted an Order amending Section 79.1(i)(3) of the Commission's rules (47 CFR 79.1(i)(3)). Section 79.1(i)(3) was adopted by the Commission in November 2008. That rule requires video programming distributors (VPDs) to submit to the Commission, for posting on the Commission's website, contact information for the handling of immediate closed captioning concerns and written closed captioning complaints. This requirement is intended to ensure that consumers can more easily and promptly contact the appropriate VPD to report closed captioning problems or to file complaints. To establish this listing, the Commission required VPDs to file the required contact information with the Chief of the Disability Rights Office, Consumer and Governmental Affairs Bureau, or by sending the information to CLOSEDCAPTIONING_POC@fcc.gov, within 30 days of our publication in the Federal Register of a notice announcing approval of the rule by the Office of Management and Budget. OMB approved the collection associated with new Section 79.1(i)(3) on July 27, 2009, but the Federal Register notice announcing such approval has not yet been published, hence the rule still is not yet effective.

The Order adopted by the Commission on December 4, 2009 amends the rules to permit VPDs to submit the required contact information through an electronic webform. The webform option represents a third method for VPDs to submit the required contact information to the Commission, in addition to the email and paper filing options already provided for under Section 79.1(i)(3) of the Commission's rules. While encouraged to use the webform, VPDs may use any of these three methods. The Commission is submitting this non-substantial change request because it devised this third method to comply with the contact information submission requirement after OMB approved the collection associated with new Section 79.1(i)(3) in July.

The webform approach, however, will have a negligible -- if any -- impact on the burdens associated with the already-approved collection. In fact, it may even reduce them (though again, by an insignificant measure). Specifically, the webform will promote compliance with the rule by facilitating the submission and availability of complete and accurate contact information. First, this approach uses a step-by-step process to ensure that all required information is submitted -- the webform will not accept any entry that does not contain all required information entered in the proper format. In addition, all information entered by VPDs will be secure and only authorized persons with access to a VPD's FCC Registration Number (FRN) and password may enter data or make changes to data previously entered. Further, because the VPD enters the contact information directly, Commission staff need not manually enter the data and then post the information to the web. Not only does this reduce the chance of human error in transcribing VPD contact information, but it also dramatically reduces the burdens of compliance on Commission staff, and it makes the information available for public searches on the FCC's website almost immediately.

While not required to be considered under the PRA as part of the "burdens" associated with this information collection, the Commission does note that the webform approach will also decrease burdens on consumers. Consumers will no longer need to consult a list to locate VPDs' contact information; rather, they will be able to locate VPDs'

contact information by using a webform on the FCC's website to conduct an electronic search of VPDs registered with the FCC.