

## SUPPORTING STATEMENT

This collection is being submitted to the Office of Management and Budget (OMB) to extend an existing collection with adjustments to the hour and cost burdens to more accurately reflect the most current information available. There is no change in the reporting, recordkeeping and/or third party disclosure requirements.

### **A. Justification:**

1. The following information collections are implemented pursuant to the First Report and Order and Order on Reconsideration issued in CC Docket No. 96-98 implementing the Telecommunications Act of 1996.

a. Submission of Information Necessary to Reach Agreement. Parties negotiating agreements under section 252 are required to provide each other with information necessary to reach agreement. 47 U.S.C. § 252(b). See also 47 C.F.R. Sections 51.301, 51.100.

b. Submission of Agreements to a State Commission. Carriers must file interconnection agreements negotiated or arbitrated under the 1996 Act with the appropriate state commissions. Once agreements are approved by the state commission, incumbent LECs are also required to make their approved agreements available to all parties. 47 U.S.C. §§ 252(e)(1), 252(i). See also 47 C.F.R. Sections 51.100, 51.3, 51.303, 51.809.

c. Burden of Proof Regarding Interconnection and Access to Unbundled Network Elements. To submit an order to obtain a high-capacity unbundled transmission facility, a requesting carrier must undertake a reasonably diligent inquiry and, based on that inquiry, self-certify that to the best of its knowledge; its request is consistent with the availability thresholds set forth in the Commission's rules. Upon receiving such a request, the incumbent LEC must immediately process it and provision the element, and may subsequently bring any dispute regarding access to that UNE before a state commission or other appropriate authority. An incumbent LEC that denies a request to combine network elements must prove by clear and convincing evidence that the requested combination is not technically feasible or that the requested combination would impair the ability of other carriers to interconnect or to access unbundled network elements. 47 U.S.C. §§ 251(c)(2), (c)(3). See also C.F.R. Sections 51.305, 51.323, 51.319.

d. Collocation. When an incumbent LEC alleges that there are space constraints, it must provide the state commission with detailed floor plans or diagrams of those premises. When an incumbent LEC objects to collocation of equipment by a telecommunications carrier, the incumbent LEC bears the burden of demonstrating to the state commission that the equipment will not be actually used for the purpose of obtaining interconnection or gaining access to unbundled network elements. An incumbent LEC shall relinquish any space held for future use before denying a request for virtual collocation on the grounds of space limitations, unless the incumbent LEC proves to the state commission that virtual collocation at that point is not technically feasible. An incumbent LEC may impose reasonable restrictions on the warehousing of unused space by collocating telecommunications carriers, provided, however, that the incumbent LEC shall not set maximum space limitations applicable to such carriers unless the incumbent LEC proves to the state commission that space constraints make such restrictions necessary. An incumbent LEC providing collocation must permit interconnection of copper or coaxial cable if such interconnection is first approved by the state commission. 47 U.S.C. § 251(c)(6). See also 47 C.F.R. Sections 51.321, 51.323.

e. Notification that a State Commission Has Failed to Act. Any interested party seeking preemption of a state commission's jurisdiction based on the state commission's failure to act shall notify the Commission as follows: (1) file with the Secretary of the Commission a detailed petition, supported by an affidavit, that states with specificity the basis for any claim that it has failed to act; (2) serve the state commission and other parties to the proceeding on the same day that the party serves the petition on the Commission; and (3) within 15 days of the filing of the petition, the state commission and parties to the proceeding may file a response to the petition. 47 U.S.C. § 252(e). See also 47 C.F.R. Section 51.803.

f. Rural and Small Carriers. Rural and small carriers may have to submit information to state commissions in order to: (1) justify a continued exemption under section 251(f)(1) once a bona fide request has been made; and (2) petition a state commission for a suspension or modification of the Act's requirements under section 251(f)(2). 47 U.S.C. § 251(f). See also 47 C.F.R. Section 51.403.

g. Pole Attachment Modifications. Absent a private agreement establishing notification procedures, utilities must provide no less than 60 days' written notification of a modification of a pole attachment to parties holding attachments on the facility to be modified. Notice should be sufficiently specific to apprise the recipient of the nature and scope of the planned modification. If the contemplated modification involves an emergency situation for which advanced written notice would prove impractical, the notice requirement does not apply, except that notice should be given as soon as reasonably practicable, which in some cases may be after the modification is completed. This requirement does not apply to routine pole maintenance activities. Utilities and parties with attachments should exchange maintenance handbooks or other written descriptions of their standard maintenance practices. Changes to these practices should be made only upon 60 days' written notice. 47 U.S.C. §224(h). See also 47 C.F.R. Section 1.1403.

