

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

**A. Justification**

1. The “Twenty-First Century Communications and Video Accessibility Act of 2010” (CVAA) was enacted to increase the access of individuals with disabilities to modern communications, and for other purposes.<sup>1</sup> In enacting the CVAA, Congress noted that the communications marketplace had undergone a “fundamental transformation” since 1996, when it added section 255 to the Communications Act of 1934, as amended (the Act).<sup>2</sup> In October 2010, the Consumer and Governmental Affairs Bureau (CGB) and the Wireless Telecommunications Bureau (WTB) jointly issued a Public Notice seeking input on key provisions in sections 716, 717, and 718 of the Act, as amended by the CVAA.<sup>3</sup> In March 2011, the Commission issued a Notice of Proposed Rulemaking, proposing new accessibility requirements to implement sections 716 and 717 of the Act and seeking comment on the implementation of section 718.<sup>4</sup> On October 7, 2011, the Commission adopted rules to implement sections 716 and 717 of the Act, which were added to the Act by the CVAA.<sup>5</sup> The Commission also released a Further Notice of Proposed Rulemaking (*Further Notice*) proposing rules to implement section 718 of the Act and seeking comment on several issues.<sup>6</sup>

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<sup>1</sup> Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.). *See also* Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-265, 124 Stat. 2795 (2010) (making technical corrections). Hereinafter, all references to the CVAA will be to the CVAA as codified in the Communications Act of 1934, as amended, unless otherwise indicated.

<sup>2</sup> *See* 47 U.S.C. § 255; S. Rep. No. 111–386, at 1 (2010) (Senate Report); H.R. Rep. No. 111-563, at 19 (2010) (House Report). Section 255 requires providers of telecommunications services and manufacturers of telecommunications equipment to ensure that their services and equipment are accessible to and usable by individuals with disabilities, if readily achievable. 47 U.S.C. § 255(b) and (c). When not readily achievable, such manufacturer or provider must ensure that the equipment or service is compatible with existing peripheral devices or specialized CPE commonly used by individuals with disabilities to achieve access, if readily achievable. 47 U.S.C. § 255(d).

<sup>3</sup> *See Consumer and Governmental Affairs Bureau and Wireless Telecommunications Bureau Seek Comment on Advanced Communication Provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010*, CG Docket No. 10-213, DA 10-2029, Public Notice, at 2, released October 21, 2010 (*October Public Notice*).

<sup>4</sup> *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, CG Docket No. 10-213, Notice of Proposed Rulemaking, 26 FCC Rcd 3133 (2011) (*Accessibility NPRM*).

<sup>5</sup> *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, CG Docket No. 10-213, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-151, (*Report and Order* and *Further Notice*).

<sup>6</sup> *Id.* The *Further Notice* sought comment on the following issues: section 718 implementation, recordkeeping, and enforcement; small entity exemption; interoperable video conferencing services; accessibility of information content; electronically mediated service; performance objectives; and safe harbors.

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Section 716 of the Act requires that providers of advanced communications services<sup>7</sup> and manufacturers of equipment used for advanced communications services make their services and equipment accessible to and usable by individuals with disabilities, unless it is not achievable to do so.<sup>8</sup> Advanced communications service providers and equipment manufacturers may comply with section 716 by building accessibility features into their services or equipment<sup>9</sup> or by relying on third-party applications, peripheral devices, software, hardware, or customer premises equipment (CPE) that are available to individuals with disabilities at nominal cost and that individuals with disabilities can access.<sup>10</sup> When this is not achievable, advanced communication service providers and equipment manufacturers ensure that their services or equipment is compatible with existing peripheral devices or specialized CPE commonly used by individuals with disabilities to achieve access, unless doing so is not achievable. Section 716 grants the Commission the authority to waive these requirements for multipurpose services and equipment that are designed primarily for purposes other than using advanced communications services, and to exempt small entities.<sup>11</sup> Section 716 does not apply to any equipment or services, including interconnected voice over Internet Protocol (VoIP) service, that were subject to the requirements of section 255 on October 7, 2010, and which remain subject to the requirements of section 255.<sup>12</sup> Finally, section 716 provides that these requirements do not apply to customized equipment or services not offered directly to the public or to such classes of users as to effectively be made available to the public.<sup>13</sup>

Section 717 of the Act requires that the Commission establish recordkeeping and enforcement procedures for service providers and equipment manufacturers that are subject to sections 255, 716, and 718 of the Act.<sup>14</sup> Covered entities must submit to the Commission an annual certification that records are kept in accordance with the requirements of section 717.<sup>15</sup> Every two years after enactment of the CVAA, the Commission is required to file a report to Congress including an assessment of compliance with sections 255, 716, and 718; the extent of persistent barriers to accessibility with respect to new communications technologies; and a summary of complaints handled, along with their resolutions, over the preceding two years.<sup>16</sup> Section

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<sup>7</sup> “Advanced communications services” are defined as interconnected voice over Internet protocol (VoIP) service, non-interconnected VoIP service, electronic messaging service, and interoperable video conferencing service. 47 U.S.C. § 153(1).

<sup>8</sup> See 47 U.S.C. §§ 617(a)(1) and (b)(1). “Achievable” means with reasonable effort or expense, as determined by the Commission considering four specified factors. 47 U.S.C. § 617(g).

<sup>9</sup> See 47 U.S.C. §§ 617(a)(2)(A) and (b)(2)(A).

<sup>10</sup> See 47 U.S.C. §§ 617(a)(2)(B) and (b)(2)(B).

<sup>11</sup> 47 U.S.C. § 617(h)(1)-(2).

<sup>12</sup> 47 U.S.C. § 617(f).

<sup>13</sup> 47 U.S.C. § 617(i).

<sup>14</sup> See 47 U.S.C. § 618(a). As described further below, section 718 of the Act provides for the accessibility of Internet browsers installed in mobile phones.

<sup>15</sup> 47 U.S.C. § 618(a)(5)(B).

<sup>16</sup> 47 U.S.C. § 618(b).

