

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order; Second Order on Reconsideration; CC Docket No. 99-273, First Report and Order.

SUPPORTING STATEMENT¹

Note: This information collection is being submitted to the Office of Management and Budget (OMB) as an extension (no change to the reporting, recordkeeping and/or third party disclosure requirements) pursuant to 44 U.S.C. § 3507 so that OMB will approve its reinstatement. The current rules affected by this information collection include §§ 51.217, 51.305, 51.307, 51.325-51.335, 52.19 and 64.2301-64.2345.

A. Justification:

1. In April 1996, the Commission issued a *NPRM*, concerning certain provisions of the Telecommunications Act of 1996 (“1996 Act”), including section 251.² Section 251 is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition.

In August 1996, in the *Second Report and Order* (“*Order*”), the Commission adopted rules and regulations designed to implement certain provisions of section 251, and to eliminate operational barriers to competition in the telecommunications services market. Specifically, the *Order* addressed:

- (1) local exchange carriers’ (“LECs”) obligations to provide their competitors with dialing parity and non-discriminatory access to certain services and functionalities;
- (2) incumbent local exchange carriers’ (“ILECs”) duty to make network information disclosures; and
- (3) numbering administration.

In the *Second Order on Reconsideration*, released in September 1999 in CC Docket No. 96-98, the Commission resolved and clarified specific issues regarding the non-discriminatory access obligations of local exchange carriers. The Commission also issued an *NPRM* in CC Docket No. 99-273 soliciting comment on issues arising out of developments in, and the convergence of, directory publishing and directory assistance. The *NPRM* sought comment on several issues that may have resulted in new collections of information.

The Commission issued a *First Report and Order* in CC Docket No. 99-273 and adopted several of the information collection requirements it proposed in the *NPRM*. In an effort to implement the requirements and obligations, the Commission adopted the following collections of information.

Information Collection Requirements—paragraphs (a) and (i):

¹ This supporting statement, except for Question 8 in which we have outlined the steps the Commission will take upon OMB approval and reinstatement of this collection, is identical to the one that was submitted to OMB in December 2010, for which OMB issued a Notice of Action on January 20, 2011 approving this extension without change. Going forward, the Wireline Competition Bureau (WCB) will conduct a full review of this information collection (IC), and any changes to this IC, including changes to the burden estimates, will be noted in the supporting statement when the Commission submits this IC to OMB for review and approval later this year after the regular 60 day public comment period expires.

² See 47 U.S.C. § 251.

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- (a) Sharing of directory assistance and directory listings: Pursuant to 47 U.S.C. § 251(b)(3) and 47 C.F.R. § 51.217, each LEC upon request must provide competing service providers with access to directory assistance (including the LEC's directory assistance databases) and directory listings, in readily accessible magnetic tape, electronic or other convenient formats.

Updates to the directory assistance database shall be made in the same format as the initial transfer (unless the requesting LEC requests otherwise), and shall be performed in a timely manner, taking no longer than those made to the providing LEC's own database.

A LEC shall not provide access to unlisted numbers, or other information that its customer has asked the LEC not to make available. See 47 C.F.R. § 51.217(c)(3)(iv).

In the *Second Order on Reconsideration*, the Commission clarified the requirement that a LEC shall provide access to its directory assistance services, including directory assistance databases, and its directory listings. The Commission specified that upon request a providing LEC must provide access to its directory assistance database in any format the competing provider specifies, if the LEC's internal systems can accommodate that format.

In addition, a providing LEC must supply updates to requesting LECs in the same manner as the original transfer and at the same time that updates are made to the providing carrier's database.

- (b) Notification regarding format: If a LEC's internal systems do not permit it to provide directory assistance or directory listings in the format specified by the competing provider, the LEC must inform the competing provider that the requested format cannot be accommodated and tell the requesting provider which formats can be accommodated within 30 days of receiving the request. See 47 C.F.R. § 51.217(c)(3)(iii).

In the *Second Order on Reconsideration*, the Commission required LECs to inform requesting providers within 30 days if the requested format cannot be accommodated.

- (c) Provision of technical information: Pursuant to 47 U.S.C. §§ 251(c)(2)-(3), an ILEC shall provide to a requesting telecommunications carrier technical information about its network facilities sufficient to allow the requesting telecommunications carrier to achieve interconnection and/or access to unbundled network elements. See 47 C.F.R. §§ 51.305(g), 51.307(e).
- (d) Public notice of network changes: Pursuant to 47 U.S.C. § 251(c)(5), an ILEC must provide public notice of a network change that either:

- (1) will affect a competing service provider's performance or ability to provide service; or
- (2) will affect the ILEC's interoperability with other service providers.