h. Pole Attachment Access Requests and Denials of Access. The Commission adopts procedures to provide a complete record of pole access requests and denials of requests. Therefore, cable operators and telecommunications carriers must provide written request for access to utilities. If access is not granted within 45 days of the request, the utility must confirm the denial in writing by the 45<sup>th</sup> day. The denial must be specific, and the utility must include all relevant evidence supporting its denial. It must enumerate how the evidence relates to one of the reasons that access can be denied under Section 224(f)(2), i.e., lack of capacity, safety, reliability or engineering standards. 47 U.S.C. §§ 224(f), 251(b)(4). See also 47 C.F.R. Section 1.1403.

i. Dispute Resolution Process for Denials of Access. The Commission also adopts a dispute resolution process for denials of access. Upon the receipt of a notice of denial from the utility, the requesting party shall have 60 days to file its complaint with the Commission. We anticipate that by following the required procedure for denials of access, the Commission will, upon receipt of a complaint, have all relevant information upon which to make its decision. The petition must be served pursuant to Section 1.1404(b) of the Commission's rules. Final decisions relating to access will be resolved by the Commission. 47 U.S.C. §§ 224(f), 251(b)(4). See also C.F.R. Sections 1.1403, 1.1404.

j. Preparation of Forward-Looking Economic Cost Studies to Determine Rates for Interconnection and Unbundled Network Elements During Arbitration Proceedings. States may prepare themselves, or require parties to prepare, forward-looking economic cost studies to determine rates for unbundled elements during arbitration proceedings. 47 U.S.C. §§ 251(c)(2), (c)(3), (c)(6), 252(d)(1). See also 47 C.F.R. Section 51.505.

k. Preparation of a Cost Study on Avoidable Cost to Determine Resale Discounts. States may prepare themselves, or require parties to prepare, avoided cost studies to determine resale discounts. Initially, a

state may choose a percentage within the Commission’s default discount percentage range, or set a discount through review of an avoided cost study prepared by a state or a party. A state that chooses to employ the Commission’s default discount percentage range must articulate a reason for its choice, and must set resale discount through review of an avoided cost study within a reasonable time after choosing the default percentage. 47 U.S.C. §§ 251(c)(4), 252(d)(3). See also 47 C.F.R. Sections 51.609, 51.611.

l. Preparation of Forward-Looking Economic Cost Studies Conducted to Determine Reciprocal Rates for Transport and Termination of Telecommunications Traffic. Parties may prepare forward-looking economic cost studies to demonstrate their costs incurred for the transport and termination of telecommunications traffic. 47 U.S.C. §§ 251(b)(2). See also 47 C.F.R. Sections 51.505, 51.511, 51.705.

m. Measurement of Traffic for Purposes of Determining Whether Transport and Termination Traffic Flows are Symmetrical. Parties will measure traffic flow to determine their reciprocal compensation payment obligations. Those parties regulated under a bill-and-keep arrangement may wish to measure relative traffic flow to determine whether it is roughly balanced. 47 U.S.C. §§ 251(b)(5), 252(d)(2). See also 47 C.F.R. Sections 51.713, 51.703, 51.705.

n. Filing Required for Arbitration. Parties must provide documentation to states (or the Commission acting under 252(e)(5)) when arbitration is to occur. This information will consist of a statement of unresolved issues and the positions of the parties with respect to those issues, and a list of other issues discussed and resolved by the parties. This information also may include the forward-looking economic or avoided cost studies mentioned in the above sections “j” through “m.” 47 U.S.C. § 252 (b)(2). See also 47 C.F.R. Section 51.807.

o. Determination of Rates for Interconnection, Unbundled Network Elements, and Transport and Termination of Telecommunications Traffic – State Commission Review of Forward-Looking Economic Cost Studies. The Act provides that during arbitration the state commission shall set prices for interconnection, unbundled network elements, and transport and termination of telecommunications traffic. In the First Order on Reconsideration, the Commission created a proxy to assist state commissions in setting rates for the flat-rated component of the local switching network element. The state commission sets such prices either through review of a forward-looking economic cost study, or by choosing one of the Commission’s proxies. 47 U.S.C. §§ 251(b), (c)(2), (c)(3), (c)(6), 252(d)(1). See also 47 C.F.R. Sections 51.507, 51.503, 51.505.

p. Determination of Resale Discount Percentage – State Commission Review of Avoided Cost Studies. The Act provides that during arbitration, the state commission shall set the percentage discount for resale of telecommunications services. Initially, a state may choose a discount percentage within the Commission’s default discount percentage range, or set a discount through review of an avoided cost study prepared by a state or a party. A state that chooses to employ the Commission’s default discount percentage range must set a resale discount through review of an avoided cost study within a reasonable time after choosing the default percentage. 47 U.S.C. §§ 251(c)(4), 252(d)(3). See also 47 C.F.R. Section 51.611.