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717 also compels the Comptroller General to conduct a study on the Commission's enforcement actions, as well as the extent to which the sections' requirements have affected the development of new technologies, within five years of enactment of the CVAA.<sup>17</sup> Finally, section 717 requires the creation of a clearinghouse for information about the accessibility of products, services, and accessibility solutions and requires the Commission, in coordination with the National Telecommunications and Information Administration (NTIA), to develop an information and educational program to inform the public about the clearinghouse and the protections and remedies available under sections 255, 716, and 718.<sup>18</sup>

Section 718, which is effective three years after the date of enactment of the CVAA, requires mobile phone manufacturers and service providers to make the Internet browsers that they install or arrange to have included on mobile phones accessible to and useable by people who are blind or have a visual impairment, unless doing so is not achievable.<sup>19</sup> Mobile phone manufacturers and service providers may comply with this obligation with or without the use of third-party applications, peripheral devices, software, hardware, or CPE that is available to the consumer at nominal cost and that individual with disabilities can access.<sup>20</sup> This obligation does not include a requirement to make Internet content, applications, or services accessible to or usable by individuals with disabilities.<sup>21</sup>

***Proposed Information Collection Requirements***

The rules adopted in the *Report and Order* temporarily exempted advanced communications service providers and equipment manufacturers from the accessibility obligations of section 716 of the Act and, in effect, from the recordkeeping requirements and enforcement procedures of section 717 of the Act, if they qualify as small business concerns under the Small Business Administration's (SBA) rules and size standards for the industry in which they are primarily engaged. These size standards are based on the maximum number of employees or maximum annual receipts of a business concern. The SBA categorizes industries for its size standards using the North American Industry Classification System (NAICS). The temporary exemption begins on the effective date of the rules adopted in the *Report and Order* and expires the earlier of the effective date of small entity exemption rules adopted pursuant to the *Further Notice* or October 8, 2013.<sup>22</sup>

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<sup>17</sup> 47 U.S.C. § 618(c).

<sup>18</sup> 47 U.S.C. § 618(d), (e).

<sup>19</sup> See 47 U.S.C. § 619.

<sup>20</sup> 47 U.S.C. § 619(b).

<sup>21</sup> 47 U.S.C. § 619(a)(2). Section 718 also amends section 503 of the Act to provide forfeiture penalties for manufacturers or providers that violate sections 255, 716, or 718. 47 U.S.C. § 619(c). Finally, section 718 amends section 402(b) of the Act to permit persons who are aggrieved or whose interests are adversely affected by a Commission determination of a complaint filed under section 717 to appeal such determination to the United States Court of Appeals for the District of Columbia. 47 U.S.C. § 619(d).

<sup>22</sup> See 47 C.F.R. § 14.4.

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In the *Further Notice*, the Commission seeks comment, specifically, on the adoption of a permanent exemption for small entities.<sup>23</sup> For purposes of the *Further Notice* information collection analysis, the Commission assumes that the *Further Notice* proceeding will result in the adoption of a permanent small entity exemption for accessibility obligations under section 716 of the Act that is identical to the temporary small entity exemption adopted in the *Report and Order* and which expires on October 8, 2013.<sup>24</sup> Also for purposes of the *Further Notice* information collection analysis, the Commission assumes that the permanent small entity exemption will be effective on October 8, 2013.<sup>25</sup> The adoption of such a small entity exemption rule may impact the following possible related information collection requirements:

(a) Petitions for waivers from the accessibility obligations of section 716 of the Act and, in effect, waivers from the recordkeeping requirements and enforcement procedures of section 717 of the Act that may be filed by advanced communications service providers and equipment manufacturers. Waiver requests may be submitted for individual or class offerings of services or equipment which are designed for multiple purposes, but are designed primarily for purposes other than using advanced communications services. All such waiver petitions will be put on public notice for comments and oppositions.

(b) The requirement for service providers and equipment manufacturers that are subject to sections 255, 716, or 718 of the Act to maintain records of the following: (1) their efforts to consult with people with disabilities; (2) descriptions of the accessibility features of their products and services; and (3) information about the compatibility of their products with peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access.

(c) The requirement for an officer of service providers and equipment manufacturers that are subject to sections 255, 716, or 718 of the Act to certify annually to the Commission that records are kept in accordance with the recordkeeping requirements. The certification must also identify the name and contact details of the person or persons within the company that are authorized to resolve accessibility complaints, and the agent designated for service of process. The certification must be updated when necessary to keep the contact information current.

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<sup>23</sup> See *Further Notice*, FCC 11-151, ¶¶ 279-291.

<sup>24</sup> See 47 C.F.R. § 14.4. Advanced communications service providers and equipment manufacturers are exempt from the accessibility obligations of section 716 of the Act and, in effect, from the recordkeeping requirements and enforcement procedures of section 717 of the Act, if they qualify as small business concerns under the Small Business Administration's (SBA) rules and size standards for the industry in which they are primarily engaged. These size standards are based on the maximum number of employees or maximum annual receipts of a business concern. The SBA categorizes industries for its size standards using the North American Industry Classification System (NAICS).

<sup>25</sup> For purposes of the information collection analysis, the Commission assumes that the rules adopted in the *Report and Order* that contain information collection requirements will be effective upon OMB approval, or about February 2012. Recordkeeping and annual certification are required 30 days plus one year following publication of the *Report and Order* in the *Federal Register*, or around December 2012. The accessibility obligations of section 716, along with the enforcement requirements (dispute assistance, informal and formal complaints), will be implemented on October 8, 2013, the same date that the temporary small entity exemption expires and the permanent exemption is expected to be effective.

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(d) The filing of formal and informal complaints alleging violations of sections 255, 716, or 718 of the Act. As a prerequisite to filing an informal complaint, complainants must first request dispute assistance from CGB's Disability Rights Office.

The statutory authority for this proposed information collection is contained in sections 1-4, 255, 303(r), 403, 503, 716, 717, and 718 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 255, 303(r), 403, 503, 617, 618, and 619.

2. All collections of information are promulgated pursuant to section 104 of the CVAA which adds new sections 716 (access to advanced communications services and equipment), 717 (enforcement and recordkeeping requirements), and 718 (access to Internet browsers on mobile phones) to the Communications Act and requires the Commission to establish rules to implement these sections.

This information collection does contain personally identifiable information (PII) on individuals.

- (a) As required by the Office of Management and Budget (OMB) Memorandum M-03-22 (September 26, 2003), the FCC completed a Privacy Impact Assessment (PIA)<sup>26</sup> on June 28, 2007, that gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII covered by these information collection requirements. The PIA may be viewed at [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html).
- (b) Furthermore, as required by the Privacy Act, 5 U.S.C. § 552a, the FCC published a system of records notice (SORN), FCC/CGB-1, "Informal Complaints and Inquiries," in the *Federal Register* on December 15, 2009 (74 FR 66356), which became effective on January 25, 2010.

**NOTE:** The Commission will prepare a revision to the SORN and PIA to cover the PII collected related to this information collection, as required by OMB's Memorandum M-03-22 (September 26, 2003) and by the Privacy Act, 5 U.S.C. § 552a.

3. Under sections 14.32(a) and 14.34(a) of the Commission's rules, respectively, consumers or any other party may transmit a request for dispute assistance to CGB or an informal complaint to the Enforcement Bureau by any reasonable means, including by using the Commission's online filing system, U.S. Mail, overnight delivery, or by e-mail. The Commission's overall purpose is to make the filing of such requests or complaints as simple as possible for consumers, and filing by using the Commission's online filing system or by e-mail will facilitate the Commission's ability to gather the information relevant to identifying and resolving accessibility concerns.
4. The information is not duplicated elsewhere. No similar information is available.

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<sup>26</sup> The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

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5. In adopting these information collection requirements, the Commission concluded that there may be an increased administrative burden on small businesses. Thus, the Commission took steps to minimize the information collection burden for small business concerns, including those with fewer than 25 employees.

