

SUPPORTING STATEMENT

A. Justification

1. Title IV of the Americans with Disabilities Act of 1990 (ADA), adding section 225 to the Communications Act of 1934, as amended (Act), requires that:
 - (a) The Commission ensures that telecommunications relay service (TRS)¹ is available, to the extent possible and in the most efficient manner, to persons with hearing or speech disabilities in the United States;² and
 - (b) TRS offers persons with hearing and speech disabilities telephone transmission services that are “functionally equivalent” to voice telephone services.³

Video Relay Service

In March 2000, the Commission recognized Video Relay Service (VRS) as a form of TRS.⁴ VRS requires the use of a broadband Internet connection between the VRS user and the CA, which allows the VRS user and the CA to communicate in sign language via the video link. During the call, the CA communicates in American Sign Language (ASL) with the deaf person and by voice with the hearing person. As a result, the conversation between the deaf and hearing end users follows in near real time.

On May 27, 2010, in document FCC 10-88,⁵ the Commission released a *Notice of Proposed Rulemaking (NPRM)* seeking comment on ways to amend the Commission’s rules to detect and prevent fraud and misuse in the provision of VRS. The *NPRM* contains potential information collection requirements with respect to the following six of its proposals. Though the *NPRM* emphasizes VRS, many of the proposals would also apply to other or all forms of TRS.

A. Automated Call Data Collection

Whether TRS providers should be required to automatically capture the conversation time, to the nearest second, for each call submitted for payment from the Interstate TRS Fund (Fund).

¹ TRS is a telephone transmission service that allows persons with a hearing or speech disability to engage in communications by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. See 47 CFR 64.601(21). TRS facilities are staffed by communications assistants (CAs) who relay conversations between people who use text telephone devices (TTY’s) or other devices and people who communicate by voice.

² 47 U.S.C. § 225(b)(1).

³ 47 U.S.C. § 225(a)(3).

⁴ *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5152-54, paras. 21-27 (2000); 47 C.F.R. 64.601(26) (defining VRS).

⁵ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51. Declaratory Ruling, Order, and Notice of Proposed Rulemaking, 25 FCC Rcd 6012 (2010).

Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51*B. Data Filed with the Fund Administrator to Support Payment Claims*

(1) Whether the TRS rules should be amended to specifically require that relay providers submit the following call data information in order to be eligible for compensation from the Fund: (a) the call record ID sequence; (b) Communications Assistant ID; (c) session start and end times; (d) conversation start and end times; (e) incoming telephone number or IP address; (f) outbound telephone number or IP address; (g) total conversation minutes; (h) total session minutes; and (i) for VRS and Internet-Protocol (IP) Relay providers, speed of answer compliance data.

(2) Whether the TRS rules should be amended to require that the call record and speed of answer data be submitted electronically and in a standardized format, and, if so, what the standardized format should be.

C. Requiring Providers to Submit Information about New and Existing Call Centers

(1) Whether the Commission should require VRS providers eligible for compensation from the Fund that submit minutes for payment to file with the Commission and Fund administration on a quarterly basis a statement detailing the name and address of each call center the provider owns or controls (this would include subcontractors operating call centers and entities operating call centers for a subcontractor), the number of CAs and CA managers at the call center, and the name and contact information for the managers of the call center.

(2) Whether the Commission should require VRS providers to file an amendment to their most recent quarterly filing each time they open a new call center, close a call center, or the ownership or management of a call center changes, or changes to the list of providers whose calls are processed through the call center within 30 days of such an event.

D. Transparency and the Disclosure of Provider Financial and Call Data

Whether all VRS providers should be required to make available their cost and demand data to the public.

E. Record Retention

Whether Internet-based TRS providers should be required to retain their call detail records, other records that support their claims for payment from the Fund, and those records used to substantiate the costs and expense data submitted in the annual relay service data request form, for five years.