q. Petition for Incumbent LEC Status. A state commission, or any other interested party, may request that the Commission issue an order declaring that a particular LEC be treated as an incumbent LEC, or that a class or category of LECs be treated as incumbent LECs. 47 U.S.C. § 251(h)(2).

r. Use of Proxies by State Commissions – Articulating Written Reasons for Choice. State commissions may set rates for interconnection, unbundled network elements, transport and termination of telecommunications traffic, and resale utilizing a proxy or default percentage as an alternative to conducting or reviewing a cost study. In the First Order on Reconsideration, the Commission created a

proxy to assist state commissions in setting rates for the flat-rated component of the local switching network element. 47 U.S.C. §§ 251(b)(5), (c)(2), (c)(3), (c)(4), (c)(6), 252 (d)(1), (d)(2), (d)(3). See also 47 C.F.R. Sections 51.503, 51.505.

s. Preparation of Forward-looking Economic Cost Studies to Establish Rates for Transport and Termination of Paging and Radiotelephone Service, Narrowband Personal Communications Services, and Paging Operations in the Private Land Mobile Radio Services. A state commission shall establish the rates that licensees in the Paging and Radiotelephone Service, Narrowband Personal Communications Services, and Paging Operations in the Private Land Mobile Radio Services may charge to other carriers for transport and termination of traffic, to the extent these carriers are unable to reach agreement on transport and termination rates in their interconnection agreements. Such rates must be based on forward-looking economic costs, and may not be set utilizing a proxy. Given the lack of information in the record concerning paging providers' costs, the Commission was unable to set a proxy for transport and termination rates for use by these carriers. 47 U.S.C. § 251 (b)(5). See also 47 C.F.R. Sections 20.11, 51.505, 51.513.

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.

The statutory authority for this collection is contained in sections: 1-4, 201-205, 214, 224, 251, 252, and 303 (r) of the Communications Act of 1934, as amended, and Section 601 of the Telecommunications Act of 1996, 47 U.S.C. 151-154, 201-205, 224, 251, 252, 303 (r) and 601.

2. The information collected under the Submission of Information Necessary to Reach Agreement; Pole Attachment Modifications; Pole Attachment Access Requests and Denials of Access; and Use of Proxies by State Commissions requirements must be provided to third parties. The information collected under the Dispute Resolution Process for Denials of Access; Notification that a State Commission Has Failed to Act; and Petition for Incumbent LEC Status must be submitted to the FCC. The information collected under the Rural and Small Carriers requirement must be provided to the state commission. The Submission of Agreement to the State Commission requirement; the Burden of Proof Regarding Interconnection, and Access to Unbundled Network Elements; Collocation; Measurement of Traffic for Purposes of Determining Whether Transport and Termination Traffic Flows are Symmetrical; Filing Regarding Arbitration; Determination of Interconnection and Unbundled Network Element Prices; Determination of Resale Discount Percentage; Preparation of Forward-looking Economic Cost Studies to Establish Rates for Transport and Termination for Paging and Radiotelephone Service, Narrowband Personal Communications Services, and Paging Operation in the Private Land Mobile Radio Services; and various cost studies must be provided to third parties, state commissions and/or, in some instances, the FCC. All of the requirements would be used to ensure that local exchange carriers comply with their obligations under the 1996 Act.

3. Generally, there is no improved technology identified by the Commission to reduce the burden of these collections. However, the Commission does not prohibit the use of improved technology where appropriate.

4. The Commission is not aware of any similar information already available that can be used or modified for the purposes described in Item 2 above.

5. The information collection may affect small entities as well as large entities. For small entities, the 1996 Act in section 251(f), provides for exemption, suspension, or modification of certain requirements in some instances. That provision would affect information collected under the proposed burdens of proof regarding interconnection, unbundling, and collocation requirements, the submission of agreements to the

state commission, the proposed notice that the state commission has failed to act, and pole attachment requests.

6. Failing to collect the information, or collecting it less frequently, would violate the language and/or intent of the 1996 Act to foster opportunities for competing carriers to enter the local telephone market.

7. FCC requirements do not impose any obligations that would require parties to report information to the FCC more often than quarterly, nor will our requirements impose any other special circumstances. In some instances, a respondent might need to make a showing or filing more often than quarterly due to actions by private parties. For example, pursuant to the 1996 Act, if a pole owner modifies its poles more often than quarterly, it would be required to give notice of such modification more often than quarterly to persons with attachments to such poles.

8. Pursuant to 5 C.F.R. Section 1320.8(d), the Commission published a 60-day notice in the Federal Register to solicit public comment on these reporting requirements. See 75 FR 16119, dated March 31, 2010. No comments were received as a result of the notice.

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

10. The Commission is not requesting respondents to submit confidential information to the Commission. If the respondents request to submit information which they believe is confidential, they may request confidential treatment of such information under section 0.459 of the Commission's rules.