For instance, the Commission requires covered entities to maintain only the three categories of records as set forth in section 717(a)(5)(A) of the Act,<sup>27</sup> and allows covered entities to keep these records in any format they wish. This approach takes into account the variances in covered entities (*e.g.*, size, experience with the Commission), recordkeeping methods, and telecommunications and advanced communications services and equipment covered. Furthermore, this approach provides the greatest flexibility to small businesses and minimizes the impact that the statutorily mandated recordkeeping requirements impose on small businesses. Correspondingly, the Commission considered and rejected the alternative of imposing a specific format or system for recordkeeping that could potentially impose greater burdens on small businesses.

The Commission also requires annual certification by a corporate officer that the covered entity is keeping the required records. This certification requirement is possibly less burdensome on small businesses than large, as it is presumably a less resource intensive certification for smaller entities.

Further, the Commission adopted a requirement that consumers must file a request for dispute assistance with the CGB Disability Rights Office as a prerequisite to filing an informal complaint with the Enforcement Bureau. This information request is beneficial to consumers and industry because it will help to clarify the accessibility needs of consumers. It will also encourage resolution of accessibility issues without the expenditure of time and resources required by the informal complaint process.

Finally, the Commission temporarily exempted small entities from the accessibility obligations of section 716 of the Act and, in effect, from the recordkeeping requirements and enforcement procedures of section 717 of the Act until the earlier of the effective date of small entity exemption rules adopted pursuant to the *Further Notice* or October 8, 2013.

6. These information collections are required and necessary to carry out the purposes of and to comply with the CVAA. Completion of this information collection will afford the Commission an opportunity to ensure that the disability accessibility provisions mandated by Congress under sections 255, 716, 717, and 718 of the Act will benefit users of telecommunications and advanced communications services and equipment.

If this information collection was not completed, individuals with disabilities may not have access to the information, documentation, and training necessary to access or use advanced communications services and equipment that is available to consumers without disabilities. Without this information collection, the Commission would not be able to exercise its authority to waive the accessibility obligations under section 716 for multipurpose services or equipment that is designed primarily for purposes other than to access advanced communications services.

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<sup>27</sup> 47 U.S.C. § 618(a)(5)(A)(i)-(iii).

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The information collection is required to ensure that telecommunications and advanced communications service providers and equipment manufacturers maintain records necessary to facilitate compliance with and enforcement of accessibility obligations. Moreover, these information collections provide a mechanism by which individuals with disabilities can request dispute assistance to resolve accessibility concerns or file informal or formal complaints about the accessibility of telecommunications and advanced communications services and equipment.

These information collections are necessary to implement sections 255, 716, 717, and 718 of the Act effectively; to inform the Commission, service providers, and equipment manufacturers about accessibility barriers; and provide consumers with a process for reporting and obtaining relief for accessibility concerns and complaints.

7. The collections are not being conducted in any manner inconsistent with the guideline of 5 C.F.R. § 1320.
8. The Commission published a notice in the *Federal Register* as required by 5 C.F.R. § 1320.8(d) seeking comments from the public on the information collection requirements contained in this supporting statement. *See* 76 FR 82240 (December 30, 2011). To date, the Commission has received no comments in response to the notice.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. Some assurances of confidentiality are being provided to the respondents.

Petitioners (*e.g.*, telecommunications or advanced communications service providers or equipment manufacturers) seeking waivers from the accessibility obligations under section 716 of the Act for multipurpose services or equipment may seek confidential treatment of information they provide in support of such petitions pursuant to the Commission's existing rules.<sup>28</sup> Third parties may request inspection of confidential information under the Commission's rules.<sup>29</sup>

Section 717(a)(5)(C) of the Act requires the Commission to keep confidential those records that are: (1) filed by a covered entity at the request of the Commission in response to a complaint; (2) created or maintained by the covered entity pursuant to the rules we adopt today; and (3) directly relevant to the equipment or service that is the subject of the complaint.<sup>30</sup> Accordingly, when a covered entity responds to a complaint alleging a violation of section 255, 716, or 718, or responds to a Commission inquiry, the covered entity may request confidential treatment of the documentation, information, and records that it files with the Commission under section 0.459 of our rules.<sup>31</sup> When covered entities file records that fall within the limited scope of section 717(a)(5)(C), they may assert the statutory exemption from disclosure under section 0.457(c) of the

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<sup>28</sup> *See* 47 C.F.R. § 0.459.

<sup>29</sup> *See* 47 C.F.R. § 0.461.

<sup>30</sup> 47 U.S.C. § 618(a)(5)(C).

<sup>31</sup> 47 C.F.R. § 0.459.

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Commission's rules.<sup>32</sup> In all other cases, covered entities must comply with section 0.459 when seeking protection of their records.<sup>33</sup>

With respect to the consumer dispute assistance and complaint procedures in Part 14 of the Commission's rules, the Commission is not requesting that complainants submit confidential information (*e.g.*, credit card numbers, social security numbers, or personal financial information) to the Commission. The PIA that the FCC completed on June 28, 2007 gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys PII, as required by OMB regulations and the Privacy Act, 5 U.S.C. § 552a. The PIA may be viewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html).

Also, as stated above in question 2, the Commission will prepare a revision to the SORN and PIA to cover the PII collected related to this information collection, as required by OMB's Memorandum M-03-22 (September 26, 2003) and by the Privacy Act, 5 U.S.C. § 552a.

11. There are no questions of a sensitive nature with respect to the information collected.
12. Estimates of hour burdens for the collection of information are as follows:

### ***Proposed Information Collection Requirements***

#### Consumer Dispute Assistance and Complaints:

The Commission estimates that there are 54 million individuals with disabilities (consumers) who may request dispute assistance, a pre-requisite to filing a complaint. In any given year, however, only a portion of those potential respondents will request dispute assistance. Based on the actual number of section 255 complaints filed over the past three years, the Commission estimates that there will be **280** individuals requesting dispute assistance (120 section 255 requests, 120 section 716 requests, and 40 section 718 requests).

#### Section 255:

Section 255 applies to all telecommunications and interconnected VoIP service providers and equipment manufacturers. There is no small entity exemption for section 255 obligations. The Commission estimates that there are 8,750 entities subject to section 255:<sup>34</sup>

#### Section 716:

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<sup>32</sup> 47 C.F.R. § 0.457(c).

<sup>33</sup> See 47 C.F.R. § 0.459.

<sup>34</sup> See OMB Control Number: 3060-0833 (Implementation of Section 255 of the Telecommunications Act of 1996: Complaint Filings) (May 2011); and OMB Control Number: 3060-1111 (Sections 225 and 255, Interconnected Voice over Internet Protocol Services (VoIP)) (March 2011).



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Section 716 applies to advanced communications service providers and equipment manufacturers. The Commission estimates that there are 28,077 entities that are subject to section 716, of which 26,465 entities are eligible for the temporary small entity exemption and 1,612 entities are not eligible.