Until public notice has been given, an ILEC may not disclose to separate affiliates, separated affiliates, or unaffiliated entities (including actual or potential competing service providers or competitors), information about the planned network changes that require public notice. See 47 C.F.R. § 51.325.

The ILEC may fulfill this required notice to the public of network changes by either:

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- (1) filing a public notice with the Commission; or
- (2) providing public notice through industry fora, industry publications, or the carrier's publicly accessible Internet site.

If the ILEC provides public notice through industry fora, industry publications, or through its Internet site, it must also file a certification with this Commission that includes:

- (1) a statement that identifies the proposed change;
- (2) a statement that public notice has been given in compliance with 47 C.F.R. §§ 51.325-35; and
- (3) a statement identifying the location of the change information and describing how the information can be obtained.

Until the planned change is implemented, an ILEC must keep the notice available for public inspection, and amend the notice to keep the information complete, accurate, and up-to-date. *See* 47 C.F.R. § 51.329.

Generally, an ILEC shall give public notice of planned changes to its network at the make/buy point,³ but at least twelve months before implementation.

However, if an ILEC proposes to make changes that can be implemented within twelve months of the make/buy point, public notice must be given at the make/buy point, but at least six months before implementation.

If the changes can be implemented within six months of the make/buy point, public notice may be given pursuant to the short term notice procedures provided in 47 C.F.R. § 51.333. *See* 47 C.F.R. § 51.331.

If an ILEC wishes to provide less than six months notice of planned network changes, the public notice or certification that it files with the Commission must include a certificate of service establishing that the ILEC served a copy of its public notice upon each telephone exchange service provider that directly interconnects with the ILEC's network at least five business days in advance of its filing with the Commission. The Commission will release a public notice of such short-term filings.

An information service provider or telecommunications service provider that directly interconnects with the ILEC's network may file an objection to the ILEC's short term notice.

The ILEC shall have an opportunity to file a response to the objection(s) and must serve such a response on all parties that filed objections.

³ The make/buy point is the time at which an ILEC decides to make or procure any product the design of which affects or relies on a new or changed network interface. If the ILEC's proposed changes do not require it to make or buy a product then the make/buy point is the point at which the ILEC makes a definite decision to implement the change.

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The dispute can be resolved either by the issuance of an Order by the Commission, the ILEC's failure to respond in time, or the ILEC's explicit acceptance of the implementation date requested by the objector. *See* 47 C.F.R. § 51.333.

Lastly, if an ILEC claims that information otherwise required to be disclosed is confidential or proprietary, the ILEC's public notice must include a statement that the ILEC will make further information available to those signing a nondisclosure agreement.

Upon receipt by an ILEC of a competing service provider's request for disclosure of confidential or proprietary information, the applicable public notice period will be tolled until the parties agree on the terms of a nondisclosure agreement. *See* 47 C.F.R. § 51.335.

- (e) Burden of proof: Pursuant to 47 U.S.C. § 251(b)(3), a LEC that provides operator services, directory assistance services or directory listings to its customers, or provides telephone numbers, shall permit competing providers of telephone exchange service or telephone toll service to have non-discriminatory access to that service or feature, with no unreasonable dialing delays.

In disputes involving non-discriminatory access to operator services, directory assistance services, or directory listings, a providing LEC shall bear the burden of demonstrating with specificity:

(1) that it is permitting non-discriminatory access; and

(2) that any disparity in access is not caused by factors within its control. *See* 47 C.F.R. § 51.217(e)(1).

In disputes between providing LECs and competing providers involving unreasonable dialing delay in the provision of access to operator services and directory assistance, the burden of proof is on the providing LEC to demonstrate with specificity that it is processing the calls of the competing provider's customers on terms equal to that of similar calls from the providing LEC's own customers. *See* 47 C.F.R. § 51.217(e)(2).

- (f) Submission of notice to serve as central office code administrator: Pursuant to 47 U.S.C. § 251(e)(1) and 47 C.F.R. § 52.19(b)(2) of the Commission's rules, a state commission must notify the entity or entities designated by the Commission to serve as central office code administrator(s) for its state that such state commission intends to perform matters related to initiation and development of area code relief planning efforts.

Notification shall be written and shall include a description of the specific functions the state commission intends to perform. Where the North American Numbering Plan ("NANP") Administrator serves as the central office code administrator, such notification must be made within 120 days of the selection of the NANP Administrator. *See* 47 C.F.R. § 52.19(b)(2).

