

SUPPORTING STATEMENT

This information collection is being submitted to OMB for approval to extend an existing collection. There is no change in the Commission's estimated burden hours. There is no change in the Commission quarterly reporting requirements.

**A. Justification:**

Bell Operating Companies (BOCs) are required to provide nondiscrimination reports on a quarterly basis (on Quality of Service, Installation and Maintenance) pursuant to *Computer III* and Open Network Architecture (ONA) requirements.<sup>1</sup> Under these requirements, BOCs must indicate in their nondiscrimination reports how they will comply with these requirements on a quarterly basis.

In the *First Payphone Order*, the Commission did not impose any new reporting requirements but required BOCs in their nondiscrimination reports to "report on payphone services as they do for other basic services."<sup>2</sup> Without provision of these reports, the Commission in the *First Payphone Order* stated it would be unable to ascertain whether the BOCs were discriminating in favor of their own payphones.<sup>3</sup>

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.

Note: This submission is being made pursuant to authority contained in 47 U.S.C. §§ 151, 154, 201-205, 215, 218-220, 226 and 276.

2. The report allows the Commission to determine how the BOCs will provide competing payphone providers with equal access to all the basic underlying network services that are provided to its own payphones.
3. The BOCs are permitted to use information technologies at their mutual option.
4. There is no duplication of information. In most instances, the information sought is unique to each carrier.
5. The collection of information will not significantly impact small businesses or other small entities.

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<sup>1</sup> *Filing and Review of Open Network Architecture Plans*, 5 FCC Rcd 3084, 3096, Appendix B (1990); *Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-388, Report and Order, 11 FCC Rcd 20541, 20644, para. 207 (1996) (*First Payphone Order*) (subsequent history omitted).

<sup>2</sup> *First Payphone Order*, 11 FCC Rcd at 20644, para. 207.

<sup>3</sup> *Id.* at 20642, para. 202.

6. The Commission would not be able to ascertain whether the BOCs were providing competing payphone providers with equal access to all the basic underlying network services that are provided to its own payphones. This could have a negative impact on the Commission's goal of maintaining a competitive payphone market.
7. Generally, FCC requirements do not impose any obligations that would require parties to report information to the FCC more often than quarterly, nor will these requirements impose any other special circumstances.
8. A notice was published in the Federal Register as required by 5 C.F.R. § 1320.8(d) on March 22, 2012 (77 FR 16837). No PRA comments were received.
9. The Commission does not anticipate providing any payment or gift to respondent.
10. The Commission is not requesting respondents to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under section 0.459 of the Commission's rules. Further, the agency will be permitted to use the information only for the purpose of evaluating the BOCs' provision of equal access to all the basic underlying network services to competing payphone providers. The agency will not be permitted to share the reports with any other entities.
11. There are no questions of a sensitive nature with respect to the information collected.
12. The following represents the estimate of hour burden of the collection of information:
  1. Number of respondents and responses: 3 respondents; 12 responses.
  2. Frequency of response: Quarterly reporting requirement.
  3. Annual burden per respondent response: 50 hours. Total annual hour burden: 3 respondents x 4 quarterly responses x 50 hours per response = **600 hours**.
  4. Total estimate of annualized cost to respondents for the hour burdens for collection of information: \$24,780.
  5. Explanation of calculation:

The annual burden would entail the labor of two clerical employees for ten hours (20 hours) and three professional employees for ten hours (30 hours) for a total of 50 hours (20 + 30). The 3 BOCs would together have a burden of 600 hours for the report (50 hours x 4 quarterly reports x 3 BOCs = 600 hours).

The annual clerical cost is \$340 (at \$17.00 per hour x 10 hours x 2 = \$340) and professional cost is \$1,650 (at \$55 per hour x 10 hours x 3 = \$1,650). Annual labor cost is \$1,990 (\$340 + \$1,650). The cost for each report would be, at a maximum, \$2,065 (\$1,990 for labor and \$75 for printing and overhead).

The total annual in-house cost of the reports for all 3 BOCs would be \$24,780 (\$2,065 x 4 quarterly reports x 3 BOCs).

13. Cost to the Respondent: None.

14. Cost to the Federal government: None.

15. No change in burden is requested at this time. The annual burden for this collection continues to be estimated at 600 hours.

16. Not applicable. The Commission does not anticipate that it will publish the results of this collection of information.

17. Not applicable. The Commission does not intend to seek approval not to display the expiration date for OMB approval of the information collections.

18. There are no exceptions to the certification statement.

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

Not applicable.