

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 an *Order* adopting an interim rule – containing an information collection requirement -- designed to help prevent fraud and misuse in the provision of VRS. Though the *Order* emphasizes VRS, the rule also applies to all other forms of TRS.

Specifically, the interim rule requires the Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other senior executive of a relay service provider to certify, under penalty of perjury, that: (1) minutes submitted to the Interstate TRS Fund (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 (2) cost and demand data submitted to the 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).

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administrator related to the determination of compensation rates or methodologies are true and correct.

This information collection does not affect individuals or households, and thus, there are no impacts under the Privacy Act.

The statutory authority for this information collection is found at sections 1, 4, 225, and 303(r) of the Act, 47 U.S.C. §§ 151, 154, 225, and 303(r).

2. This interim requirement will help the Commission and Fund administrator further detect and deter the misuse of relay and the billing of illegitimate minutes to the Fund.
3. Providers may submit this certification electronically as part of their electronic submission of call data.
4. The information is not duplicated elsewhere. This requirement augments previous certification requirements.
5. There will be no significant economic impact on small businesses or small entities.
6. If this information collection is not conducted, the Commission and Fund administrator would have less of a basis to detect and prevent fraud and misuse in the provision of relay.
7. This collection 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.
8. Pursuant to 5 C.F.R. § 1320.8, the Commission placed a notice in the Federal Register seeking comments from the public on the information collection requirements contained in this supporting statement. *See* 75 FR 39937, July 13, 2010. No comments were received.
9. The Commission does not anticipate providing any payment or gift to any respondents.
10. The Fund administrator keeps all data obtained from TRS providers confidential and does not disclose such data in company-specific form unless directed to do so by the Commission. Even though the certifications that are the subject of this information collection are associated with such data, the certifications themselves are not confidential information.
11. This information collection does not address any private matters of a sensitive nature.

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12. The following represents the estimates of the hour burdens of the information collection set forth by the *Order*. The Commission estimates that there are 13 TRS providers that will be affected by this collection.

Total Number of Respondents: 13

(1) The Commission estimates that each respondent will require approximately .017 hours (1 minute) to certify its submissions under penalty of perjury on a monthly basis.

Annual Burden Hours: 13 respondents x .017 hrs/response/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 .017 hours (1 minute) to certify its annual submission of cost and demand data under penalty of perjury.

Annual Burden Hours: 13 respondents x .017 hrs/response/year = 0.22 hrs/yr

Number of Responses: 13 respondents x 1 response/year = 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 (3 hours/year)

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/10, plus 30% overhead) for signing the certification.

The Commission estimates respondents’ costs to be about \$96.86 per hour to complete the requirements ($\$74.51 + (30\% \times \$74.51) = \$96.86/\text{hour}$).

3 hrs/yr x \$96.86/hour = \$290.58

Total “In-House” Costs: \$290.58

13. The Commission estimates that TRS providers will not incur any cost burden resulting from the collection of information:

- (a) Total annualized capital/start-up cost: \$0
- (b) Total annual costs (operation and maintenance): \$0
- (c) Total annualized cost requested: \$0

14. The Commission estimates that there will be no costs to the Federal government directly associated with this information collection. The Fund administrator will review the certifications. 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 information collection are not taken into account in the estimated costs to the Federal

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government pursuant to this question and, in any event, the Commission anticipates that they will be negligible.

15. The Commission is submitting this collection as a new collection. Therefore, there are program increases to this collection of +13 to the number of respondents, +169 to the annual number of responses and +3 to the annual burden hours.
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 this collection of information.
18. On July 13, 2010, the Commission published a 60 day Federal Register Notice (*Notice*) at 75 FR 39937. In the *Notice*, the Commission reported the total number of respondents to be 10, the total number of responses to be 130, and the total annual burden hours to be 2.17 hours. The Commission now reports the total number of respondents to be 13 respondents, the total number of responses to be 169 responses, and the total annual burden hours to be 3 hours. 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.