11. The information collection does not address any matters of a sensitive nature.

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

a. **Third Party Disclosure Requirement (Submission of Information Necessary to Reach Agreement):**

(1) Number of respondents: Approximately 100.

(2) Frequency of response: Third party disclosure requirement.

(3) Total number of responses per respondent: 5 responses.

(4) Estimated time per response: 50 hours.

(5) Total annual burden: **25,000 hours.**

100 respondents x 5 times/per year x 50 hours/per response = **25,000 hours.**

(6) Total estimate of "in house" cost to respondents: \$1,375,000.

(7) Explanation of the calculation:

We assume that respondents will use in-house professional services (rate of \$55/hour) to satisfy this third party disclosure requirement. Thus, 25,000 hours x \$55 per hour = \$1,375,000.

b. **Reporting Requirement (Submission of Agreements to the State Commission):**

- (1) Number of respondents: Approximately 100.
- (2) Frequency of response: On occasion reporting requirement.
- (3) Total number of responses per respondent: Approximately 2,000.
- (4) Estimated time per response: 1 hour per agreement.
- (5) Total annual burden: **2,000 hours.**

100 respondents x 1 hour per agreement x 20 agreements per year = **2,000 hours.**

- (6) Total estimate of “in house” cost to respondents: \$110,000.
- (7) Explanation of the calculation:

We assume that respondents will use in-house professional services (rate of \$55/hour) to satisfy this reporting requirement. Thus, 2,000 hours x \$55 per hour = \$110,000.

c. **Third Party Disclosure Requirement (Burden of Proof Regarding Interconnection and Access to Unbundled Network Elements):**

- (1) Number of respondents: Approximately 100.
- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses per respondent: Approximately 5.
- (4) Estimated time per response: 25 hours.
- (5) Total annual burden: **12,500 hours.**

100 respondents x 5 responses per respondent x 25 hours per response = **12,500 hours.**

- (6) Total estimate of “in house” cost to respondents: \$687,500.
- (7) Explanation of the calculation:

We assume that respondents will use in-house professional services (rate of \$55/hour) to satisfy this third party disclosure requirement. Thus, 12,500 hours per year x \$55 per hour = \$687,500.

d. **Reporting Requirement (Collocation):**

- (1) Number of respondents: Approximately 200.
- (2) Frequency of response: On occasion reporting requirement.
- (3) Total number of responses per respondent: Approximately 200.

(4) Estimated time per response: 5 hours.

(5) Total annual burden: **1,000 hours**.

Approximately 200 respondents x 5 hours per response x 1 response per year = **1,000 hours**.

(6) Total estimate of “in house” cost to respondents: \$55,000.

(7) Explanation of the calculation:

We assume that respondents will use in-house professional services (rate of \$55/hour) to satisfy this reporting requirement. Thus, 1,000 hours x \$55 per hour = \$55,000.

e. **Reporting Requirement (Notification that State Commission has Failed to Act)**:

(1) Number of respondents: Approximately 30.

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

(3) Total number of responses per respondent: Approximately 30.

(4) Estimated time per response: 10 hours.

(5) Total annual burden: **300 hours**.

30 respondents x 1 response per year x 10 hours per response = **300 hours**.

(6) Total estimate of “in house” cost to respondents: \$16,500.

(7) Explanation of the calculation:

We assume that respondents will use in-house professional services (rate of \$55/hour) to satisfy this reporting requirement. Thus, 300 hours x \$55 per hour = \$16,500.

f. **Third Party Disclosure Requirement (Rural and Small Carriers)**:

(1) Number of respondents: Approximately 100.

(2) Frequency of response: Third party disclosure requirement.

(3) Total number of responses per respondent: Approximately 100.

(4) Estimate time per response: 20 hours.

(5) Total annual burden: **2,000 hours**.

100 respondents x 1 response per year x 20 hours per response = **2,000 hours**.

(6) Total estimate of “in house” cost to respondents: \$110,000.

(7) Explanation of the calculation:

We assume that respondents will use in-house professional services (rate of \$55/hour) to satisfy this third party disclosure requirement. Thus, 2,000 hours x \$55 per hour = \$110,000.

g. **Third Party Disclosure (Pole Attachment Modifications):**

i. Third party disclosure of pole modifications for ILECs

(1) Number of respondents: 1,400.

(2) Frequency of response: Third party disclosure requirement.

(3) Total number of responses per respondent: 1,050,000 (1,400 x 750 mods).

(4) Estimated time per response: .25 hours.

(5) Total annual burden: **262,500 hours.**

1,400 respondents x .25 hours per response x 750 modifications per year =  
**262,500 hours.**

(6) Total estimate of “in house” cost to respondents: \$6,562,500.

