

Note: This submission is made pursuant to 44 U.S.C. 3507 to extend an existing collection that is expiring. The Commission has not changed the reporting requirement for this information collection. We note that the Commission has granted AT&T, Verizon, legacy Qwest, and other similarly-situated carriers forbearance from Form 492-A. *See Petition of AT&T Inc. for Forbearance under 47 U.S.C. §160 from Enforcement of Certain of the Commission's Cost Assignment Rules*, WC Docket Nos. 07-21, 05-342, Memorandum Opinion and Order, 23 FCC Rcd 7302 (2008) (*AT&T Cost Assignment Forbearance Order*), *pet. for recon. pending, pet. for review pending*, NASUCA v. FCC, Case No. 1226 (D.C. Cir filed June 23 2008); *Service Quality Customer Service Satisfaction, Infrastructure and Operating Data Gathering*, WC Docket Nos. 08-190, 07-139, 07-204, 07-273, 07-21, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 23 FCC Rcd 13647 (2008) (*Verizon/Qwest Cost Assignment Forbearance Order*), *pet for recon. pending, pet. for review pending*, NASUCA v. FCC, Case No. 08-1353 (D.C. Cir. filed Nov 4, 2008). Despite this forbearance, the Commission seeks OMB approval for the extension of this information collection because petitions for reconsideration and review of those forbearance decisions are currently pending before the Commission and the U.S. Court of Appeals for the DC Circuit, respectively.

#### SUPPORTING STATEMENT

##### **A. Justification:**

1. Section 220 of the Communications Act of 1934, as amended, 47 USC 220, allows the Commission, at its discretion, to prescribe the forms of any and all accounts, records and memoranda to be kept by carriers subject to this Act, including the accounts, records and memoranda of the movement of traffic, as well as the receipts and expenditures of monies.

Section 219(b) of the Communications Act of 1934, as amended, 47 USC 219(b), authorizes the Commission by general or special orders to require any carrier subject to this Act to file monthly reports of earnings and expenses and to file periodic and/or special reports concerning any matters with respect to which the Commission is authorized or required by law to act.

Filing of FCC Form 492 and FCC Form 492A are required by Section 65.600 of the FCC Rules. The annual filing of FCC Form 492 is required from each local exchange carrier or group of affiliated carriers, which is not subject to sections 61.41 through 61.49 of the Commission's Rules and which has filed individual access tariffs during the enforcement period. Each local exchange carrier or group of affiliated carriers subject to the previously stated sections shall file their annual FCC Form 492A with the Commission. All carriers are also required to file within 15 months after the end of each calendar year a report reflecting any corrections or modifications. A copy of each report must be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and

inspection. The Commission does not specify a retention period for this report. The Rate of Return Monitoring Reports are necessary to enable the Commission to scrutinize the access tariffs and enforce rate-of-return prescriptions.

There are no changes to the annual reporting requirement or to the estimated burden for these two reports.

The statutory authority for this collection of information is contained in 47 U.S.C. Sections 160, 161, 209(b) and 220.

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 information contained in FCC Forms 492 and 492A is data used by staff members for enforcement purposes and by the public in analyzing the industry. The reports are also used by the Commission in the tariff review process and provide both the Commission and the carriers with an early warning system if rate adjustments are necessary to correct significant targeting errors. It also enhances the Commission's ability to quantify the effects of policy proposals.
3. Paper filings are the least burdensome reporting format. If carriers desire to utilize improved information technology to submit data, we will be glad to accommodate them whenever feasible. Both forms are available on FCC's Internet Home Page (Forms).
4. No duplication of the required data exists outside the agency. The Commission knows of no other existing information that would serve the same regulatory purpose.
5. The collection of information does not involve small businesses or other small entities. These forms are filed only by the local exchange carriers (LECs) that have filed access tariffs with the FCC and the National Exchange Carrier Association (NECA). Most of the small companies choose to be in the NECA pools instead of filing their own access tariff with the Commission.
6. The FCC Forms 492 and 492A are filed once per year. If the forms were filed less frequently, the Commission would not be able to conduct its studies of these data in a timely manner. These data also are necessary to support other Commission oversight functions. As noted above, submissions correcting previously filed data are to be filed within 15 months after the end of each calendar year.
7. Section 42.4 of the Commission's Rules requires carriers to maintain a master index that identifies each record retained, the related retention period, and the location where the records are maintained. The Commission prescribes a specific record retention period for telephone toll records in section 42.6. Section 42.7 states that except as specified in section 42.6, each carrier shall retain records identified in its master index of records for the period established therein. Records a carrier is directed to retain as a result of a proceeding or inquiry by the Commission to the extent not already contained in the index will also be added to the index and retained until

