

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

SUPPORTING STATEMENT

NOTE: Revised Information Collection Requirements:

A. Justification:

1. The Americans with Disabilities Act of 1990 (ADA), Public Law 101-336, 104 Stat. 327, 366-69, was enacted on July 26, 1990.
 - (a) The purposes of the ADA are:
 - (i) to provide a clear and comprehensive national mandate to end discrimination against individuals with disabilities and to bring persons with disabilities into the economic and social mainstream of American life;
 - (ii) to provide enforceable standards addressing discrimination against individuals with disabilities; and
 - (iii) to ensure that the Federal government plays a central role in enforcing these standards on behalf of individuals with disabilities.
 - (b) Title IV of the ADA adds section 225 to the Communications Act of 1934 (Act). Section 225 directs the Commission to promulgate regulations that require all domestic telephone common carriers to provide telecommunications relay services (TRS).¹
 - (c) 47 CFR Part 64, Subpart F implements certain provisions of the ADA pertaining to TRS. It contains the operational, technical, and functional standards required of all TRS providers and the procedures for state certification.
 - (d) Although section 225 of the ADA imposes on all common carriers providing interstate or intrastate telephone services an obligation to provide to hearing and speech-impaired individuals telecommunications services that enable them to communicate with hearing individuals, and charges the Commission with regulatory oversight, states may seek to establish intrastate relay services that satisfy federal requirements.

¹ The Communications Act of 1934, as amended, defines telecommunications relay services (TRS) as:

. . . telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.

47 U.S.C. § 225(a)(3) (as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Pub. L. No. 111-260, § 103(b), 124 Stat. 2751, 2755 (2010); Pub. L. No. 111-265 (technical amendments to CVAA)). The Interstate TRS Fund compensates eligible providers of interstate TRS and Internet-based TRS (iTRS) for their reasonable costs of providing these services. See 47 C.F.R. § 64.604(c)(5)(iii).

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- (e) Pursuant to 47 CFR § 64.602 of the Commission's rules, any violation of Subpart F by any common carrier engaged in intrastate communications will be subject to the same remedies, penalties, and procedures as are applicable to violation of the Communications Act by a common carrier engaged in interstate communications.
- (f) The Commission has noted that the overall purpose of section 225, which is to "ensure that interstate and intrastate [TRS] are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States."²
- (g) The Commission has further noted that section 225, consistent with section 7(a) of the Act, requires that the rules the Commission prescribes to implement section 225 encourage "the use of existing technology and not discourage or impair the development of improved technology."
- (h) The Commission has also concluded that the functional equivalency standard requires that those technological services currently offered to non-disabled persons should also be available to persons with disabilities, if it is technologically feasible to do so.

History:

On August 1, 2003, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling, FCC 03-190, 18 FCC Rcd 16121 (2003) (*Captioned Telephone Declaratory Ruling*).

- (a) In the *Captioned Telephone Declaratory Ruling*, the Commission concluded that *one-line* captioned telephone service is a type of TRS, and that eligible providers of such services are eligible to receive compensation in accordance with section 225 of the Communications Act.³
- (b) In addition, the Commission clarified that certain TRS mandatory minimum standards did not apply to *one-line* captioned telephone service, and waived sections 64.604(a)(1) and (a)(3) of the Commission's rules for all current and future captioned telephone providers.
- (c) The *Captioned Telephone Declaratory Ruling* also established reporting requirements associated with the waivers available for TRS providers who choose to provide *one-line* captioned telephone voice carry over service.
- (d) TRS providers are required to maintain a log of consumer complaints that must be submitted to the Commission annually. These logs will provide the Commission with a warning of possible service quality problems, as well as the manner in which captioned telephone providers are addressing their problems.

On July 19, 2005, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, CG

² 47 U.S.C. § 225(b)(1).

³ *Captioned Telephone Declaratory Ruling*, 18 FCC Rcd at 16121, ¶ 1.

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Docket No. 03-123, FCC 05-140, 20 FCC Rcd 13165 (2005) (*Two-Line Captioned Telephone Order*).

- (a) In the *Two-Line Captioned Telephone Order*, the Commission concluded that two-line captioned telephone service, like one-line captioned telephone service, is a type of TRS eligible for compensation from the Interstate TRS Fund (TRS Fund or Fund).
- (b) The record reflects that *two-line* captioned telephone service is simply a variation of captioned telephone service that offers the same functionality while also offering the user additional features, including E-911 functionality.
- (c) Because *two-line* captioned telephone service, like *one-line* captioned telephone service, is a type of TRS eligible for compensation from the TRS Fund, the waivers and reporting requirements applied to *one-line* captioned telephone service must be applied to providers of *two-line* captioned telephone service.

On October 31, 2005, a Petition for Rulemaking to Mandate Captioned Telephone Relay Service and Approve IP Captioned Telephone Relay Service was filed by 13 organizations generally representing consumer advocates and persons with hearing or speech disabilities. The petition asked the Commission to initiate a rulemaking for the purpose of making captioned telephone service a mandatory form of TRS and approving IP captioned telephone service as eligible for compensation from the TRS Fund.

On August 14, 2006, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, DA 06-1627, 21 FCC Rcd 9147 (2006) (*2006 Captioned Telephone Waiver Order*).

(a) In the *2006 Captioned Telephone Waiver Order*, the Commission clarified waivers of certain TRS mandatory minimum standards for captioned telephone relay service, a form of TRS. The *Captioned Telephone Declaratory Ruling* waived the following mandatory minimum standards for the provision of captioned telephone service:

- 1) CAs must be competent in interpreting typewritten American Sign Language (ASL);
- (2) TRS providers must give CAs oral-to-type tests; and
- (3) CAs may not refuse sequential calls.

(b) These waivers expired on August 1, 2006. The Commission clarified that these requirements do not apply to captioned telephone services that use voice recognition technologies (instead of typing) to convey messages and that do not have the CA play a role in setting up the calls.

On January 11, 2007, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling, FCC 06-182, 22 FCC Rcd 379 (2007) (*IP CTS Declaratory Ruling*).

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- (a) In the *IP CTS Declaratory Ruling*, the Commission concluded that IP captioned telephone service is a type of TRS, and providers of such services are eligible to receive compensation when offered in compliance with the applicable TRS mandatory minimum standards.
- (b) In addition, the Commission clarified that certain mandatory minimum standards did not apply to IP captioned telephone service, and waived sections 64.604(a)(3)(iv), (a)(3)(v), (a)(3)(vi) and (a)(4).
- (c) The Commission concluded that an entity desiring to provide IP captioned telephone service may choose to seek certification from the Commission under section 64.605.

On January 25, 2013, the Commission issued *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Order and Notice of Proposed Rulemaking, FCC 13-13, 28 FCC Rcd 703 (2013) (*IP CTS Interim Order*), to adopt emergency interim rules and seek comment on whether to adopt permanent rules to address certain practices related to the provision of IP CTS that appear to be contributing to a recent and dramatic spike in the reimbursement requests to the Fund, of sufficient magnitude to constitute a serious threat to the Fund if not promptly and decisively addressed.

