

SUPPORTING STATEMENT

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.

(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.

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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(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:**Video Relay Service**

In March 2000, the Commission recognized Video Relay Service (VRS) as a form of TRS.³ VRS requires the use of a broadband Internet connection between the VRS user and the CA, which allows the VRS user and the CA to communicate in sign language via the video link. During the call, the CA communicates in American Sign Language (ASL) with the deaf person and by voice with the hearing person. As a result, the conversation between the deaf and hearing end users follows in near real time.

On May 27, 2010, in document FCC 10-88,⁴ the Commission released an *Order* adopting an interim rule – containing an information collection requirement -- designed to help prevent fraud and misuse in the provision of VRS. Though the *Order* emphasizes VRS, the rule also applies to all other forms of TRS.

Specifically, the interim rule requires the Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other senior executive of a relay service provider to certify, under penalty of perjury, that: (1) minutes submitted to the Interstate TRS Fund (Fund) administrator for compensation were handled in compliance with section 225 of the Act and the Commission's rules and orders, and are not the result of impermissible financial incentives, or payments or kickbacks, to generate calls, and (2) cost and demand data submitted to the Fund administrator related to the determination of compensation rates or methodologies are true and correct.⁵

² 47 U.S.C. § 225(b)(1).

³ *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5152-54, paras. 21-27 (2000); 47 C.F.R. 64.601(26) (defining VRS).

⁴ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Declaratory Ruling, Order, and Notice of Proposed Rulemaking, 25 FCC Rcd 6012 (2010).

⁵ In this *Order*, the Commission permanently adopted the interim rule as a final rule, requiring the CEO, CFO, or other senior executive of a TRS provider with first hand knowledge of the accuracy and completeness of the information provided, to make the required certifications under penalty of perjury.

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Also in document FCC 10-88,⁶ the Commission released a *Notice of Proposed Rulemaking (NPRM)*. In the accompany *NPRM*, the Commission sought comment on ways to amend its rules to detect and prevent fraud and misuse in the provision of VRS. The *NPRM* contained potential information collection requirements with respect to the proposed rules. Though the *NPRM* emphasized VRS, many of the proposals would also apply to other or all forms of TRS.

On April 6, 2011, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking (FNPRM)*, Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51, FCC 11-54, adopting rules to detect and prevent fraud and abuse in the provision of VRS. In document FCC 11-54, the Commission took several measures designed to substantially reduce and ultimately eliminate this fraud and abuse while ensuring that VRS remains a viable and a valuable communication tool for Americans who use it on a daily basis. In the accompanying *FNPRM*, the Commission sought comment on ways to revise the certification process to ensure that potential providers receiving certification are qualified to provide Internet-based TRS (iTRS) in compliance with the Commission's rules, and to improve the Commission's oversight of such providers.

On July 28, 2011, the Commission released a Second Report and Order, Structure and Practices of Video Relay Service Program, CG Docket No. 10-51, FCC 11-118, amending its process for certifying iTRS providers as eligible for payment from the Interstate TRS Fund (Fund) for their provision of iTRS, as proposed in the Commission's April 2011 *FNPRM* in the VRS reform proceeding, CG Docket No. 10-51.

On October 17, 2011, the Commission released a Memorandum Opinion and Order (MO&O), Structure and Practices of Video Relay Service Program, CG Docket No. 10-51, FCC 11-155, addressing three petitions related to the Commission's July 28, 2011 iTRS Certification Order, document FCC 11-118, governing Commission certification of iTRS providers for eligibility for compensation from the Fund. In this MO&O, the Commission, in response to Sorenson's petition, revised the burdens contained in the requirement for the submission of documentation of all of a provider's VRS equipment and technologies, and the submission of documentation regarding sponsorship arrangements.

