

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

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) 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

(e) 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

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).

² 47 U.S.C. § 225(b)(1).

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use of existing technology and not discourage or impair the development of improved technology.”

- (f) 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*). 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

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 Docket No. 03-123, FCC 05-141, 20 FCC Rcd 13195 (2005) (*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).

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*). The Commission waived certain TRS mandatory minimum standards for captioned telephone relay service, a form of TRS.

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*). The Commission concluded that Internet Protocol captioned telephone service (IP CTS) 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. In addition, the Commission clarified that certain mandatory minimum standards did not apply to IP CTS.

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 Further Notice of Proposed Rulemaking, FCC 13-118, 28 FCC Rcd 13420 (2013) (*IP CTS Reform Order*), to regulate practices relating to the marketing of IP CTS, impose certain requirements for the provision of this service, and mandate registration and certification of IP CTS users.

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

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- (a) In the *IP CTS Reform Order*, the Commission adopted 47 C.F.R. § 64.604(c)(9). 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 the user (1) 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 who are not already registered in accordance with the Commission's rules. 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).
- (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.

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- (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 a 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). The hardship exemption rules included certification, reporting, and recordkeeping requirements.

On June 20, 2014, the DC Circuit vacated 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 and the rule requiring providers to maintain captions-off as the default setting for IP CTS equipment.⁴ On August 19, 2014, the Court issued its mandate ordering that these rules be vacated.⁵ As a result, the certification, recordkeeping, and reporting requirements for the hardship exemption to the captions default-off requirement, 47 CFR 64.604(c)(10)(iv), are no longer included in the supporting statement.

On August 22, 2014, the Commission issued *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Waivers of iTRS Mandatory Minimum Standards*, CG Docket No. 03-123, Report and Order, Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 10697 (2014) (*iTRS Waiver Order*). The Commission made permanent waivers of certain TRS mandatory minimum standards and eliminated waivers of other TRS mandatory minimum standards for IP CTS and CTS. The Commission also eliminated the requirement that IP CTS and CTS providers file annual reports regarding the TRS mandatory minimum standards. As a result, the annual reports for waived TRS mandatory minimum standards are no longer included in the supporting statement.

⁴ *Sorenson Communications, Inc. and CaptionCall, LLC v. FCC*, 755 F.3d 702 (D.C. Cir. 2014) (*Opinion of the Court*).

⁵ *Sorenson Communications, Inc. and CaptionCall, LLC v. FCC* (D.C. Cir., Nos. 13-1122 and 13-1246, August 19, 2014) (*Mandate of the Court*).

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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 Commission’s rules require IP CTS provider to maintain a consumer complaint log that must be submitted to the Commission annually. *See* 47 C.F.R. § 64.604(c)(1)(i), (ii). 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 summary of the complaint log to the Commission.

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 *IP CTS Reform Order* also places labeling requirements on IP CTS providers. In addition, the *IP CTS Reform Order* requires maintenance of records of these new requirements.

- (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 loss 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 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 loss that necessitates use of the service, thereby preventing waste and abuse of the Fund that add

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.

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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 loss 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 loss that necessitates use of the service, thereby preventing waste and abuse of the Fund.
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 five respondents (the five IP CTS providers) that will be required to provide information directly to the Commission. Consumers affected by this information collection will be providing information to the IP CTS providers, and not to the Commission. The IP CTS providers are required to maintain complaint logs with their internal information technology. The IP CTS providers are free to set up their own systems, which may include improved information technology, to obtain registration and certification information.
 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 CTS 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 Reform Order*, there are currently only five entities providing 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*

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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Reform Order will not have a significant economic impact on a substantial number of small entities.

6. The Commission's rules require IP CTS providers to file annual summaries of consumer complaint logs with the Commission. The complaint log summaries must indicate the number of complaints for the 12-month period ending May 31. If such an information collection is not completed, IP CTS providers will not be eligible to receive compensation from the Interstate TRS Fund.

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) 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;
- (d) maintenance of records as to distribution of equipment labels; and
- (e) 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 loss 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 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 November 21, 2014 (79 FR 69475) 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 respondents.