(7) Explanation of the calculation:

We assume that respondents will use in-house administrative staff (rate of \$25/hour) to satisfy this third party disclosure requirement. Thus, 262,500 hours per year x \$25 per hour = \$6,562,500.

ii. Third party disclosure of modifications to standard pole maintenance practices of utilities, cable operators and other telecommunications carriers

(1) Number of respondents: 12,250.

(2) Frequency of response: Third party disclosure requirement.

(3) Total number of responses per respondent: 12,250.

(4) Estimated time per response: .25 hours.

(5) Total annual burden: **3,062.5 hours.**

12,250 respondents x .25 hours per response x 1 response per respondent =  
**3,062.5 hours.**

(6) Total estimate of “in house” cost to respondents: \$76,562.50.

(7) Explanation of the calculation:

We assume that respondents will use in-house administrative staff (rate of \$25/hour) to satisfy this third party disclosure requirement. Thus, 3,062.5 hours per year x \$25 per hour = \$76,562.50

h. **Third Party Disclosure Requirement (Pole Attachment Access Requests and Denials of Access):**

- (1) Number of respondents: Approximately 50.
- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses per respondent: 1,500 (50 x 30 responses).
- (4) Estimated time per response: 5 hours.
- (5) Total annual burden: **7,500 hours.**

50 respondents x 5 hours per response x 30 responses per year = 7,500 **hours.**

- (6) Total estimate of “in house” cost to respondents: \$262,500.
- (7) Explanation of the calculation:

We assume that respondents will use in-house para-professional staff (rate of \$35/hour) to satisfy this third party disclosure requirement. Thus, 7,500 hours per year x \$35 per hour = \$262,500.

i. **Third Party Disclosure Requirement (Dispute Resolution Process for Denials of Access):**

- (1) Number of respondents: 250. (125 complainants and 125 defendants).
- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses per respondent: 250.
- (4) Estimated time per response: 17.5 hours.
- (5) Total annual burden: **4,375 hours.**

250 respondents x 1 response per year x 17.5 hours per response = **4,375 hours.**

- (6) Total estimate of “in house” cost to respondents: \$240,625.
- (7) Estimate of the calculation:

We assume that respondents will use in-house professional staff (rate of \$55/hour) to satisfy this third party disclosure requirement. Thus, 4,375 hours per year x \$55 per hour = \$240,625.

j. Third Party Disclosure Requirement (Preparation of Forward-Looking Economic Cost Studies to Determine Rates for Interconnection and Unbundled Network Elements During Arbitration Proceeding):

- (1) Number of respondents: Approximately 15.
- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses per respondent: Approximately 15.
- (4) Estimated time per response: 4,000 hours.
- (5) Total annual burden: **60,000 hours.**

Approximately 15 respondents x one response per year x 4,000 hours per response = **60,000 hours.**

- (6) Total estimate of “in house” cost to respondents: \$3,300,000.
- (7) Explanation of the calculation:

We assume that respondents will use several in-house professional staff members (rate of \$55/hour) to satisfy this third party disclosure requirement. Thus, 60,000 hours per year x \$55 per hour x 6 employees = \$3,300,000.

k. Third Party Disclosure Requirement (Preparation of a Cost Study on Avoidable Costs to Determine Resale Discounts):

- (1) Number of respondents: Approximately 15.
- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses per respondent: Approximately 15.
- (4) Estimated time per response: 480 hours.
- (5) Total annual burden: **7,200 hours.**

Approximately 15 respondents x one response annually x 480 hours per response = **7,200 hours.**

- (6) Total estimate of “in house” cost to respondents: \$396,000.
- (7) Explanation of the calculation:

We assume that respondents will use several in-house professional staff members (rate of \$55/hour) to satisfy this third party disclosure requirement. Thus, 7,200 hours per year x \$55 per hour x 2 employees = \$396,000.

**l. Third Party Disclosure Requirement (Preparation of Forward-looking Economic Cost Studies to Determine Reciprocal Rates for Transport and Termination of Telecommunications Traffic):**

- (1) Number of respondents: Approximately 30.
- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses per respondent: Approximately 30.
- (4) Estimated time per response: 450 hours.
- (5) Total annual burden: **13,500 hours**.

An average of 30 respondents per year x one response per year x 450 hours per response  
= **13,500 hours**.

- (6) Total estimate of “in house” cost to respondents: \$742,500.
- (7) Explanation of the calculation:

We assume that respondents will use several in-house professional staff members (rate of \$55/hour) to satisfy this reporting requirement. Thus, 13,500 hours per year x \$55 per hour = \$742,500.

**m. Recordkeeping Requirement (Measurement of Traffic for Purposes of Determining Whether Transport and Termination Traffic Flows are Symmetrical):**

- (1) Number of respondents: 550.
- (2) Frequency of response: Recordkeeping requirement.
- (3) Total number of responses per respondent: 550.
- (4) Estimated time per response: 350 hours.
- (5) Total annual burden: **192,500 hours**.