- (g) Subscriber list information for Internet directories: In the *NPRM*, the Commission sought comment on whether 47 U.S.C. § 222(e) entitles directory publishers to obtain subscriber list information for use in Internet directories. The Commission concluded, in the *First Report and Order*, that the phrase "in any format" found in section 222(e) brings within the protections of section 222(e) those entities that seek subscriber list information to publish directories on the Internet.

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The Commission further concluded that the phrase “in any format” makes clear Congress’s intent not to restrict the kinds of directories that could be published using subscriber list information obtained pursuant to section 222(e). Internet databases that contain subscriber list information clearly fall within the very broad category of “directories in any format.” In order for directory publishers to provide accurate directory listing, it is essential that publishers have access to the subscriber list information local exchange carriers (LECs) acquire from their customers.

- (h) Provision of nondiscriminatory access to LEC directory assistance databases: In the *NPRM*, the Commission sought comment on whether 47 U.S.C. § 251(b)(3) requires LECs to provide nondiscriminatory access to any non-local directory assistance data that they use to provide directory assistance to customers within their service areas.

The Commission concluded, in the *First Report and Order*, that LECs should not be required to provide nondiscriminatory access to non-local directory listings since third parties have the same opportunities to secure the information directly. The Commission noted that this was consistent with its finding in the *US West Forbearance Order* where it determined that US West did not exercise monopoly power with respect to obtaining the telephone numbers of subscribers outside its region.

However, to the extent that a carrier does provide access to national DA information to any other directory assistance (DA) provider, including another LEC, the Commission determined that it must make that same information available to competing DA providers under nondiscriminatory rates, terms, and conditions.

- (i) Listing information to non-telephone exchange or toll service directory assistance providers: The *NPRM* sought comment on whether a non-carrier directory assistance provider is entitled to nondiscriminatory access to directory assistance under 47 U.S.C. § 251(b)(3) when that provider is the agent of a LEC or other carrier that qualifies for the benefits of section 251(b)(3), and whether the Commission should also require nondiscriminatory access to directory assistance for non-carrier directory assistance providers pursuant to sections 201 and 202.

In the *First Report and Order*, the Commission concluded that, when a competitive LEC (CLEC) or an interexchange carrier (IXC) (having entered into an interconnection agreement with the relevant LEC) designates a DA provider to act as its agent, that competing DA provider is entitled to nondiscriminatory access to the providing LEC’s local DA database. The DA provider’s database access will be consistent with the terms of the relevant interconnection agreement and with the terms of the DA provider’s separate agreement with its carrier principal.

The Commission expects that a DA provider’s request for access will be accompanied by a letter or other documentation from the CLEC or IXC evidencing its intent that the DA provider receive database access so that it can fulfill its obligations to the CLEC or IXC. The Commission generally found that once carriers or their agents obtain access to the DA database, they may use the information as they wish, as long as they comply with applicable provisions of the Act and the Commission’s rules.

The Commission also determined that competing directory assistance providers that offer call completion services for local or toll calls provide telephone exchange or telephone toll services, respectively, and thus qualify for nondiscriminatory access to LEC local directory assistance databases.

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The Commission declined, in this proceeding, to address the issue as to whether sections 201(b) and 202(a) require LECs to offer nondiscriminatory database access to all competing DA providers, but the Commission indicated that it may address the issue in a separate proceeding.

Statutory authority for this collection of information is contained in Sections 1, 3, 4, 201, 222, 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 153, 154, 201, 222, and 251.

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. In order to encourage competition in the telecommunications services market by lifting operational barriers to entry, the Commission has:
 - (1) required LECs to provide dialing parity and non-discriminatory access to certain services and functionalities;
 - (2) required ILECs to provide public notice of network changes; and
 - (3) established procedures for numbering administration.

These information collection requirements are part of an effort to make local dialing and networks, telephone numbers, operator services, directory assistance, and directory listings available to all competitors on an equal basis, as follows:

- (1) Directory listings and the public notice of network changes will be provided to third parties.
- (2) Technical information regarding interconnection and/or access to unbundled network elements will be provided by ILECs to requesting telecommunication carriers.
- (3) Burden of proof documentation regarding access to a LECs services and features or dialing delay will be provided to the Commission.
- (4) Area code relief plans will be provided by state commissions to the central office code administrators.

The Commission concluded in the *Second Order on Reconsideration* that a LEC shall permit competing providers of telephone exchange service and telephone toll service access to its directory assistance services, including directory assistance databases.

The Commission clarified that, upon request, a LEC shall provide access to its directory assistance services, including directory assistance databases, and to its directory listings in any format the competing provider specifies, if the LECs internal systems can accommodate that format. In addition, LECs must supply updates to the requesting LEC in the same manner as the original transfer and at the same time that it provides updates to itself.