F. Provider Certification Under Penalty of Perjury

Whether the CEO, CFO, or other senior executive of a relay service provider should be required to certify, under penalty of perjury, that: (1) minutes submitted to the Fund administrator for compensation were handled in compliance with section 225 of the Act and the Commission's rules and orders, and are not the result of impermissible financial incentives, or payments or kickbacks, to generate calls, and

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(2) cost and demand data submitted to the Fund administrator related to the determination of compensation rates or methodologies are true and correct.

These information collections do not affect individuals or households, and thus, there are no impacts under the Privacy Act. However:

- (a) Information that is related to individuals or households is collected by a third party, the TRS providers, and one of the proposed rules would require that such information be furnished to the Commission and/or Fund administrator; and
- (b) The Commission has no direct involvement in the collection of this information on individuals and households.⁶

The statutory authority for these proposed information collections is found at section 225 of the Act, 47 U.S.C. § 225. The law was enacted on July 26, 1990, as Title IV of the ADA, Public Law 101-336, 104 Stat. 327, 366-69.

2. The proposed information collection requirements would add requirements with respect to the call handling data collected and submitted by TRS providers. These potential requirements would help the Commission and Fund administrator further detect and deter the misuse of relay and the billing of illegitimate minutes to the Fund, add precision to the billing of the Fund, and enable the public to better scrutinize provider submissions and participate in the rulemaking process.
3. The Commission proposes to require providers to automatically capture the conversation time, to the nearest second, for each call submitted for payment from the Fund. The Commission expects that automated call data collection reduces opportunities for fraud and the erroneous submission of minutes for payment. The Commission further proposes that TRS providers submit the call record and speed of answer data electronically and in a standardized format via the Internet. The Commission's goal is both to lessen the burden on providers associated with compiling and filing this data, and to ensure that the Commission and the Fund administrator can efficiently and meaningfully analyze the data.

⁶ Although the FCC has no direct involvement in the collection of this information on individuals or households, the Commission does require the TRS providers to abide by the requirements of 47 C.F.R. 64.604(a)(2), which states that:

- CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with a limited exception for Speech-to-Speech CAs, from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law;
- CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call;
- Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained.

The Commission believes, therefore, that 47 C.F.R. 64.604(a)(2) provides sufficient safeguards to protect the information on individuals or households that providers collect as part of their responsibilities, which relieves the Commission of its requirement to complete a privacy impact assessment.

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4. The information is not duplicated elsewhere. Some of the proposed collections would supplant information currently submitted by providers.
5. The proposed information collection requirements would require providers, including small businesses, potentially to incur additional costs associated with compliance. The NPRM proposal would require providers to:
 - (a) implement systems and technology to automatically capture the conversation time, to the nearest second, for each call submitted for payment from the Fund;
 - (b) submit call log data, and other relevant call data and documentation; and for recordkeeping and reporting data to the Commission and TRS Fund administrator;
 - (c) submit certain information related to call centers; and
 - (d) retain certain records for five years.

These requirements could entail changes of some providers' systems, as well as necessitate additional staffing, or time allocation of current staff, to comply. However, the affected providers, including small businesses, will be reimbursed for the costs for complying with the information collection requirements through submitting expenses associated with compliance for calculating interstate TRS reimbursement rates. Therefore, there are no significant economic impacts on small businesses or small entities.

6. If the collections were not conducted, or conducted less frequently, the Commission and Fund administrator would have less of a basis to detect and prevent fraud and misuse in the provision of relay, and the public less of a basis to participate in the rate setting process.
7. The collections associated with 1(A), (B) and (F) above would require respondents to report information to the agency more often than quarterly. This is pursuant to established procedures whereby providers submit data on a monthly basis in support of requests for payment from the Fund. If the reporting occurred only quarterly or less frequently, providers would not get reimbursed from the Fund on the monthly basis they do now.

Under 1(C), providers may need to report call center information more often than quarterly if they make the decision to change their call center structure. If this does result in reporting more often than quarterly, they still would have at least 30 days to perform such reporting.