550 respondents x one response per year x 350 hours per response = **192,500 hours**.

- (6) Total estimate of “in house” cost to respondents: \$6,737,500.
- (7) Explanation of the calculation:

We assume that respondents will use in-house para-professional staff (rate of \$35/hour) to satisfy this recordkeeping requirement. Thus, 192,500 hours per year x \$35 per hour = \$6,737,500.

**n. Third Party Disclosure Requirement (Filing Required for Arbitration):**

- (1) Number of respondents: Approximately 50.

- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses per respondent: Approximately 500 (50 x 10 responses).
- (4) Estimated time per response: 5 hours.
- (5) Total annual burden: **2,500 hours**.

Approximately 50 respondents x 10 responses per year x 5 hours per response = **2,500 hours**.

- (6) Total estimate of “in house” cost to respondents: \$137,500.
- (7) Explanation of the calculation:

We assume that respondents will use in-house professional staff (rate of \$55/hour) to satisfy this third party disclosure requirement. Thus, 2,500 hours per year x \$55 per hour = \$137,500.

**o. Third Party Disclosure Requirement (Determination of Rates for Interconnection, Unbundled Network Elements, and Transport and Termination of Telecommunications Traffic – State Commission Review of Forward-looking Economic Cost Studies):**

- (1) Number of respondents: Approximately 15.
- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses per respondent: Approximately 15.
- (4) Estimated time per response: 2,880 hours.
- (5) Total annual burden: **43,200 hours**.

Approximately 15 respondents x 1 response per year x 2,880 hours per response = **43,200 hours**.

- (6) Total estimate of “in house” cost to respondents: \$158,400.
- (7) Explanation of the calculation:

We assume that respondents will use four in-house economists (\$55/hour) on this third party disclosure requirement. Thus, 43,200 hours x \$55 = \$2,376,000.

**p. Third Party Disclosure Requirement (Determination of Resale Discounts):**

- (1) Number of respondents: Approximately 15.
- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses per response: Approximately 15.

(4) Estimated time per response: 160 hours.

(5) Total annual burden: **2,400 hours**.

Approximately 15 respondents x 1 response per year x 160 hours per response = **2,400 hours**.

(6) Total estimate of “in house” cost to respondents: \$132,000.

(7) Explanation of the calculation:

We assume that respondents will use two in-house economists (\$55/hour) on this third party disclosure requirement. Thus, 2,400 hours x \$55 = \$132,000.

q. **Third Party Disclosure Requirement** (Petition of Incumbent LEC Status):

(1) Number of respondents: Approximately 2.

(2) Frequency of response: Third party disclosure requirement.

(3) Total number of responses per respondent: Approximately two.

(4) Estimated time per response: 30 hours.

(5) Total annual burden: **60 hours**.

Approximately 2 respondents x 1 response per year x 30 hours = **60 hours**.

(6) Total estimate of “in house” cost to respondents: \$3,300.

(7) Explanation of the calculation:

We estimate that it will take approximately thirty hours of in-house professional time to comply with this third party disclosure requirement. Thus, 60 hours x \$55 per hour = \$3,300.

r. **Reporting Requirement** (Use of Proxies by State Commission – Articulating Written Reasons for Choice):

(1) Number of respondents: Approximately 5.

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

(3) Total number of responses per respondent: Approximately 5.

(4) Estimated time per response: 120 hours.

(5) Total annual burden: **600 hours**.

Approximately 5 respondents x 1 response per year x 120 hours = **600 hours**.

(6) Total estimate of “in house” cost to respondents: \$45,000.

(7) Explanation of the calculation:

We assume that respondents will use in house attorneys (\$75 per hour) to comply with this reporting requirement. Thus, 600 hours x \$75 per hour = \$45,000.

s. **Third Party Disclosure Requirement (Preparation of Forward-Looking Economic Cost Studies to Establish Rates for Transport and Termination for Paging and Radiotelephone Service, Narrowband Personal Communications Services, and Paging Operations in the Private Land Mobile Radio Services):**

(1) Number of respondents: Approximately 5.

(2) Frequency of response: Third party disclosure requirement.

(3) Total number of responses per respondent: Approximately 5.

(4) Estimated time per response: 720 hours.

(5) Total annual burden: **3,600 hours.**

Approximately 5 respondents x 1 response per year x 720 hours = **3,600 hours.**

(6) Total estimate of “in house” cost to respondent: \$360,000.

(7) Explanation of the calculation:

We assume two in-house professionals (\$100 per hour) will work on this third party disclosure requirement. Thus 3,600 hours x \$100 per hour = \$360,000.