- (a) In the *IP CTS Interim Order*, the Commission adopted 47 C.F.R. § 64.604(c)(9), which requires each IP CTS provider, in order to be eligible for compensation from the Fund for providing service to new IP CTS users, to register each new IP CTS user. As part of the registration process, each provider must obtain from each user a self-certification that (A) the user has a hearing loss that necessitates IP CTS to communicate in a manner that is functionally equivalent to communication by conventional voice telephone users; (B) the user understands that the captioning service is provided by a live communications assistant; and (C) the user understands that the cost of the IP CTS calls is funded by the TRS Fund.
- (b) The *Interim Order* also required, where the consumer accepts IP CTS equipment at a price below \$75 from any source other than a governmental program, that the IP CTS provider must also obtain from the user a certification from an independent, third party professional attesting to the user's need for the service.⁴

On August 26, 2013, the Commission issued *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Report Order and Notice of Proposed Rulemaking, FCC 13-118 (*IP CTS Reform Order*), to address on an ongoing basis the recent dramatic spike in IP CTS usage that necessitated the *IP CTS Interim*

⁴ The *Interim Order* also (1) prohibits, on an interim basis, all referrals for rewards programs and any other form of direct or indirect inducements, financial or otherwise, to subscribe to or use, or encourage subscription to or use of, IP CTS; (2) requires, on an interim basis, that IP CTS providers ensure that equipment and software used in conjunction with their service have a default setting of captions off at the beginning of each call, so that the consumer must take an affirmative step to turn on captions each time the consumer wishes to use IP CTS; and (3) clarifies the Commission's TRS payment rule, 47 C.F.R. § 64.604(c)(5)(iii)(E), in an interpretive rule modification not subject to notice and comment, to explicitly provide that the Fund administrator shall not be obligated to pay any request for compensation until it has been established as compensable. However, no information collection is associated with these rule changes.

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Order, and if left unaddressed on an ongoing basis, would constitute a serious threat to the Fund. The *IP CTS Reform Order* regulates practices relating to the marketing of IP CTS, imposes certain requirements for the provision of this service, mandates registration and certification of IP CTS users, and seeks comment on certain proposed rules.

- (a) In the *IP CTS Reform Order*, the Commission adopted 47 C.F.R. § 64.604(c)(9), which requires, on a permanent basis, registration and certification of IP CTS users, similar to those required by the *Interim Order*. In order to be eligible for compensation from the Fund for providing service to new IP CTS users, the *IP CTS Reform Order* requires providers to register each new IP CTS user. As part of the registration process, each provider must obtain from each user a self-certification that (1) the user has a hearing loss that necessitates use of captioned telephone service; (2) understands that captions on captioned telephone service are provided by a live communications assistant who listens to the other party on the line and provides the text on the captioned phone; (3) understands that the cost of captioning each Internet protocol captioned telephone call is funded through a federal program; and (4) will not permit, to the best of the consumer's ability, persons who have not been registered to use Internet protocol captioned telephone service to make captioned telephone calls on the consumer's registered IP Captioned telephone service or device. This self-certification must be made on a form separate from any other user agreement, and be separately signed, under penalty of perjury.
- (b) In addition, the Commission requires, in the *IP CTS Reform Order*, that providers register and obtain this self-certification from all of their existing users. Providers must register and obtain self-certifications from existing users within 180 days of the rule's effective date.
- (c) An additional registration requirement is imposed for existing users who received equipment for free or at a price below \$75 from an IP CTS provider, directly or indirectly (other than through a governmental program) prior to the effective date of the interim rules. For those existing users, providers must obtain either a payment of \$75 from the user (this option is available if the equipment was obtained directly from the IP CTS provider) or a certification from an independent, third party professional that (1) the consumer has a hearing loss that necessitates use of captioned telephone service, and (2) the third party professional understands that the captions on captioned telephone service are provided by a live communications assistant funded through a federal program. In addition, the *IP CTS Reform Order* requires that the providers require their users to obtain from the third party professional the professional's name, title, address, telephone number, and e-mail address.
- (d) The *IP CTS Reform Order* requires providers to maintain all documents relating to user registration and certification in a confidential manner for a period of five years after the consumer ceases to obtain service from the provider.
- (e) For applicants seeking certification as IP CTS providers, the *IP CTS Reform Order* requires that they submit to the Commission a description of how they will ensure that they do not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements, and an explanation of how those measures provide such assurance. 47 C.F.R. § 64.606(a)(2)(ii)(F).

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- (f) A new notification labeling requirement for IP CTS equipment is imposed by the *IP CTS Reform Order*. 47 C.F.R. § 64.604(11)(c)(iii). Each IP CTS provider is required to ensure that its IP CTS equipment and software has affixed in a conspicuous location, a label or notification that contains the following brief statement: FEDERAL LAW PROHIBITS ANYONE BUT REGISTERED USERS WITH HEARING LOSS FROM USING THIS DEVICE WITH THE CAPTIONS ON.
- (g) The *IP CTS Reform Order* also requires any IP CTS provider that already has distributed IP CTS equipment to consumers as of the effective date of the final rule, to distribute the above equipment labels to such consumers, along with specific instructions directing the consumer to place such labels on the face of their IP CTS equipment in a conspicuous location. Such labels and instructions must be provided to consumers within thirty (30) days after the effective date of the final rule.
- (h) For software applications on mobile phones, laptops, tablets, computers or other similar devices, the *IP CTS Reform Order* requires that IP CTS providers ensure that, each time the consumer logs into the application, the required notification language appears in a conspicuous location on the device screen immediately after log-in.
- (i) The *IP CTS Reform Order* requires that records of the provision to consumers of required labels, as well as instructions for existing equipment, be maintained for a minimum of five years after the consumer ceases to obtain service from the provider. 47 C.F.R. § 64.604(c)(11)(iv).
- (j) The *IP CTS Reform Order* also, in conjunction with its requirement that IP CTS equipment have a default caption-off setting, establishes a hardship exemption if the consumer has a cognitive or physical disability that significantly impairs the ability of the consumer to turn on captioning at the start of each call. 47 C.F.R. § 64.604(c)(10)(iv). Applicants seeking this exception are required to submit to their provider (1) a self-certification, dated and made under penalty of perjury, that the requirement to activate captioning at the start of each call significantly impedes the consumer's ability to make use of the captioned telephone service; and (2) a certification from an independent, third party, licensed physician in good standing, dated and made under penalty of perjury, that the consumer has a physical or mental disability or functional limitation that significantly impedes the consumer's ability to activate captioning at the start of each call, including a brief description of the basis for such statement. In the event that the consumer is not competent to provide the required self-certification, such certification shall be made by the consumer's, spouse, legal guardian or an individual with power of attorney. A third-party, independent physician certification must include the physician's name, title, area of specialty or expertise, address, telephone number, and e-mail address.
- (k) IP CTS providers must maintain, in a confidential manner, detailed records of all consumers who have submitted such individual and physician certifications, including copies of these certifications, for a period of five years after the consumer ceases to use the provider's service.