For purposes of the *Further Notice* information collection analysis, the Commission assumes that the *Further Notice* proceeding will result in the adoption of a permanent small entity exemption for accessibility obligations under section 716 of the Act that is identical to the temporary small entity exemption adopted in the *Report and Order* and which expires on October 8, 2013.<sup>35</sup> Also for purposes of the *Further Notice* information collection analysis, the Commission assumes that the permanent small entity exemption will be effective on October 8, 2013. Therefore, the Commission estimates that 1,612 entities will be subject to section 716.

Section 718:

Section 718 applies to manufacturers of telephones used with public mobile services that include an Internet browser, and providers of mobile services that arrange for the inclusion of a browser in telephones to sell to customers. There is no small entity exemption for section 718 obligations. Entities that have section 718 accessibility obligations also have section 255 accessibility obligations. Therefore, the number of entities that are subject to section 718 are included in the number of entities that are subject to section 255.

Section 717:

Service providers and equipment manufacturers that are subject to sections 255, 716, and 718 of the Act are also subject the recordkeeping requirements and enforcement procedures established by section 717 of the Act.

The Commission estimates that 10,362 entities will be subject to section 717. This estimate is based on the estimates of the number of entities that are subject to sections 255 and 718 (8,750) plus the number of entities that are not eligible for the small entity exemption that are subject to section 716 (1,612). Because some entities are subject to sections 255, 716, and 718, and therefore theoretically counted more than once, the number of entities subject to section 717 may be overestimated. In addition, not every entity in the categories of entities included in these estimates is, in fact, subject to sections 255, 716, or 718, so the estimated number of entities subject to section 717 may be further overestimated.

In the *Further Notice*, the Commission seeks comment, specifically, on the adoption of a permanent exemption for small entities. For purposes of the *Further Notice* information collection analysis, the Commission assumes that the *Further Notice* proceeding will result in the adoption of a permanent small entity exemption for accessibility obligations under section 716 of the Act that is identical to the temporary small entity exemption

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<sup>35</sup> See 47 C.F.R. § 14.4.

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adopted in the *Report and Order* and which expires on October 8, 2013. Also for purposes of the *Further Notice* information collection analysis, the Commission assumes that the permanent small entity exemption will be effective on October 8, 2013. The adoption of such a small entity exemption rule may impact the following possible related information collection requirements:

- 47 C.F.R. § 14.5 Waivers – Multipurpose Services and Equipment
- 47 C.F.R. § 14.20(d) Information, Documentation, and Training
- 47 C.F.R. § 14.31(a) Recordkeeping
- 47 C.F.R. § 14.31(b) Annual Certification
- 47 C.F.R. § 14.32 Consumer Dispute Assistance
- 47 C.F.R. § 14.34 Informal Complaints
- 47 C.F.R. § 14.35 Procedure; Designation of Agents for Service
- 47 C.F.R. § 14.36 Answers and Replies to Informal Complaints
- 47 C.F.R. § 14.37 Review and Disposition of Informal Complaints
- 47 C.F.R. §§ 14.38 - 14.52 Formal Complaints

**The number of respondents, responses and burden hours for all the above stated requirements are encompassed in the burdens calculations below.**

#### **47 C.F.R. § 14.5 Waivers – Multipurpose Services and Equipment**

Advanced communications service providers and equipment manufacturers or interested parties may petition for a waiver for any feature or function of equipment used to provide or access advanced communications services, or for any class of such equipment, for any provider of advanced communications services, or for any class of such services, that (i) is capable of accessing an advanced communications service; and (ii) is designed for multiple purposes, but is designed primarily for purposes other than using advanced communications services.

All petitions for waiver filed pursuant to this section shall be put on public notice, with a minimum of a 30-day period for comments and oppositions.

The Commission estimates that 50 advanced communications service providers and equipment manufacturers or interested parties will file waiver petitions per year. Of those 50 petitions, 50% (25 petitions) per year will be filed by an in-house attorney.

**Total Number of Annual Respondents: 25**

**Number of Annual Responses: 25 Responses**

The Commission estimates that each response will require approximately 5 hours for the submission of the waiver petition.

25 responses/submissions x 5 hours = 125 hours

**Total Number of Annual Burden Hours: 125 hours**

**Annual “In-House” Costs:**

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The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents' costs to be about \$87.37 per hour to comply with the requirement.

125 hours to prepare waiver petitions x \$87.37/hour = \$10,921.25

**Total Annual "In-House" Costs = \$10,921.25**

The Commission estimates that 50% (25 petitions) will be filed by outside counsel, in consultation with an in-house attorney.

**Total Number of Annual Respondents: 25**

**Number of Annual Responses: 25 Responses**

The Commission estimates that each response will require approximately 1 hour for the consultation with outside counsel on the submission of the waiver petition.

25 responses/submissions x 1 hour = 25 hours

**Total Number of Annual Burden Hours: 25 hours**

**Annual "In-House" Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents' costs to be about \$87.37 per hour to comply with the requirement.

25 hours for waiver petition consultations x \$87.37/hour = \$2,184.25

**Total Annual "In-House" Costs = \$2,184.25**

The Commission estimates that up to 4 comments or oppositions will be filed by interested parties for each waiver petition, or an average of 2 comments or oppositions per petition.

**Total Number of Annual Respondents: 2**

2 respondents x 50 waiver petitions = 100 responses

**Number of Annual Responses: 100**

The Commission estimates that each response will require approximately 5 hours for the submission of a comment or opposition.

100 responses/submissions x 5 hours = 500 hours

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**Total Number of Annual Burden Hours: 500 hours****Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$87.37 per hour to comply with the requirement.

500 hours to submit comments or oppositions x \$87.37/hour = \$43,685.00

**Total Annual “In-House” Costs = \$43,685.00**

The Commission estimates that up to 20% of the 50 respondents filing waiver petitions, or 10 respondents, will file reply comments. Of those 10 reply comments, 50% (5 reply comments) per year will be filed by an in-house attorney.

**Total Number of Annual Respondents: 5****Number of Annual Responses: 5 Responses**

The Commission estimates that each response will require approximately 5 hours for preparing the reply comments.

5 responses/submissions x 5 hours = 25 hours

**Total Number of Annual Burden Hours: 25 hours****Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$87.37 per hour to comply with the requirement.

25 hours to prepare reply comments \$87.37/hour = \$2,184.25

**Total Annual “In-House” Costs = \$2,184.25**

The Commission estimates that 50% (5 petitions) will be filed by outside counsel, in consultation with an in-house attorney.

**Total Number of Annual Respondents: 5****Number of Annual Responses: 5 Responses**

The Commission estimates that each response will require approximately 1 hour for the consultation with outside counsel consulting on the reply comment.

5 responses/submissions x 1 hour = 5 hours

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**Total Number of Annual Burden Hours: 5 hours****Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$87.37 per hour to comply with the requirement.

