

to the Telephone Network

SUPPORTING STATEMENT

A. Justification:

1. *Circumstances that make collection necessary.* Before the Commission established the Part 68 rules, terminal equipment (TE) was manufactured almost exclusively by Western Electric, which was part of the Bell system of companies that included the monopoly local exchange and long distance providers in most parts of the country. This ensured that no harmful terminal equipment was connected to the public switched telephone network, but also created a monopoly in the development and manufacture of terminal equipment.

The Part 68 rules, 47 C.F.R. Part 68, are premised on a compromise whereby network providers are required to allow terminal equipment manufactured by any party to be connected to their networks, provided that the terminal equipment has been shown to meet the technical criteria for preventing network harm that are established under the Part 68 rules.¹ The responsible party, as defined in Section 68.3, was initially required to either seek approval of their terminal equipment from the Commission or seek certification from a Telecommunications Certification Bodies (TCB) to demonstrate compliance with the Commission's technical criteria. These rules facilitated a vibrant, competitive market for terminal equipment, reducing prices and resulting in a proliferation of new equipment and capabilities available to consumers.

In the Telecommunications Act of 1996 (1996 Act), Congress directed the Commission to review its rules every even-numbered year and repeal or modify those found to be no longer in the public interest.² Consistent with the directive of Congress, in the year 2000, the Commission undertook its second comprehensive biennial review of the Commission's rules. The review resulted in the elimination of significant portions of Part 68 rules governing the connection of customer premises equipment (terminal equipment) to the public switched telephone network and in privatization of the standards development and terminal equipment approval processes. By these actions, the FCC minimized or eliminated the role of the government in these processes.

Specifically, in the Report and Order, released in December 2000, we transferred the Commission's responsibility for developing technical criteria to Standards Development Organizations (SDOs) that are accredited by the American National Standards Institute

¹ *2000 Biennial Review of Part 68 of the Commission's Rules and Regulations, CC Docket No. 99-216, Notice of Proposed Rulemaking*, 15 F.C.C.R. 10525 at 10528, para. 5 (2000) (Notice). Part 68's regulation of terminal equipment is narrowly drawn and applies only to equipment directly connected to the public switched telephone network on the customer's side of the demarcation point.

² Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§ 151 *et seq.* (1996 Act). Hereinafter, all citations to the 1996 Act will be to the 1996 Act as it is codified in the United States Code. The 1996 Act amended the Communications Act of 1934. We refer to Communications Act of 1934, as amended, as the "Communications Act" or the "Act." The Biennial Review of Regulations is codified at 47 U.S.C. §61.

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(ANSI), and the responsibility for compiling and publishing all standards ultimately adopted as technical criteria for terminal equipment to the Administrative Council for Terminal Attachments (ACTA) or Administrative Council.

We maintained our rules' broad principles, including a proscription against causing harm, as defined in Section 68.3, to the public switched telephone network and the personnel of wireline telecommunications providers by the direct connection of terminal equipment. Once the Administrative Council publishes the technical criteria, the Commission presumes the criteria to be valid for the prevention of the harms to the public switched telephone network (PSTN) by terminal equipment interconnection, subject to *de novo* review by petition to the Commission.

Conformation with the technical criteria is considered a demonstration of compliance with the Commission's rules prohibiting terminal equipment from harming the public switched telephone network. To obtain approval of terminal equipment, instead of submission for registration with the Commission, responsible parties now either submit their products to telecommunications certification bodies (TCBs) for certification of conformance with the technical criteria, or they use the Commission's Supplier's Declaration of Conformity (SDoC) process. All terminal equipment that has been approved, whether by a TCB or via an SDoC, must subsequently be listed in the database of approved terminal equipment, which is maintained by ACTA.

Per our Order, the Commission ceased performing all registration functions other than consideration of appeals. The Commission also successfully transferred its own database of registered TE to ACTA in July 2001. The Commission no longer maintains a database of equipment approved for attachment to the PSTN. The Commission has, therefore, been removed from having a role where government involvement is no longer necessary or in the public interest.

Part 68 also establishes the right of consumers to use competitively provided inside wiring.

With this submission, the Commission is requesting an extension (without change) to the reporting, recordkeeping and third party disclosure requirements in order to obtain the full three year clearance from OMB.

Following are the collections of information contained in Part 68:

- a. Telecommunications Certification Bodies (TCBs) and the Administrative Council for Terminal Attachments (ACTA) and associated requirements** – Currently, under section 68.102, terminal equipment must be approved or connected through protective circuitry. The FCC no longer accepts applications for registration of Part 68 equipment and has transferred responsibility for maintaining a database of approved terminal equipment to the Administrative Council. FCC Form 730 is no longer required to be used to obtain registration of telephone equipment pursuant to Part 68 of the Commission's rules, but applicants may be required to file information with Telecommunications Certification Bodies or with the Administrative Council for Terminal Attachments.

