

## SUPPORTING STATEMENT

### A. Justification

1. In 1990, Congress enacted the Telephone Operator Consumer Services Improvement Act (TOCSIA or Section 226 of the Communications Act) to address the problem of widespread consumer dissatisfaction with the high rates charged by many operator service providers (OSPs) for calls from public phones and other aggregator locations such as hotels, hospitals, and educational institutions.

The Commission adopted Section 64.707, 47 CFR § 64.707, which requires OSPs regularly to publish and to make available at no cost, upon requests from consumers, written materials that describe any changes in operator services and choices available to consumers.

The Commission is requesting an extension of this information collection in order to receive the full three year OMB approval/clearance for this collection.

The statutory authority citation for the information collection requirements is found at Section 226 [47 U.S.C 226], Telephone Operator Services, Public Law No. 101-435, 104 Stat. 986 (1990).

2. The information is used to implement Section 226 of the Communications Act. OSPs have provided this information primarily to consumers in the form of a written report that is regularly updated at the OSPs discretion. Consumers use this information to increase their knowledge of the choices available to them in the operator services marketplace.
3. This information collection does not specifically provide for technological collection techniques or other forms of electronic technology. To the extent that OSPs wish to utilize electronic technology, they are not precluded from doing so.
4. The information collection requirements are not duplicative of any currently existing federal regulatory obligation.
5. There will not be a significant impact on a substantial number of small businesses/entities by this information being collected.
6. In the absence of the required disclosures to consumers, consumers will be less able to make informed choices in the interstate operator services market, thus lessening actual competition among telecommunications entities that seek to provide such services.
7. The collection is not conducted in any manner that is inconsistent with the guidelines in 5 CFR § 1320.6.
8. Pursuant to 5 CFR § 1320.8(d), the Commission published a notice in the *Federal Register* on June 14, 2010 (75 FR 33620). No comments were received.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. The Commission is not requesting that respondents submit confidential information to the Commission. The requirement is a third party disclosure.
11. This information collection does not raise any questions or issues of a sensitive nature.

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12. Estimates of the burden hours for the information collection are as follow(s):

The Commission estimates that approximately 448 operator service providers (OSPs) will regularly publish and make available upon request from consumers written materials that describe any changes in operator services and choices available to consumers.

This process includes a third party disclosure that will be done “on-occasion.” It will require approximately 4 hours per respondent to comply with the requirement:

**Total Number of Annual Respondents: 448 Operator Service Providers (OSPs)<sup>1</sup>**

**Total Number of Annual Responses: 448 Disclosures**

**Total Annual Burden Hours:** 448 disclosures x 4 hours/disclosure/OSP = **1,792 hours**

**Total Annual “In-House” Costs:** The Commission assumes that respondents use “in-house” personnel whose pay is comparable to senior level federal employee (GS-13/5, plus 30% overhead) to make available written materials to consumers. The Commission estimates each respondent’s cost to be about \$62.86 per hour to comply with the requirement:

448 disclosures x 4 hours/disclosure/OSP x \$62.86 = **\$112,645.12**

13. The following represents the Commission’s estimate of the annual cost burden to respondents resulting from the collections of information. The Commission believes that OSPs will use “in-house” personnel to compile and maintain written materials that describe any changes in operator services that will be made available to consumers. The only cost incurred by OSPs is the print cost. Thus:
- (a) Total annualized capital/start-up costs: **None**
  - (b) Total annual operational or maintenance cost (O&M): 448 disclosures x \$100 print cost for reports/OSP = \$44,800
  - (c) Total annualized cost requested: **\$44,800**
14. This information collection requirement involves only the operator service providers and consumers who request free, written information about operator services and choices available to consumers. The Commission has no involvement in this activity; therefore, there is no cost to the Federal Government.
15. The Commission has re-evaluated its previous assessments of the various burdens for this information collection. Due to this re-evaluation the Commission estimates the number of respondents has increased by +12, from 436 respondents to 448 respondents; the number of responses has increased by +12, from 436 responses to 448 responses; the total annual burden hours increased by +48 hours, from 1,744 hours to 1,792 hours; and the total annual cost has increased by +\$1,200, from \$43,600 to \$44,800. There are no program changes to the information collection.
16. There will be no publication of this information collection.

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<sup>1</sup> We have revised the number of OSPs from 436 to 448 because in the 2009 calendar year data filed April 1, 2010, FCC Form 499A data, there were 448 filers who reported \$1 or more of user operator services revenue in calendar 2009.

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17. The Commission does not intend to seek approval not to display the expiration date for OMB approval of the information collection.
18. On June 14, 2010, the Commission published a 60 day *Federal Register Notice (Notice)* at 75 FR 33620. In the *Notice*, the Commission reported the following: the number of respondents to be 436, the number of responses to be 436, the total annual burden to be 1,744 hours, and the total annual cost to be \$43,600. The Commission now reports the number of respondents to be 448, the number of responses to be 448, the total annual burden to be 1,792 hours, and the total annual cost to be \$44,800. There are no other exceptions to the certification statement.

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

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