Finally, under 1(E) above, providers would be required to retain records supporting their payments from the Fund for five years. This is to assist the Commission and Fund administrator in protecting the integrity of the Fund.

8. The Commission has included the 60 day PRA Notice as part of the *Federal Register* summary of the NPRM which published in the *Federal Register* on August 23, 2010 [see 75 FR 51735]. December 17, 2009, the Commission held a public forum to discuss issues related to VRS reform, and fraud and abuse.⁷ The Commission also frequently has met with parties from outside the agency on an *ex parte* basis concerning the topics addressed in the NPRM, including topics related to the proposed information collections, and outside parties have filed numerous petitions with the Commission on these topics over the past year.

⁷ See Federal Communications Commission, *FCC Chief of Staff Praises Decisive Action to Prosecute Fraud in VRS Program*, News Release (Nov. 19, 2009); Federal Communications Commission, *FCC Announces Workshop on VRS Reform to be Held on December 17, 2009*, News Release (Dec. 3, 2009).

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9. The Commission does not anticipate providing any payment or gift to any respondents.
10. Much of the data that providers would have to submit pursuant to 1(A)-(C) above would fall under 47 CFR § 64.604(c)(5)(iii)(I), pursuant to which the Fund administrator keeps all data obtained from contributors and TRS providers confidential and does not disclose such data in company-specific form unless directed to do so by the Commission.
11. This information collection does not address any private matters of a sensitive nature.
12. The following represents estimates of the hour burdens of the collection of information proposed by the *NPRM*. The Commission estimates that there are approximately 13 unique TRS providers that will be affected by all or parts of this proposed collection.⁸

COMPONENTS FOR REPORTING AND RECORD KEEPING REQUIREMENTS

Of the 13 TRS providers (respondents), the Commission estimates that:

- 1 provides all six interstate or IP-based forms of TRS;⁹
- 1 provides five forms (all but VRS);
- 2 provide four forms (all but both forms of CTS);
- 3 provide three forms (2 provide interstate TRS, CTS, and STS; 1 provides IP Relay, IP CTS, and VRS);
- 3 provide two forms (2 provide IP Relay and VRS; 1 provides interstate TRS and STS); and
- 3 provide one form (VRS).

Below are the estimated burdens associated with the information collections proposed in the *NPRM*:

A. Automated Call Data Collection.

The Commission estimates that respondents will require approximately 25 hours per form of TRS offered to complete the implementation of technology that allows automatic capture of the conversation time, to the nearest second, for each call.

The implementation will be performed on a one-time basis.

Total Number of Respondents: 13

- Six forms of TRS: 1 respondent x 6 forms of TRS x 25 hrs/form of TRS
= 150 hrs

⁸ 7 providers offer interstate traditional TRS, 4 providers offer interstate captioned telephone service (CTS), 7 providers offer IP Relay, 7 providers offer interstate Speech-to-Speech relay service (STS), 3 providers offer IP CTS, and 9 providers offer VRS. Many of the providers offer more than one form of TRS.

⁹ See note 8, *supra*.

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- Five forms of TRS: 1 respondent x 5 forms of TRS x 25 hrs/form of TRS = 125 hrs
- Four forms of TRS: 2 respondents x 4 forms of TRS x 25 hrs/form of TRS = 200 hrs
- Three forms of TRS: 3 respondents x 3 forms of TRS x 25 hrs/form of TRS = 225 hrs
- Two forms of TRS: 3 respondents x 2 forms of TRS x 25 hrs/form of TRS = 150 hrs
- One form of TRS: 3 respondents x 1 form of TRS x 25 hrs/form of TRS = 75 hrs

One-Time Burden Hours: $150 + 125 + 200 + 225 + 150 + 75 = 925$ hrs

Total Number of Responses: 13

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5, plus 30% overhead) to implement technology that supports automatic call data collection.

The Commission estimates respondents’ costs to be about \$87.37 per hour to complete ($\$67.21/\text{hr} + (30\%)(\$67.21/\text{hr}) = \$87.37/\text{hr}$).

