

## Survey Planning and Design Document

### Survey of the Trade Community on preliminary-phase Title VII investigation proceedings

The U.S. International Trade Commission (USITC) is implementing a survey to gather user feedback to aid in evaluating the preliminary-phase investigation proceedings. Feedback on our process and procedures in the preliminary phase could improve information gathering, streamline processes, and enhance transparency.

#### A. The Survey Population

This will be a voluntary, web-based survey. The survey population likely will include trade counsel alerted to the survey through several means. The principal avenue will be through email notifications to the agency's pre-existing list of self-subscribing entities as well as a list of organizations that USITC staff believes may have an interest in the survey. In addition, information on how to participate in the survey will be featured on the USITC's internet home page ([www.usitc.gov](http://www.usitc.gov)).

#### B. Field Testing

In March 2017 the USITC field tested the survey with regard to scope and clarity of questions. Individuals with the organizations presented in the table below were identified as participants for field testing of the survey.

Name	Organization
Kathleen Cannon	Kelly Drye & Warren LLP
Alan Price	Wiley Rein LLP
James R. Cannon, Jr.	Cassidy Levy Kent (USA) LLP
Julie C. Mendoza	Morris Manning & Martin, LLP
Gregory Spak	White & Case
Matthew R. Nicely	Hughes Hubbard & Reed LLP
Bruce Malashevich	Economic Consulting Services LLC

The following table presents comments from field test participants and actions taken in response to those comments. Comments on the survey were received from Ms. Cannon, Mr. Nicely, Mr. Cannon, and Mr. Malashevich.

Field Tester	Recommendation	Comment/Solution
Kathleen Cannon	I think the survey is clear and does not impose much of a burden on responding parties. I would suggest two items for possible consideration:  1. On question 2, while the questions ask generally about the nature of staff questions, I think it would be useful to add a specific question	Not adopted. Previous survey (i.e. 2015) specifically requested

	<p>regarding the clarity and ease of responding to the ITC questionnaire. You might also want to follow that with a request for any comments on ways to improve the questionnaire generally.</p> <p>2. On question 4a/b/c, the questions all go to the proposed reversal of petitioner/respondent order at a preliminary conference. I would propose another option for consideration: requiring responding parties to identify in opening statements any issues that they plan to contest. For example, the Commission could provide a simple checklist of issues (domestic like product, related party exclusions, negligibility, and cumulation) and ask respondents to state whether they will be challenging petitioners on those issues. An additional couple of minutes could be added to respondents' time for opening statement to address those points.</p>	<p>feedback on ITC questionnaires. ITC adopted some of the feedback and continues to evaluate implementation.</p> <p>Revised survey question #4 to allow for similar comment/feedback.</p>
Matthew Nicely	<p>You may wish to add more detail regarding "USITC facilities" {Question #2}, otherwise you won't know exactly what someone might be complaining about. Size of room and availability of adequate seating, use of overhead projector, are issues that come to mind. Your question won't solicit this kind of specific information unless you add more details beyond "USITC facilities".</p>	<p>Revised survey question #2 to reflect comments.</p>
James R. Cannon, Jr.	<p>Add a second question (#4 c): Do you have any suggestions regarding a process that would permit the parties to indicate agreement on issues, such as the like product, in order to forego extensive questions with respect to an issue on which there is agreement?</p>	<p>Revised survey question #4c to provide similar feedback.</p>
Bruce Malashevich	<p>Question 2: The second to last factor reads as follows: "Ease in communicating with staff on post-conference information requests." We suggest eliminating "on post-conference information requests," so the factor reads simply, "Ease in communicating with staff." This would likely be more useful, since there is often coordination needed with Staff prior to the conference (e.g., communicating about the timing of APO releases, questions about the content of APO releases, etc.).</p> <p>Question 4a: We suggest deleting the second sentence, which reads "How would reversing this order affect your ability to provide information and argument in the conference?" and replacing it with the following question: "Are there any advantages or disadvantages that this order of direct testimony creates for petitioners or for</p>	<p>Revised survey to incorporate suggestion (question #2).</p> <p>Revised survey to incorporate both suggestions for question #4.</p>

	<p>respondents in providing information and argument in the conference?” Then, provide space for a list of Advantages and Disadvantages in this question, rather than in 4b.</p> <p>Question 4b: We suggest replacing question 4b with the following: “Are there ways in which the advantages and disadvantages you cite in your response to Question 4a could be addressed to make the opportunity for direct testimony more equitable? How would changing the order of direct testimony (respondent parties first, followed by petitioning parties) change the current balance of advantages and disadvantages for petitioners and respondents?”</p> <p>Question 6a: This question asks the responding firm to use a scale 1-5, but it also presents a table for the firm to fill out that uses a scale ranging from Excellent to Don’t use. This is somewhat confusing, and the responding firm might be unsure how to respond to this question.</p>	<p>Modified question #6 to incorporate suggestion.</p>
<p>Maureen Thorson</p>	<p>Question 4 asks whether respondents have received questionnaires from government agencies in non-trade situations and, if so, to comment on the relative ease of response. We foresee three potential problems with this question.</p> <ul style="list-style-type: none"> <li>• First, it is not clear how a “questionnaire” is being defined for purposes of the question. Many types of documents could reasonably be framed as government questionnaires (i.e., requests for information) or responses thereto – including tax returns and SEC disclosures – but it is not certain that the ITC would benefit from comparisons of its questionnaires against these types of requests.</li> <li>• Relatedly, because government requests may cover vastly different topics and be for vastly different purposes, it may be difficult to make useful comparisons against ITC questionnaires. For example, a company may receive a CF-28 Request for Information from U.S. Customs and Border Protection, asking the company to support the claimed classification of an import entry. These usually take the form of 1-page requests for specific documents; they are therefore quite different from ITC questionnaires, and the “ease” of responding is generally unrelated to the formatting of the request itself or to its length – it will depend primarily on whether the company actually has supportive documents.</li> <li>• Finally, because there are so many different types of information requests that a company can receive, it is unlikely that the ITC will get full or accurate responses to</li> </ul>	<p>Revised survey to reflect changes to questions (#4a and #4b).</p> <p>Because the goal is to assess desirable elements from other data collection instruments, question 4 was not eliminated. However, “questionnaire” was defined and the required response specificity was reduced to “Please describe any features of these questionnaires that you feel could be applied to the USITC’s questionnaires to improve information gathering.”</p>

	<p>the question in any event, if only because the persons responding to the question are unlikely to be familiar with the full gamut of potentially relevant information requests that their companies or clients receive.</p> <p><b>It may therefore make more sense for the agency to delete question 4, and rely on the trade-action-specific responses it gets with respect to Question 3.</b></p>	
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C. Reporting Burden and Projected Cost

Total number of survey respondents:	(No.)	Not to exceed 100
Frequency of response:	(No.)	1
Average completion time per survey:	(hours)	0.50
Total burden:	(hours)	50 hours
Total cost:	(dollars)	\$3,765 (50 hours X \$75/per hour)

Note: The hourly cost estimate reflects the average USITC employee hourly cost for FY17 YTD.