		Respondents	Responses	Hour Burden
(a)	Third Party Disclosure Requirement	100	500	25,000.0
(b)	Reporting Requirement	100	2,000	2,000.0
(c)	Third Party Disclosure Requirement	100	5	12,500.0
(d)	Reporting Requirement	200	200	1,000.0
(e)	Reporting Requirement	30	30	300.0
(f)	Third Party Disclosure Requirement	100	100	2,000.0
(g)(i)	Third Party Disclosure Requirement	1,400	1,050,000	262,500.0
(g)(ii)	Third Party Disclosure Requirement	12,250	12,250	3,062.5
(h)	Third Party Disclosure Requirement	50	1,500	7,500.0
(i)	Third Party Disclosure Requirement	250	250	4,375.0
(j)	Third Party Disclosure Requirement	15	15	60,000.0
(k)	Third Party Disclosure Requirement	15	15	7,200.0
(l)	Third Party Disclosure Requirement	30	30	13,500.0
(m)	Recordkeeping Requirement	550	550	192,500.0
(n)	Third Party Disclosure Requirement	50	500	2,500.0

(o)	Third Party Disclosure Requirement	15	15	43,200.0
(p)	Third Party Disclosure Requirement	15	15	2,400.0
(q)	Third Party Disclosure Requirement	2	2	60.0
(r)	Reporting Requirement	5	5	600.0
(s)	Third Party Disclosure Requirement	5	5	3,600.0
	<b>Totals</b>	<b>15,282</b>	<b>1,067,987</b>	<b>645,798</b>

13. Estimated operations and maintenance (O&M) costs to respondents or record keepers resulting from the information collection:

(a) Total capital start-up costs component annualized over its expected useful life: \$0. The information collection requirements impose no start-up costs to respondents.

(b) Total operation and maintenance and purchases of services component: \$0. We believe operations and maintenance and service costs will be costs which are incurred in the normal course of doing business.

14. Estimated Costs to the Commission:

The following costs represent the only sections (a-s) that have cost associated to them;

c. Burden of Proof Regarding Interconnection and Access to Unbundled Network Elements.

None, unless the Commission has to act under section 252(e). The Commission would act under section 252(e), if the Commission concluded that a state had failed to act. We estimate that the Commission may accept on average of 50% of the estimated 30 notification annually that a state commission has failed to act. For each arbitration conducted by the Commission, we estimate that a Commission arbitrator will work eight hours a day for approximately four months. 15 arbitration x 640 hours @ \$55 per hour = \$528,000 per year.

d. Collocation. None, unless the Commission has to act under section 252(e). Estimated costs to the Commission for are included within those for 'c' above.

e. Notification that a State Commission Has Failed to Act. The number of notifications estimated to be filed per year is 30, with an average of 10 hours to review. 30 notifications x 10 hours @ \$55 per hour = \$16,500 per year.

i. Dispute Resolution Process for Denials of Access. The number of complaint cases estimated to be filed per year is 200, with an average burden of 50 hours for the Commission to review and resolve all aspects of each complaint case. Thus, 200 complaint cases x 50 hours (\$55 per hour) = \$550,000.

o. Determination of Rates for Unbundled Network Elements and Transport and Termination of Telecommunications Traffic. None, unless the Commission must act under section 252(e). In that case, the estimated cost is \$158,400 per cost study, as explained in section 12(o) above.

p. Determination of Resale Discounts. None, unless the Commission must act under section 252(e). In that case, the estimated cost is \$8800 per cost study, as explained in section 12(p) above.

s. Preparation of Forward-Looking Economic Cost Studies to Establish Rates for Transport and Termination of Paging and Radiotelephone Service, Narrowband Personal Communications Services, and Paging Operations in the Private Land Mobile Radio Services. None.

Total Estimated Cost to the Federal Government is: \$1,094,500.

15. A change in burden is requested to more accurately reflect the current information available. Therefore, the annual burden hours for many of the items has been adjusted. The changes are detailed below. The total annual burden for this information collection has decreased by 409,352 hours from 1,055,150 total hours to 645,798 total annual hours.

Subsections 12(a) through 12(c), 12(e), 12(o), 12(p) and 12(r) were modified only to meet the current format for supporting statement documents. The estimates and calculations in those subsections were not modified.

The amount of respondents in subsection 12(d) "Collocation" has doubled to accurately represent that there are two potential respondents to each collocation request. The number of respondents has increased from 100 to 200. However, the total hour burden has decreased from 5,000 to 1,000 to reflect the fact that there are likely very few times a year when carriers will need to make this showing.

The amount of respondents in subsection 12(f) "Rural and Small Carriers" was lowered because the number of respondents has likely decreased because of market contraction. The hour burden, per response, in this subsection increased to more accurately reflect the time needed to complete this requirement. As such, the total hour burden for this subsection has decreased from 5,000 hours to 2,000 hours and the total in house cost has decreased from \$275,000 to \$110,000.