Below, outlines the final information collection requirements contained in documents FCC 10-88, FCC 11-54, FCC 11-118 and FCC 11-155:

A. Provider Certification Under Penalty of Perjury.

The Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other senior executive of a TRS provider shall certify, under penalty of perjury, that: (1) minutes submitted to the Interstate TRS Fund (Fund) administrator for compensation were handled in compliance with section 225 of the Act and the Commission's rules and orders, and are not the result of impermissible financial incentives, or payments or kickbacks, to generate calls, and (2) cost and demand data submitted to the Fund administrator related to the determination of compensation rates or methodologies are true and correct.⁷

⁶ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51. Declaratory Ruling, Order, and Notice of Proposed Rulemaking, 25 FCC Rcd 6012 (2010).

⁷ OMB approved the information collections at the interim stage. By adoption of this *Order*, this requirement becomes a final rule and the specifications of the requirement remains unchanged, however, the burden for the information collection requirement increases slightly due to the number of respondents

Structure and Practices of the Video Relay Service Program; CG Docket No. 10-51**B. Requiring Providers to Submit Information about New and Existing Call Centers**

(1) VRS providers shall submit a written statement to the Commission and the TRS Fund administrator containing the locations of all of their call centers that handle VRS calls, including call centers located outside the United States, twice a year, on April 1st and October 1st. In addition to the street address of each call center, the rules require that these statements contain (1) the number of individual CAs and CA managers employed at each call center; and (2) the name and contact information (phone number and email address) for the managers at each call center.

(2) VRS providers shall notify the Commission and the TRS Fund administrator in writing at least 30 days prior to any change to their call centers' locations, including the opening, closing, or relocation of any center.

C. Data Filed with the Fund Administrator to Support Payment Claims

TRS providers shall provide the following data associated with each TRS call for which a TRS provider seeks compensation in its filing with the Fund Administrator: (1) the call record ID sequence; (2) CA ID number; (3) session start and end times; (4) conversation start and end times; (5) incoming telephone number and IP address (if call originates with an IP-based device) at the time of call; (6) outbound telephone number and IP address (if call terminates to an IP-based device) at the time of call; (7) total conversation minutes; (8) total session minutes; (9) the call center (by assigned center ID number) that handles the call; and (10) the URL address through which the call was initiated.

In addition, all VRS and IP Relay providers shall submit speed of answer compliance data to the Fund administrator.

D. Automated Call Data Collection

TRS providers shall use an automated record keeping system to capture the following data when seeking compensation from the Fund: (1) the call record ID sequence; (2) CA ID number; (3) session start and end times, at a minimum to the nearest second; (4) conversation start and end times, at a minimum to the nearest second;⁸ (5) incoming telephone number (if call originates with a telephone) and IP address (if call originates with an IP-based device) at the time of the call; (6) outbound telephone number and IP address (if call terminates to an IP-based device) at the time of call; (7) total conversation minutes; (8) total session minutes; and (9) the call center (by assigned center ID number) that handles the call.

that are now being compensated from the Interstate TRS Fund.

⁸ The Interstate TRS Fund compensates for conversation minutes, which begin when the called party answers the outbound telephone call from the CA and end when either party to the call hangs up. See generally 47 C.F.R. § 64.604(c)(5)(iii)(E). Conversation minutes do not include time for call set-up, ringing, waiting for an answer, and wrap-up, or calls that reach a busy signal or no answer. This is compared to session minutes, which do include these tasks, to the extent they are necessary to dial and set up a call. We note that the requirement we adopt above to capture conversation and session start and end times to the nearest second are minimum thresholds only, and that providers are free to exceed this measurement by automatically capturing shorter periods of time for these start and end times, for example to the nearest 10th, 100th, or even thousandth of a second.

Structure and Practices of the Video Relay Service Program; CG Docket No. 10-51***E. Record Retention***

Internet-based TRS providers shall retain the following data that is used to support payment claims submitted to the Fund administrator for a minimum of five years, in an electronic format: (1) the call record ID sequence; (2) CA ID number; (3) session start and end times; (4) conversation start and end times; (5) incoming telephone number and IP address (if call originates with an IP-based device) at the time of call; (6) outbound telephone number and IP address (if call terminates with an IP-based device) at the time of call; (7) total conversation minutes; (8) total session minutes; and (9) the call center (by assigned center ID number) that handles the call.