These information collection requirements are part of an effort to make directory assistance and directory listings available to all competitors on an equal basis.

All of the collections implement the requirements of section 251 and/or 222 of the Communications

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Act of 1934, as amended.

3. In order to facilitate the exchange of directory listings, the Commission has required that a LEC provide directory listings to competing providers in magnetic tape or electronic formats, and that a LEC allow competing providers to access and read the LECs directory assistance databases. It was thought that access to databases would allow competing entities to provide seamless access to directory assistance for their customers and prevent LECs from placing discriminatory conditions or unreasonable delays upon access to this information. This has been reaffirmed in the *Second Order on Reconsideration*.

The Commission also concluded that non-discriminatory access requires that updates be provided to requesting LECs in the same manner as the original database transfer, and that such updates be made at the same time as updates are made to the providing carrier's database.

The provision that requires each ILEC to provide sufficient technical information to allow a requesting carrier to achieve interconnection and/or access to unbundled network elements does not specify the format that an ILEC must use to deliver the information. Thus, each ILEC is allowed the flexibility to provide the information in a technological format that is minimally burdensome to its operation.

In addition, the Commission has given ILECs the option to fulfill their public notice network disclosure obligations by providing public notice through industry fora, industry publications or publicly accessible Internet sites. The Commission has also stated that the disclosure information filed with the Wireline Competition Bureau under this public notice provision should eventually be made available on the FCC Internet Home Page or other online access vehicles. The use of these various publication formats will result in the wide availability and release of this information.

The burden of proof showing required by the Commission in certain enforcement proceedings is a relatively limited information collection, and there does not appear to be a technological method of collection that would significantly reduce this burden.

Because each state commission will provide a unique description of its specific functions and plans regarding area code relief planning, there does not appear to be a technological method of collection by which the Commission could significantly reduce the burden of providing these plans.

4. There will be no duplication of information. The information sought is unique to each carrier, and similar information is not already available.
5. The collections of information may affect small entities as well as large entities. However, in each instance these requirements were instituted to aid new entrants to the telecommunications market and allow them equal access to the resources available to previously established entities. As some new entrants will be small entities these requirements will benefit such businesses. In addition, for small entities that qualify as rural telephone companies, the 1996 Act provides for the exemption, suspension, or modification of certain requirements. (47 U.S.C. § 251(f)).
6. Failing to collect the information, or collecting it less frequently, would prevent the Commission from implementing Section 251 of the 1996 Act and fostering opportunities for new entrants in the local telephone market.

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7. The requirement to submit three paper and one diskette copy of network change disclosure public notices or certifications was eliminated. See *WCB Biennial Reg. Review*, 21 FCC Rcd at 9942, paras. 22-23.

8. Pursuant to 5 CFR §§ 1320.5, 1320.8(d), and 1320.13 of the PRA, the Commission is submitting this IC under the “emergency processing” provisions to the Office of Management and Budget (OMB). We are requesting that OMB waive the public notice and comment period as required under 5 CFR §§ 1320.5(a)(iv) and 1320.8(d) and approve the reinstatement of this collection by February 11, 2014.

On January 31, 2014, the Commission inadvertently delayed its submission of a six month emergency extension request for this IC. As a result, OMB disapproved this request, and the OMB Control Number for this IC was removed from OIRA’s Inventory of Active Information Collections. The Commission is submitting this emergency request seeking expeditious reinstatement of this IC. Upon approval of this request, the FCC intends to do the following to comply with these PRA requirements:

- (a) Publish a notice in the *Federal Register* announcing that the Commission has sought and received approval under the “emergency processing” provisions of the PRA, as required by 5 CFR § 1320.8(d), to have this IC reinstated and notifying the public of this request.
- (b) Publish a notice in the *Federal Register* to begin the 60 day public comment period as part of the regular PRA approval process; and
- (c) At the end of this 60 day comment period, the FCC will submit the requisite PRA documents to OMB and publish the 30 day notice in the *Federal Register*, providing the public with a further opportunity to comment on the IC requirements while they are being reviewed by OMB.

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

10. The Commission is not requesting respondents to submit confidential information to the Commission.

As previously noted, however, each ILEC is to provide public notice of proposed network changes. If an ILEC claims that information that they are required to disclose is confidential or proprietary, the ILEC’s public notice must include a statement that the ILEC will make further information available to those signing a nondisclosure agreement.

