

Proposed new collection entitled: Electronic Tariff Filing System (ETFS), WC Docket No. 10-141, FCC 10-127.

## SUPPORTING STATEMENT

### A. Justification:

1. The Commission is requesting review and approval of a proposed new information collection requiring all tariff filing entities to use the Federal Communications Commission's Electronic Tariff Filing System (ETFS) to file their tariffs and related documents.

Currently, incumbent local exchange carriers (LECs) file their tariffs and associated documents electronically, using ETFS. ETFS has improved the usefulness of tariff filings for both filers and the public and made the entire tariff filing process more transparent. By contrast, competitive LECs (and other nondominant carriers) currently do not file tariffs and associated documents electronically. In the Notice of Proposed Rulemaking (NPRM), in WC Docket No. 10-141, FCC 10-127, we initiate a rulemaking proceeding to consider extending the existing electronic filing requirement to all tariff filing entities. See FCC 10-127 (copy attached). In particular, to create a more open, transparent and efficient flow of information to the public, we consider whether the benefits of using the ETFS for incumbent LEC tariff filings would also be obtained if all tariff filers filed electronically. Relevant rule modifications are also proposed in the NPRM. We believe such action will benefit the public and carriers by creating a central system providing online access to all carrier tariffs and related documents filed with the Commission.

In adopting the Telecommunications Act of 1996 (1996 Act), Congress sought to establish "a pro-competitive, de-regulatory national policy framework" for the telecommunications industry. Consistent with that goal, section 402(b)(1)(A)(iii) of the 1996 Act added section 204(a)(3) to the Communications Act of 1934, as amended, providing for streamlined tariff filings by local exchange carriers. The NPRM in this proceeding advances the goals of the 1996 Act by allowing more efficient and better access to the tariffs and related documents of all telecommunications carriers.

Statutory authority for this information collection is contained in Sections: 1, 2, 4(i), 201-205 and 226 (h)(1)(A) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 201- 205 and 226(h)(1)(A).

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.

2. The NPRM proposes the mandatory electronic filing of all tariffs and tariff-related documents by all carriers. This will allow for easier access to these documents by the public, other carriers and Commission staff. The Commission believes that this requirement will not be burdensome for carriers, as they already have the tariff documents prepared and only need to file them online instead of via paper and diskette.

3. The NPRM seeks comment on the requirement that all carriers must file their tariffs and related documents electronically via ETFS. The Commission believes use of its online system will prove relatively easy for carriers as they are likely familiar with ETFS which has been in use since 1998.

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. Because the Commission proposes that all local exchange carriers comply with the requirements identified above, the collections may affect small entities, as well as large entities. The Commission has taken steps to ensure that these mechanisms are competitively neutral and therefore not unduly burdensome for any set of carriers.

6. The 1996 Act requires the streamlining of the tariffing process. This effort was started in 1998 with incumbent LECs filing tariffs via ETFS and this NPRM proposes to extend that requirement to all carriers. This requirement will provide the Commission, and the public, with easier and more immediate access to tariff documents thus easing compliance with the 1996 Act.

7. No other special circumstances will apply to this information collection.

8. The proposed rule was published in the Federal Register pursuant to 5 C.F.R. § 1320.8 (d) on August 11, 2010. See 75 FR 48629. Comments on the Paperwork Reduction Act proposed information collection requirements are to be submitted on or before September 10, 2010. At the time of this submission, no comments have been received.

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

10. The Commission does not anticipate providing confidentiality of the information submitted by the local exchange carriers. Particularly, the tariffs and related documents sent to the Commission will be made public through ETFS. If the respondents submit information they believe to be 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 hour burden on the collections of information discussed herein.

a. **Reporting Requirement:**

(1) Number of respondents: Approximately 1,500.

(2) Frequency of response: Annual and on-occasion reporting requirement.

(3) Total number of responses annually: Approximately 1,500.

(4) Estimated Time Per Response: 1 hour.

$1,500 \times 1 \text{ hour per response} \times 1 \text{ response per year per respondent} = 1,500 \text{ hours.}$

(5) Total annual burden: **1,500 hours.**

The Commission estimates that approximately 1,500 carriers will require 1 hour of reporting time per filing.

Approximately 1,500 respondents annually x 1 response annually x 1 hour per response = 1,500 hours.

(6) Total estimate of "in house" cost to respondents: \$150,000.

(7) Explanation of the calculation:

The Commission estimates that approximately 1,500 carriers will be subject to this reporting requirement.

We assume that respondents will use in-house paralegal services (rate of \$100/hour) to satisfy this reporting requirement. Thus 1,500 hours per year x \$100 = \$150,000.

13. Estimated operations and maintenance (O&M) costs of respondents resulting from the collection of information:

(a) Total capital start-up costs component annualized over its expected useful life: \$0. The collections will not result in additional capital expenditures such as computers or software.

(b) Total operation and maintenance and purchase of services component: \$0. All respondents will file the tariffs at least annually, so operation and maintenance costs will be limited to internet access, which is a cost incurred in the normal course of doing business.

14. There will be few, if any additional costs to the Commission because tariff review responsibilities are already part of the Commission's duties.

15. This is proposed new collection resulting in a program change increase of 1,500 burden hours to respondents.

16. The Commission does not anticipate publishing any of the information collected. Rather, the tariff documents will be available for public review via the Commission's ETFS.

17. The Commission is not seeking approval to not display an OMB expiration date.

18. There is an exception to the certification statement. When the Commission published the NPRM summary, we incorrectly identified \$150,000 in annual outside contracting costs to the respondents. Those costs are identified as in-house costs in item 13 above.

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

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