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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.

As to the collections required by 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. Moreover, sections 64.604(c)(9)(x) requires that IP CTS providers maintain the confidentiality of the registration and certification 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.

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12. The following represents the estimates of hour burden of the collection of information affected by the *Two-Line Captioned Telephone Order, IP CTS Declaratory Ruling, and IP CTS Reform Order*:

Reevaluation of Existing Information Collection Requirements

Two-Line Captioned Telephone Order

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. Therefore, the same reporting requirements apply to providers of *two-line* captioned telephone service.

The Commission has permanently exempted one-line and two-line captioned telephone service providers from various mandatory minimum standards for the provision of TRS and no longer requires annual waiver reports from one-line and two-line captioned telephone service providers. *See iTRS Waiver Order*.

At present, 3⁸ 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 3 providers (respondents) would maintain a consumer compliant log and file a summary of the complaint log with the Commission.

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

3 respondents x 1/complaint log submission = 3 responses

3 respondents x 8 hours/maintain complaint log = 24 hours

The Commission estimates that respondents will utilize “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.

3 respondents x 1/complaint log submission x 8 hours/maintain consumer complaint log submission x \$67.88 = \$1,629.12

Two-Line Captioned Telephone Order Totals are as Follows:

Total annual number of respondents: 3

Total number of responses: 3

Total annual burden hours: 24 hours

⁸ The three TRS providers providing *one-line* and *two-line captioned* telephone service are AT&T, Hamilton, and Sprint.

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Total “in house” costs: \$1,629.12

IP CTS Declaratory Ruling

In the *IP CTS Declaratory Ruling*, the Commission concludes that IP CTS is a type of TRS eligible for compensation from the Interstate TRS Fund. Providers must offer service in compliance with all applicable TRS mandatory minimum standards. The Commission has permanently exempted IP CTS providers from various mandatory minimum standards for the provision of TRS and no longer requires annual waiver reports from IP CTS providers. See *iTRS Waiver Order*.

The Commission estimates that the 5⁹ providers of IP CTS will each maintain a log of consumer complaints and file a summary of the complaint log with the Commission.

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

The Commission estimates that respondents will utilize “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

IP CTS Declaratory Ruling Totals are as follows:

Total annual number of respondents: 5

Total number of responses: 5

Total annual burden hours: 40 hours

Total “in house” costs: \$2,715.20

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. In the *IP CTS Reform Order*, section 64.604(c)(9) of the rules requires that to be

⁹ The five providers of IP CTS service are Hamilton, Sprint, Purple, Sorenson, and InnoCaption.

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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).

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 five IP CTS providers 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: New Consumer Registration/Certification

The Commission estimates that each IP CTS provider will spend approximately 30 minutes (.50 hour) collecting, filing, and maintaining all of the registration and certification information from each new IP CTS consumer. 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 Respondents¹⁰

5 IP CTS providers

Annualized Number of Responses: 36,000

7,200 responses per respondent on average

Annualized Burden Hours: 18,000 burden hours for all 5 IP CTS providers

36,000 responses x .50 hour = 18,000

Annualized “In-House” Cost: \$509,760.00

18,000 hours x \$28.32 = \$509,760.00 total cost to all 5 IP CTS providers

2. New Consumers: Registration and Self-Certification

The Commission estimates that each consumer will spend on average approximately 1 hour to complete the self-certification form and register for service. This is a one-time requirement.

Annualized Number of Respondents: 36,000 consumers

Annualized Number of Responses: 36,000

¹⁰ Collectively, there are approximately 5 IP CTS providers affected by this information collection. However, there are several instances where only 4 IP CTS providers are subject to certain information collection requirements.