Upon receipt by an ILEC of a competing service provider’s request for disclosure of confidential or proprietary information, the applicable public notice period will be tolled until the parties agree on the terms of a nondisclosure agreement. See 47 C.F.R. § 51.335.

11. There are no questions of a sensitive nature with respect to the information collected.

12. The following represents estimates of the burdens associated with the collections of information:

Estimated Burdens for the Information Collection Requirements—paragraphs (a) and (k):

(a) Sharing of directory listings: (See 47 U.S.C. § 251(b)(3); 47 C.F.R. § 51.217(c)(3)(ii))

~~(1)~~ Number of respondents: 1,500 LECs (most of approximately 1,300 ILECs receiving requests for listings w/some of approximately 1,000 CLECs also receiving requests)

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~~(2)~~ Frequency of response: On occasion reporting requirements

~~(3)~~ Total Number of Responses Annually: approximately 547,500 responses

The Commission estimates that this obligation arises as new competitors enter a LEC's market with a larger initial transfer of data and then smaller updates. The Commission estimates, on average, there are 1,500 LECs that will be required to provide the directory listing information as one initial transfer and then with updates that could occur as often as approximately 364 other times annually.

1,500 respondents x 365 responses/annum = **547,500 responses**

~~(4)~~ Total Annual Hourly Burden: **547,500 hours**

The Commission estimates that it would take no more than one hour (1.0 hour) for a LEC to comply with this requirement. We believe that respondents have this information readily available in their electronic database(s) and use sophisticated IT software that can provide automated responses, and which poses only a minimal, incremental burden on the respondents to provide the information.

1,500 respondents x 365 notifications/annum x 1.0 hour/notification = 547,500 hours

~~(5)~~ Total "In House" Costs: \$547,500

The Commission assumes that LECs generally use sophisticated IT software, which poses only a minimal incremental cost burden, to comply with this provision.

547,500 hours x \$1/hour = \$547,500

(b) Notification Regarding Format (See 47 U.S.C. § 251(b)(3); 47 C.F.R. § 51.217(c)(3)(iii))

(1) Number of Respondents: 50 LECs.

(2) Frequency of response: On occasion reporting requirements.

(3) Total Number of Responses Annually: 50 responses

The Commission estimates that annually there are approximately 50 LECs that may have to respond in compliance with this requirement because their internal systems cannot accommodate a requested format for directory assistance or directory listings. We believe that the LECs will prepare approximately one notification annually.

50 LECs x 1 notification/annum = 50 responses

(4) Total Annual Hourly Burden: **50 hours**

The Commission estimates that the 50 LECs will take no more than one hour (1.0 hour) to notify competitive providers and comply with this requirement.

50 LECs x 1 notification/annum x 1 hour/notification = 50 hours

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(5) Total “In House” Costs: \$50

The Commission assumes that the LECs generally use sophisticated IT software to provide responses, which poses only a minimal incremental cost burden to comply with the notification requirement.

$$50 \text{ hours} \times \$1/\text{hour} = \$50$$

(c) Provision of technical information: (See 47 U.S.C. § 251(c)(2)-(3); 47 C.F.R. § 51.305(g), 51.307(e))

(1) Number of respondents: 500 ILECs.

(2) Frequency of response: On occasion reporting requirements.

(3) Total Number of Responses Annually: 12,000 responses

The Commission estimates that there are approximately 500 ILECs that may need to respond to requests in order to comply with this requirement that an ILEC must provide technical information about the ILEC's network facilities sufficient to allow a requesting carrier to achieve interconnection and/or access to unbundled network elements. We estimate that, on average, these ILECs would have to provide such information 24 times annually.

$$500 \text{ ILECs} \times 24 \text{ response/annum} = 12,000 \text{ responses}$$

(4) Total Annual Hourly Burden: 12,000 hours.

The Commission estimates that ILECs would require approximately one hour (1.0 hour) per request to provide this information, including the time necessary for the ILECs to distribute, maintain, and update the information. We believe that the ILECs will use sophisticated IT software to maintain this information, making it easily accessible.

$$500 \text{ ILECs} \times 1 \text{ hour/response} \times 24 \text{ responses/annum} = 12,000 \text{ hours}$$

(5) Total “In House” Costs: \$754,260

The Commission assumes that the ILECs use personnel comparable in pay to a GS-13/Step 5 (\$48.35/hour) Federal employee, plus 30% overhead, to comply with this requirement to provide technical information to telecommunications carriers.

$$\begin{aligned} 12,000 \text{ hours} \times \$48.35/\text{hour} &= \$580,200 \\ 30\% \text{ overhead} &= \underline{\$174,060} \\ \text{Total:} &= \$754,260 \end{aligned}$$

(d) Public notice of network changes (See 47 U.S.C. § 251(c)(5); 47 C.F.R. §§ 51.325-51.335)

(1) Number of potential respondents: 1,300 ILECs

(2) Frequency of response: On occasion reporting requirement; recordkeeping; third party disclosure.