5 hours to consult on reply comments x \$87.37/hour = \$436.85

**Total Annual “In-House” Costs = \$436.85****47 C.F.R. § 14.20(d) Information, Documentation, and Training**

Advanced communications service providers and equipment manufacturers must ensure that the information and documentation that they provide to customers is accessible, if achievable (*e.g.*, provided in alternate formats as needed).

The Commission estimates that 1,612 advanced communications service providers and equipment manufacturers will be subject to this rule and that each will respond to an estimated 10 requests for accessible information per year.

**Total Number of Annual Respondents: 1,612**

1,612 service providers and equipment manufacturers x 10 requests = 16,120 requests

**Number of Annual Responses: 16,120 Responses**

The Commission estimates that approximately 1 hour will be needed to respond to each request for accessible information.

16,120 responses x 1 hour = 16,120 hours

**Total Number of Annual Burden Hours: 16,120 hours****Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-level federal employees (GS-13/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$62.86 per hour to comply with the requirement.

16,120 hours to provide accessible information x \$62.86/hour = \$1,013,303.20

**Total Annual “In-House” Costs = \$1,013,303.20****47 C.F.R. § 14.31(a) Recordkeeping**

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Each service provider and equipment manufacturer must create and maintain, in the ordinary course of business and for a two-year period from the date a product ceases to be manufactured or a service ceases to be offered, records of the efforts taken by such service provider or equipment manufacturer to implement sections 255, 716, and 718 with regard to the product or service, including:

- (1) information about the service provider's or equipment manufacturer's efforts to consult with individuals with disabilities;
- (2) descriptions of the accessibility features of its products and services; and
- (3) information about the compatibility of its products and services with peripheral devices or specialized customer premise equipment commonly used by individuals with disabilities to achieve access.

The Commission estimates that 10,362 service providers and equipment manufacturers will be subject to this rule.

**Total Number of Annual Respondents: 10,362**

**Number of Annual Responses: 10,362 Responses**

The Commission estimates that each respondent will require an average of 2 hours per month or 24 hours per year to produce and maintain these records.

10,362 responses x 24 hours = 248,688 hours

**Total Number of Annual Burden Hours: 248,688 hours**

**Annual "In-House" Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-level federal employees (GS-13/5, plus 30% overhead); therefore, the Commission estimates respondents' costs to be about \$62.86 per hour to comply with the requirement.

248,688 hours to produce and maintain records x \$62.86/hour = \$15,632,527.00

**Total Annual "In-House" Costs = \$15,632,527.00**

**47 C.F.R. § 14.31(b) Annual Certification**

An officer of each service provider and equipment manufacturer must sign and file a compliance certificate with the Commission annually that states that the service provider or equipment manufacturer has established adequate operating procedures to ensure compliance with the recordkeeping rules and that records are being kept accordingly.

The certificate shall identify the name and contact details of the person or persons within the company that are authorized to resolve accessibility complaints, and the agent

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

designated for service pursuant to section 14.35(b) of the Commission's rules.<sup>36</sup> The certificate must be updated when necessary to keep the contact information current.

The Commission estimates that 10,362 service providers and equipment manufacturers will be subject to this rule.

**Total Number of Annual Respondents: 10,362**

**Number of Annual Responses: 10,362 Responses**

The Commission estimates that each respondent will require an average of .50 hour per year to produce and submit this annual certification.

10,362 responses x .50 hour = 5,181 hours

**Total Number of Annual Burden Hours: 5,181 hours**

**Annual "In-House" Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents' costs to be about \$87.37 per hour to comply with the requirement.

5,181 hours for annual certifications x \$87.37/hour = \$452,663.97

**Total Annual "In-House" Costs = \$452,663.97**

#### 47 C.F.R. § 14.32 Consumer Dispute Assistance

Requests for dispute assistance may be submitted to CGB by any reasonable means, and should include certain information.

CGB shall forward the request for dispute assistance to the named service provider or equipment manufacturer using the contact details provided under section 14.31(b) of the Commission's rules. CGB will assist the requester and the service provider or equipment manufacturer in reaching a settlement of the dispute. The requester may file an informal complaint with the Commission 30 days after filing the request for dispute assistance. When a requester files an informal complaint with the Enforcement Bureau, the CGB dispute assistance process will be closed and no longer available to the complainant.

The Commission estimates that requests for dispute assistance will be filed by 120 consumers and other interested parties under section 255, 120 under section 716, and 40 under section 718 of the Act.

**Total Number of Annual Respondents: 280**

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<sup>36</sup> Every service provider and equipment manufacturer subject to section 255, 716, or 718 shall designate an agent for service of process in the annual certification pursuant to section 14.31 of the Commission's rules. See 47 C.F.R. § 14.35(b).

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

**Number of Annual Responses: 280 Responses**

The Commission estimates that each response will require approximately 1 hour for the submission of the request for dispute assistance.

280 responses/submissions x 1 hour = 280 hours

**Total Number of Annual Burden Hours: 280 hours****Annual "In-House" Costs: None****Total Annual "In-House" Costs = \$0**

The Commission estimates that 75% of requesters (210 requesters) will provide additional information to the Commission.

**Total Number of Annual Respondents: 210****Number of Annual Responses: 210 Responses**

The Commission estimates that each response will require approximately 1 hour for the submission of the additional information.

210 responses/submissions x 1 hour = 210 hours

**Total Number of Annual Burden Hours: 210 hours****Annual "In-House" Costs: None****Total Annual "In-House" Costs = \$0****47 C.F.R. § 14.34 Informal Complaints**

An informal complaint alleging a violation of section 255, 716 or 718 may be transmitted to the Enforcement Bureau by any reasonable means and should include certain information.

The Commission estimates that informal complaints will be filed by 50% of the 280 consumers and other interested parties who file requests for dispute assistance.

**Total Number of Annual Respondents: 140****Number of Annual Responses: 140 Responses**

The Commission estimates that each response will require approximately 1 hour for the submission of the informal complaint.

140 responses/submissions x 1 hour = 140 hours



Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

**Total Number of Annual Burden Hours: 140 hours**

**Annual “In-House” Costs: None**

**Total Annual “In-House” Costs = \$0**

**47 C.F.R. § 14.35 Procedure; Designation of Agents for Service**

The Commission shall forward any informal complaint meeting the requirements of section 14.34 of the Commission’s rules to each service provider or equipment manufacturer named or determined to be implicated by the complaint.

Every service provider and equipment manufacturer subject to section 255, 716, or 718 shall designate an agent for service of process in the annual certification pursuant to section 14.31 of the Commission’s rules.

See 47 C.F.R. § 14.31(b) Annual Certification, above, for the related burden analysis.<sup>37</sup>

**47 C.F.R. § 14.36 Answers and Replies to Informal Complaints**

- (a) The service provider or equipment manufacturer shall file and serve an answer responsive to the complaint and any inquiries set forth by the Commission, and produce documents demonstrating its due diligence in exploring accessibility and achievability.<sup>38</sup>
- (b) The answer shall be prepared or formatted in the manner requested by the Commission and the complainant.
- (c) The service provider or equipment manufacturer shall serve the complainant and the Commission with a non-confidential summary of the answer filed with the Commission.
- (d) The complainant may file and serve a reply.