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While continued collection of the information formerly required by FCC Form 730 is permitted, the Commission only requires that the ACTA database contain sufficient information for providers of telecommunications, this Commission and the U.S. Customs Service to carry out their functions.

- b. Section 68.106, Notification to Provider of Wireline Telecommunications** – Section 68.106 requires customers connecting terminal equipment or protective circuitry to the public switched telephone network, upon request of the provider of wireline telecommunications, to inform the provider of wireline telecommunications of the particular line(s) to which such connection is made, and any other information required to be placed on that terminal equipment pursuant to Section 68.354.

Customers connecting systems assembled of combinations of individually-approved terminal equipment and protective circuitry shall provide, upon the request of the provider of wireline telecommunications, the information delineated in Section 68.106(b) (1)-(4).

Customers who intend to connect premises wiring other than fully protected premises wiring to the public switched telephone network shall, in addition to the requirements in Section 68.106(b), give notice to the provider of wireline telecommunications in accordance with Section 68.215(e).

- c. Section 68.108, Notification of Incidence of Harm** – Section 68.108 requires that providers of wireline telecommunications notify the customer that temporary discontinuance of service may be required should terminal equipment, inside wiring, plugs and jacks, or protective circuitry cause harm to the public switched telephone network or should the provider reasonably determinate that such harm is imminent.
- d. Section 68.110, Disclosure of Technical Information** – Section 68.110(a) requires providers of wireline telecommunications to provide, upon request, technical information concerning interface parameters not specified by the technical criteria published by the Administrative Council for Terminal Attachments that are needed to permit terminal equipment to operate in a manner compatible with the communications facilities of provider of wireline telecommunications.

Section 68.110(b) requires that a provider of wireline telecommunications give the customer adequate notice in writing if changes can be reasonably expected to render any customer's terminal equipment incompatible with the communications facilities of the provider of wireline telecommunications, require modification or alteration of such terminal equipment, or otherwise materially affect its use or performance.

Section 68.110(c) requires providers of wireline telecommunications to provide building owners with all available information regarding carrier-installed wiring on the customer's side of the demarcation point, including copies of existing schematic diagrams and service records. The information must be provided by the provider of wireline

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telecommunications upon request of the building owner or agent thereof. In the alternative, the provider of wireline telecommunications may make these documents available for review and copying by the building owner.

- e. Section 68.215, Notarized Affidavit** – Section 68.215 requires that a notarized affidavit and one copy thereof be prepared by the installation supervisor in advance of each operation associated with the installation, connection, reconfiguration and removal of other than fully-protected premises wiring (except when accomplished functionally using a cross-connect panel), except when involved with removal of the entire premises communications systems using such wiring. The affidavit and its copy must contain the information specified in 47 C.F.R. § 68.215(e)(1)-(9). The notarized original must be submitted to the local telephone company at least ten calendar days in advance of the placement connection of the wiring and shall be maintained at the premises, available for inspection, so long as the wiring is used for telephone service.

Pursuant to Section 68.215(f), each telephone network interface that is connected directly or indirectly to other than fully-protected premises wiring shall be subjected to the acceptance test procedures found in 47 C.F.R. § 68.215 whenever an operation associated with the installation, connection, reconfiguration or removal of this wiring (other than final removal) has been performed. *See* 47 C.F.R. § 68.215(f). The provider of wireline telecommunications may monitor or participate in the acceptance testing required under this section, in accordance with Section 68.215(g), from its central office test desk or otherwise.

Where the provider of wireline telecommunications invokes the extraordinary procedures of Section 68.215(g), it must give the customer the opportunity to correct the situation that gave rise to invoking these procedures, and inform the customer of the right to bring a complaint to the Commission. *See* 47 C.F.R. § 68.215(g).

- f. Section 68.218, Compliance Warrants** – Section 68.218 requires that the responsible party warrant that each unit of equipment marketed under such authorization will comply with all applicable rules and regulations of Part 68 and with the applicable technical criteria of the Administrative Council for Terminal Attachments. The responsible party or its agent shall provide the user of the approved terminal equipment with the information specified in Sections 68.218(b)(1)-(2). When approval is revoked, the responsible party must take all reasonable steps to ensure that purchasers and users of such equipment are notified to discontinue use of such equipment. The supplier must notify the Council of any changes in the information.
- g. Section 68.324, Supplier’s Declaration of Conformity** – Section 68.324(a)(1)-(6) lists the information that each responsible party must include in the Supplier’s Declaration of Conformity.

