

**Quarterly Nondiscrimination Reports (on
Quality of Service, Installation and Maintenance)
by Bell Operating Companies (BOCs)**

May 2015

SUPPORTING STATEMENT

This information collection is being submitted to OMB for approval to a revision of an existing collection. There is a change in the Commission's estimated burden hours due to the Commission modifying its *Computer III* and Open Network Architecture (ONA) requirements in 2013 in the *USTelecom Forbearance Order*.¹ In the *USTelecom Forbearance Order*, the Commission modified the requirements from reporting requirements to recordkeeping requirements, as explained below.

A. Justification:

Bell Operating Companies (BOCs) are required to provide nondiscrimination reports on a quarterly basis (on Quality of Service, Installation and Maintenance) pursuant to *Computer III* and ONA requirements.² Under these requirements, BOCs were required to indicate in their nondiscrimination reports how they will comply with these requirements.

In the *First Payphone Order*, the Commission did not impose any new reporting requirements but required BOCs in their nondiscrimination reports to "report on payphone services as they do for other basic services."³ Without provision of these reports, the Commission in the *First Payphone Order* stated it would be unable to ascertain whether the BOCs were discriminating in favor of their own payphones.⁴

On May 17, 2013, the Commission released the *USTelecom Forbearance Order* and eliminated the ONA nondiscrimination reporting requirements, but retained the underlying recordkeeping requirements.⁵

Note: This submission is being made pursuant to authority contained in 47 U.S.C. §§ 151, 154, 201-205, 215, 218-220, 226 and 276.

2. The recordkeeping allows the Commission to determine how the BOCs will provide competing payphone providers with equal access to all the basic underlying network services that are provided to its own payphones.

¹ *Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations et al*, Memorandum Opinion and Order, 28 FCC Rcd 7627, 7710-11 at para. 193 (2013) (*USTelecom Forbearance Order*) ("In light of these conclusions, we find that continued application of the narrowband CEI and ONA reporting requirements is no longer necessary.").

² *Filing and Review of Open Network Architecture Plans*, 5 FCC Rcd 3084, 3096, Appendix B (1990); *Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-388, Report and Order, 11 FCC Rcd 20541, 20644, para. 207 (1996) (*First Payphone Order*) (subsequent history omitted).

³ *First Payphone Order*, 11 FCC Rcd at 20644, para. 207.

⁴ *Id.* at 20642, para. 202.

⁵ *USTelecom Forbearance Order*, 28 FCC Rcd at 7710-11 at para. 193 (2013).

**Quarterly Nondiscrimination Reports (on
Quality of Service, Installation and Maintenance)
by Bell Operating Companies (BOCs)**

May 2015

3. The BOCs are permitted to use the information technology of their choice.
4. There is no duplication of information. In most instances, the information sought is unique to each carrier.
5. The collection of information will not significantly impact small businesses or other small entities.
6. The Commission would not be able to ascertain whether the BOCs were providing competing payphone providers with equal access to all the basic underlying network services that are provided to its own payphones. This could have a negative impact on the Commission's goal of maintaining a competitive payphone market.
7. Generally, FCC requirements do not impose any obligations that would require parties to record information more often than quarterly, nor will these requirements impose any other special circumstances.
8. A notice was published in the Federal Register as required by 5 C.F.R. § 1320.8(d) on February 6, 2015 (80 FR 6709). No PRA comments were received.
9. The Commission does not anticipate providing any payment or gift to respondent.
10. The Commission is not requesting respondents to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under section 0.459 of the Commission's rules. Further, the agency will be permitted to use the information only for the purpose of evaluating the BOCs' provision of equal access to all the basic underlying network services to competing payphone providers.
11. There are no questions of a sensitive nature with respect to the information collected.
12. The following represents the estimate of hour burden of the collection of information:
 1. Number of respondents and recordkeeping collections: 3 respondents; 12 recordkeeping collections.
 2. Frequency of response: Quarterly recordkeeping requirement.
 3. Annual burden per respondent response: 120 hours. Total annual hour burden: 3 respondents x 4 quarterly recordkeeping requirement x 10 hours per response = **120 hours.**

**Quarterly Nondiscrimination Reports (on
Quality of Service, Installation and Maintenance)
by Bell Operating Companies (BOCs)**

May 2015

4. Total estimate of in-house cost to the respondent for the hour burdens for the collection of information: \$5,919.

5. Explanation of calculation:

Annual Burden for Each BOC. The annual burden would entail the labor of one professional employee for ten hours (10 hours) at the most quarterly recordkeeping (4 times per year) for a total of 40 hours.

Annual Professional Cost for Each BOC. The annual professional cost for each BOC is \$1,973 (rounded up) (\$49.32) per hour x 40 hours = \$1,973. We use the 2015 GS Schedule Pay Table with locality payment for the Washington, D.C., Maryland, Virginia and Pennsylvania for a professional at a GS 13 step 5 (\$49.32).

Total Annual Burden for 3 BOCs. Together, the annual Burden would be a burden of 120 hours for the recordkeeping requirement (40 hours x 3 BOCs = 120 hours).

The total annual in-house cost for all 3 BOCs would be \$5,919 (\$1,973 x 3 BOCs). Because the BOCs are no longer required to submit reports, the annual cost has decreased from \$24,780 to \$5,919.

Total Respondents: 3

Total Annual Responses: 12

Total Annual Burden Hours: 120 Hours

Total Annual in-cost to the respondent: \$5,919

13. Annual Cost to the Respondent: None.

14. Cost to the Federal government: None.

15. The Commission is reporting a program change/decrease to this information collection. The annual burden hours decreased from 600 hours to 120 hours (-480 hours). This program change is due to a reporting requirement being eliminated which is now a record-keeping requirement only. For that reason, the clerical portion of the requirement has been removed.

There are no adjustments.

16. Not applicable. The Commission does not anticipate that it will publish the results of this collection of information.

**Quarterly Nondiscrimination Reports (on
Quality of Service, Installation and Maintenance)
by Bell Operating Companies (BOCs)**

May 2015

17. Not applicable. The Commission does not intend to seek approval not to display the expiration date for OMB approval of the information collections.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

Not applicable.