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- (1) The *IP CTS Reform Order* also requires IP CTS providers to report to the Commission on a monthly basis and subject to confidentiality requirements, such records, which shall include a list of all newly exempted consumers (with names redacted), including the dates on which each consumer registered for IP CTS with the provider and was provided with IP CTS equipment with a default setting of captions on, the area of specialty or expertise of the certifying physician accompanying each hardship certification, and the basis for granting each hardship exception.⁵

These information collections do not affect individuals or households, and thus, there are no impacts under the Privacy Act. However:

- (a) Information that is related to individuals is collected by third parties—IP CTS providers; and;
 (b) The Commission has no direct involvement in the collection of this information on individuals.⁶

The statutory authority for the information collection requirements is found at Sec. 225 [47 U.S.C. 225] Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals; The Americans with Disabilities Act of 1990 (ADA), Public Law 101-336, 104 Stat. 327, 366-69, was enacted on July 26, 1990.

2. The waivers and reporting requirements established in the *Captioned Telephone Declaratory Ruling* and the *Two-Line Captioned Telephone Order* for *one-line* and *two-line* captioned telephone service providers, also apply to IP captioned telephone services. The waivers are conditioned upon:
- (1) providers filing annual waiver reports, for a period of three years, with the Commission detailing their compliance with the *Captioned Telephone Declaratory Ruling* and the *Two-Line Captioned Telephone Order*;
- (2) providers detailing any technological advances that may enable *one-line* and *two-line* captioned telephone service providers to meet the waived mandatory minimum standards; and
- (3) providers maintaining a consumer complaint log that must be submitted to the Commission annually.

The *2006 Captioned Telephone Waiver Order* clarified that the following mandatory minimum standards do not apply to captioned telephone services that use voice recognition technologies

⁵ The *IP CTS Reform Order* also prohibits referrals for rewards and other incentives; requires providers to ensure that equipment has a default caption-off setting; permits providers to turn captions on for 911 calls; prohibits the distribution of equipment, software and applications at no charge or for less than \$75; and requires that providers ensure that each IP CTS telephone includes a button, icon or comparable feature that is easily operable and requires only one step for the consumer to turn on captioning. However, no information collection is associated with these rule changes.

⁶ Although the FCC has no direct involvement in the collection of this information on individuals or households, section 64.604(c)(9)(x) requires that IP CTS providers maintain the confidentiality of the documentation of hearing loss, and section 64.604(c)(10)(iv)(C) requires that IP CTS providers maintain the confidentiality of hardship exemption information that they obtain. Although section 64.604(c)(10)(iv)(D) requires IP CTS providers to submit certain reports to the Commission, the names of the individuals are required to be redacted.

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(instead of typing) to convey messages and that do not have the CA play a role in setting up the calls and therefore providers need not file annual reports addressing the following three requirements:

- (1) CAs must be competent in interpreting typewritten American Sign Language (ASL);
- (2) TRS providers must give CAs oral-to-type tests; and
- (3) CAs may not refuse sequential calls.

TRS providers who choose to provide IP captioned telephone service will be reimbursed for the reasonable cost of providing such services from the Interstate TRS Fund. This requirement has minimal, if any, economic impact on TRS providers because it merely requires the submission of an annual report to the Commission.

The *IP CTS Interim Order* established interim rules, set to expire on February 28, 2014, imposing certain registration and certification requirements on new users of an IP CTS provider's service.

- (a) The requirements set forth in 47 C.F.R. § 64.604(c)(9), are to ensure that IP CTS providers are providing new service only to individuals who have a hearing disability that necessitates use of the service as required by section 225 of the Act. In particular, section 225(a)(3) defines TRS as "telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals. . . ." 47 U.S.C. § 225(a)(3).
- (b) As part of the section 64.604(c)(9) requirements, providers are required to obtain from new IP CTS applicants certification of hearing loss necessitating the use of IP CTS. As a result, consumers will be required to respond to certification and documentation requests from their IP CTS providers. This is necessary to ensure that Fund expenditures are made only on behalf of individuals who have a hearing disability that necessitates use of the service, thereby preventing waste and abuse of the Fund that add costs to the Fund, which are ultimately borne by the general public using interstate telecommunications and voice over Internet protocol (VoIP) services.

The *IP CTS Reform Order* imposes registration and certification requirements for new and existing users, and requires applicants for certification to be qualified as IP CTS providers to describe how they will ensure that they do not request or collect payment for service to consumers who do not satisfy the registration and certification requirements. The *Order* also places new labeling requirements on IP CTS providers, and creates a process for hardship exemptions to the Commission's default captions off requirement. The *IP CTS Reform Order* requires maintenance of records of these new requirements, and monthly reporting by the providers to the Commission of the hardship exemptions granted.

- (a) The registration and certification requirements, set forth in 47 C.F.R. § 64.604(c)(9), are to ensure that IP CTS providers are providing service only to individuals who have a hearing disability that necessitates use of the service as required by section 225 of the Act. In particular, section 225(a)(3) defines TRS as "telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a

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speech disability to engage in communication by wire or radio with one or more individuals. . . .” 47 U.S.C. § 225(a)(3).

- (b) As part of the section 64.604(c)(9) requirements, providers are required to obtain from new and existing IP CTS consumers self-certification of hearing loss necessitating the use of IP CTS and their understanding of the IP CTS program. Existing IP CTS consumers with free or *de minimis* cost equipment must further submit professional certification. IP CTS providers are required to maintain records of these registration and certification requirements for five years after the consumer ceases to obtain service from the provider. This registration, certification and recordkeeping is necessary to ensure that Fund expenditures are made only on behalf of individuals who have a hearing disability that necessitates use of the service, thereby preventing waste and abuse of the Fund that add costs to the Fund, which are ultimately borne by the general public using interstate telecommunications and voice over Internet protocol (VoIP) services.
 - (c) The provider certification application process requirement in section 64.606(a)(2)(ii)(F) of the rules provides additional assurance that providers approved for reimbursement will have the means to ensure that Fund expenditures are made only on behalf of individuals who have a hearing disability that necessitates use of the service, thereby preventing waste and abuse of the Fund that add costs to the Fund, which are ultimately borne by the general public using interstate telecommunications and voice over Internet protocol (VoIP) services.
 - (d) As a part of the section 64.604(c)(11) equipment requirements, providers are required to provide labeling on all new equipment, software and mobile applications, and distribute labeling for existing equipment, to notify potential users of restrictions on the use of captioning by ineligible persons. Providers must maintain records of this label distribution for a period of five years after the consumer ceases to obtain service from the provider. Again, this is necessary to ensure that Fund expenditures are made only on behalf of individuals who have a hearing disability that necessitates use of the service, thereby preventing waste and abuse of the Fund.
 - (e) The captions default off requirement was adopted in the *IP CTS Interim Order*, and finalized in the *IP CTS Reform Order*, to ensure against usage of IP CTS captioning by ineligible users, and thereby to ensure that Fund expenditures are made only on behalf of individuals who have a hearing disability that necessitates use of the service, preventing waste and abuse of the Fund. The section 64.604(c)(10)(iv) certification, recordkeeping, and reporting requirements for hardship exemptions from this rule are necessary to ensure that only those who need the exemption due to physical or cognitive disabilities are granted the exemption, and that this exemption is not abused, thus ensuring that the rule remains robust and effective, and thereby achieving its purpose.
3. At this time, the Commission is not considering the use of improved information technology. The cost of implementing new information technology outweighs its benefits because there are currently only four respondents, and possibly a fifth potential respondent, that will be affected by this information collection. These respondents are required to maintain complaint logs with their internal information technology. Further, these respondents are required to file waiver reports with the Commission in electronic format via the Commission's existing ECFS docket and email.