F. Third-party Agreements

(1) VRS providers shall maintain copies of all third-party contracts or agreements so that copies of these agreements will be available to the Commission and the TRS Fund administrator upon request. Such contracts or agreements shall provide detailed information about the nature of the services to be provided by the subcontractor.

(2) VRS providers shall describe all agreements in connection with marketing and outreach activities, including those involving sponsorships, financial endorsements, awards, and gifts made by the provider to any individual or entity, in the providers' annual submissions to the TRS Fund administrator.

G. Whistleblower Protection

TRS providers shall provide information about these TRS whistleblower protections, including the right to notify the Commission's Office of Inspector General or its Enforcement Bureau, to all employees and contractors, in writing. Providers that already disseminate their internal business policies to their employees in writing (*e.g.* in employee handbooks, policies and procedures manuals, or bulletin board postings – either online or in hard copy) must also explicitly include these TRS whistleblower protections in those written materials.

Revised Information Collection:

The collection of information for the “***Required Submission for Waiver Request***” requirement is no longer necessary, as this provision has expired. Therefore, with this submission the collection is removing this requirement from this collection.

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 or households is collected by a third party, TRS providers, and the Fund administrator; and

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- (b) The Commission has no direct involvement in the collection of this information on individuals and households.⁹

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

2. This final requirement for reporting, keeping records and applying for certification for eligibility to provide iTRS will help the Commission and Fund administrator further detect and deter the misuse of relay and the billing of illegitimate minutes to the Fund as one part of the Commission's goals of ensuring that VRS is available to, and used by, the full spectrum of eligible users, encourages innovation, and is provided efficiently so as to be less susceptible to the waste, fraud, and abuse that threaten its long-term viability.
3. At this time, the Commission is not considering the use of improved information technology. Providers may continue to submit all of the required documentation, including certification and monthly call record data and speed of answer data electronically as well as in hard copies. Providers are free to set up their own systems, which may include improved information technology for a seamless electronic delivery.
4. The information is not duplicated elsewhere. This requirement augments previous certification requirements.
5. There will be no significant economic impact on small businesses or small entities. In the July 28, 2011 *iTRS Certification Order*, the Commission attached a Final Regulatory Flexibility Certification (FRFC), which provided an analysis of the economic impact of each of the existing rules on small entities and certified that the requirements of the *iTRS Certification Order* will not have a significant economic impact on a substantial number of small entities.
6. If this information collection is not conducted, the Commission and Fund administrator would have less of a basis to detect and prevent fraud and misuse in the provision of relay. The collections of information and recordkeeping requirements are necessary for the Commission to strengthen its ability to oversee the VRS program which has been vulnerable

⁹ Although the FCC has no direct involvement in the collection of this information on individuals or households, the Commission does require the TRS providers to abide by the requirements of 47 C.F.R. 64.604(a)(2), which states that:

- CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with a limited exception for Speech-to-Speech CAs, from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law;
- CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call;
- Appropriate measures must be taken by relay providers to ensure that confidentiality of TRS users is maintained.

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to waste, abuse and fraud. The Commission must be able to confirm that only eligible providers are in compliance with the standards by having ease access to providers' information on its operational and technical platform for recording call data and billable minutes for compensation from the Fund. Without such information and recordkeeping requirements, the Commission would be limited in its ability to prevent waste and abuse of the Fund.

7. This collection would require respondents to report information to the agency more often than quarterly. This is pursuant to established procedures whereby providers submit data on a monthly basis in support of requests for payment from the Fund. If the reporting occurred only quarterly or less frequently, providers would not get reimbursed from the Fund on the monthly basis they do now.
8. Pursuant to 5 C.F.R. § 1320.8, the Commission placed a notice in the *Federal Register* on May 13, 2014 at 79 FR 27305, seeking comments from the public on the information collection requirements contained in this supporting statement. No comments were received.
9. The Commission does not anticipate providing any payment or gift to any respondents.
10. The Fund administrator keeps all cost and demand data obtained from TRS providers confidential and does not disclose such data in company-specific form unless directed to do so by the Commission.¹⁰
11. This information collection does not address any private matters of a sensitive nature.
12. The following represents the estimates of the hour burdens of the newly added and slightly revised information collection as set forth by the *Report and Order*. Overall, the Commission estimates that there are 14 TRS providers that will be affected by this collection.