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(3) Total Number of Responses Annually: 160 responses

The Commission estimates that, on average, the equivalent of a little more than 12% of all ILECs plan affecting network changes under the rule. We estimate that, on average, ILECs annually file approximately 160 network change disclosures in response to this information collection requirement.

1,300 ILECs x 12% of ILECs planning affecting network changes under the rule/annum = approximately 160 notification responses

When interconnected providers file an objection to these network changes, the respondents have to provide a response to all parties that filed objections. We estimate that providers at most file approximately 1 objection/annum, for which the affected respondent must prepare a response.

Approximately 1 response to objections/annum

These ILECs are also required to maintain a copy of the public notice and make it available for public inspection until the planned network change is implemented.

Approximately 160 recordkeeping responses

Total: 160 notification responses + 1 response to objections + 160 recordkeeping responses = 321 responses

(4) Total Annual Hourly Burden: **806 hours.**

The Commission estimates that the ILECs require approximately 4.5 hours per network change notification to publish the information through industry fora, publications or the Internet and/or to file the information and a certification with the Commission pertaining to network changes.

160 Network Change Disclosures x 4.5 hours/notification = 720 hours

The Commission estimates that ILECs require approximately six hours (6.0 hours) to file a response to objections and to serve the response on all parties that filed objections (third party disclosure requirements).

6 hours/request x 1 request/annum = 6 hours

The Commission assumes that most respondents maintain information about their planned network changes on their website, and estimates that respondents require approximately 30 minutes (0.5 hours) annually to maintain this information, updating the information as necessary.

160 respondents x 0.5 hours/annum (recordkeeping) = 80 hours

Total: 720 hours + 6 hours + 80 hours = 806 hours

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(5) Total “In House” Costs: \$61,736-\$65,817.

The Commission makes the following assumptions:

The ILECs will use personnel comparable in pay to a GS-15/Step 5 (\$67.21/hour) Federal employee, plus 30% overhead, to comply with the notification requirement;

$720 \text{ hours} \times \$67.21/\text{hour} = \$48,391$ plus 30% overhead = \$62,908

The ILECs will use personnel comparable in pay to a GS-15/Step 5 (\$67.21/hour) Federal employee, plus 30% overhead, to reply to any objections.

$6 \text{ hours} \times \$67.21/\text{hour} = \403 plus 30% overhead = \$524

The ILECs will use web site postings and/or personnel comparable in pay to a GS-7/Step 5 (\$22.92/hour) Federal employee, plus 30% overhead, to maintain the records.

$80 \text{ hours} \times \$22.92/\text{hour} = \$1,834$ plus 30% overhead = \$2,384

Total: $\$62,908 + \$524 + \$2,384 = \$65,816$

(e) Burden of proof: (See 47 U.S.C. § 251(b)(3); 47 C.F.R. § 51.217(e))

(1) Number of respondents: 5 LECs.

(2) Frequency of response: On occasion reporting requirement.

(3) Total Number of Responses Annually: 5 responses.

This obligation will arise only when a competing provider alleges that a LEC is failing to provide nondiscriminatory access to features and services, or is subjecting the provider's customers to an unreasonable dialing delay. The Commission estimates that approximately 5 LECs would be subject to this requirement annually.

$5 \text{ respondents} \times 1 \text{ burden of proof notification/annum} = 5 \text{ notification responses/annum}$

(4) Total Annual Hourly Burden: **40 hours.**

The Commission estimates that these disputes would be brought to the Commission perhaps once a year by 5 LECs. We estimate that each respondent requires approximately eight hours (8.0 hours) annually to comply with this requirement.

$5 \text{ LECs} \times 1 \text{ notification per LEC/annum} \times 8 \text{ hours/notification} = 40 \text{ hours}$

(5) Total “In House” Costs: \$3,494.

The Commission assumes that LECs use personnel comparable in pay to a GS-15/Step 5 (\$67.21/hour) Federal employee, plus 30% overhead, to comply with this requirement.

$40 \text{ hours} \times \$67.21/\text{hour} = \$2,688$

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30% overhead = \$806
Total: \$3,494

- (f) Submission of notice to serve as central office code administrator: (See 47 U.S.C § 251(e)(1); 47 C.F.R. § 52.19(b)(2))

- (1) Number of respondents: 1.
(2) Frequency of response: On occasion reporting requirement.
(3) Total Number of Responses Annually: 1 response.