The number of respondents and subsequent calculations in subsection 12(g) "Pole Attachment Modifications" did not reflect responses by both ILECs and electric utilities and non-electric utility companies. The information provided in the previous summary referred to responses by both types of entities but the calculations only utilized the number of ILEC and electric utility respondents. This subsection was modified to correct that mistake. This subsection was also modified to decrease the amount of time each notification takes. This is because we believe the use of technology, such as email, has significantly decreased the amount of time each notification takes. This subsection has been revised and the number of respondents and the resulting calculations have been changed to reflect the modifications. The total annual hour burden has decreased from 531,125 hours to 268,563 hours and the total in house cost estimate has decreased from \$13,278,125 to \$6,639,075.

The number of respondents provided in the previous summary of subsection 12(h) "Pole Attachment Access Requests and Denials of Access" was actually the number of responses. The number of respondents has been added and the subsequent calculations have been corrected to reflect this addition. The hour burden for subsection 12(h) has not changed. The in house cost has decreased from \$421,875 to \$240,625. We believe the use of in house staff with more familiarity gained over years of performing this function will decrease the annual cost.

The estimated time per response burden in subsection 12(i) "Dispute Resolution Process for Denial of Access" has been averaged to 17.5 hours per response instead of broken out to different hour amounts for in-house legal assistance and legal assistance from outside counsel. The hour burden for subsection 12(i) has not changed. The in house cost to respondents has been modified to reflect the use of in house staff only as opposed to the use of outside parties. As a result, the total "in house" cost has decreased from \$421,875 per year to \$240,625 per year.

The hour burden in subsection 12(j) “Preparation of Forward-looking Economic Cost Studies to Determine Rates for Interconnection and Unbundled Network Elements During Arbitration Proceeding” has increased because it was incorrectly calculated in the previous collection. The total annual burden has increased from 4,320 to 60,000 hours. However, we believe the use of in house staff with more familiarity gained over years of performing this function will allow the “in house” cost burden to decrease from \$6,480,000 to \$3,300,000.

The total “in house” cost burden in subsection 12(k) “Preparation of a Cost Study on Avoidable Costs to Determine Resale Discounts” has decreased from \$540,000 to \$396,000 per year. We believe the use of in house staff with more familiarity gained over years of performing this function will decrease the annual cost. The total hour burden for this subsection has not changed.

We believe the in house cost burden in subsection 12(l) “Preparation of Forward-looking Economic Cost Studies to Determine Reciprocal Rates for Transport and Termination of Telecommunications Traffic” was calculated incorrectly. This burden has also decreased from \$1,080,000 to \$74,250 per year as a result of the correction. The total hour burden for this subsection has not changed.

We believe that advances in technology allow carriers to now measure traffic flow in a simpler and faster manner. Additionally, carriers are likely monitoring traffic in the normal course of business. Therefore, the estimated time per response burden in subsection 12(m) “Measurement of Traffic for Purposes of Determining Whether Transport and Termination Traffic Flows are Symmetrical” has decreased from 700 hours per respondent to 350 hours per respondent. As such, the total “in house” cost burden has also been modified. The total “in house” cost burden has decreased from \$13,475,000 to \$6,737,500 per year. The total hour burden for this subsection has decreased from 385,000 hours to 192,500 hours.

We believe that the filings referred to in subsection 12(n) “Filing Required for Arbitration” have likely become more pro forma over the years. As such, the “in house” cost has been modified to reflect the use of in house, non-attorney staff decreasing that cost from \$250,000 to \$137,500 per year. Additionally, the previous information collection requested approval for 250 responses per year and then multiplied that number by two to represent that there would be two parties to each arbitration filing. The number of responses has been doubled to 500 to reflect that this requirement would affect two parties rather than leave that calculation in the explanatory language. However, the total annual hour burden has not changed.

The number of potential respondents to subsection 12(q) “Petition of Incumbent LEC Status” has decreased from 30 to two to more accurately reflect contraction in the telecommunications market. However, the estimated time per response burden has increased from 1 hour to 60 hours. We believe this is a more accurate reflection of how long it would take parties to complete and file such a petition. These modifications have resulted in an increase in the in house cost burden for this subsection. The cost burden has increased from \$1,650 to \$3,300.

The annual outside cost burden of \$625,000 from the previous information collection has been eliminated. We believe these costs are best considered part of the normal course of business and are performed by in-house staff.

16. The Commission does not anticipate publishing any of the information to be collected.

17. The Commission is not seeking approval to not display an OMB expiration date. However, the Commission “displays” the OMB control number, OMB expiration date and title of each OMB-approved information collection in 47 CFR 0.408 of the Commission’s rules.

18. Not applicable. There are no exceptions to the certification statement.

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

Not applicable.