Section 68.324(b) stipulates that if the device that is subject to a Supplier’s Declaration of Conformity is designed to operate in conjunction with other equipment, the characteristics of which can affect compliance of such device with Part 68 rules and/or

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with technical criteria published by the Administrative Council for Terminal Attachments, then the Model Number(s) of such other equipment must be supplied, and such other equipment must also include a Supplier's Declaration of Conformity or a certification from a Telecommunications Certification Body.

Section 68.324(c) requires that the Supplier's Declaration of Conformity be included in the user's manual or as a separate document enclosed with the terminal equipment.

For terminal equipment not subject to a Supplier's Declaration of Conformity, but instead containing protective circuitry that is subject to a Supplier's Declaration of Conformity, Section 68.324(d) stipulates that the responsible party for the protective circuitry shall include with each module of such circuitry, a Supplier's Declaration of Conformity containing the information required under Section 68.340, and that the responsible party of such terminal equipment shall include such statement with each unit of the product.

Section 68.324(e) requires the responsible party for terminal equipment subject to the Supplier's Declaration of Conformity to provide to the purchaser of such terminal equipment, instructions as required by the Administrative Council for Terminal Attachments.

Section 68.324(e) also requires that a copy of the Supplier's Declaration of Conformity be provided to the Administrative Council for Terminal Attachments along with any other information the Administrative Council for Terminal Attachments requires; this information must be made available to the public. The responsible party must make a copy of the Supplier's Declaration of Conformity freely available to the general public on the company website. If the responsible party does not have a functional and reliable website, then the responsible party is required to inform the Administrative Council for Terminal Attachments of such circumstances, and the Administrative Council for Terminal Attachments shall make a copy available on its website. *See* 47 C.F.R. § 68.324(e).

The responsible party must also provide the information specified in Section 68.324 (f) (1)-(2) in the supplier's Declaration of conformity for a telephone that is not hearing aid compatible. *See* 47 C.F.R. § 68.324(f).

- h. Section 68.326, Retention of Records** – Section 68.326 requires that the responsible party for a Supplier's Declaration of Conformity maintain records containing the information specified in Section 68.326(a)(1)-(4) for at least ten years after the manufacture of said equipment has been permanently discontinued, or until the conclusion of an investigation or proceeding, if the responsible party is officially notified prior to the expiration of such ten-year period that an investigation or any other administrative proceeding involving its equipment has been instituted, whichever is later. *See* 47 C.F.R. § 68.326.
- i. Section 68.346, Description of Testing Facilities** – Section 68.346 requires that each responsible party for equipment that is subject to a Supplier's Declaration of Conformity

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compiles and retains a description of the measurement facilities employed for testing the equipment. The description shall contain the information required by the Administrative Council for Terminal Attachments. *See* 47 C.F.R. § 68.346.

- j. Section 68.354, Numbering and Labeling Requirements** – Section 68.354 requires that terminal equipment and protective circuitry that is subject to a Supplier’s Declaration of Conformity or that is certified by a Telecommunications Certification Body have labels in place and manner required by the Administrative Council for Terminal Attachments. Terminal equipment labels shall include an identification numbering system in a manner required by the Administrative Council for Terminal Attachments. FCC numbering and labeling requirements existing prior to the effective date of these rules shall remain unchanged until the Administrative Council for Terminal Attachments publishes its numbering labeling requirement. *See* 47 C.F.R. § 68.354. *See also* 47 C.F.R. § 68.612.
- k. Section 68.417, Complaints.** Section 68.417 specifies the form and content for informal complaints, and contains the procedures for filing them. An informal complaint alleging a violation of hearing aid compatibility and/or volume control rules in Part 68 may be transmitted to the Consumer and Governmental Affairs Bureau, FCC, by any reasonable means and must include the information specified in Section 68.417(b)(1)-(7).
- l. Section 68.418, Designation of Agents for Service** – Pursuant to Section 68.418, every responsible party of equipment approved pursuant to Part 68 must designate and identify one or more agents upon whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission in any matter before the Commission. Such designation shall be provided to the Administrative Council for Terminal Attachment and must include a name or department designation, business address, telephone number, and if available TTY number, facsimile number, and Internet e-mail address. *See* 47 C.F.R. § 68.418.
- m. Section 68.419, Answers to Informal Complaints** – Section 68.419 requires that any responsible party to whom the Commission or the Consumer Information Bureau directs an informal complaint file an answer within the time specified by the Commission or the Consumer Information Bureau, following the requirements specified in Section 68.419(a)-(e).
- n. Section 68.604, Requirements for Submitting Technical Criteria** – Pursuant to Section 68.604, any standards development organization that is accredited under the American National Standards Institute’s Organization Method or the Standards Committee Method may establish technical criteria for terminal equipment pursuant to ANSI consensus decision-making procedures, and it may submit such criteria to the Administrative Council for Terminal Attachments.