Existing Information Collections Requirements

Of the 13TRS providers (respondents), the Commission estimates that:

- 1 provides five forms (all but VRS);
- 1 provides four forms (all but IP Relay and VRS);
- 2 provides three forms (1 provides interstate TRS, CTS, and STS; 1 provides IP Relay, IP CTS, and VRS);
- 2 provides two forms (1 provides CTS and interstate TRS; 1 provides IP CTS and VRS); and
- 7 provides one form (four provide VRS, one potential new provider of IP CTS, one potential new provider of VRS and one potential new provider of IP Relay,¹¹).

¹⁰ The Commission believes, therefore, that 47 C.F.R. 64.604(a)(2) provides sufficient safeguards to protect the information on individuals or households that providers collect as part of their responsibilities, which relieves the Commission of its requirement to complete a privacy impact assessment.

¹¹ Currently, the Commission has a pending application from Miracom for certification for eligibility to provide IP CTS. This estimate includes Miracom as a potential certified IP CTS provider.

Structure and Practices of the Video Relay Service Program; CG Docket No. 10-51**A. Provider Certification Under Penalty of Perjury¹²****Annual Number of Respondents: 13 (applies to all forms of TRS)**

(1) The Commission estimates that each respondent will require approximately .017 hours (1 minute) to certify its submissions under penalty of perjury on a monthly basis.

Annual Burden Hours: 13 respondents x .017 hrs/response/month x 12 months/yr = 2.65 hrs/yr

Annual Number of Responses: 13 respondents x 1 response/month x 12 months/yr = 156 responses/yr

(2) The Commission estimates that each respondent will require approximately .017 hours (1 minute) to certify its annual submission of cost and demand data under penalty of perjury.

Annual Burden Hours: 13 respondents x .017 hrs/response/year = 0.221 hrs/yr

Annual Number of Responses: 13 respondents x 1 response/year = 13 responses/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS 15 step 5) for signing the certification.

The Commission estimates respondents’ costs to be about \$67.88 per hour to complete the requirements:

Total Annual Number of Responses: 156 + 13 = 169

Total Annual Burden Hours: 2.65 hrs/yr + 0.221 hrs/yr = 2.871 hrs/yr (**3 hours/year**)

Total Annual “In-House” Cost: 3 hrs/yr x \$67.88/hour = \$203.64

B. Requiring Providers to Submit Information about New and Existing Call Centers**Annual Number of Respondents: 7 (applies to VRS only)**

(1) The Commission estimates that each respondent will require approximately 16 hours to complete the compilation and submission of a statement detailing the street address of each call center the provider owns, the number of CAs and CA managers employed at

¹² See fn. 9.

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each call center, and the name and contact information for the (phone number and email address) managers of each call center twice a year.

Annual Number of Responses: 7 respondents x 1 response x 2 times/yr = 14 responses/yr

Annual Number of Burden Hours: 7 respondents x 16 hrs x 2 times/yr = 224hrs/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS 15 step 5) to complete the compilation and submission of a statement regarding call center information twice a year.

The Commission estimates respondents’ costs to be about \$67.88 per hour to complete.

Annual “In-House” Cost: 224 hrs/yr x \$67.88 = \$15,205.12

(2) The Commission estimates that each respondent will require approximately .50 hours (30 minutes) to file a letter of notification to the Commission and the TRS Fund administrator of any change to their call centers’ locations, including the opening, closing, or relocation of any center. The Commission further estimates that each respondent may file one such letter of notification twice a year.

