

Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 03-112**SUPPORTING STATEMENT****A. Justification:**

1. Section 225 of the Communications Act of 1934, as amended (the Act), requires that:¹

(a) The Commission ensures that telecommunications relay service (TRS)² is available, to the extent possible and in the most efficient manner, to persons with hearing or speech disabilities in the United States;³ and

(b) TRS offers persons with hearing and speech disabilities telephone transmission services that are “functionally equivalent” to voice telephone services.⁴

47 C.F.R. 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 certification.

History:

On June 17, 2003, the Commission released *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Americans with Disabilities Act of 1990*, CC Docket No. 98-67, CG Docket No. 03-123, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, 18 FCC Rcd 12379 (2003) (*2003 Second Improved TRS Order*), published at 68 FR 50993, August 25, 2003. In this order, the Commission required that TRS providers offer certain local exchange carrier (LEC)-based improved services and features where technologically feasible, several additional types of TRS calls, and other services and features through which consumers with varying needs, abilities, and preferences may access and use TRS. These mandatory minimum requirements included a speed dialing requirement in 47 C.F.R. § 64.604(a)(3), which may entail voluntary recordkeeping for TRS providers to maintain a list of telephone numbers.

The Commission, however, waived the speed dialing requirement, among many other requirements, for Video Relay Service (VRS) and Internet Protocol (IP) Relay providers until January 1, 2008.

¹ Section 225 was added to the Act by Title IV of the Americans with Disabilities Act of 1990 (ADA).

² TRS is a telephone transmission service that allows an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communications by wire or radio with one or more individuals, a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. telecommunications relay services” means telephone transmission services that provide the ability for to engage in communication by wire or radio 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.³ See 47 CFR § 64.601(14). 47 U.S.C. § 225(a)(3)

³ 47 U.S.C. § 225(b)(1).

⁴ 47 U.S.C. § 225(a)(3).

Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 03-112

On December 26, 2007, the Commission's Consumer and Governmental Affairs Bureau (Bureau) extended most of the VRS and IP Relay mandatory minimum standards waivers for one year (*i.e.*, until January 1, 2009), including the speed dialing requirements for IP Relay, though it allowed others to expire, including the waiver of the speed dialing requirement for VRS.⁵ On December 24, 2008, the Bureau released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 23 FCC Rcd 18334 (CGB 2008), in which it extended most of the VRS and IP Relay mandatory minimum standards waivers for another year, until January 1, 2010, though waiver of the speed dialing requirement for IP Relay expired on April 30, 2009.⁶

On January 11, 2007, the Commission released a Declaratory Ruling granting IP Captioned Telephone Service (IP CTS) providers an indefinite waiver of the speed dialing requirement.⁷

Therefore, the Commission is requesting OMB approval for a three year extension of the information collection requirement contained in the ***Speed Dialing Requirement***

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

The statutory authority for this information collection is found at section 225 of the Act, 47 U.S.C. § 225. The law was enacted on July 26, 1990, as Title IV of the ADA, Public Law 101-336, 104 Stat. 327, 366-69.

2. The Commission allowed the waiver for the speed dialing requirement to expire because providers have demonstrated that it is technologically feasible to offer this feature. The Commission therefore requires that providers of IP Relay and VRS offer the speed dialing feature so that users would be able to use TRS that is functionally equivalent to a telephone service which is mandated under Section 225 of the Communications Act. Providers of IP Relay and VRS are required to maintain a list of telephone numbers in order to fulfill the speed dialing requirement which such feature is an integral component of a functionally equivalent telephone service. The Commission does not anticipate receiving this information from providers for its internal purpose.
3. The information collection requirements at issue here are mainly narratives which do not lend themselves to automation. The Commission, however, permits them to be submitted electronically. To the extent a provider voluntarily maintains a list of telephone numbers in order to fulfill the speed dialing requirement, the provider is free to employ any automated technique it wishes to reduce the burden.
4. There are comparable information collection requirements regarding the Commission's provider certification process previously reported in this collection 3060-1047, in which the Commission

⁵ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 22 FCC Rcd 21869 (CGB 2007), published at 73 FR 9031, February 19, 2008.