Any SDO that submits standards to the Administrative Council for Terminal Attachments for publication as technical criteria shall certify to the Administrative Council for Terminal Attachments the information found in Section 68.604(c)(1)-(3). *See* 47 C.F.R. § 68.604.

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- o. Section 68.610, Database of Terminal Equipment** – Section 68.610 requires that the Administrative Council for Terminal Attachments operates and maintains a database of all approved terminal equipment. The database must meet the requirements of the FCC and the U.S. Customs Service for enforcement purposes. Responsible parties must submit to the database administrator all information required by the Administrative Council for Terminal Attachments.

As noted on the OMB Form 83i, this information collection does not affect individuals or households; thus, there is no impact under the Privacy Act.

Statutory authority for this information collection is contained in 47 U.S.C. §§ 151-154, 201-205, and 303(r).

2. *Use of Information.* The purpose of 47 CFR Part 68 is to protect the network from certain types of harm and prevent interference to subscribers. To demonstrate that terminal equipment complies with criteria for protecting the network, and to ensure that consumers, providers of telecommunications, the Commission and others are able to trace products to the party responsible for placing terminal equipment on the market, it is essential to require manufacturers or other responsible parties to provide the information required by Part 68. In addition, incumbent local exchange carriers (ILECs) must provide the information in Part 68 to warn their subscribers of impending disconnection of service when subscriber terminal equipment is causing telephone network harm.
3. *Technological collection techniques.* The Commission does not prohibit the use of improved technology where appropriate. In 2004, ACTA introduced on-line filing of applications for listing in the database of approved terminal equipment.
4. *Efforts to identify duplication.* The information requested from the Administrative Council, parties responsible for terminal equipment, and carriers is not readily available from any other source.
5. *Impact on small entities.* This collection of information may impact small entities, including the Administrative Council, small manufacturers of terminal equipment and small ILECs. The Commission has not developed a size standard for small manufacturers of telephone terminal equipment. The closest applicable size standard under Small Business Administration (SBA) rules is for manufacturers having 1,000 or fewer employees.

According to 2007 Census Bureau data, there were 398 such manufacturers having a total of 32,941 employees.³ Thus, the large majority of these 398 manufacturers are small businesses, under SBA size rules. Hence, we estimate there are fewer than 398 small manufacturers of terminal equipment that may be affected by Part 68 rules.

³ US Census Bureau, 2007 Economic Census, Table EC0700A1: All sectors: Geographic Area Series: Economy-Wide Key Statistics: 2007; detail data for the United States geographic area; NAICS code 33421 (Telephone Apparatus Manufacturing), available from American FactFinder at http://factfinder2.census.gov/faces/nav/jsf/pages/guided_search.xhtml (last accessed on October 22, 2013).

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To ease regulatory burdens on terminal equipment manufacturers, Part 68 allows two methods to obtain terminal equipment approval, and respondents can choose one or both as appropriate to their circumstances, including consideration of paperwork burdens.

The Commission has also not developed a size standard specifically for small ILECs. The appropriate size standard under SBA rules is for carriers having 1,500 or fewer employees. According to Commission data, 1,307 carriers have reported that they are engaged in the provision of incumbent local exchange services. Of these 1,307 carriers, 1,006 have 1,500 or fewer employees and 301 have more than 1,500 employees.⁴ Hence, we estimate there are fewer than 1,006 small ILECs that may be affected by Part 68 rules.

6. *Consequences if information is not collected.* Without the information sought by the information collection, the Commission would be unable to ensure the integrity of the public switched telephone network. Telecommunications providers and responsible parties would also not have proper notice of the standards that must be satisfied before terminal equipment must be allowed to connect to the PSTN.

Similarly, without these requirements it would be difficult for consumers to identify compliant terminal equipment before connecting it to the network, for responsible parties to provide the Administrative Council with copies of SDoCs and to make copies of SDoCs available to the public, and to hold responsible parties accountable for any damage terminal equipment may cause to the network.