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Annualized Burden Hours: 36,000 hours
36,000 respondents x 1 hour/respondent

Annualized “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: 36,005 Respondents

IP CTS Providers: 5

New Consumer Respondents: 36,000

Total Annualized Number of Responses: 72,000 Responses

IP CTS Provider Registration and Certification Collections: 36,000

Consumer Registration/Certifications: 36,000

Total Annualized Burden Hours: 54,000 hours

IP CTS Provider Registration and Certification Collections: 18,000

Consumer Registrations/Certifications: 36,000

Total Annualized “In House” Costs: \$509,760.00

IP CTS Provider Registration and Certification Collections: \$509,760.00

New Consumers: \$0

B. IP CTS Existing Consumers Registration and Self-Certification

1. IP CTS Providers: Existing Consumer Registration/Certification

There is also the one-time task of reaching out to, and collecting self-certifications from the approximately 112,000 existing consumers.¹¹ This is a one-time requirement that **will take place within the first year.**

The Commission estimates that each of four IP CTS providers¹² will spend approximately one hour reaching out to existing consumers, collecting, filing and maintaining all self-certification and certification information from each existing IP CTS consumer. The Commission further estimates that each provider will utilize personnel whose pay is comparable to mid-level federal

¹¹ The Commission estimates that there were approximately 150,000 existing IP CTS consumers. However, the Commission’s rules requiring self-certifications became effective on August 28, 2014. See 79 FR 51445. The Commission estimates that the number of existing consumers who must provide self-certifications has decreased from 150,000 consumers to 112,000 consumers due to the number of estimated existing consumers who provided self-certifications since August 28, 2014.

¹² There is one IP CTS provider whose interim authorization was granted subsequent to the adoption of the *IP CTS Reform Order* and the authorization was conditioned on the provider registering all consumers prior to commencing service. As a result, that provider has no pre-existing consumers and thus is not included in these calculations.

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employees—GS-9/Step 5 level (\$28.32/hour) to collect such information. As noted, this needs to be done only one- time.

Annual Number of Respondents: 4 Respondents

4 IP CTS Providers

Annual Number of Responses (all within the first year): 112,000 Responses

28,000 Responses per Respondent on Average

Annual Burden Hours (all within the first year): 112,000 Hours

112,000 Responses x 1 hour = 112,000 burden hours for all 4 IP CTS providers

Annual “In-House” Cost (all within the first year): \$3,171,840.00

112,000 hours x \$28.32 = \$3,171,840.00 total cost to all 4 IP CTS providers

2. Existing Consumers: Registration and Certification

The Commission estimates that approximately one half of existing consumers received equipment at a price of \$75 or more and will spend on average approximately one hour to complete the self-certification form and register for service. The Commission further estimates that approximately one half of existing consumers received equipment for free or at a cost below \$75 and will spend on average approximately two hours to complete registration and self-certification and obtain professional certification. This is a one-time requirement that will take place within the first year.

Annual Number of Respondents: 112,000 Respondents

112,000 consumers

Annual Number of Responses (all within the first year): 112,000

Annual Burden Hours (all within the first year): 168,000 hours

56,000 respondents x 1 hour/respondent = 56,000 hours

56,000 respondents x 2 hours/respondent = 112,000 hours

Annual “In-House” Cost (all within the first year): No cost is attributed to such consumer burden hours.

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

Total Annual Number of Respondents: 112,004 Respondents

Provider Respondents: 4

Existing Consumers: 112,000

Total Annual Number of One-Time Responses (all within the first year): 224,000 Responses

IP CTS Provider Registration and Certification Collections: 112,000

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Existing Consumers Registration/Certifications: 112,000

Total Annual One-Time Burden Hours (all within the first year): 280,000 Hours

IP CTS Provider Registration and Certification Collections: 112,000 hours
Existing Consumers Registration/Certifications: 168,000 hours

Total Annual One-time “In-House” Cost (all within the first year): \$3,171,840.00

IP CTS Provider Registration and Certification Collections: \$3,171,840.00
Existing Consumers: \$0

C. 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 and notification requirements for new and existing equipment and software. Labels must be printed and adhered to new IP CTS equipment and notifications must appear on the device screen each time the consumer logs into IP CTS 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 112,000 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 creating notifications for new software and preserving records of each such labeling and notifications. 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: \$254,880.00

9,000 hours x \$28.32 = \$254,880.00 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