$925 \text{ hrs} \times \$87.37/\text{hr} = \$80,817.25$

Total “In-House” Costs: \$80,817.25

Annualized Burdens -- Though respondents will incur the burdens estimated in this section on a one-time basis, for purposes of cumulative burden estimates, these one-time estimates are annualized over the three-year period for which the Commission seeks approval for this collection. Therefore:

Total Number of Responses: $13/3 = 4$ responses/yr

Total Annual Burden Hours: $925 \text{ hrs}/3 = 308.33$ hrs/yr

Total Annual “In-House” Cost: $\$80,817.25/3 = \$26,939.08/\text{yr}$

B. Data Filed with the Fund Administrator to Support Payment Claims

(1) The Commission proposes that the TRS rules be amended to require that relay providers submit specified call data in order to be compensated from the Fund.

Total Number of Respondents: 13

Number of Responses (1 response/form of TRS x 12 months): 6 forms of TRS (1 provider) + 5 forms of TRS (1 provider) + 4 forms of TRS (2 providers) + 3 forms of

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TRS (3 providers) + 2 forms of TRS (3 providers) + 1 form of TRS (3 providers) = 6 + 5 + 8 + 9 + 6 + 3 = 37; 37 x 12 = 444 responses/yr

The Commission estimates that each respondent will require approximately 5 hours per data element per form of TRS to complete the compilation and submission of call data on a monthly basis:

- Six forms of TRS: 1 respondent x 6 forms of TRS x 5 hrs/data element/form of TRS x 8 data elements x 12 months = 2,880 hrs/yr
- Five forms of TRS: 1 respondent x 5 forms of TRS x 5 hrs/data element/form of TRS x 8 data elements x 12 months = 2,400 hrs/yr
- Four forms of TRS: 2 respondents x 4 forms of TRS x 5 hrs/data element/form of TRS x 8 data elements x 12 months = 3,840 hrs/yr
- Three forms of TRS: 3 respondents x 3 forms of TRS x 5 hrs/data element/form of TRS x 8 data elements x 12 months = 4,320 hrs/yr
- Two forms of TRS: 3 respondents x 2 forms of TRS x 5 hrs/data element/form of TRS x 8 data elements x 12 months = 2,880 hrs/yr
- One form of TRS: 3 respondents x 1 form of TRS x 5 hrs/data element/form of TRS x 8 data elements x 12 months = 1,440 hrs/yr

Annual Burden Hours: 2,880 + 2,400 + 3,840 + 4,320 + 2,880 + 1,440 = 17,760 hrs/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5, plus 30% overhead) to compile and submit specified call data.

The Commission estimates respondents’ costs to be about \$87.37 per hour to complete.

17,760 hrs x \$87.37/hr = \$1,551,691.20

“In-House” Costs: \$1,551,691.20

(2) There are 10 providers (respondents) that provide VRS and/or IP Relay; 6 provide both, and 4 provide one or the other. The Commission proposes that providers be required to submit speed of answer compliance data for each of these services.

The Commission estimates that 10 VRS and/or IP Relay respondents will require approximately 5 hours per form of TRS to complete the compilation and submission of speed of answer compliance data on a monthly basis.

Providers offering both: 5 hrs/month/VRS + 5 hrs/month/IP Relay = 10 hrs/month

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Providers offering one or the other: 5 hrs/month/VRS or IP Relay = 5 hrs/month

6 respondents x 10 hrs/month x 12 months = 720 hrs/yr

4 respondents x 5 hrs/month x 12 months = 240 hrs/yr

Annual Burden Hours: 720 + 240 = 960 hrs/yr

6 respondents x 2 responses/month x 12 months = 144 responses/yr

4 respondents x 1 response/month x 12 months = 48 responses/yr

Number of Responses: 144 + 48 = 192 responses/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5, plus 30% overhead) to complete the compilation and submission of data.

The Commission estimates respondents’ costs to be about \$87.37 per hour to complete.