The Commission estimates that 140 service providers and equipment manufacturers subject to sections 255, 716, and 718 of the Act will file an answer to an informal complaint. Of those 140 answers, 50% (70 answers) per year will be prepared by an in-house attorney.

**Total Number of Annual Respondents: 70**

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<sup>37</sup> The annual burdens associated with 47 C.F.R. § 14.35 are already encompassed in the information collection requirement for 47 C.F.R § 14.31 (b). See page 14 of this collection.

<sup>38</sup>

<sup>?</sup> Section 14.31(c) of the Commission’s rules require that, upon the service of an informal or formal complaint, a service provider or equipment manufacturer must produce to the Commission, upon request, records covered by this section and may assert a statutory request for confidentiality for these records. All other information submitted to the Commission pursuant to Subpart D of Part 14 or to any other request by the Commission may be submitted pursuant to a request for confidentiality in accordance with section 0.459 of the Commission’s rules.

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

**Number of Annual Responses: 70 Responses**

The Commission estimates that each response will require approximately 6 hours for the preparation of the answer.

70 responses/submissions x 6 hours = 420 hours

**Total Number of Annual Burden Hours: 420 hours****Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$87.37 per hour to comply with the requirement.

420 hours to prepare answers x \$87.37/hour = \$36,695.40

**Total Annual “In-House” Costs = \$36,695.40**

The Commission estimates that 50% (70 answers) will be prepared by outside counsel, in consultation with an in-house attorney.

**Total Number of Annual Respondents: 70****Number of Annual Responses: 70 Responses**

The Commission estimates that each response will require approximately 1 hour for the preparation of an answer.

70 responses/submissions x 1 hour = 70 hours

**Total Number of Annual Burden Hours: 70 hours****Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$87.37 per hour to comply with the requirement.

70 hours to prepare answers x \$87.37/hour = \$6,115.90

**Total Annual “In-House” Costs = \$6,115.90**

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The Commission estimates that 25% of 140 answers (35 answers) will include an analysis by staff engineers.<sup>39</sup>

**Total Number of Annual Respondents: 35**

**Number of Annual Responses: 35**

The Commission estimates that each response will require approximately 5 hours for the preparation of an engineering analysis.

35 responses/submissions x 5 hours = 175 hours

**Total Number of Annual Burden Hours: 175 hours**

**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$87.37 per hour to comply with the requirement.

175 hours to prepare engineering analyses x \$87.37/hour = \$15,289.75

**Total Annual “In-House” Costs = \$15,289.75**

The Commission estimates that 25% of 140 answers (35 answers) will include an analysis by a contract engineer, in consultation with staff engineers.

**Total Number of Annual Respondents: 35**

**Number of Annual Responses: 35**

The Commission estimates that each response will require approximately 1 hour for the engineering analysis consultation.

35 responses/submissions x 1 hour = 35 hours

**Total Number of Annual Burden Hours: 35 hours**

**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead);

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<sup>39</sup> Section 14.20(b) of the Commission’s rules require advanced communications service providers and equipment manufacturers to identify barriers to accessibility and usability; consider performance objectives as early as possible in the design stage; and implement them if achievable. *See* 47 C.F.R. § 14.20(b). Service providers and equipment manufacturers that are subject to section 255 of the Act have similar obligations to ensure accessibility when readily achievable. *See* 47 U.S.C. § 255.

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

therefore, the Commission estimates respondents' costs to be about \$87.37 per hour to comply with the requirement.

35 hours for engineering consultations x \$87.37/hour = \$3,057.95

**Total Annual "In-House" Costs = \$3,057.95**

The Commission estimates that up to 25% of the 140 complainants (35 complainants) will file a reply to the answer submitted.

**Total Number of Annual Respondents: 35**

**Number of Annual Responses: 35 Responses**

The Commission estimates that each response will require approximately 2 hours for the submission of the waiver petition.

35 responses/submissions x 2 hours = 70 hours

**Total Number of Annual Burden Hours: 70 hours**

**Annual "In-House" Costs: None**

**Total Annual "In-House" Costs = \$0**

**47 C.F.R. § 14.37 Review and Disposition of Informal Complaints**

The Commission will investigate the allegations in any informal complaint within 180 days after the complaint was filed, issue an order and finding, and provide a basis therefore, unless the complaint is resolved before that time.

If the Commission determines in an order that the service provider or equipment manufacturer violated section 255, 716, or 718, the Commission may direct the service provider or equipment manufacturer bring the service or the next generation of the equipment into compliance within a reasonable period of time, and take other enforcement action deemed appropriate. The service provider or equipment manufacturer shall have a reasonable opportunity to comment on the Commission's proposed remedial action before the Commission issues a final order with respect to that action.

The Commission estimates that 25% of the 140 informal complaints (35 complaints) will result in proposed remedial action. Of those 35 proposed remedial actions, 50% will be reviewed by an in-house staff attorney.

**Total Number of Annual Respondents: 17.5 (18 rounded)**

**Number of Annual Responses: 17.5 Responses (18 rounded)**

The Commission estimates that each response will require approximately 2 hours for the review of the proposed remedial action.

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

18 reviews of proposed remedial action x 2 hours = 36 hours

**Total Number of Annual Burden Hours: 36 hours**

**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$87.37 per hour to comply with the requirement.

36 hours to review proposed remedial actions x \$87.37/hour = \$3,145.32

**Total Annual “In-House” Costs = \$3,145.32**

The Commission estimates that 50% (17.5 proposed remedial actions) will be reviewed by outside counsel, in consultation with an in-house attorney.

**Total Number of Annual Respondents: 17.5 (18 rounded)**

**Number of Annual Responses: 17.5 Responses (18 rounded)**

The Commission estimates that each response will require approximately 1 hour for the consultation on the proposed remedial action.

18 consultations x 1 hour = 18 hours

**Total Number of Annual Burden Hours: 18 hours**

**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$87.37 per hour to comply with the requirement.

18 hours to consult on proposed remedial actions x \$87.37/hour = \$1,572.66

**Total Annual “In-House” Costs = \$1,572.66**

**47 C.F.R. §§ 14.38 - 14.52 Formal Complaints**

Formal complaint proceedings are generally resolved on a written record consisting of a complaint, answer, and joint statement of stipulated facts, disputed facts and key legal issues, along with all associated affidavits, exhibits and other attachments. Commission proceedings may also require or permit other written submissions such as briefs, written interrogatories, and other supplementary documents or pleadings.

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

The Commission estimates that 1 complaint and 1 answer will be filed each year involving 1 complainant and 1 defendant. Of these responses, 50% of respondents will be represented by an in-house attorney.

**Total Number of Annual Respondents: 1**

**Number of Annual Responses: 1 Response**

The Commission estimates that each response will require approximately 40 hours for the preparation and filing of the complaint or answer.