Annual Number of Responses: 7 respondents x 1 response x 2 times/yr = 14 responses/yr

Annual Number of Burden Hours: 7 respondents x .50 hr x 2 times/yr = 7 hrs/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS 15 step 5) to file a letter of notification each time there is a change in call centers’ locations, including the opening, closing or relocation of any center.

The Commission estimates respondents’ costs to be about \$67.88 per hour to complete.

Annual “In-House” Cost: 7 hrs/yr x \$67.88 = \$475.16

Total Annual Number of Responses: 14 + 14 = 28

Total Annual Burden Hours: 224 hrs + 7 hrs = 231 hrs

Total Annual “In-House” Cost: \$15,205.12 + \$475.16 = \$15,680.28

C. Data Filed with the Fund Administrator to Support Payment Claims¹³

Annual Number of Respondents: 13 (applies to all forms of TRS)

¹³ The rule setting forth these requirements has been re-designated from 47 CFR 64.604(c)(5)(iii)(C)(2) to 47 CFR 64.604(c)(5)(iii)(D)(2), due to rules adopted in a separate proceeding involving non-interconnected VoIP providers’ obligation to contribute to the Interstate TRS Fund.

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(1) The Commission estimates that each respondent will be required to submit specified call data in order to be compensated from the Fund.

Annual Number of Responses (1 response/form of TRS x 12 months): 5 forms of TRS (1 provider) + 4 forms of TRS (1 provider) + 3 forms of TRS (2 providers) + 2 forms of TRS (2 providers) + 1 form of TRS (7 providers) = 5 + 4 + 6 + 4 + 7 = 26; 26 x 12 = 312 responses/yr

Annual Number of Burden Hours: 300 + 240 + 360 + 240 + 420 = 1,560 hrs/yr

The Commission estimates that each respondent will require approximately 5 hours per data submission per form of TRS to complete the compilation and submission of call data on a monthly basis:

- Five forms of TRS: 1 respondent x 5 forms of TRS x 5 hrs/data submission/form of TRS x 12 months = 300 hrs/yr
- Four forms of TRS: 1 respondent x 4 forms of TRS x 5 hrs/data submission/form of TRS x 12 months = 240 hrs/yr
- Three forms of TRS: 2 respondents x 3 forms of TRS x 5 hrs/data submission/form of TRS x 12 months = 360 hrs/yr
- Two forms of TRS: 2 respondents x 2 forms of TRS x 5 hrs/data submission/form of TRS x 12 months = 240 hrs/yr
- One form of TRS: 7 respondents x 1 form of TRS x 5 hrs/data submission/form of TRS x 12 months = 420 hrs/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15 step 5) to compile and submit specified call data.

The Commission estimates respondents’ costs to be about \$67.88 per hour to complete.

Annual “In-House” Cost: 1,560 hrs x \$67.88/hr = \$105,892.80

(2) There are 8 providers (respondents) that provide VRS and/or IP Relay; 1 provide both, and 7 provide one or the other. The Commission requires providers to submit speed of answer compliance data for each of these services.

Annual Burden Hours: 120 + 420 = 540 hrs/yr

The Commission estimates that 8 VRS and/or IP Relay respondents will require approximately 5 hours per form of TRS to complete the compilation and submission of speed of answer compliance data on a monthly basis.

Providers offering both: 5 hrs/month/VRS + 5 hrs/month/IP Relay = 10 hrs/month

Providers offering one or the other: 5 hrs/month/VRS or IP Relay = 5 hrs/month

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1 respondents x 10 hrs/month (to complete 2 reports) x 12 months = 120 hrs/yr

7 respondents x 5 hrs/month (to complete 1 report) x 12 months = 420 hrs/yr

Annual Number of Responses: 24 + 84 = 108 responses/yr

1 respondents x 2 responses/month x 12 months = 24 responses/yr

7 respondents x 1 response/month x 12 months = 84 responses/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15 step 5) to complete the compilation and submission of data.

The Commission estimates respondents’ costs to be about \$67.88 per hour to complete.