960 hrs/yr x \$87.37 = \$83,875.20

“In-House” Costs: \$83,875.20

(3) The Commission estimates that each respondent will require approximately 0.5 hours per form of TRS to electronically submit the call record and speed of answer data on a monthly basis.

- Six forms of TRS: 1 respondent x .5 hrs/month/form of TRS x 6 forms of TRS x 12 months/yr = 36 hrs/yr
- Five forms of TRS: 1 respondent x .5 hrs/month/form of TRS x 5 forms of TRS x 12 months/yr = 30 hrs/yr
- Four forms of TRS: 2 respondents x .5 hrs/month/form of TRS x 4 forms of TRS x 12 months/yr = 48 hrs/yr
- Three forms of TRS: 3 respondents x .5 hrs/month/form of TRS x 3 forms of TRS x 12 months/yr = 54 hrs/yr
- Two forms of TRS: 3 respondents x .5 hrs/month/form of TRS x 2 forms of TRS x 12 months/yr = 36 hrs/yr
- One form of TRS: 3 respondents x .5 hrs/month/form of TRS x 1 form of TRS x 12 months/yr = 18 hrs/yr

Annual Burden Hours: 36 + 30 + 48 + 54 + 36 + 18 = 222 hrs/yr

Number of Responses (1 response/form of TRS x 12 months): 6 forms of TRS (1 provider) + 5 forms of TRS (1 provider) + 4 forms of TRS (2 providers) + 3 forms of TRS (3 providers) + 2 forms of TRS (3 providers) + 1 form of TRS (3 providers) = 6 + 5 + 8 + 9 + 6 + 3 = 37; 37 x 12 = 444 responses/yr

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The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5, plus 30% overhead) to electronically submit the call record and speed of answer data.

The Commission estimates respondents’ costs to be about \$87.37 per hour to complete.

$$222 \text{ hrs/yr} \times \$87.37 = \$19,396.14$$

“In-House” Costs: \$19,396.14

Total Number of Responses: 444 (from (1) above) + 192 (from (2) above) + 444 (from (3) above) = **1,080 responses/yr**

Total Annual Burden Hours: 17,760 (from (1) above) + 960 (from (2) above) + 222 (from (3) above) = **18,942 hrs/yr**

Total “In-House” Costs: \$1,551,691.20 (from (1) above) + \$83,875.20 (from (2) above) + \$19,396.14 (from (3) above) = **\$1,654,962.54**

C. Requiring Providers to Submit Information about New and Existing Call Centers.

There are 9 providers (respondents) eligible to receive compensation from the TRS Fund for the provision of VRS.

Total Number of Respondents: 9

(1) The Commission estimates that each respondent will require approximately 8 hours to complete the compilation and submission of a statement detailing the name and address of each call center the provider owns or controls, the number of CAs and CA managers at the call center, and the name and contact information for the managers of the call center, on a quarterly basis.

$$9 \text{ respondents} \times 8 \text{ hrs/quarter} \times 4 \text{ quarters/yr} = 288 \text{ hrs/yr}$$

Annual Burden Hours: 288 hours/yr

$$9 \text{ respondents} \times 1 \text{ response/quarter} \times 4 \text{ quarters/yr} = 36 \text{ responses/yr}$$

Number of Responses: 36 responses/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5, plus 30% overhead) to complete the compilation and submission of a statement regarding call center information on a quarterly basis.

The Commission estimates respondents’ costs to be about \$87.37 per hour to complete.

$$288 \text{ hrs/yr} \times \$87.37 = \$25,162.56$$

“In-House” Costs: \$25,162.56

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(2) The Commission estimates that each respondent will require approximately 1 hour to file an amendment to its most recent quarterly filing each time it opens a new call center, closes a call center, or the ownership or management of a call center changes, or changes to the list of providers whose calls are processed through the call center. The Commission further estimates that each respondent may be required to file one such amendment per quarter.

