

SUPPORTING STATEMENT

A. Justification

1. Title IV of the Americans with Disabilities Act of 1990 (ADA), adding section 225 to the Communications Act of 1934, as amended (Act), requires that:
 - (a) The Commission ensures that telecommunications relay service (TRS)¹ is available, to the extent possible and in the most efficient manner, to persons with hearing or speech disabilities in the United States;² and
 - (b) TRS offers persons with hearing and speech disabilities telephone transmission services that are “functionally equivalent” to voice telephone services.³

Internet-based TRS services

In March 2000, the Commission recognized Video Relay Service (VRS) as a form of TRS.⁴ VRS requires the use of a broadband Internet connection between the VRS user and the communication assistant (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.

In April 2002, the Commission also recognized Internet Protocol Relay (IP Relay) service as a form of TRS.⁵ IP Relay permits an individual with a hearing or speech disability to communicate in text using an Internet Protocol-enabled device via the Internet, rather than using a text telephone (TTY) and the public switched telephone network (PSTN).

In January 2007, the Commission added Internet Protocol Captioned Telephone Relay (IP CTS) as a form of Internet-based TRS service eligible for compensation from the Interstate TRS Fund.⁶ IP CTS is a form of captioned telephone relay service where the connection

¹ TRS is a telephone transmission service that allows persons with a hearing or speech disability to engage in communications by wire or radio with a hearing individual in 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. See 47 CFR 64.601(21). TRS facilities are staffed by communications assistants (CAs) who relay conversations between people who use text telephone devices (TTY's) or other devices and people who communicate by voice.

² 47 U.S.C. § 225(b)(1).

³ 47 U.S.C. § 225(a)(3).

⁴ *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).

⁵ *Provision of Improved Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779 (2002); 47 C.F.R. § 64.601(13) (defining IP Relay).

⁶ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory

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carrying the captions between the relay provider and the user is via the Internet, rather than the PSTN.⁷

On April 6, 2011, in document FCC 11-54, the Commission released a *Further Notice of Proposed Rulemaking (FNPRM)* seeking comment on ways to revise the current certification process to ensure that potential providers receiving certification are qualified to provide Internet-based relay service in compliance with the Commission's rules, and to improve the Commission's oversight of such providers.

On July 28, 2011, in document FCC 11-118, the Commission released a *Second Report and Order (Second Report and Order)* adopting new modified certification process for Internet-based TRS (iTRS) providers to ensure that iTRS providers receiving certification are qualified to provide iTRS in compliance with the Commission's rules, and to eliminate waste, fraud and abuse through improved oversight of such providers.

In the *Second Report and Order*, the Commission requires all iTRS providers to obtain certification from the Commission in order to be eligible to receive compensation from the Fund; require all VRS applicants for Commission certification to lease, license or own, as well as operate, essential facilities associated with TRS call centers and to employ interpreters to staff those centers at the date of the application; and require each iTRS applicant for certification to submit specific types of documentary evidence of its ability to comply with all of the Commission's rules, including those newly adopted in the April 2011 *VRS Fraud Report and Order*.⁸ In addition, the Commission adopts rules governing on-site visits by Commission staff to the premises of applicants for certification, as well as to iTRS providers' premises after they are certified. The Commission also revises its rules governing applications for renewal and annual compliance reports filed by certified providers, and notification of substantive TRS program changes to the Commission. Finally, the Commission requires prior approval for voluntary interruption of VRS service of 30 minutes or longer.

The *Second Report and Order* contains new information collection requirements with respect to the following four of its requirements.

A. Required Evidence for Submission for Eligibility Certification

The *Second Report and Order* requires that potential iTRS providers must provide full and detailed information in its application for certification that show its ability to comply with the Commission's rules. The *Second Report and Order* requires that applicants must provide a detailed description of how the applicant will meet all non-waived mandatory minimum standards applicable to each form of TRS offered, including documentary and other evidence, and in the case of VRS, such documentary and other evidence shall demonstrate that the applicant leases, licenses or has acquired its own facilities and operates such facilities associated with TRS call centers and employs communications assistants, on a full or part-time basis, to staff

Ruling, 22 FCC Rcd 379, 388, para. 22 (2007); 47 C.F.R. § 64.601(12) (defining IP CTS).

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 379, at 388, para. 22 (2007).

⁸ *Structure and Practices of the Video Relay Service Program*; CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545 (2011).

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such call centers at the date of the application. Such evidence shall include but not be limited to:

1. for VRS applicants operating five or fewer call centers within the United States, a copy of each deed or lease for each call center operated by the applicant within the United States;
2. for VRS applicants operating more than five call centers within the United States, a copy of each deed or lease for a representative sampling (taking into account size (by number of communications assistants) and location) of five call centers operated by the applicant within the United States, together with a list of all other call centers that they operate that include the complete street address of the center, the number of individual CAs and CA managers, and the name and contact information (phone number and e-mail address) or the manager(s) at the center;
3. for VRS applicants operating call centers outside of the United States, a copy of each deed or lease for each call center operated by the Applicant outside of the United States;
4. for all applicants, a list of individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant, a description of the applicant's organizational structure, and the names of its executives, officers, members of its board of directors, general partners (in the case of a partnership), and managing members (in the case of a limited liability company);
5. for all applicants, a list of the number of applicant's full-time and part-time employees involved in TRS operations, including and divided by the following positions: executives and officers; video phone installers (in the case of VRS), communications assistants, and persons involved in marketing and sponsorship activities;
6. where applicable, a description of the call center infrastructure, and for all core call center functions (automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS fund, and registration) a statement whether such equipment is owned, leased or licensed (and from whom if leased or licensed) and proofs of purchase, leases or license agreements, including a complete copy of any lease or license agreement for automatic call distribution;
7. for all applicants, copies of employment agreements for all of the provider's executives and communications assistants need not be submitted with the application, but must be retained by the applicant and submitted to the Commission upon request; and
8. for all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including any associated written agreements.