7. *Special Circumstance.* The Commission requires the responsible party to maintain a copy of the SDoC and test results for ten years after the product is no longer in production. This recordkeeping requirement will ensure that the responsible party may be held accountable for any harm terminal equipment it produces may cause to the public switched telephone network.
8. *Federal Register notice; efforts to consult with persons outside the Commission.* A notice was placed in the Federal Register as required by 5 C.F.R. Part 1320.8 to solicit public comment. See 78 FR 72889, dated December 4, 2013. No comments were received.
9. *Payments or gifts to respondents.* The Commission does not anticipate providing any payment or gift to respondents.
10. *Assurance of confidentiality.* The information respondents are requested to provide is not proprietary, trade secret or other confidential information.
11. *Questions of a sensitive nature.* There are no questions of a sensitive nature with respect to the information collection, nor are there any privacy issues.
12. *Estimates of the hour burden of the collection to respondents.*

⁴ FCC, Wireline Competition Bureau, Industry Analysis and Technology Division, “Trends in Telephone Service” at Table 5.3, Page 5-5 (September 2010).

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(a) Telecommunications Certification Bodies (TCBs) and Administrative Council for Terminal Attachments and associated Requirements:

- (1) Number of respondents: Approximately 230 manufacturers and importers of terminal equipment per year
- (2) Total annual responses: Approximately 420 per year.
- (3) Average burden per response: 24 hours.
- (4) Total annual burden: **10,080 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$554,400.
- (6) How estimated: (Note: Hours burdens associated with ACTA's database collection requirements are calculated in section (o), which addresses Section 68.610.)

ACTA's recent experience with submissions is that approximately 230 manufacturers and importers of terminal equipment together submit a total of about 600 applications for listing in the database of approved terminal equipment per year.

Of these, 70% or 420 were processed by TCBs and submitted to ACTA.

Assuming the time needed to assemble and compile supporting technical documentation to obtain TE approval is about 24 hours per submission and that respondents use personnel comparable in pay to that of a mid- to senior-level federal employee (approx. \$55/hour, including overhead costs), we estimate the annualized cost to respondents to be:

420 submissions x 24

hours/submission (response) x \$55/hour = \$554,400.

(b) Section 68.106, Notification to Provider of Wireline Telecommunications:

- (1) Number of respondents: Approximately 50,000 customers of wireline telecommunications carriers per year.
- (2) Total annual responses: Approximately 50,000 per year, approximately 1 response per respondent annually.
- (3) Average burden per response: 0.05 hours.
- (4) Total annual burden: **2,500 hours.**

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- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$137,500.
- (6) How estimated: We expect respondents' costs to be very little due to the nature of the requirements and the estimated time (0.05 hours per response) for complying with them. Assuming that respondents use personnel comparable in pay to that of a mid- to senior-level federal employee (approx. \$55/hour, including overhead costs), we estimate respondent's cost to be about \$55 per hour per application. Thus, annualized cost to respondents is:

$$50,000 \text{ respondents} \times 1 \text{ response/year} \times 0.05 \text{ hours/response} \times \$55/\text{hour} = \$137,500.$$

(c) Section 68.108, Notification of Incidence of Harm:

- (1) Number of respondents: Approximately 325 incumbent LECs, per year
- (2) Total annual responses: Approximately 6,500 per year, approximately 20 responses per respondent annually.
- (3) Average burden per response: 0.10 hours.
- (4) Total annual burden: **650 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$35,750.
- (6) How estimated: Due to the widespread use of Part 68 compliant TE, we expect that the incidence of TE harming the PSTN will be very low. Given approximately 165 M access lines in the US, we expect that approximately 6,500 of them will experience harms from TE in the span of a year. As noted above, according to the FCC's 2010 Trends in Telecommunications report, there are about 1,300 ILECs. We expect roughly one quarter of them to be subject to the requirement in any given year. We expect respondent's costs to be very little due to the nature of the requirements and the estimated time (0.10 hours per response) for complying with them.