1 responses/submissions x 40 hours = 40 hours

**Total Number of Annual Burden Hours: 40 hours**

**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-level federal employees (paralegal, GS-12/5, plus 30% overhead) and mid-to-senior level federal employees (attorney, GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$52.86 and \$87.37, respectively, to comply with the requirement.

5 hours for the complaint or answer x \$52.86/hour = \$264.30

35 hours for the complaint or answer x \$87.37/hour = \$3,057.95

**Total Annual “In-House” Costs = \$3,322.25**

The Commission estimates that 50% of these respondents (1 complainant and 1 defendant) will be represented by outside counsel in consultation with an in-house staff attorney in the filing of 1 complaint or 1 answer.

**Total Number of Annual Respondents: 1**

**Number of Annual Responses: 1 Response**

The Commission estimates that each response will require approximately 5 hours for the consultation on the preparation and filing of the complaint or answer.

1 consultation x 5 hour = 5 hours

**Total Number of Annual Burden Hours: 5 hours**

**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5, plus 30% overhead); therefore, the Commission estimates respondents’ costs to be about \$87.37 per hour to comply with the requirement.

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

5 hours to consult on complaint or answer x \$87.37/hour = \$436.85

**Total Annual “In-House” Costs = \$436.85**

**Cumulative Number of Respondents:**

280 individuals requesting dispute assistance  
10,362 telecommunications and advanced communications service providers and  
 equipment manufacturers

**10,642 Respondents**

**Cumulative Number of Annual Responses: 37,917**

**Cumulative Annual Burden Hours: 272,168 hours**

**Cumulative Annual “In-House” Costs: \$17,227,541.85**

Information Collection	Respondents	Estimated Annual Number of Responses	Estimated Annual Burden Hours Per Response	Annual Burden Hours	Total Annual “In-House” Costs
§ 14.5 Waivers	52	160	1-5	680	\$59,411.60
§ 14.20(d) Information	1,612	16,120	1	16,120	\$1,013,303.20
§ 14.31(a) Recordkeeping	10,362	10,362	24	248,688	\$15,632,527.00
§ 14.31(b) Annual Certification	10,362	10,362	.50	5,181	\$452,663.97
§ 14.32 Consumer Dispute Assistance	280	490	1	490	0
§ 14.34 Informal Complaints	140	140	1	140	0
§ 14.35 Designation of Agents	See 47 C.F.R. § 14.31 Annual Certification, above, for the related burden analysis.				
§ 14.36 Answers and Replies	140	140	1-6	490	\$42,811.30
Demonstrations	70	70	1-5	210	\$18,347.70
Replies	35	35	1-2	70	0
§ 14.37 Review and Disposition	36	36	1-2	54	\$4,717.98
§§ 14.38 - 14.52	2	2	5-40	45	\$3,759.10

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

Formal Complaints					
<b>Totals</b>	<b>10,642</b>	<b>37,917</b>	<b>.50 – 40</b>	<b>272,168</b>	<b>\$17,227,541.85</b>

13. The following represents the Commission's estimate of the total annual cost burden resulting from the collection of information:

(a) Total annualized capital/start-up costs: **None**

(b) Total annual cost (O&M):

#### 47 C.F.R. § 14.5 Waivers – Multipurpose Services and Equipment

The Commission estimates that 50 advanced communications service providers and equipment manufacturers or interested parties will file waiver petitions per year. Of those 50 petitions, the Commission estimates that 50% (25 petitions) will be filed by outside counsel, in consultation with an in-house attorney. The Commission estimates 5 hours will be needed to prepare each of these waivers petitions. The Commission estimates that outside counsel will charge approximately \$300.00 per hour:

25 petitions prepared by outside counsel x 5 hours/petition x \$300.00/hour = **\$37,500.00**

The Commission estimates that up to 20% of the 50 respondents filing waiver petitions, or 10 respondents, will file reply comments. Of those 10 reply comments, 50% (5 reply comments) per year will be filed by outside counsel, in consultation with an in-house attorney. The Commission estimates 5 hours will be needed to prepare each of these reply comments. The Commission estimates that outside counsel will charge approximately \$300.00 per hour:

5 replies prepared by outside counsel x 5 hours/reply x \$300.00/hour = **\$7,500.00**

#### 47 C.F.R. § 14.36 Answers and Replies to Informal Complaints

The Commission estimates that 140 service providers and equipment manufacturers subject to sections 255, 716, and 718 of the Act will file an answer to an informal complaint. Of those 140 answers, 50% (70 answers) per year will be prepared by outside counsel, in consultation with an in-house attorney. The Commission estimates 6 hours will be needed to prepare each of these answers. The Commission estimates that outside counsel will charge approximately \$300.00 per hour:

70 answers prepared by outside counsel x 6 hours/answer x \$300.00/hour = **\$126,000.00**

The Commission estimates that 25% of 140 answers (35 answers) will include an analysis by a contract engineer in consultation with staff engineers. The Commission estimates 5 hours will be needed to prepare each of these analyses. The Commission estimates that contract engineers will charge approximately \$250.00 per hour:

35 analyses by contract engineers x 5 hours/analysis x \$250.00/hour = **\$43,750.00**



## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

Section 14.36(b) of the Commission's rules requires that the answer to the complaint be prepared or formatted in the manner requested by the Commission and the complainant. The Commission estimates that 25% of 140 answers (35 answers) will require such alternative formatting (e.g., Braille). The Commission estimates that respondents will outsource such formatting of complaint answers and that 1 hour will be needed to format each answer. The Commission estimates that formatting services will charge approximately \$100.00 per hour:

$$35 \text{ answers in alternative format} \times 1 \text{ hour/answer} \times \$100.00/\text{hour} = \mathbf{\$3,500.00}$$

**47 C.F.R. § 14.37 Review and Disposition of Informal Complaints**

The Commission estimates that 25% of the 140 informal complaints filed (35 complaints) will result in proposed remedial action. Of those 35 proposed remedial actions, 50% (17.5 proposed remedial actions – **18 rounded**) will be reviewed by outside counsel, in consultation with an in-house attorney. The Commission estimates 2 hours will be needed to review each of these proposed remedial actions. The Commission estimates that outside counsel will charge approximately \$300.00 per hour:

$$18 \text{ proposed remedial actions} \times 2 \text{ hours/action} \times \$300.00/\text{hour} = \mathbf{\$10,800.00}$$

**47 C.F.R. §§ 14.38 - 14.52 Formal Complaints**

The Commission estimates that 1 complaint and 1 answer will be filed each year involving 1 complainant and 1 defendant. Of these responses, 50% of respondents will be represented by outside counsel in consultation with an in-house staff attorney in the filing of 1 complaint or 1 answer. The Commission estimates 5 hours of paralegal time and 25 hours of outside counsel time will be needed to prepare each complaint or answer. The Commission estimates that paralegals will charge \$52.86 (comparable mid-level federal employees, GS 12/5, plus 30% overhead) and outside counsel will charge approximately \$300.00 per hour:

$$1 \text{ answer/complaint} \times 5 \text{ paralegal hours} \times \$52.86/\text{hour} = \mathbf{\$264.30}$$

$$1 \text{ answer/complaint} \times 25 \text{ outside counsel hours} \times \$300.00 = \mathbf{\$7,500.00}$$