The Commission estimates that there will be approximately one notice submitted annually.

1 respondent x 1 response/annum = 1 response

- (4) Total Annual Hourly Burden: 1 hour.

The Commission estimates that one respondent will submit a notice annually.
We estimate that this submission requires one hour (1.0 hour) to prepare.

1 respondent x 1 hour/submission = **1 hour**

- (5) Total "In House" Costs: \$87

The Commission assumes that the respondent uses personnel comparable in pay to a GS-15/Step 5 (\$67.21/hour) Federal employee, plus 30% overhead, to comply with this requirement.

1 hour x \$67.21/hour = \$67
30% overhead = \$20
Total: \$87

- (g) Subscriber list Information for Internet Directories: (See 47 U.S.C. § 222(e); 47 C.F.R. §§ 64.2301-64.2345)

- (1) Number of respondents: 2,300 LECs
(2) Frequency of response: On occasion reporting requirements.
(3) Total Number of Responses Annually: 13,800 responses

The Commission estimates that, on average in any year, approximately 2,300 LECs will receive approximately six requests annually from directory publishers for their subscriber list information for use in compiling Internet directories.

2,300 LECs x 6 requests from directory publishers/annum = 13,800 responses

- (4) Total Annual Hourly Burden: **13,800 hours.**

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The Commission estimates that, on average, most respondents require approximately one hour (1.0 hour) to provide the subscriber list information to directory publishers.

2,300 respondents x 1 hour/subscriber list request x 6 request/annum = 13,800 hours

(5) Total "In House" Costs: \$411,185

The Commission assumes that LECs use personnel comparable in pay to a GS-7/Step 5 \$22.92/hour) Federal employee, plus 30% overhead, to comply with this requirement.

13,800 hours x \$22.92/hour = \$316,296
 30% overhead = \$94,889
 Total: \$411,185

(h) Provision of access to non-local directory assistance listings: (See 47 U.S.C. § 251(b)(3); 47 C.F.R. § 51.217)

(1) Number of respondents: 1.

(2) Frequency of response: On occasion reporting requirements.

(3) Total Number of Responses Annually: 1 response.

The Commission assumes that most LECs do not provide access to directory assistance data from outside their service area. The Commission, therefore, estimates that annually approximately one respondent might be required to provide nondiscriminatory access to any of its non-local directory assistance listings.

1 respondent x 1 responses/annum = 1 response

(4) Total Annual Hourly Burden: 1 hour.

The Commission estimates that the respondent requires no more than one hour (1.0 hour) annually to comply with this requirement. We believe that respondents have this information readily available in their electronic database(s) and use sophisticated IT software that can provide automated responses, which poses only a minimal, incremental burden on the respondents to provide the information.

1 respondent x 1.0 hour/response = 1 hour

(5) Total "In House" Costs: \$1

The Commission assumes that LECs generally use sophisticated IT software, which poses only a minimal incremental cost burden, to comply with this provision.

1 hour x \$1/hour = \$1

(i) Listing Information to non-telephone exchange or toll service directory assistance providers: (See 47 U.S.C. § 251(b)(3); 47 C.F.R. § 51.217)

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(1) Number of respondents: 250 telephone exchange or telephone toll service providers

(2) Frequency of response: On occasion reporting requirements.

(3) Total Number of Responses Annually: 250 responses

The Commission estimates that approximately 250 telephone exchange or telephone toll service providers may need to prepare approximately one letter or other documentation annually in order to support its non-telephone exchange or toll service agent's requests for access to a LEC's directory assistance database.

250 LECs x 1 letters or documentation/annum = 250 responses/annum

(4) Total Annual Hourly Burden: **1,250 hours.**

The Commission estimates that telephone exchange or telephone toll service providers may require approximately five hours (5.0 hours) to prepare the letter or documentation evidencing their intent to request that their agent receive access to a LECs directory assistance database.

250 respondents x 5 hours/letter or other documentation = 1,250 hours

(5) Total "In House" Costs: \$109,217

The Commission assumes that telephone exchange or telephone toll service providers use personnel comparable in pay to a GS-15/Step 5 (\$67.21/hour) Federal employee, plus 30% overhead, to comply with the requirements.

