

OMB Control No. 3060-1145

Non-Substantial Change for the “Data Filed with the Fund Administrator to Support Payment Claims,” contained in Report and Order, FCC 11-54

On April 5, 2011, the Commission adopted a *Report and Order* which, among other actions, amended section 64.604(c)(5)(iii)(C)(2) of the Commission's rules (47 C.F.R. § 64.604(c)(5)(iii)(C)(2)).¹ That rule requires all telecommunications relay service (TRS) providers seeking compensation from the Interstate TRS Fund to submit specific data associated with each TRS call for which compensation is sought. The rules adopted in the *Report and Order* published in the *Federal Register* on May 2, 2011,² and section 64.604(c)(5)(iii)(C)(2), one of several rules adopted in the *Report and Order* and subject to the Paperwork Reduction Act (PRA), became effective on September 26, 2011.³

Section 64.604(c)(5)(iii)(C)(2), as published in the May 2, 2011 *Federal Register*, is captioned “Call data required from all TRS providers.”⁴ Moreover, in setting forth the data submission requirements, the rule, as published in the May 2, 2011 *Federal Register*, specifies that “TRS providers” are subject to the rule.⁵ Reflecting the application of this rule to all TRS providers, the PRA supporting statement submitted to OMB in August 2011 for approval estimated information collection burdens associated with this rule for all TRS providers.⁶

Nevertheless, the language in the “Needs and Uses” section of the September 26, 2011 *Federal Register* effective date notice, as well as in the August 2011 supporting statement description of section 64.604(c)(5)(iii)(C)(2),⁷ suggest that only video relay service (VRS)⁸ providers, rather than all TRS providers, are required to submit the required data. This was due to the erroneous transcription of language from the text of the April 5, 2011 *Report and Order*, which refers only to VRS providers. Not only does the governing language of the rule, however, specifically apply the requirement to “all TRS providers,” but the language in both the August 2011 supporting statement and the September 26, 2011 *Federal Register* effective date notice clearly specify that many of the rules adopted in the *Report and Order* apply to forms of TRS in addition to VRS or, indeed, to all forms of TRS.⁹ **We therefore are making *de minimis*, non-substantive, clarifying changes to the August 2011 supporting statement to reflect the changes noted**

¹ This section has been redesignated as 47 C.F.R. § 64.604(c)(5)(iii)(D)(2).

² See Structure and Practice of the Video Relay Service Program, Final rule, published at 76 FR 24393, May 2, 2011.

³ See Structure and Practices of the Video Relay Service Program, Final rule; announcement of effective date, published at 76 FR 59269, September 26, 2011. See also Structure and Practice of the Video Relay Service Program, Final rule; correction, published at 76 FR 30841, May 27, 2011 (specifying section 64.604(c)(5)(iii)(C)(2) as one of the rules subject to the PRA).

⁴ 76 FR at 24400.

⁵ *Id.*

⁶ See August 2011 Supporting Statement for OMB Control No. 3060-1145, at 7, 9-11; see also March 2012 Amended Supporting Statement for OMB Control No. 3060-1145, at 7, 9-11 (leaving these burden estimates unchanged). We note that no one filed comments challenging these estimates associated with the data submission requirements.

⁷ See August 2011 Supporting Statement for OMB Control No. 3060-1145, at 3.

⁸ VRS is an Internet Protocol-based form of TRS, one of several forms of TRS paid for by the Fund.

⁹ See August 2011 Supporting Statement at 2, 7, 9-11; 76 FR at 59270.

above, which themselves are not changes to the substance of the rule. The “Needs and Uses” related to section 64.604(c)(5)(iii)(D)(2) will be corrected accordingly upon OMB’s approval of this non-substantial change request. Correction to the effective date notice will not have any substantive effect on the rule since the rule correctly covers all TRS providers in accordance with what was adopted as a final rule in the April 5, 2011 *Report and Order*, and published in the *Federal Register* on May 2, 2011.