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The IP CTS providers are free to set up their own systems, which may include improved information technology, to obtain registration and certification information as well as certification information for the hardship exemption to the captions default off requirement. The Commission will be issuing a public notice informing the IP CTS providers on how to submit their hardship exemption reports, which may include either e-mail or use of the Commission's Electronic Comment Filing System (ECFS).

4. The information is not duplicated elsewhere. No similar information is available.
5. The *IP CTS Declaratory Ruling* imposed a regulatory burden on the Interstate TRS Fund Administrator, currently the Rolka Loube Saltzer Associates (RLSA),⁷ requiring it to pay to eligible providers of IP captioned telephone service for the costs of providing interstate service.
 - (a) The Interstate TRS Fund Administrator is a not-for-profit organization, and therefore is a "small organization."
 - (b) The Interstate TRS Fund Administrator is also compensated by the Fund for the Administrator's services and is the only entity affected by the *IP CTS Declaratory Ruling*.

As to the *IP CTS Interim Order* and the *IP CTS Reform Order*, there are currently only four entities providing IP CTS and one applicant for certification to be eligible to provide IP CTS. Two of these five entities are small entities. In the *IP CTS Reform Order*, the Commission attached a Final Regulatory Flexibility Certification (FRFC), which provided an analysis of the economic impact of each of the new rules on small entities and certified that the requirements of the *IP CTS Reform Order* will not have a significant economic impact on a substantial number of small entities.

6. The *IP CTS Declaratory Ruling* waivers of certain mandatory minimum standards are contingent on the filing of consumer complaint logs and the filing of annual waiver reports, for a period of three years, with the Commission.

The complaint logs and annual waiver reports must:

- (a) detail TRS provider compliance in the *IP CTS Declaratory Ruling*, and
- (b) describe any technological advances that may enable IP captioned telephone service providers to meet the waived mandatory minimum standards.

For a provider to be eligible for reimbursement from the Interstate TRS Fund for the provision of TRS, the provider must either:

- (a) meet the mandatory minimum standards, or
- (b) request and receive waivers of the standards.

⁷ The Commission has awarded RLSA, a contract to administer the Interstate TRS Fund on April 6, 2011, National Exchange Carrier Association had previously served as the administrator of the Interstate TRS Fund.

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If such an information collection is not completed, IP captioned telephone service providers will not be eligible to receive compensation from the Interstate TRS Fund.

If the Commission had not imposed the information collections required in the *IP CTS Interim Order*, the dramatic increase in IP CTS usage experienced prior to the adoption of the *IP CTS Interim Order* would likely have continued, resulting in a need to increase the contribution factor to the Fund required from interstate telecommunications and VoIP providers. It would be contrary to the public interest for interstate telecommunications and VoIP providers to pay additional amounts into the Fund as a result of the rapid growth of IP CTS potentially caused by users who may not need IP CTS and therefore may not be eligible to use IP CTS in order to have functionally equivalent telephone service.

The *IP CTS Reform Order* requires certain information collections, distribution and maintenance, including:

- (a) the collection of certain registration and eligibility certification information from new and existing users;
- (b) maintenance, in a confidential manner, of the registration and certification information for five years after the consumer ceases to obtain service from the provider;
- (c) collection of certification information for those consumers seeking a hardship exemption from the default captions off requirement of the rules;
- (d) monthly reporting to the Commission of such hardship exemption certification information;
- (e) maintenance, in a confidential manner, of the hardship exemption certification information for five years after the consumer ceases to obtain service from the provider;
- (f) distribution of labeling information on new equipment and software, and distribution of labels to existing users, advising consumers of the restrictions on the use of IP CTS to registered users;
- (g) maintenance of records as to distribution of equipment labels; and
- (h) collection of assurances from applicants for certification to be eligible to be IP CTS providers as to how they will ensure that they do not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements, and an explanation of how those measures provide such assurance.

The collections of information and recordkeeping requirements are necessary. The Commission must be able to easily confirm that only eligible users are receiving IP CTS, to ensure that Fund expenditures are made only on behalf of individuals who have a hearing disability that necessitates use of the service. The Commission must also be assured that users and non-eligible individuals understand that use of IP CTS is restricted to registered users. Without such information and recordkeeping requirements, the Commission would be limited in its ability to prevent waste and abuse of the Fund. This would add costs to the Fund, which are ultimately

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- borne by the general public using interstate telecommunications and voice over Internet protocol (VoIP) services.
7. The collection is not being conducted in any manner inconsistent with the guideline of 5 CFR § 1320.5 (d)(1).
 8. The Commission published a notice in the *Federal Register* pursuant to 5 CFR §1320.8(d) on September 25, 2013 (78 FR 59025) seeking comments from the public on the information collection requirements contained in this supporting statement. Sorenson Communications, Inc. and its subsidiary CaptionCall, LLC (together, CaptionCall) filed comments on November 25, 2013 regarding the user registration and certification requirements adopted in the *IP CTS Reform Order* as well as the certification, recordkeeping, and reporting requirements for hardship exemptions to the captions default-off requirement, also adopted in the *IP CTS Reform Order*. CaptionCall did not comment on the requirements regarding the labeling of equipment, software and mobile applications adopted in the *IP CTS Reform Order*.

Subsequently, on December 6, 2013, the United States Court of Appeals for the District of Columbia Circuit granted in part a motion for stay requested by CaptionCall.⁸ Specifically, the court stayed “the rule adopted by the Commission [in the *IP CTS Reform Order*] prohibiting compensation to providers for minutes of use generated by equipment consumers received from providers for free or for less than \$75.”⁹ Because the \$75 equipment charge rule is related to the registration and certification requirements adopted in the *IP CTS Reform Order*, the Commission will defer addressing CaptionCall’s comments on the user registration and certification requirements until after the court issues a decision resolving the \$75 equipment charge rule on the merits. At this time, the Commission seeks OMB approval of (1) the requirements regarding the labeling of equipment, software and mobile applications (47 C.F.R. § 64.604(c)(11)(iii) and (iv)); (2) the certification, recordkeeping, and reporting requirements for hardship exemptions to the captions default-off requirement (47 C.F.R. § 64.604(c)(10)(iv)); and (3) an additional information reporting requirement for IP CTS applicants that seek Commission certification to provide IP CTS and for IP CTS providers to provide assurance that they will not request or collect payment from the TRS Fund for service to consumers who do not satisfy the Commission’s IP CTS registration and certification requirements (47 C.F.R. § 64.606(a)(2)(ii) (F)). The Commission does not seek OMB approval of the user registration and certification requirements adopted in the *IP CTS Reform Order* at this time (47 C.F.R. § 64.604(c)(9)).