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For existing equipment, there is a one-time requirement that providers mail instructions and labels to users and keep records of such distribution. The Commission estimates that four IP CTS providers¹³ 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): 112,000 Responses¹⁴

28,000 responses per respondent on average

Annual One-Time Burden Hours (all within the first year): 28,000 Hours

112,000 responses x .25 hour = 28,000 burden hours for all 4 IP CTS providers

Annual One-Time “In-House” Cost (all within the first year): \$792,960.00

28,000 hours x \$28.32 = \$792,960.00 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: 112,000 Respondents

112,000 existing consumers with equipment

Annual Number of One-Time Responses (within the first year): 112,000 Responses

1 response each x 112,000 consumers = 112,000 responses

Annual One-Time Burden Hours (within the first year): 28,000 Hours

112,000 responses x .25 hour = 28,000 burden hours for 112,000 consumers

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

¹³ There is one IP CTS provider whose interim authorization was granted subsequent to the adoption of the *IP CTS Reform Order*, and the authorization was conditioned on the provider ensuring that the required notification is displayed each time the user logs in to the providers’ application. As a result, that provider has no pre-existing consumers and thus is not included in these calculations.

¹⁴ The Commission estimates that there were approximately 150,000 existing IP CTS consumers. However, the Commission’s rules requiring labeling of existing consumers’ IP CTS equipment became effective on July 11, 2014. See 79 FR 40003. The Commission estimates that the number of existing consumers whose equipment must be labeled has decreased from 150,000 consumers to 112,000 consumers due to the number of existing consumers who provided self-certifications since July 11, 2014.

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

Total Annual Number of Respondents: 112,005 Respondents

Equipment Labels Distribution: 5 IP CTS Providers

Consumers with Existing Equipment: 112,000 Consumers

Total Annual Number of One-Time Responses (all within the first year: 260,000 Responses

IP CTS Providers Creating, Printing, Adhering, *etc.* New Equipment Labels: 36,000

IP CTS Provider Distribution of Labels for Existing Equipment: 112,000 Responses

Consumer Attachment of Labels to Existing Equipment: 112,000 Responses

Total Annual Number of One-Time Burden Hours (all within the first year): 65,000 hours

IP CTS Providers Creating, Printing, Adhering, *etc.* New Equipment Label: 9,000

IP CTS Provider Distribution of Labels for Existing Equipment: 28,000 hours

Consumer Attachment of Labels to Existing Equipment: 28,000 hours

Total Annual “In-House” Cost: \$1,047,840.00

IP CTS Provider “In-House” Costs: \$1,047,840.00

Consumer “In-House” Costs: \$0

D. 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 have pending certification applications. Therefore:

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 = \$1,697.00/3 = **\$565.67**

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Rulemakings	Number of Respondents	Number of Responses	Total Burden Hours	Staff Hourly Salary	“In House” Costs
Two-Line Captioned Telephone Order	3 ¹⁵	3	24	\$67.88	\$1,629.12
IP CTS Declaratory Ruling	5 ¹⁶	5	40	\$67.88	\$2,715.20
IP CTS Reform Order	148,005	556,002	399,008	\$28.32 - \$67.88	\$4,730,005.67
CUMULATIVE TOTALS	148,006¹⁷	556,010	399,072		\$4,734,349.99

13. Under the *IP CTS Declaratory Ruling*, some costs may include 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

(a) Total annualized cost requested: \$0

Under the *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 anticipates that the five IP CTS providers will use in house employees to collect the registration information and certification of hearing loss from consumers, so no outside costs will be borne by the providers.

The Commission estimates that 56,000 existing consumers who have free or *de minimis* cost equipment will have one-time requirements (all during the first year) to provide professional

¹⁵ Two of these three respondents in n.8 are already included in the number of respondents in the *IP CTS Reform Order*.

¹⁶ These five respondents are already included in the number of respondents in the *IP CTS Reform Order*.

¹⁷ Overall, there will be a total of: 5 IP CTS provider respondents, 1 CTS provider respondent not already included in the number of IP CTS provider respondents (*see n. 12 for explanation*), 112,000 old consumer respondents and 36,000 new consumer respondents subject to the information collection requirements contained in this supporting statement, totaling 148,006 respondents for this collection.