Annual “In-House” Cost: 540 hrs/yr x \$67.88 = \$36,655.20

(3) The Commission estimates that each respondent will require approximately .50 hours (30 minutes) per form of TRS to electronically submit the call record and speed of answer data on a monthly basis:

Annual Burden Hours: 30 + 24 + 36 + 24 + 42 = 156 hrs/yr

- Five forms of TRS: 1 respondent x .50 hrs/month/form of TRS x 5 forms of TRS x 12 months/yr = 30 hrs/yr
- Four forms of TRS: 1 respondent x .50 hrs/month/form of TRS x 4 forms of TRS x 12 months/yr = 24 hrs/yr
- Three forms of TRS: 2 respondents x .50 hrs/month/form of TRS x 3 forms of TRS x 12 months/yr = 36 hrs/yr
- Two forms of TRS: 2 respondents x .50 hrs/month/form of TRS x 2 forms of TRS x 12 months/yr = 24 hrs/yr
- One form of TRS: 7 respondents x .50 hrs/month/form of TRS x 1 form of TRS x 12 months/yr = 42 hrs/yr

Annual Number of Responses (1 response/form of TRS x 12 months): 5 forms of TRS (1 provider) + 4 forms of TRS (1 provider) + 3 forms of TRS (2 providers) + 2 forms of TRS (2 providers) + 1 form of TRS (7 providers) = 5 + 4 + 6 + 4 + 7 = 26; 26 x 12 = 312 responses/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15 step 5) to electronically submit the call record and speed of answer data.

The Commission estimates respondents’ costs to be about \$67.88 per hour to complete.

Annual “In-House” Cost: 156 hrs/yr x \$67.88 = \$10,589.28

Total Annual Number of Responses: 312 + 108 + 312 = 732

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Total Annual Number Burden Hours: $1,560 + 540 + 156 = 2,256$ hrs

Total Annual “In-House” Cost: $\$105,892.80 + \$36,655.20 + \$10,589.28 = \$153,137.28$

D. Automated Call Data Collection

Annual Number of Respondents: 3

The Commission concludes that all new incumbent providers subject to this one-time information collection had implemented an automated system for capturing call data according to the Automated Call Data Collection requirement. Since this requirement is a one-time information collection, it only applies to new potential provider(s). At this time, the Commission identified one new potential provider. The Commission estimates that respondents will require approximately 25 hours per form of TRS offered to complete the implementation of technology that allows automatic capture of the session and conversation times, to the nearest second, and all other data required in the April 2011 *Report and Order* for each call.

The implementation will be performed on a one-time basis.

Annual Number of Responses: 3 respondents (one provider offering one form of TRS)

Annual Number of Burden Hours (One-time): 75 hrs:

- One form of TRS: 3 respondent x 1 form of TRS x 25 hrs/form of TRS = 75 hrs

The Commission assumes that respondents will use “in-house” personnel (GS-15 step 5) whose pay is comparable to senior level federal employees to implement technology that supports automatic call data collection.

The Commission estimates respondents’ costs to be about \$67.88 per hour to complete.

Annual “In-House” Cost: $75 \text{ hrs} \times \$67.88/\text{hr} = \$5,091$

Annualized Burdens -- Though respondents will incur the burdens estimated in this section on a one-time basis, for purposes of cumulative burden estimates, these one-time estimates are annualized over the three-year period for which the Commission seeks approval for this collection. Therefore:

Total Annual Number of Responses: $3/3 = 1$ response/yr

Total Annual Number Burden Hours: $75 \text{ hrs}/3 = 25$ hrs/yr

Total Annual “In-House” Cost: $\$5,091/3 = \$1,697/\text{yr}$

E. Record Retention

Annual Number of Respondents: 8

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The Commission estimates that there will be 8 unique providers (respondents) that provide VRS, IP Relay, and/or IP CTS. 1 provides all three; 2 provides two forms (one IP Relay and IP CTS, and one IP CTS and VRS); 5 provides one form (4VRS; and 1 IP CTS).