CaptionCall’s comments address the certification requirement for the hardship exemption to the captions default-off requirement, and specifically the requirement that an independent, third party, licensed physician in good standing who certifies to a consumer’s need for a hardship exemption to the captions default off requirement may not have a business, family, or social relationship with the TRS provider or with any of the provider’s officers, directors, partners, employees, agents, subcontractors, or sponsoring organizations or entities (collectively affiliates). CaptionCall argues that it would be burdensome for an IP CTS provider to develop and maintain a list of all physicians who have any of the prohibited relationships, but offers that it would be

⁸ *Sorenson Communications, Inc. and CaptionCall, LLC v. FCC*, Order (D.C. Cir., No. 13-1246, Dec. 6, 2013) (*Stay Order*).

⁹ *Stay Order* at 1-2, citing *IP CTS Reform Order*, 28 FCC Rcd at 13440-48, ¶¶ 41-59. For convenience, we refer to the requirement subject to the stay as “the \$75 equipment charge rule.”

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

less burdensome for the certifying physician to attest that it has no business, family, or social relationship with the TRS provider or any of its affiliates.¹⁰ The *IP CTS Reform Order* does not specify how an IP CTS provider shall ascertain whether the physician has a business, family, or social relationship with the TRS provider or its affiliates. Therefore, IP CTS providers are free to choose the method that they find least burdensome, so long as they can reasonably determine that there is not such a prohibited relationship.

Business Relationship. CaptionCall argues that the rule does not define a “business relationship.” However, the business relationships prohibited by the third party certification rule clearly include employment relationships and contractual agreements, whether express or implied, between the third party physician and the provider, or between the third party physician and any affiliate of the TRS provider acting in their business capacity. Even prior to the adoption of the final rule, in addressing the independent third party professional requirement, the Commission made clear that the interim rule registration and certification requirement that the professional be “independent” was intended to ensure that the professional “does not have a connection to the provider, not only including employment by the provider or any affiliate of the provider, but also anyone with a TRS-related business agreement with the provider.”¹¹ The types of arrangements specifically identified as prohibited in the *IP CTS Reform Order* provide one example: The provider or its affiliates may not be involved in arranging or facilitating seminars or meetings where professionals are available to provide IP CTS certifications for consumers or otherwise play a role in any way in the acquisition of such certifications.¹²

Family Relationship. CaptionCall also argues that the Commission has not defined a “family relationship.” Family relationships are prohibited only as long as they last. Once a relationship is terminated, *e.g.*, by divorce, there is no longer a prohibited “family relationship” that would preclude the provision of a certification after the relationship ends – assuming there is no other prohibited (*i.e.*, business or social) relationship between the parties. Beyond this, the meaning of “family relationship” should be interpreted in light of the intended purpose of the rule to insulate the certifying physician from being directly or indirectly influenced by TRS providers.¹³

Social Relationship. Lastly, CaptionCall argues that the Commission did not define a “social relationship.” The meaning of “social relationship” should be interpreted in light of the intended purpose of the rule to prevent the certifying physician from being directly or indirectly influenced by TRS providers.¹⁴ For example, two individuals who by happenstance are members of the same organization but have no social contact do not have a “social relationship.”

¹⁰ Since such attestation would be a part of the certification already being provided by the third party physician, we find that adding such attestation language to the certification will not add to the burden estimates provided by the Commission.

¹¹ *IP CTS Interim Order*, 28 FCC Rcd at 718, ¶ 24 n.72.

¹² *IP CTS Reform Order*, 28 FCC Rcd at 13454, ¶ 73 (discussed in the context of the registration and certification requirements, but also applicable to the hardship exemption certification), 13467, ¶ 99.

¹³ *IP CTS Reform Order*, 28 FCC Rcd at 13454, ¶ 73 (discussed in the context of the registration and certification requirements, but also applicable to the hardship exemption certification).

¹⁴ *IP CTS Reform Order*, 28 FCC Rcd at 13454, ¶ 73 (discussed in the context of the registration and certification requirements, but also applicable to the hardship exemption certification).

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

9. The Commission does not anticipate providing any payment or gift to respondents.
10. The Commission sets annual interstate TRS compensation rates based on cost and demand data submitted by TRS providers.
 - (a) These data, particularly cost data, are:
 - (i) confidential, proprietary data of the individual submitting TRS providers, and
 - (2) protected from disclosure under the Freedom of Information Act (FOIA) and the Commission's rules implementing FOIA.
 - (b) Except as otherwise set out herein, the Commission is not requesting respondents to submit confidential information.
 - (c) If the Commission requests respondents submit information that the respondents believe is confidential, respondents may request confidential treatment of such information pursuant to § 0.459 of the Commission's rules.
 - (d) Moreover, the Commission requires the Interstate TRS Fund Administrator, to keep all data from contributor and TRS providers confidential.
 - (e) The Interstate TRS Fund Administrator shall not disclose such data in company specific form unless directed to do so by the Commission.¹⁵

As to the collections required by the *IP CTS Interim Order* and the *IP CTS Reform Order*, confidential information that is related to individuals is collected by third parties - IP CTS providers - and the Commission has no direct involvement in the collection of this information on individuals. Hardship exemption information that is reported to the Commission, pursuant to section 64.604(c)(10)(iv)(D), has consumer names redacted. Moreover, sections 64.604(c)(9)(x) and (c)(10)(iv)(C) require that IP CTS providers maintain the confidentiality of the registration, certification, and hardship exemption information that they obtain, as well as the content of such information, except as required by law.

11. There are no questions of a sensitive nature with respect to the information collected.
12. The following represents the estimates of hour burden of the collection of information affected by the *Two-Line Captioned Telephone Order*:

Reevaluation of Existing Information Collection Requirements

Two-Line Captioned Telephone Order

¹⁵

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

In the *Two-Line Captioned Telephone Order*, the Commission concluded that *two-line* captioned telephone service, like *one-line* captioned telephone service, is a type of TRS eligible for compensation from the Interstate TRS Fund.

- (a) Therefore, the same waivers and reporting requirements apply to providers of *two-line* captioned telephone service.

At present, 4 TRS providers are providing *one-line* and *two-line* captioned telephone service and are compensated from the Interstate TRS Fund.

The Commission therefore estimated approximately 4 providers (respondents) would maintain a consumer compliant log and file a waiver report with the Commission detailing their compliance with the *Two-Line Captioned Telephone Order*, and any technological advances that may enable them to provide *one-line* and *two-line* captioned telephone services.

This process would be done “annually” and would require approximately 8 hours to complete.

4 respondents x 1/complaint log submission = 4 responses

4 respondents x 8 hours/maintain complaint log = 32 hours

4 respondents x 1/wavier report filing = 4 responses

4 respondents x 8 hours/prepare waiver report filings = 32 hours

The Commission estimates that respondents will “in-house” personnel whose pay is comparable to mid-to-senior level federal employee (GS-15/5), to maintain consumer complaint log submissions. The Commission estimates respondents cost to be about \$67.88 per hour to complete.

4 respondents x 1/complaint log submission x 8 hours/maintain consumer complaint log submission x \$67.88 = \$2,172.16

The Commission estimates that respondents will use “in-house” personnel whose pay is comparable to mid-to-senior level federal employee (GS-15/5), to prepare and submit the annual waiver report. The Commission estimates respondents cost to be about \$67.88 per hour to complete.