Assuming that, on average, respondents use personnel comparable in pay to that of a mid- to senior-level federal employee (approx. \$55/hour, including overhead costs), we estimate the annualized costs to all respondents to be:

$$325 \text{ respondents} \times 20 \text{ responses/annum} \times 0.10 \text{ hours/response} \times \$55/\text{hour} = \$35,750.$$

(d)(1) Section 68.110 (a) and (b), Disclosure of Technical Information:

- (1) Number of respondents: Approximately 40 incumbent LECs

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- (2) Total annual responses: Approximately 40 per year, approximately 1 response per respondent annually.
- (3) Average burden per response: 0.50 hours.
- (4) Total annual burden: **20 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$1,100
- (6) How estimated: We expect the respondents' costs to be very low due to the nature of the requirements and the estimated time (0.50 hours per response) for complying with them. Assuming that respondents use personnel comparable in pay to that of a mid-to senior-level federal employee (approx. \$55/hour, including overhead costs), we estimate the annualized cost to respondents is:

$$40 \text{ respondents} \times 1 \text{ response/annum} \times 0.50 \text{ hours/response} \times \$55/\text{hour} = \$1,100.$$

(d)(2) Section 68.110(c), Disclosure of Technical Information:

- (1) Number of respondents: Approximately 200 incumbent LECs.
- (2) Total annual responses: Approximately 1,200 per year, approximately 6 responses per respondent annually.
- (3) Average burden per response: 1 hour.
- (4) Total annual burden: **1,200 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$19,200.
- (6) How estimated: Potentially, within the 50 states, based on 4 carriers per state that may each receive an estimated 6 requests for such disclosures in the course of one year, we estimate a total of 1,200 responses. We estimate 200 respondents would be subject to the requirement. We estimate that it will take no longer than 1 hour of clerical staff time (at \$16/hour, including overhead costs) to comply with each request. Thus, annualized cost to respondents is:

$$200 \text{ respondents} \times 6 \text{ responses/annum} \times 1 \text{ hour/response} \times \$16/\text{hour} = \$19,200.$$

(e) Section 68.215(e), Notarized Affidavit:

- (1) Number of respondents: Approximately 7,500

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- (2) Total annual responses: Approximately 7,500 per year, approximately 1 response per respondent annually.
- (3) Average burden per response: 0.5 hours.
- (4) Total annual burden: **3,750 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$60,000.
- (6) How estimated: We estimate that of the approximately 100,000 installations made during a year, approximately 7.5% of them, (or 7,500) will require an affidavit. We estimate that it will take no longer than 0.5 hour of clerical staff time (at \$16/hour, including overhead cost) per affidavit. Thus, annualized cost to respondents is:

$$7,500 \text{ respondents} \times 1 \text{ response/annum} \times 0.5 \text{ hours/response} \times \$16/\text{hour} = \$60,000.$$

(f) Section 68.218, Compliance Warrants:

- (1) Number of respondents: Approximately 230.
- (2) Total annual responses: Approximately 600 per year, approximately 2.6 responses per respondent annually.
- (3) Average burden per response: 1 hour.
- (4) Total annual burden: **600 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$9,600.
- (6) How estimated: We estimate that approximately 600 compliance warrants will be issued annually. We estimate that it will take no longer than 1 hour of clerical staff time (at \$16/hour, including overhead cost) to comply with the request. Thus, annualized cost to respondents is:

$$230 \text{ respondents} \times 2.6 \text{ responses/annum} \times 1 \text{ hour/response} \times \$16/\text{hour} = \$9,600.$$

(g) Section 68.324, Supplier Declaration of Conformity:

- (1) Number of respondents: Approximately 230
- (2) Total annual responses: Approximately 180 each year
- (3) Average burden per response: 8 hours.

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(4) Total annual burden: **1,440 hours.**

(5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$23,040

(6) How estimated: We estimate 30% of 600, or 180, ACTA submissions are SDoC. We estimate 8 hours per submission at \$16/hour, including overhead costs. Thus, the annualized cost to respondents is:

$$180 \text{ responses} \times 8 \text{ hours/response} \times \$16/\text{hour} = \$23,040.$$

(h) Section 68.326, Retention of Records:

(1) Number of respondents: Approximately 230

(2) Total annual responses: Approximately 180 each year

(3) Average hour burden per response: 0.5 hours.

(4) Total annual burden: **90 hours.**

(5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$1,440

(6) How estimated: We estimate 30% of 600, or 180, ACTA submissions are SDoC. We estimate 0.5 hours of clerical staff time (at \$16/hour, including overhead costs) per response. Thus, the annualized cost to respondents is:

$$180 \text{ responses} \times 0.5 \text{ hours/response} \times \$16/\text{hour} = \$1,440.$$

(i) Section 68.346, Description of Testing Facilities:

(1) Number of respondents: Approximately 69 manufacturers and importers of TE.

(2) Total annual responses: Approximately 14 per year.

(3) Average hour burden per response: 2 hours.

(4) Total annual burden: **28 hours.**

(5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$1,540.