Annual Number of Responses: (1 provider x 3 responses) + (2 provider x 2 responses) + (5 providers x 1 response) = 12 responses/yr

Annual Number of Burden Hours: 15 hrs + 20 hrs + 25 hrs = 60 hrs/yr

The Commission estimates that each respondent will require approximately 5 hours per form of Internet-based TRS to retain its call detail records, other records that support its claims for payment from the Fund, and those records used to substantiate the costs and expense data submitted in the annual relay service data request form, for five years. Though the record keeping requirement entails record retention for five years, the burden is incurred once per year as new records are added and those older than five years are purged.

1 respondents x 3 forms of TRS x 5 hrs/form of TRS = 15 hrs/yr

2 respondents x 2 forms of TRS x 5 hrs/form of TRS = 20 hrs/yr

5 respondents x 1 form of TRS x 5 hrs/form of TRS = 25 hrs/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15 step 5) for record keeping.

The Commission estimates respondents’ costs to be about \$67.88 per hour to complete.

Annual “In-House” Cost: 60 hrs/yr x \$67.88 = \$4,072.80

F. Third-party Agreements

Annual Number of Respondents: 7 (VRS)

(1) The Commission estimates that each respondent will require approximately 5 hours per year to maintain copies of all third-party contracts or agreements so that copies of these agreements containing detailed information will be available to the Commission and the TRS Fund administrator upon request.

Annual Number of Burden Hours: 7 respondents x 5 hrs x 1/yr = 35 hrs/yr

Annual Number of Responses: 7 respondents x 1 response x 1/yr = 7 responses/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15 step 5) to maintain copies of all third-party contracts or agreements.

The Commission estimates respondents’ costs to be about \$67.88 per hour to complete.

Annual “In-House” Cost: 35 hrs/yr x \$67.88 = \$2,375.80

(2) The Commission estimates that each respondent will require 5 hours to describe all agreements in connection with marketing and outreach activities, including those involving

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sponsorships, financial endorsements, awards, and gifts made by the provider to any individual or entity, in the providers' annual submissions to the TRS Fund administrator.

Annual Number of Responses: 7 respondents x 1 response x 1/yr = 7 responses/yr

Annual Number of Burden Hours: 7 respondents x 5 hrs x 1/yr = 35 hrs/yr

The Commission assumes that respondents will use "in-house" personnel whose pay is comparable to senior level federal employees (GS-15 step 5) to describe in details all agreements in the providers' annual submissions to the TRS Fund administrator.

The Commission estimates respondents' costs to be about \$67.88 per hour to complete.

Annual "In-House" Cost: 35 hrs/yr x \$67.88 = \$2,375.80

Total Annual Number of Responses: 7 + 7 = 14

Total Annual Number Burden Hours: 35 + 35 = 70 hrs

Total Annual "In-House" Cost: \$2,375.80 + 2,375.80 = \$4,751.60

G. Whistleblower Protection

Annual Number of Respondents: 13

The Commission estimates that each respondent will require 3 hours to distribute information about whistleblower protections, including the right to notify the Commission's Office of Inspector General or its Enforcement Bureau, to all TRS employees and contractors, in writing. Such notification can be distributed in employee handbooks, policies and procedures manuals, or bulletin board postings – either online or in hard copy.

Annual Number of Responses (1 response/form of TRS x one per year)

5 forms of TRS (1 provider) + 4 forms of TRS (1 provider) + 3 forms of TRS (2 providers) + 2 forms of TRS (2 providers) + 1 forms of TRS (7 providers) = 5 + 4 + 6 + 4 + 7 = 26 x 1/year = 26 responses/yr

Annual Number of Burden Hours: 15 + 12 + 18 + 12 + 21 = 78 hrs/yr

The Commission estimates that each respondent will require approximately 3 hours to distribute information about whistleblower protections for each form of TRS on an annual basis:

- Five forms of TRS: 1 respondent x 5 forms of TRS x 3 hrs per distribution = 15 hrs/yr
- Four forms of TRS: 1 respondents x 4 forms of TRS x 3 hrs per distribution = 12 hrs/yr
- Three forms of TRS: 2 respondents x 3 forms of TRS x 3 hrs per distribution = 18 hrs/yr

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- Two forms of TRS: 2 respondents x 2 forms of TRS x 3 hrs per distribution = 12 hrs/yr
- One form of TRS: 7 respondents x 1 form of TRS x 3 hrs per distribution = 21 hrs/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15 step 5) to distribute information about whistleblower protections.