final disposition of the proceeding or inquiry. In addition, the Commission maintains these filed reports for ten years and then forwards them to the Federal Records Center, where they are stored for another ten years and then destroyed.

8. A 60-day notice was published in the Federal Register pursuant to 5 CFR § 1320.8(d). See 78 FR 6322, dated January 30, 2013. No PRA comments were received.
9. Not applicable. There will be no payments or gifts to respondents.
10. In most cases, rate-of-return reports do not require submission of any confidential or commercially-sensitive data. The Commission contends that areas in which detailed information is required are fully subject to regulation and the issue of data being regarded as sensitive will arise in special circumstances only. If a respondent finds it necessary to submit confidential or commercially-sensitive data, Section 0.459, 47 CFR, contains the procedures for requesting confidential treatment of data.
11. There are no questions that request confidential or sensitive information in this collection.
12. The following represents the estimate of the annual burden hours and the annual cost burden for this collection of information. We note that the hours burden imposed by the requirement is very difficult to quantify. The following represents our best estimate.

FCC Forms 492 and 492A:

1. Number of respondents: **80**.

In this collection, there is no change in the number of carriers filing this report. As stated above, however, the Commission has granted AT&T, Verizon, legacy Qwest, and other similarly-situated carriers forbearance from Filing Form 492-A,. We seek authority to extend this existing collection because of the pendency of petitions for reconsideration and petitions for judicial review of the Commission's forbearance actions.

2. Frequency of response: Annual reporting requirement.

- 3, Total Number of Responses Annually: **80**

80 carriers x 1 response/annum

4. Total Annual Hourly Burden: **640**

The Commission estimates that each respondent takes approximately 8 hours to comply with the requirement.

80 respondents x 8 hours per response = 640 hours.

5. Estimated Industry Cost: \$ 22,797

80 (number of respondents) x 1 (number of filings) x 8 (hours per filing) x \$35.62 per hour = \$22,797.

13. The following represents the Commission's estimate of the annual cost burden for respondents or record keepers resulting from the collection of information.

(a)(1) Total capital and start-up cost component (annualized over its expected useful life): \$0. The reporting requirement will not require the purchase of additional equipment.

(b)(2) Total operation and maintenance and purchase of services component: \$0.

14. The Federal government's annualized cost for FCC Forms 492 and 492A at \$1,019.20 using a formula of staff hours multiplied by a calculated the average-grade level cost.

Processing cost:

-processing time	16 hours
-avg. grade of employee	<u>x49.00/hr.</u>
Subtotal	\$784.00
Overhead costs at 30%	<u>235.20</u>
<b>Total</b>	<b>\$1,019.20</b>

15. There is no change in the burden hours at this time. The annual burden for this collection continues to be estimated at 640 hours.

16. Data from the Forms 492 and 492A are tabulated for monitoring purposes as soon as the reports are received.

17. The Commission does not seek approval not to display the expiration date of OMB approval based on the Commission's rules. The Commission publishes a list of all OMB-approved information collections with their associated OMB control numbers, titles and OMB expiration dates under 47 CFR 0.408 of the Commission's rules.

18. The Commission does not require carriers to retain copies of FCC Forms 492 and 492A for a specific period of time. Carriers are required by Section 42.4 of the Commission's Rules (47 C.F.R. § 42.4) to maintain a master list of records; to identify the retention period for each type of record listed in the master file; and, to keep the records for the time specified by the carrier's master file.

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

The Commission does not employ the use of statistical methods.