1,250 hours x \$67.21/hour = \$84,013

30% overhead = \$25,204

Total: \$109,217

INFORMATION COLLECTION BURDENS

Information Collection Requirements	Respondents	Total Number of Responses	Total Annual Hourly Burden	Total "In House" Costs
a. Sharing directory listings	1,500	547,500	547,500	\$547,500
b. Notification regarding format	50	50	50	\$50
c. Provision of technical information	500	12,000	12,000	\$754,260
d. Public notice of network changes	1,300	160	806	\$65,817
e. Burden of proof	5	5	40	\$3,494
f. Submission of notice to serve as central office administrator	1	1	1	\$87
g. Subscriber list information for Internet directories	2,300	13,800	13,800	\$411,185
h. Provision of nondiscriminatory access to non-local directory assistance listings	1	1	1	\$1
i. Listing information to non-telephone exchange or toll service				

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directory assistance providers	250	250	1,250	\$109,217
TOTALS:	5,907	573,767	575,448	\$1,891,611

Total Number of Respondents (Cumulative): 5,907.

Total Number of Responses Annually (Cumulative): 573,767 responses.

Total Annual Hourly Burden (Cumulative): 575,448 hours.

Total "In House" Cost (Cumulative): \$1,891,611.

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

The Commission believes that the respondents have sufficient "in house" staff to address all the information collection requirements using their "in house" personnel rather than having to contract out this requirement. Thus:

(a) Total annualized capital/startup costs: \$0.00

(b) Total annualized costs (O&M): \$0.00

(c) Total annualized cost requested: \$0.00

14. There will be few, if any, costs to the Federal Government because notice and enforcement requirements are already part of Commission duties.

a. Submission of toll dialing parity implementation plans: Eliminated in 2006.

b. Justification for noncompliance: Eliminated in 2006.

c. Sharing of directory listings: No costs anticipated.

d. Notification Regarding Format: No cost anticipated.

e. Provision of technical information: No costs anticipated.

f. Public notice of network changes: The Commission estimates that it receives approximately 160 network change disclosure filings annually. We estimate that it requires approximately four hours for the FCC staff to review each notice.

160 notices x 4 hours/review = 640 hours

The Commission uses staff at the GS-15/Step 5 (\$67.21/hour) Federal employee, plus 30% overhead for printing and miscellaneous costs, to review these notices

640 hours x \$67.21/hour = \$43,014

30% overhead = \$12,904

Total: \$55,918

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- g. Burden of proof: The Commission estimates that it may receive approximately five disputes annually. We estimate that it takes FCC staff approximately six hours to review the allegations in each dispute.

5 notices x 6 hours/review = 30 hours

The Commission uses staff at the GS-15/Step 5 (\$67.21/hour) Federal employee, plus 30% overhead for printing and miscellaneous costs, to review these notices

30 hours x \$67.21/hour = \$2,016

30% overhead = \$605

Total: \$2,621

- h. Submission of area code relief plans: No cost anticipated.
- i. Subscriber List Information for Internet Directories: No costs anticipated.
- j. Provision of access to non-local listings: No costs anticipated.
- k. Listing information to non-telephone exchange or toll service directory assistance providers: No costs anticipated.

Total Cost to Federal Government: \$55,918 + 2,621 = **\$58,539**

15. The Commission notes the following changes:

- (a) The estimate for the total annual hourly burden under this information collection has increased significantly from 68,588 hours to no more than 575,448 hours. This represents a total increase of 506,860 hours over our previous estimates. The previous estimate for the annual hourly burden of providing public notice of network changes has been recalculated, and has decreased from 36,250 to 806 based on a recent count of actual filings. However, the previous estimate for the annual hourly burden of sharing directory listings has been recalculated, and has increased from 6,000 to 547,500 based on a reassessment of how responses to this information collection are currently being provided. The Commission estimates that the increase most relates to the number of responses that LECs may provide when providing nondiscriminatory access to their Directory Assistance (DA) databases. This is because the Commission believes that LECs now generally provide not only one transfer of information but daily updates in response to the requests they may receive for directory assistance and DA listings. The current estimate for the total annual hourly burden has also changed for several specific reasons:

- (1) The estimate for the total annual hourly burden reflects an increase in the approximate number of respondents; and
- (2) The estimate reflects the fact that respondents are now more likely to offer daily updates of directory listings in addition to their initial response to a request for directory listings. However, respondents are now more likely to be using advanced IT software, automation, and standardized business practices to respond to a request for the sharing of directory listings, which accounts for their ability to provide a greater number of responses each year with a reduced incremental burden.

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(b) The Commission believes that respondents will use their “in house” office personnel to comply with these information collection requirements rather than contracting out the cost.

16. The Commission does not anticipate that it will publish the results of these collections of information.

17. This information collection does not include forms, thus, 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 Item 19 in the Certification Statement.

B. Collections of Information Employing Statistical Methods:

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