(6) How estimated: Approximately 30% of the 230 manufacturers and suppliers of TE, or 69 manufacturers and suppliers, use SDoCs. We anticipate that approximately 20% of these, or 14, respond annually. Assuming that respondents use personnel

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comparable in pay to that of a mid- to senior-level federal employee, we estimate that it will take no longer than 2 hours of staff time (at approx. \$55/hour, including overhead costs) to comply with the request. Thus, annualized cost to respondents is:

$$14 \text{ responses} \times 2 \text{ hours/response} \times \$55/\text{hour} = \$1,540.$$

(j) Section 68.354(b), Numbering and Labeling Requirements

- (1) Number of respondents: Approximately 230 manufacturers and importers of TE.
- (2) Total annual responses: Approximately 600 responses per year, approximately 2.6 responses per respondent annually.
- (3) Average hour burden per response: 0.25 hours.
- (4) Total annual burden: **150 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$8,250.
- (6) Explanation of above calculations: We estimate that approximately 600 numbering and labeling descriptions will be specified annually. Assuming that respondents use personnel comparable in pay to that of a mid- to senior-level federal employee (approx. \$55/hour, including overhead costs), we estimate that it will take no longer than 0.25 hours of the staff time to comply with the request. Thus, annualized cost to respondents is:

$$230 \text{ respondents} \times 2.6 \text{ responses/annum} \times 0.25 \text{ hours/response} \times \$55 = \$8,250.$$

(k) Section 68.417, Informal Complaints:

- (1) Number of respondents: Approximately 5.
- (2) Total annual responses: Approximately 5 per year, approximately 1 response per respondent annually.
- (3) Average hour burden per response: Approximately 20 hours.
- (4) Total annual burden: **100 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$22,000.
- (6) Explanation of above calculations: Frequency of complaint filings is not determined by the Commission. In light of the absence of complaints filed with the Commission

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in the past, we expect very few complaints to be filed. We estimate that approximately 5 complaints will be filed, each taking no more than 20 hours (at approx. \$220/hour, including overhead costs) to comply with the requirements. Thus, annualized cost to respondents is:

$$5 \text{ respondents} \times 20 \text{ hours/response} \times \$220/\text{hour} = \$22,000.$$

(l) Section 68.418, Designation of Agents for Service:

- (1) Number of respondents: Approximately 230 manufacturers and suppliers
- (2) Total annual responses: Approximately 230 annually, approximately 1 response per respondent annually.
- (3) Average hour burden per response: Approximately 0.25 hours.
- (4) Total annual burden: **58 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$920.
- (6) Explanation of above calculations: We estimate that approximately 230 designations of agents for service will be made annually. We estimate that it will take no longer than 0.25 hours of clerical staff time (at \$16/hour, including overhead costs) to comply with the request. Thus, annualized cost to respondents is:

$$230 \text{ respondents} \times 1 \text{ response/annum} \times 0.25 \text{ hour/response} \times \$16/\text{hour} = \$920.$$

(m) Section 68.419, Answers to Informal Complaints

- (1) Number of respondents: Approximately 5.
- (2) Total number of responses annually: Approximately 5 responses, approximately 1 response per respondent annually.
- (3) Average hour burden per response: Approximately 20 hours.
- (4) Total annual burden: **100 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burden for the collection of information: \$22,000.
- (6) Explanation of above calculations: In light of the absence of complaints filed with the Commission in the past, we expect very few responses to be filed. We estimate that approximately 5 responses will be filed, each taking no more than 20 hours (at

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approx. \$220/hour, including overhead costs) to comply with the requirements. Thus, annualized cost to respondents is:

$$5 \text{ respondents} \times 1 \text{ response/annum} \times 20 \text{ hours/response} \times \$220/\text{hour} = \$22,000.$$

(n) Section 68.604, Requirements for Submitting Technical Criteria:

- (1) Number of respondents: Approximately 5 standards bodies
- (2) Total annual responses: Approximately 3 responses annually.
- (3) Average hour burden per response: Approximately 1 hour.
- (4) Total annual burden: **3 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$48.
- (6) Explanation of above calculations: We estimate that approximately 3 standards submissions will be made annually. We estimate that it will take no longer than 1 hour of clerical staff time (at \$16/hour, including overhead costs) to comply with the request. Thus, annualized cost to respondents is:

$$3 \text{ responses} \times 1 \text{ hour/response} \times \$16/\text{hour} = \$48.$$