(c) Total annualized cost requested: **\$236,814.30**

	Estimated Annual Number of Responses	Cost
§ 14.5 Waivers – Multipurpose Services and Equipment	50% of 50 petitions (25 petitions)	25 x 5 hours x \$300.00 = \$37,500.00
	50% of 10 replies (5 replies)	5 x 5 hours x \$300.00 = \$7,500.00
Subtotal:		\$45,000.00
§ 14.36 Answers and Replies to Informal Complaints	50% of 140 complaints (70 complaints)	70 x 6 hours x \$300.00 = \$126,000.00
	25% of 140 answers (35)	35 x 5 hours x \$250.00 =

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

	answers)	\$43,750.00
	25% of 140 answers (35 answers)	35 x 1 hour x \$100.00 = \$3,500.00
Subtotal:		\$173,250.00
§ 14.37 Review and Disposition of Informal Complaints	50% of 35 proposed remedial actions (17.5 actions)	18 x 2 hours x \$300.00 = \$10,800.00
Subtotal:		\$10,800.00
§ 14.38 Formal Complaints	50% of 2 respondents represented by outside counsel (1 complaint or 1 answer)	5 hours x paralegal at \$52.86 = \$264.30 25 hours x attorney at \$300.00 = \$7,500.00
Subtotal:		\$7,764.30
<b>Total</b>		<b>\$236,814.30</b>

14. Estimates of annualized costs to the Federal government are as follows:

#### 47 C.F.R. § 14.5 Waivers – Multipurpose Services and Equipment

The Commission estimates that 50 advanced communications service providers and equipment manufacturers or interested parties will file waiver petitions per year.

The Commission will use GS 15/5 (\$67.21) staff attorneys to review these waiver petitions, comments and oppositions, and reply comments. The Commission estimates that this will require 2 to 4 hours (average 3 hours) for this review per petition.

50 petitions x 3 hours/petition x \$67.21/hour = **\$10,081.50**

#### 47 C.F.R. § 14.32 Consumer Dispute Assistance

The Commission estimates that 280 requests for dispute assistance will be filed (120 under section 255, 120 under section 716, and 40 under section 718 of the Act). The Commission will use GS 13/5 (\$48.35) staff analysts to review and forward these requests to service providers and equipment manufacturers. The Commission estimates that this will require 1 hour per request.

280 requests x 1 hour/request x \$48.35/hour = **\$13,538.00**

#### 47 C.F.R. § 14.35 Procedure; Designation of Agents for Service

The Commission shall forward any informal complaint meeting the requirements of section 14.34 of the Commission's rules to each service provider or equipment manufacturer named or determined to be implicated by the complaint.

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

Every service provider and equipment manufacturer subject to section 255, 716, or 718 shall designate an agent for service of process in the annual certification pursuant to section 14.31 of the Commission's rules.

The Commission estimates that 140 informal complaints will be filed. The Commission will use GS 13/5 (\$48.35) staff analysts to review and forward these informal complaints to service providers and equipment manufacturers. The Commission estimates that this will require 1 hour per informal complaint.

$$140 \text{ requests} \times 1 \text{ hour/request} \times \$48.35/\text{hour} = \mathbf{\$6,769.00}$$

**47 C.F.R. § 14.36 Answers and Replies to Informal Complaints**

The Commission estimates that 140 service providers and equipment manufacturers subject to sections 255, 716, and 718 of the Act will file an answer to an informal complaint. The Commission will use GS 15/5 (\$67.21) staff attorneys to review these answers and documents produced. The Commission estimates that this will require 2 to 4 hours (average 3 hours) for this review per answer.

$$140 \text{ answers} \times 3 \text{ hours/answer} \times \$67.21/\text{hour} = \mathbf{\$28,228.20}$$

The Commission estimates that 50% of 140 answers (70 answers) will include an analysis by an engineer. The Commission will use GS 15/5 (\$67.21) staff engineers to review these engineering analysis. The Commission estimates 1 to 3 hours (average 2 hours) will be needed to review these engineering analyses.

$$70 \text{ engineering analyses} \times 2 \text{ hours/analysis} \times \$67.21/\text{hour} = \mathbf{\$9,409.40}$$

**47 C.F.R. §§ 14.38 - 14.52 Formal Complaints**

The Commission estimates that 1 complaint and 1 answer will be filed each year involving 1 complainant and 1 defendant. The Commission will use GS 5/5 (\$18.50) administrative staff, GS 12/5 (\$40.66) staff paralegals, and GS 15/5 (\$67.21) staff attorneys to review these formal complaints and answers. The Commission estimates that this will require 2 hours of administrative staff time, 4 hours of paralegal time, and 10 hours of attorney time for this review per complaint or answer.

$$2 \text{ filings} \times 2 \text{ hours/filing} \times \$18.50/\text{hour} = \mathbf{\$74.00}$$

$$2 \text{ filings} \times 4 \text{ hours/filing} \times \$40.66/\text{hour} = \mathbf{\$325.28}$$

$$2 \text{ filings} \times 10 \text{ hours/filing} \times \$67.21/\text{hour} = \mathbf{\$1,344.20}$$

**Total Cost to Federal Government: \$69,769.58**

	Estimated Annual Number of Responses	Cost
§ 14.5 Waivers – Multipurpose Services and Equipment	50 petitions	\$10,081.50

## Accessible Telecommunications and Advanced Communications Services and Equipment FNPRM

§ 14.32 Consumer Dispute Assistance	280 requests for dispute assistance	\$13,538.00
§ 14.35 Procedure; Designation of Agents for Service	140 informal complaints	\$6,769.00
§ 14.36 Answers and Replies to Informal Complaints	140 informal complaints 70 engineering analyses	\$28,228.20 \$9,409.40
§ 14.38 Formal Complaints	2 (1 complaint and 1 response)	\$1,743.48
<b>Total Cost to Federal Government:</b>		<b>\$69,769.58</b>

15. This a new collection of information. If the proposed information collection requirements are adopted by the Commission in a final rulemaking, program change/increases will be added to OMB's inventory for this collection as follows: **10,642** respondents; **37,917** responses; **272,168** annual burden hours; and **\$236,814** annual cost.
16. The Commission posts on its website designated agent and other contact information submitted to the Commission pursuant to the information collection requirements discussed above. The Commission may also post aggregate complaint information on its website, and will comply with all valid FOIA requests with regard to information sought pertaining to accessibility complaints.
17. The Commission is not seeking approval not to display the expiration date for OMB approval of the information collection because the collection does not include a form number.
18. There are no exceptions to the Certification Statement.

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

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