4 respondents x 1/annual waiver report x 8 hours/prepare and submit annual waiver reports filings x \$67.88 = \$2,172.16

Two-Line Captioned Telephone Order Totals are as Follows:

Total annual number of respondents: 4

Total number of responses: 8

Total annual burden hours: 64 hours

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

Total “in house” costs: \$4,344.32

IP CTS Declaratory Ruling

In the *IP CTS Declaratory Ruling*, the Commission concludes that IP captioned telephone service is a type of TRS eligible for compensation from the Interstate TRS Fund. Although the Commission does authorize the provision of IP captioned telephone service but, to be eligible for compensation from the Interstate TRS Fund, providers must offer service in compliance with all applicable TRS mandatory minimum standards. The Commission has waived various mandatory minimum standards for the provision of captioned telephone service and IP Relay. The Commission finds that because IP captioned telephone service shares characteristics with captioned telephone service and IP Relay, waivers for captioned telephone service and IP Relay also apply to IP captioned telephone service.

The Commission estimates that the 5 providers of IP captioned telephone service will:

(a) maintain a log of consumer complaints, and

(b) prepare and file a waiver report with the Commission detailing their compliance with the *IP CTS Declaratory Ruling*, and any technological advances that may enable them in meeting waived requirements in the *IP CTS Declaratory Ruling*.

This process will be done “annually” and will require approximately 8 hours to complete.

5 respondents x 1/compliant log submission = 5 responses

5 respondents x 8 hours/maintain consumer complaint logs = 40 hours

5 respondents x 1/waiver report filing = 5 responses

5 respondents x 8 hours/prepare and submit waiver reports = 40 hours

The Commission estimates that respondents will “in-house” personnel whose pay is comparable to mid-to-senior level federal employee (GS-15/5), to maintain consumer complaint log submissions. The Commission estimates respondents cost to be about \$67.88 per hour to complete.

5 respondents x 1/complaint log submission x 8 hours/maintain consumer complaint log submission x \$67.88 = \$2,715.20

The Commission estimates that respondents will use “in-house” personnel whose pay is comparable to mid-to-senior level federal employee (GS-15/5), to prepare and submit the annual waiver report. The Commission estimates respondents cost to be about \$67.88 per hour to complete.

5 respondents x 1/annual waiver report x 8 hours/prepare and submit annual waiver reports x \$67.88 = \$2,715.20

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

IP CTS Declaratory Ruling Totals are as follows:

Total annual number of respondents: 5

Total number of responses: 10

Total annual burden hours: 80 hours

Total “in house” costs: \$5,430.40

IP CTS Reform Order

The Commission estimates that there are approximately 36 million Americans with some degree of hearing loss. Although the Commission estimates the potential market for IP CTS to be approximately 3 million consumers, at this time, there are approximately only 150,000 IP CTS consumers at this time. In the *IP CTS Reform Order*, section 64.604(c)(9) of the rules requires that to be eligible to receive IP CTS, a new consumer must self-certify that the consumer has a hearing loss that necessitates IP CTS to communicate when using the telephone. In addition, section 64.604 (c)(9) imposes similar registration and certification requirements for existing consumers, as well as professional certification requirements for certain existing consumers (those who received equipment for free or for less than \$75). Moreover, pursuant to section 64.604(c)(10)(iv) of the rules, existing and new consumers who seek a hardship exemption from the default captions off rule are required to submit self-certifications as well as professional certifications of need for the exemption, and IP CTS providers must report monthly to the Commission on those exempted (with names redacted).

Although the Commission estimates the potential market for IP CTS to be approximately 3 million consumers, at this time there are approximately only 150,000 IP CTS consumers. Each of the section 64.604(c)(9) registration and certification requirements and section 64.604(c)(10)(iv) hardship exemption rules will become effective at the same time.

A. IP CTS New Consumer Registration and Self Certification

The Commission estimates that no more than 3,000 new IP CTS consumers will be added per month. There are a total of four IP CTS providers, with a fifth entity seeking Commission certification to become eligible to provide IP CTS, which the Commission estimates will be registering, collecting, and maintaining self-certifications from no more than 36,000 new users collectively (annually).

1. IP CTS Providers: Hardship Exemption

The Commission estimates that each IP CTS provider will spend approximately 30 minutes (.50 hour) collecting, filing, and maintaining all of the hardship exemption certification information from each new consumer who needs to provide self-certification and professional certification in order to obtain a hardship exemption from the default caption-off requirement. The Commission estimates that no more than 10 percent of the annual 36,000 new consumers will seek a hardship

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

exemption. The Commission further estimates that each provider will utilize personnel whose pay is comparable to mid-level federal employees—GS-9/Step 5 level (\$28.32/hour) to collect such information. This is an on-going requirement.

Annual Number of Respondents: 5 Respondents¹⁶

5 IP CTS Providers

Annualized Number of Responses: 3,600

720 responses per respondent on average

Annualized Burden Hours: 1,800 burden hours for all 5 IP CTS providers and applicants

3,600 responses x .50 hour = 1,800

Annualized “In-House” Cost: \$50,976

1,800 hours x \$28.32 = \$50,976 total cost to all 5 IP CTS providers and applicants

2. New Consumers: Hardship Exemption

The Commission estimates that each new consumer who needs to provide self-certification and professional certification in order to obtain a hardship exemption from the default caption-off requirement will spend on average approximately one hour to provide a self-certification and obtain a professional certification. The Commission estimates that no more than 10 percent of the annual 36,000 new consumers will seek a hardship exemption. This is a one-time requirement.

Annualized Number of Respondents: 3,600 consumers

Annualized Number of Responses: 3,600

Annualized Burden Hours: 3,600 hours

3,600 respondents x 1 hour/respondent = 3,600 hours

Annual “In-House” Cost: No cost is attributed to such consumer burden hours.

IP CTS New Consumer Registration and Certification Totals are as follows:

Total Annualized Number of Respondents: 3,605 Respondents

IP CTS Providers: 5

New Consumer Respondents: 3,600

¹⁶ Collectively, there may be approximately 5 IP CTS Providers affected by this information collection. However, there are several instances where only 4 IP CTS Providers will be subjected to certain information collection requirements.

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

Total Annualized Number of Responses: 7,200 Responses

IP CTS Provider Hardship Exemption Collections: 3,600

Consumers Hardship Exemptions: 3,600

Total Annualized Burden Hours: 5,400 hours

IP CTS Provider Hardship Exemption Collections: 1,800 hours

Consumer Hardship Exemptions: 3,600 hours

Total Annualized “In House” Costs: \$50,976

IP CTS Provider Hardship Exemption Collections: \$50,976

New Consumers: \$0

B. IP CTS Existing Consumers Registration and Self-Certification

1. IP CTS Providers: Hardship Exemption

The Commission estimates that each IP CTS provider will spend approximately 30 minutes (.50 hour) collecting, filing, and maintaining all of the hardship exemption certification information from each existing consumer who needs to provide self-certification and professional certification in order to obtain a hardship exemption from the default caption-off requirement. The Commission estimates that no more than 10 percent of the 150,000 existing consumers will seek a hardship exemption. The Commission further estimates that each provider will utilize personnel whose pay is comparable to mid-level federal employees—GS-9/Step 5 level (\$28.32/hour) to collect such information. This is a one-time requirement that will take place within the first year.