(o) Section 68.610, Database of Terminal Equipment

- (1) Number of respondents: Approximately 230 manufacturers and suppliers, and ACTA.
- (2) Total annual responses: Approximately 600 annually, approximately 2.6 responses per respondent annually.
- (3) Average hour burden per response: Approximately 1.0 hour.
- (4) Total annual burden: **600 hours.**
- (5) Total estimate of annualized cost to respondents for the hour burdens for the collection of information: \$33,000.
- (6) Explanation of above calculations: We estimate that approximately 600 requests for listings in the database of approved terminal equipment will be made annually. Assuming that manufacturers and suppliers use personnel comparable in pay to that of a mid- to senior-level federal employee, we estimate that it will take no longer than 0.5 hour of staff time (at approx. \$55/hour, including overhead costs) to comply with the request. In addition, for each listing, we estimate that it will take approximately 0.5 hour of the database administrator's time (at approx. \$55/hour, including

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overhead costs) to prepare and post the database entry. Thus, annualized cost to respondents is:

$$230 \text{ respondents} \times 2.6 \text{ responses/annum} \times 1.0 \text{ hours/response} \times \$55/\text{hour} = \$33,000$$

Total Number of Respondents: 58,310 respondents

Total Number of Responses Annually: 68,077 responses

Total annual hourly burden of all collections: $10,080 + 2,500 + 650 + 20 + 1,200 + 3,750 + 600 + 1,440 + 90 + 28 + 150 + 100 + 58 + 100 + 3 + 600 = \mathbf{21,369 \text{ hours}}$

- (a) Reporting requirements: 17,201 hours
- (b) Recordkeeping requirements: 418 hours
- (c) 3rd party disclosure requirements: 3,750 hours

Estimate of total annualized cost to respondents for the hour burdens for all collections (“in house”): $\$554,400 + \$137,500 + \$35,750 + \$1,100 + \$19,200 + \$60,000 + \$9,600 + \$23,040 + \$1,440 + \$1,540 + \$8,250 + \$22,000 + \$920 + \$22,000 + \$48 + \$33,000 = \mathbf{\$929,788}$.

13. *Estimates of the cost burden of the collection to respondents.* We estimate that there are no longer any capital or start-up costs for these requirements. We do not believe that these requirements will necessitate any additional equipment. We estimate that there will be no operation, maintenance, or purchase of service costs for these requirements, except as noted below.

Telecommunications Certification Bodies and Administrative Council for Terminal Attachment and Associated Requirements:

- (a) Operation and Maintenance and Purchase of Services: **\$1,125,000.**

Applicants may be required to conduct and submit test procedures for certain electronic devices to comply with Part 68 requirements (see 12(a)(5) above). We estimate that 70% of the applicants subject to the filing requirements will solicit the services of testing laboratories. Costs associated with use of testing laboratories vary greatly – anywhere from a few hundred dollars to several thousand dollars – depending on many factors, including the services requested. We estimate that average cost for such services would be about \$1,500. All applicants requesting a listing in the ACTA database (see 12(o) above) also incur a filing fee. We estimate this fee to be approximately \$825 per application.⁵

⁵ Administrative Council for Terminal Attachments, “Guidelines & Procedures for Submittal of Information to the ACTA for Inclusion in the Database of Approved Telephone Terminal Equipment” Revision 3.9, page 9 (October 2012), available at http://www.part68.org/documents/guidelines/SubmissionGuidelines_Rev3_9.pdf .

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Thus total cost would be \$1,125,000 (based on 600 applicants x 70% x \$1,500 per request + 600 applicants x \$825 per request = \$1,125,000).

Section 68.110(c):

(b) Total operation and maintenance and purchase of service component: The Commission estimates that the annual cost to all respondents to maintain existing records for future disclosure upon request is **\$5,000** (200 carriers x \$25) (see 12(d) (2) above). Based on 200 carriers within the 50 states, this represents only \$25 per carrier in additional storage and retrieval costs for whatever plans, schematics, or other such records will be retained. Overall, the burden amount to each individual carrier would be *de minimis*.

(c) Total annualized cost burden: \$1,125,000+ \$5,000 = **\$1,130,000**.

14. *Estimate of the cost burden to the Commission.* There will be few if any costs to the Commission since the Commission is no longer directly involved in the information collections.
15. *Program changes or adjustment.* The Commission reports a \$195,000 increase (adjustment) in the total annual cost burden. This adjustment reflects the increased cost, in recent years, of registering compliant equipment with the database administrator.
16. *Plans for publication.* The Commission does not plan to publish any data related to this information collection.
17. *Display of expiration date for OMB approval of information collection.* The Commission is not seeking approval not to display the expiration date for OMB approval of the information collection.
18. *Exceptions to the certification statement for Paper Reduction Act submissions* (Item 19 of OMB Form 83-1). See item 7 above. Certain records must be retained longer than 3 years.

Otherwise, 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.