9 respondents x 1 hr/quarter x 4 quarters/yr = 36 hrs/yr

Annual Burden Hours: 36 hrs/yr

9 respondents x 1 response/quarter x 4 quarters/yr = 36 responses/yr

Number of Responses: 36 responses/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5, plus 30% overhead) to file an amendment to their most recent quarterly filing each time they make a relevant call center change.

The Commission estimates respondents’ costs to be about \$87.37 per hour to complete.

36 hrs/yr x \$87.37 = \$3,145.32

“In-House” Costs: \$3,145.32

Total Number of Responses: 36 + 36 = **72 responses/yr**

Total Annual Burden Hours: 288 + 36 = **324 hrs/yr**

Total “In-House” Costs: \$25,162.56 + \$3,145.32 = **\$28,307.88**

D. Transparency and the Disclosure of Provider Financial and Call Data.

There are 9 providers (respondents) eligible to receive compensation from the TRS Fund for the provision of VRS.

Total Number of Respondents: 9

The Commission estimates that each respondent will require approximately an additional 0.5 hours to make available their cost and demand data to the public.¹⁰ This reporting requirement to the public would be done on an annual basis.

9 respondents x 0.5 hrs/yr = 4.5 hrs/yr

Total Annual Burden Hours: 4.5 hrs/yr

9 respondents x 1 response/yr = 9 responses/yr

¹⁰ Currently, respondents are required to provide true and accurate data to the Commission and to the TRS Fund Administrator to determine TRS Fund size requirements and compensation rates. Respondents claim that their submissions are proprietary information.

Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51**Total Number of Responses: 9 responses/yr**

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5, plus 30% overhead) to make available their cost and demand data to the public.

The Commission estimates respondents’ costs to be about \$87.37 per hour to complete.

$$4.5 \text{ hrs/yr} \times \$87.37 = \$393.17$$

Total “In-House” Cost: \$393.17*E. Record Retention.*

There are 10 unique providers (respondents) that provide VRS, IP Relay, and/or IP CTS. 2 provide all three; 1 provides IP Relay and IP CTS; 4 provide IP Relay and VRS; and 3 provide VRS.

Total Number of Respondents: 10

The Commission estimates that each respondent will require approximately 5 hours per form of IP-based TRS to retain its call detail records, other records that support its claims for payment from the Fund, and those records used to substantiate the costs and expense data submitted in the annual relay service data request form, for five years. Though the record keeping requirement entails record retention for five years, the burden is incurred once per year as new records are added and those older than five years are purged.

$$2 \text{ respondents} \times 3 \text{ forms of TRS} \times 5 \text{ hrs/form of TRS} = 30 \text{ hrs/yr}$$

$$5 \text{ respondents} \times 2 \text{ forms of TRS} \times 5 \text{ hrs/form of TRS} = 50 \text{ hrs/yr}$$

$$3 \text{ respondents} \times 1 \text{ form of TRS} \times 5 \text{ hrs/form of TRS} = 15 \text{ hrs/yr}$$

Total Annual Burden Hours: 30 hrs + 50 hrs + 15 hrs = 95 hrs/yr

Total Number of Responses: (2 providers x 3 responses) + (5 providers x 2 responses) + (3 providers x 1 response) = **19 responses/yr**

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5, plus 30% overhead) for record keeping.

The Commission estimates respondents’ costs to be about \$87.37 per hour to complete.

$$95 \text{ hrs/yr} \times \$87.37 = \$8,300.15$$

Total “In-House” Costs: \$8,300.15*F. Provider Certification Under Penalty of Perjury.*

Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51**Total Number of Respondents: 13**

(1) The Commission estimates that each respondent will require approximately 0.017 hours (1 minute) to certify its submissions under penalty of perjury on a monthly basis.

Annual Burden Hours: 13 respondents x 0.017 hrs/month x 12 months/yr = 2.65 hrs/yr

Number of Responses: 13 respondents x 1 response/month x 12 months/yr = 156 responses/yr

(2) The Commission estimates that each respondent will require approximately 0.017 hours (1 minute) to certify its annual submission of cost and demand data under penalty of perjury.