The Commission estimates respondents’ costs to be about \$67.88 per hour to complete.

Annual “In-House” Cost: 78 hrs x \$67.88/hr = \$5,294.64

ANNUAL TOTALS FOR INFORMATION COLLECTION REQUIREMENTS:

Total of Annual Number of Respondents: 13

Total Annual Number of Responses:

169 + 28 + 732 + 1 + 12 + 14 + 26 = **982**

Total of Annual Burden Hours:

3 + 231 + 2,256 + 25 + 60 + 70 + 78 = **2,723**

Total of Annual “In-House” Costs:

\$203.64 + \$15,680.28 + \$153,137.28 + 1,697 + \$4,072.80 + \$4,751.60 + \$5,294.64 = **\$184,837.24**

13. The Commission estimates that TRS providers will incur some cost for the following:

(1) Implementation of technological infrastructure – likely software -- to automatically capture of the session and the conversation times, to the nearest second, and all other data required for each TRS call, per 12(D); and

(a) The Commission estimates conservatively at this juncture that the 3 new potential respondents will purchase such software at up to \$5,000. The Commission further estimates that such software would have a useful life of 10 years.

3 new potential respondent x \$5,000 / 10 yrs = \$1,500/yr

(2) record storage facilities for retaining records for five years, per 12(E) above.

(a) The Commission estimates that the new 3 potential respondents will need to spend \$2,600 per year for additional server space, memory, communications, and backup/recovery service, including maintenance, associated with a requirement to retain records for five years, per 12(E) above.

3 new potential respondents x \$2,600 /yr = \$7,800/yr

(a) Total annualized capital/start-up costs: \$1,500

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(b) Total annual costs (operation and maintenance): \$7,800

(c) Total annualized costs requested: \$1,500 + \$7,800 = **\$9,300**

14. The Commission believes that the costs to the Federal government emanating from these final information collections will involve:¹⁴

(a) initial staff review of the call data information and speed of answer compliance data, and of existing and new call center information; and

(b) senior staff review of issues identified and escalated from the initial staff review of information and data.

(a) The Commission will use staff attorneys at the GS-14/5 level to review this information. The Commission estimates the time to review this information will be approximately 12 hours per month = 144 hours annually.

144 hrs x \$57.70/hr = \$8,308.80

(b) The Commission will use staff attorneys at the GS-15/5 level to review escalated issues and information. The Commission estimates the time to review this information will be approximately 25 hours per month = 300 hours annually.

300 hrs x \$67.88/hr = \$20,364

Total Cost to the Federal Government: \$8,308.80 + \$20,364 = **\$28,672.80**

15. There are program changes/decreases to the annual number of responses of **-6** and to the annual burden hours of **-450** hours. These program changes/decreases are due the Commission removing the “**Required Submission for Waiver Request**” requirement from this collection because it is no longer necessary, as this provision has expired.

The Commission also re-evaluated the assessment of the burdens for this information collection and determined there has been adjustments/decreases to the total annual number of respondents of **-7**, to the total annual number of responses of **-435**, to the total annual burden hours of **-1,459**, and to the total annual cost of **-\$26,300**.

16. There are no plans to publish the results of the collection of information.

17. The Commission is not seeking approval not to display the expiration date for OMB approval of this collection of information.

¹⁴ The costs estimated here are in addition to the much-greater time and costs associated with the Fund administrator’s review of such data and information. While working under contract with the Federal government and at the direction of the Commission, the costs associated with the Fund administrator’s work related to the final information collections are not taken into account in the estimated costs to the Federal Government pursuant to Question 14 of the Supporting Statement.

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18. There are no 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.