Annual Number of Respondents: 4 Respondents

4 IP CTS Providers

Annual Number of Responses (all within the first year): 15,000

3,750 responses per respondent on average

Annual Burden Hours: 7,500 burden hours (all within the first year) for all 4 IP CTS providers

15,000 responses x .50 hour = 7,500

Annual “In-House” Cost (all within the first year): \$212,400

7,500 hours x \$28.32 = \$212,400 total cost to all 4 IP CTS providers

2. Existing Consumers: Hardship Exemption

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

The Commission estimates that each existing consumer who needs to self-certify and provide professional certification in order to obtain a hardship exemption from the default caption-off requirement will spend on average of approximately one hour to self-certify and obtain such professional certification. This is a one-time requirement that will take place within the first year. The Commission estimates that no more than one tenth of all consumers will seek a hardship exemption.

Annual Number of Respondents: 15,000 Respondents

Annual Number of Responses (all within the first year): 15,000 Responses

Annual Burden Hours: 15,000 Hours (all within the first year)

15,000 respondents x 1 hour/respondent = 15,000 hours

Annual “In-House” Cost: No cost is attributed to such consumer burden hours.

IP CTS Existing Consumer Registration/Certification and Hardship Exemption (all within the first year) Totals are as follows:

Total Annual Number of Respondents: 15,004 Respondents

Provider Respondents: 4

Existing Consumers: 15,000

Total Annual Number of One-Time Responses (all within the first year): 30,000 Responses

IP CTS Provider Hardship Exemption Collections: 15,000

Existing Consumers Hardship Exemptions: 15,000

Total Annual One-Time Burden Hours (all within the first year): 22,500 Hours

IP CTS Provider Hardship Exemption Collections: 7,500 hours

Existing Consumers Hardship Exemptions: 15,000 hours

Total Annual One-time “In-House” Cost (all within the first year): \$212,400

IP CTS Provider Hardship Exemption Collections: \$212,400

Existing Consumers: \$0

C. IP CTS Hardship Exemption Reports

The *IP CTS Reform Order* requires IP CTS providers to submit to the Commission monthly reports on hardship exemptions granted. The Commission estimates that each provider will spend approximately twenty (20) hours preparing each of these monthly reports. The Commission further estimates that each provider will utilize personnel whose pay is comparable

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

to mid-level federal employees—GS-9/Step 5 level (\$28.32/hour) to collect such information. This is an on-going requirement.

Annual Number of Respondents: 5 Respondents

5 IP CTS Providers

Annualized Number of Responses: 60 Responses

12 monthly reports x 5 IP CTS providers

Annualized Burden Hours: 1,200 Hours

60 responses x 20 hours = 1,200 hours

Annualized “In-House” Cost: \$33,984

1,200 hours x \$28.32 = \$33,984

D. IP CTS Labeling Requirement

In the *IP CTS Reform Order*, the Commission adopted sections 64.604(c)(11)(iii) and (iv) of the rules, adding labeling requirements for new and existing equipment and software. Labels must be printed and adhered to new equipment and software; for existing equipment, labels and instructions must be mailed to existing consumers. In addition, records must be maintained on this label disbursement. At this time, there are approximately 150,000 existing IP CTS consumers, and an estimated 36,000 new consumers are added annually.

1. IP CTS Providers: New Equipment Labeling

For new equipment and software, the Commission estimates that each IP CTS provider will spend approximately 15 minutes (.25 hour) creating, printing and adhering labels to new equipment and software, and preserving records of each such labeling. The Commission further estimates that each provider will utilize personnel whose pay is comparable to mid-level federal employees—GS-9/Step 5 level (\$28.32/hour) to collect such information. This is an on-going requirement.

Annual Number of Respondents: 5 Respondents

5 IP CTS Providers

Annualized Number of Responses: 36,000 Responses

7,200 responses per respondent on average

Annualized Burden Hours: 9,000 Hours

36,000 responses x .25 hour = 9,000 burden hours for all 5 IP CTS providers

Annualized “In-House” Cost: \$254,880

9,000 hours x \$28.32 = \$254,880 total cost to all 5 IP CTS providers

There is no corresponding time required of consumers under this requirement for new equipment.

2. IP CTS Providers: Existing Equipment Labeling

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

For existing equipment, there is a one-time requirement that providers mail instructional labels to users, and to keep records of such distribution. It is estimated that each IP CTS provider will spend approximately 15 minutes (.25 hour) creating and mailing labels to existing users, and keeping records of such distribution. The Commission further estimates that each provider will utilize personnel whose pay is comparable to mid-level federal employees—GS-9/Step 5 level (\$28.32/hour) to collect such information. This is a one-time requirement that will take place within the first year.

Annual Number of Respondents: 4 Respondents

4 IP CTS Providers

Annual Number of One-Time Responses (all within the first year): 150,000 Responses

37,500 responses per respondent on average

Annual One-Time Burden Hours (all within the first year): 37,500 Hours

150,000 responses x .25 hour = 37,500 burden hours for all 4 IP CTS providers

Annual One-Time “In-House” Cost (all within the first year): \$1,062,000

37,500 hours x \$28.32 = \$1,062,000 total cost to all 4 IP CTS providers

3. Consumers: Existing Equipment Labeling

Consumers with existing equipment will have a one-time requirement to attach the labels to the equipment upon receiving the labels in the mail, all within the first year. It is estimated that each consumer will spend approximately 15 minutes (.25 hour) reading the instructions and attaching the label.

Annual Number of Respondents: 150,000 Respondents

150,000 existing consumers with equipment

Annual Number of One-Time Responses (within the first year): 150,000 Responses

1 response each x 150,000 consumers = 150,000 responses

Annual One-Time Burden Hours (within the first year): 37,500 Hours

150,000 responses x .25 hour = 37,500 burden hours for 150,000 consumers

Annual “In-House” Cost: No cost is attributed to such consumer burden hours

IP CTS Equipment Labeling Requirements One-Time Totals are as follows:

Total Annual Number of Respondents: 150,005 Respondents

Equipment Labels Distribution: 5 IP CTS Providers

Consumers with Existing Equipment: 150,000 Consumers

Total Annual Number of One-Time Responses (all within the first year): 336,000 Responses

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

IP CTS Providers Creating, Printing, Adhering, *etc.* New Equipment Labels: 36,000
 IP CTS Provider Distribution of Labels for Existing Equipment: 150,000 Responses
 Consumer Attachment of Labels to Existing Equipment: 150,000 Responses

Total Annual Number of One-Time Burden Hours (all within the first year: 84,000 hours

IP CTS Providers Creating, Printing, Adhering, *etc.* New Equipment Label: 9,000
 IP CTS Provider Distribution of Labels for Existing Equipment: 37,500 hours
 Consumer Attachment of Labels to Existing Equipment: 37,500 hours

Total Annual “In-House” Cost: \$1,316,880

IP CTS Provider “In-House” Costs: \$1,316,880
 Consumer “In-House” Costs: \$0

E. IP CTS Provider Applicant Assurance

For applicants seeking certification as IP CTS providers, the *IP CTS Reform Order* requires that they submit to the Commission a description of how they will ensure that they do not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements, and an explanation of how those measures provide such assurance. 47 C.F.R. § 64.606(a)(2)(ii)(F). The Commission estimates that each IP CTS provider applicant will spend approximately five hours drafting such description and assurance. The Commission further estimates that each provider will utilize personnel whose pay is comparable to senior-level federal employees—GS-15/Step 5 level (\$67.88/hour) to collect such information. This is an ongoing requirement.