Annual Burden Hours: 13 respondents x 0.017 hrs/month = 0.22 hrs/yr

Number of Responses: 13 respondents x 1 response/month = 13 responses/yr

Total Number of Responses: 156 + 13 = 169 responses/yr

Total Annual Burden Hours: 2.65 hrs/yr + .22 hrs/yr = 2.87 hrs/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5, plus 30% overhead) for signing the certification.

The Commission estimates respondents’ costs to be about \$87.37 per hour to complete.

2.87 hrs/yr x \$87.37 = \$250.75

Total “In-House” Costs: \$250.75

Cumulative Totals:

Total Number of Respondents: 13

Total Annual Number of Responses: 4 (A) + 1,080 (B) + 72 (C) + 9 (D) + 19 (E) + 169 (F) = 1,353 responses/yr

Total Annual Burden Hours: 308.33 (A) + 18,942 (B) + 324 (C) + 4.5 (D) + 95 (E) + 2.87 (F) = 19,676.7 hrs/yr (19,677 rounded)

Total Annual “In-House” Costs: \$26,939.08 (A) + \$1,654,962.54 (B) + \$28,307.88 (C) + \$393.17 (D) + \$8,300.15 (E) + \$250.75 (F) = \$1,719,153.57

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13. TRS providers may incur some cost for the following:

(1) implementation of technological infrastructure – likely software -- to automatically capture the conversation time, to the nearest second, for each TRS call; and

(2) record storage facilities for retaining records for five years, per 12(E) above.

(1) While the Commission believes that several providers already have implemented technology to automatically capture conversation time, nevertheless the Commission estimates conservatively at this juncture that up to 13 respondents will purchase such software at up to \$5,000 per respondent. The Commission further estimates that such software would have a useful life of 10 years.

$(13 \text{ respondents} \times \$5,000/\text{respondent}) / 10 \text{ yrs} = \$6,500/\text{yr}$

(2) The Commission estimates that 10 respondents will each need to spend \$2,600 per year for additional server space, memory, communications, and backup/recovery service associated with a requirement to retain records for five years, per 12(E) above.

$10 \text{ respondents} \times \$2,600/\text{respondent}/\text{yr} = \$26,000/\text{yr}$

(a) Total annualized capital/start-up costs: \$6,500

(b) Total annual costs (operation and maintenance): \$26,000

(c) Total annualized costs requested: \$32,500

14. The Commission believes that the costs to the Federal government emanating from these proposed information collections will involve:¹¹

(a) initial staff review of the call data information and speed of answer compliance data, and of existing and new call center information; and

(b) senior staff review of issues identified and escalated from the initial staff review of information and data.

(a) The Commission will use staff attorneys at the GS-14/5 level to review this information. The Commission estimates the time to review this information will be approximately 12 hours per month = 144 hours annually.

$144 \text{ hrs} \times \$57.13/\text{hr} = \$8,226.72$

(b) The Commission will use staff attorneys at the GS-15/5 level to review escalated issues and information. The Commission estimates the time to review this information will be approximately 25 hours per month = 300 hours annually.

¹¹ The costs estimated here are in addition to the much-greater time and costs associated with the Fund administrator's review of such data and information. While working under contract with the Federal government and at the direction of the Commission, the costs associated with the Fund administrator's work related to the proposed information collections are not taken into account in the estimated costs to the Federal Government pursuant to Question 14 of the Supporting Statement.

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300 hrs x \$67.21/hr = \$20,163

Total Cost to the Federal Government: \$8,226.72 + \$20,163 = **\$28,389.72**

15. The Commission is submitting this proposed rule as a new collection resulting in program changes of +19,677 to the annual burden hours and +\$32,500 to the annual burden costs.
16. There are no plans to publish the results of the collection of information.
17. The Commission is not seeking approval not to display the expiration date for OMB approval of these collections of information.
18. The information collection is being submitted as a new collection. There are no exceptions to Certification Statement.

B. Collections of Information Employing Statistical Methods

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