⁶ The Commission has extended the TRS mandatory minimum standards waivers on two occasions, until July 1, 2011 and subsequently until July 1, 2012.

⁷ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd at 393, published at 72 FR 6960, February 14, 2007.

Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 03-112

is now removing and placing under OMB control number 3060-1047, respectively, to avoid duplication.

5. While the Commission believes that the burdens associated with this collection are relatively minimal to begin with, as a practical matter, they are further minimized by the fact that at least the cost of maintaining a list of telephone numbers to support the speed dialing feature, as well as attendant costs of recordkeeping and reporting, may be included as expenses in calculating interstate TRS reimbursement rates. Therefore, there are no significant economic impacts on small businesses or small entities.
6. Providers who do not have a waiver of the speed dialing requirement may choose to maintain a list of telephone numbers in order to fulfill that requirement. Eliminating the voluntary collection associated with that requirement would diminish the alternatives available to providers for meeting the requirement, and may lead to greater costs to the TRS program. In addition, to the extent that providers satisfy the requirement in part through maintaining a list of telephone numbers, they are free to pursue other methods of satisfying the requirement that do not involve such recordkeeping.
7. These collections of information are not being conducted in any manner that is inconsistent with the guidelines of 5 C.F.R. § 1320.5(d).
8. On August 26, 2014, pursuant to 5 C.F.R. § 1320.8(d), the Commission published a notice in the *Federal Register* soliciting comment on the collections of information. See 79 FR 50911, 2014. The Commission received no comments in response to the notice.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. The Commission is not requesting that respondents submit confidential information, and therefore is not providing assurances of confidentiality to respondents, pursuant to this collection. If the Commission requests that respondents submit information which the respondents believe is confidential, respondents may request confidential treatment of such information pursuant to 47 C.F.R. § 0.459.
11. There are no questions of a sensitive nature as part of these collections of information.
12. The Commission has modified its estimates for the numbers of respondents, responses, annual burden hours, and annual in-house costs accordingly:

Speed Dialing Requirement

47 C.F.R. § 64.604(a)(3) – Recordkeeping for the speed dialing feature:

The Commission estimates approximately 23 TRS providers (respondents) voluntarily will maintain a list of telephone numbers for this feature, and further that this process will require each such provider approximately 5 hours per year to complete.

20 respondents x 1 list/respondent/yr = 20 lists/yr (responses)

20 respondents x 5 hrs/respondent to maintain lists = 100 hrs

Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 03-112

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to a GS-12/5 (\$41.07) to maintain a list of telephone numbers.

20 respondents x 5 hrs/respondent x \$41.07/hr = \$4,107

Annual Totals:

Total number of respondents: 20 respondents

Total number of responses: 20 responses

Total annual hourly burden: 100 hours

Total “in-house” cost: \$4,107

13. The only potential “outside” cost burden to respondents could be for software related to the maintaining of telephone number lists pursuant to the speed dialing requirement of 47 C.F.R. § 64.604(a)(3). The Commission believes, however, that such software either would be a standard component of office computer “suites,” or should be readily available “off the shelf.” Therefore, the Commission estimates that up to 20 respondents will purchase such software at up to \$100 per provider. The Commission further estimates that such software would have a useful life of 10 years. Thus:
 - (a) Total annualized capital/start-up cost: \$200
 - (b) Total annual costs (operation and maintenance): \$0
 - (c) Total annualized cost requested: \$200
 14. There are no costs to the Federal government for this collection of information.
 15. The Commission has re-evaluated its previous assessments contained in this information collection to account for more precise data, and has concluded the following adjustments: a decrease in the total annual number of respondents of -3, from 23 to 20 respondents, a decrease in the total annual number of responses, -3, from 23 to 20 responses, a decrease in the total annual burden hours of -15, from 115 to 100 hours; and a decrease in the total annual cost of -\$30, from \$230 to \$200. There are no program changes.
 16. The results of these collections of information are not planned to be published.
 17. The Commission is not seeking approval not to display the expiration date for OMB approval of these collections of information, because the collections do not include a specific form.
 18. There are no exceptions to the certification statement.
- B. Collections of Information Employing Statistical Methods**

Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 03-112

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