Annualized Burdens – Though each respondent will incur the burdens estimated in this section every five years, for purposes of cumulative burden estimates, these estimates are annualized over the three-year period for which the Commission seeks approval for this collection. 5 IP CTS providers and applicants have pending certification applications.

Total Annualized Number of Respondents: 5 Respondents/3 years = **1.66 rounded to 2**

Total Annualized Number of Responses: 5 Responses/3 years = **1.66 rounded to 2**

Total Annualized Burden Hours: 25 Burden Hours/3 years = **8.33 rounded to 8**

Total Annualized “In-House” Cost: \$565.67

25 hours at \$67.88/hour = \$1,697/3 = **\$565.67**

Rulemakings	Number of Respondents	Number of Responses	Total Burden Hours	Staff Hourly Salary	“In House” Costs
Two-Line Captioned Telephone Order	4 ¹⁷	8	64	\$67.88	\$4,344.32

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

IP CTS Declaratory Ruling	5 ¹⁸	10	80	\$67.88	\$5,430.40
2013 IP CTS Reform Order	153,605	373,262	113,108	\$28.32 - \$67.88	\$1,614,805.67
CUMULATIVE TOTALS	153,605¹⁹	373,280	113,252		\$1,624,580.39

13. Under the *IP CTS Declaratory Ruling*, some costs may include the filing of waiver reports, maintaining consumer complaint logs and providing IP captioned telephone service. Providers will be reimbursed indirectly when they receive compensation from the Interstate TRS Fund for providing such service. Thus:

- (a) Total annualized capital/start-up cost: \$0
- (b) Total annual costs (operation and maintenance): \$0
- (b) Total annualized cost requested: \$0

Under the *2013 IP CTS Reform Order*, the Commission does not anticipate any capital and start-up costs associated with the information collection.

Total Annualized Capital and Start-up Costs: None

The Commission estimates that the following consumers will have one-time requirements to provide professional certification of their need for a hardship exemption: 15,000 existing consumers applying for hardship exemptions (all during the first year) and 3,600 new consumers (annually) who apply for hardship exemptions. Approximately half of the 15,000 existing and 3,600 new consumers who need professional certification of their need for a hardship exemption will spend approximately \$60 on professional fees for obtaining this certification. The other half of the existing and new consumers applying for a hardship exemption will be able to obtain professional certification at no charge.

Total Annual Costs (all during the first year):

Existing Consumers: 7,500 consumers x \$60 = \$450,000

New Consumers: 1,800 consumers x \$60 = \$108,000

¹⁷ These four respondents are four of the five respondents accounted for in the number of respondents in the *2013 IP CTS Reform Order*.

¹⁸ These five respondents are the same five respondents accounted for in the number of respondents in the *2013 IP CTS Reform Order*.

¹⁹ Overall, there will be a total of: 5 IP CTS provider respondents, 150,000 old consumer respondents and 3,600 new consumer respondents subject to the information collection requirements contained in this supporting statement, totaling 153,605 respondents for this collection.

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

Total Costs to Consumers are as follows:

Total annualized capital and start-up Costs: \$0

Total annual costs (operation and maintenance): \$558,000

Total annualized cost requested: \$558,000

14. For the *IP CTS Declaratory Ruling*, the Commission will administer the annual waiver reports and annual consumer complaint logs filed by current and future IP captioned telephone providers (“using Commission staff”):

The Commission will use staff attorneys at the GS-15/5 level to process annual waiver reports and annual consumer complaint logs filed by current and future IP captioned telephone providers. The Commission estimates the time to process each waiver report and consumer complaint log to be approximately 8 hours.

On average, the Commission estimates that it will receive approximately 5 consumer complaint logs and 5 waiver reports annually, thus:

$$5 \text{ reports} + 5 \text{ logs} \times 8 \text{ hours/processing reports and logs} \times \$67.88 = \text{\$5,430.40}$$

For the *2013 IP CTS Reform Order*, the Commission will use staff attorneys at the GS-15/5 level to process the monthly reports of hardship exemptions granted by current and future IP CTS providers. The Commission estimates the time to process each monthly report to be approximately one (1) hour.

As there are currently four IP CTS providers, and one applicant for new certification, on average, the Commission estimates that it will receive approximately 60 hardship exemption reports annually, thus:

Annual Cost of Reports: \$4,072.80

$$60 \text{ reports} \times 1 \text{ hr} \times \$67.88 = \$4,072.80$$

In addition, on a periodic basis, the Commission may seek further information or enforcement, to ensure that the hardship exemption is not granted inappropriately. The Commission will use staff attorneys at the GS-15/5 level to assess the probity of the monthly reports of hardship exemptions granted by current and future IP CTS providers. The Commission estimates the time to conduct such assessments to be approximately six (6) hours, at a cost of \$336.05, and estimates that such assessments will occur six times annually.

Annual Cost of Assessments: \$12,097.80

$$6 \text{ assessments} \times 6 \text{ hrs} \times \$336.05 = \$12,097.80$$

Annual Cost to Federal Government = \$21,601.00

Two-Line Captioned Telephone Order; IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13-24 and 03-123.

15. The Commission has reevaluated the number of respondents, the number of responses and the annual burden hours and total annual costs for this information collection based on the information collection requirements that were adopted in FCC 13-118. Due to this reevaluation, the Commission makes the following program changes as follows:
 - (a) The Commission's estimate the number of respondents has increased by +153,597, from 8 respondents to 153,605 respondents;
 - (b) The Commission's estimate the number of responses has increased by +373,264, from 16 responses to 373,280 responses;
 - (c) The Commission's estimate for the total annual burden hours has increased by +113,124, from 128 hours to 113,252; and
 - (d) The Commission's estimate for the total annual cost has increased by +\$558,000, from \$0 to \$558,000.
16. The results of this information collection will not be published.
17. The Commission is not seeking approval not to display the expiration date for OMB approval of these information collection(s) because the collection(s) do not include a form number.
18. The Commission published a notice in the *Federal Register* on September 25, 2013 (78 FR 59025) seeking comments for a 60-day time period on the information collection requirements that are contained in this supporting statement. The Commission estimated the following numbers in the notice: the number of respondents was inadvertently reported as 5; the number of responses as 216,080; total annual burden hours as 145,852; and total annual costs as \$555,000. The Commission now reports the burdens as follows: number of respondents: 153,605; number of responses: 373,280; total annual burden hours: 113,252; and total annual costs: \$558,000. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

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