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certification of their need for IP CTS service.¹⁸ Approximately half of the 56,000 existing consumers who need professional certification of their need for IP CTS will spend approximately \$60.00 on professional fees for obtaining this certification. The other half of the existing consumers who need professional certification of their need for IP CTS will be able to obtain professional certification at no charge.

Total One-Time Costs (all during the first year):

Year One: Existing Consumers of their need for IP CTS: 56,000 consumers x 0.50 x \$60.00 = \$1,680,000.00

Total Costs to Consumers are as follows:

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

Total one-time costs (operation and maintenance): \$1,680,000.00

Total annualized cost requested: \$1,680,000.00 (all within the first year)

14. For the *IP CTS Declaratory Ruling*, the Commission will process the annual consumer complaint log summaries filed by current IP CTS providers using Commission staff:

The Commission will use staff attorneys at the GS-15/5 level to process annual consumer complaint log summaries filed by current IP CTS providers. The Commission estimates the time to process each consumer complaint log to be approximately 4 hours.

On average, the Commission estimates that it will receive approximately 5 consumer complaint log summaries annually, thus:

5 summaries x 4 hours/processing reports and logs x \$67.88 = **\$1,357.60**

Annual Cost to Federal Government = \$1,357.60

15. On August 19, 2014, the DC Circuit issued its mandate vacating 47 CFR 64.604(c)(10), and the Commission now submits rule 47 CFR 64.604(c) without 47 CFR 64.604(c)(10) to OMB for review and approval.

On August 22, 2014, the Commission issued the *iTRS Waiver Order* eliminating the requirement that IP CTS and CTS providers file annual reports regarding the TRS mandatory minimum standards.

Due to these actions, the Commission makes the following **program changes** as follows:

¹⁸ The Commission's rule requiring existing consumers who have free or *de minimis* cost equipment to provide professional certification of their need for IP CTS service became effective on August 28, 2014. See 79 FR 51445. The Commission estimates that the number of existing consumers who must provide professional certification of their need for IP CTS service has decreased from 75,000 consumers to 56,000 consumers due to the number of existing consumers who provided professional certification since August 28, 2014.

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

- (a) The Commission's estimate for the number of responses has decreased by -37,269, from 745,280 responses to 708,011 responses;
- (b) The Commission's estimate for the total annual burden hours has decreased by -29,172 from 542,252 hours to 513,080; and
- (c) The Commission's estimate for the total annual cost has decreased by -\$774,000, from \$1,008,000.00 to \$234,000.00.

Due to the number of existing consumers who has already provided self-certifications since August 28, 2014, (the date the collection of information became effective),¹⁹ and one provider joining the pool of providing IP CTS, the Commission has re-evaluated the number of respondents and concluded the following **adjustment** to be: a decreased by -37,999 respondents, from 186,005 to 148,006.

Also, the Commission re-evaluated the burdens since the last submission and determined the number of responses and hours has decreased due to consumers providing self-certifications providers complying to the requirements that since the August 28, 2014. The annual cost has increased because a small percentage of consumers have already complied with the requirement since August 28, 2014, the one-time requirement for consumers to acquire professional certification is no longer annualized over the course of three years. Therefore, the Commission makes the following **adjustments**:

- (d) The Commission's estimate for the number of responses has decreased by -152,001, from 708,011 responses to 556,010 responses;
- (e) The Commission's estimate for the total annual burden hours has decreased by -114,008, from 513,080 hours to 399,072 hours; and
- (f) The Commission's estimate for the total annual cost has increased +\$1,446,000, from \$234,000 to \$1,680,000.00.²⁰

- 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. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

¹⁹ See Misuse of Internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, *Final rule; announcement of effective date*, 79 FR 51446, August 28, 2014.

²⁰ The Commission's estimate for the total annual cost has increased because the Commission's total one-time cost to consumers of professional certification is no longer annualized over three years. It is now calculated as taking place all within the first year.

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