B. Submission of Annual Report

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The *Order* requires that providers submit annual reports that include updates to the information listed under *Section A* above or certify that there are no changes to the information listed under *Section A* above.

C. Requiring Providers to Seek Prior Authorization of Voluntary Interruption of Service

The *Order* requires that a VRS provider seeking to voluntarily interrupt service for a period of 30 minutes or more in duration must first obtain Commission authorization by submitting a written request to the Commission's Consumer and Governmental Affairs Bureau (CGB) at least 60 days prior to any planned service interruption, with detailed information of:

- (i) Its justification for such interruption;
- (ii) Its plan to notify customers about the impending interruption; and
- (iii) Its plans for resuming service, so as to minimize the impact of such disruption on consumers through a smooth transition of temporary service to another provider, and restoration of its service at the completion of such interruption.

D. Reporting of Unforeseen Service Interruptions

With respect to brief, unforeseen service interruptions or in the event of a VRS provider's voluntary service interruption of less than 30 minutes in duration, the *Second Report and Order* requires that the affected provider submit a written notification to CGB within two business days of the commencement of the service interruption, with an explanation of when and how the provider has restored service or the provider's plan to do so imminently. In the event the provider has not restored service at the time such report is filed, the provider must submit a second report within two business days of the restoration of service with an explanation of when and how the provider has restored service.

Also, in document FCC 11-118, the Commission adopted an *interim rule* in the Second Report and Order and Order (*Order*) – containing information collection requirements -- designed to help prevent fraud and misuse in the provision of VRS. Though the *Order* emphasizes VRS, the rule also applies to Internet-based forms of TRS.

Specifically, the *interim rule* requires that applicants and providers certify, under penalty of perjury, that their certification applications and annual compliance filings required under section 64.606(g) of the Commission's rules are truthful, accurate, and complete.

Below are the *interim rule* information collection requirements contained in the *Order*, designed to eliminate fraud and abuse in the provision of VRS, and to ensure the sustainability and integrity of the TRS program and the TRS Fund:

E. Applicant Certifying Under Penalty of Perjury for Certification Application.

The chief executive officer (CEO), chief financial officer (CFO), or other senior executive of an applicant for Internet-based TRS certification with first hand knowledge of the accuracy and completeness of the information provide, when submitting an application for certification under paragraph (a)(2) of section 64.604 of the Commission's rules for eligibility to receive compensation from the Intestate TRS Fund must certify that all application information required under the Commission's rules and orders has been

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provided and that all statements of fact, as well as all documentation contained in the application submission, are true, accurate, and complete.

F. Certified Provider Certifying Under Penalty of Perjury for Annual Compliance Filings

The chief executive officer (CEO), chief financial officer (CFO), or other senior executive of an Internet-based TRS provider with first hand knowledge of the accuracy and completeness of the information provided, when submitting an annual compliance report under paragraph (g) of section 64.606 of the Commission's rules must certify that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in the annual compliance report submission, are true, accurate, and complete. .

G. Notification of Service Cessation

The provider applicant of the certification must give its customers at least 30 days notice that the provider will no longer provide service should the Commission determine that the applicant's certification application does not qualify for certification under paragraph (a)(2) of section 64.606 of the Commission's rules.

H. Notification on Website

The provider must provide notification of temporary service outages to consumers on an accessible website, and that the provider must ensure that the information of service status is updated on its website on a timely manner.

On October 17, 2011, in document FCC 11-155, the Commission released a Memorandum Opinion and Order (MO&O), addressing the petition for reconsideration filed by Sorenson Communications, Inc. (Sorenson)⁹. Sorenson concurrently filed a PRA comment challenging two aspects of the information collection requirements as being too burdensome.¹⁰ The Commission modified two aspects of information collection requirements contained in the July 28, 2011 *iTRS Certification Order* to lessen the burdens on applicants for VRS certification and VRS providers to provide certain documentation to the Commission. In the MO&O, the Commission revised the language in the rules to require that providers that operate five or more domestic call centers only submit copies of proofs of purchase, leases or license agreements for technology and equipment used to support their call center functions for five of their call centers that constitute a representative sample of their centers, rather than requiring copies for all call centers. Further, the Commission clarifies that the rule requiring submission of a list of all sponsorship arrangements relating to iTRS only requires that a certification applicant include on the list associated written agreements, and does not require the applicant to provide copies of all written agreements.

Therefore, the information collection requirements listed above in section A 6 and 8 were revised to read as follows:

6. A description of the technology and equipment used to support their call center functions – including, but not limited to, automatic call distribution, routing, call setup, mapping, call

⁹ Sorenson Communications, Inc., *Petition for Reconsideration of Two Aspects of the Certification Order*, CG Docket No. 10-51 (filed Sept. 6, 2011) (Sorenson Petition).

¹⁰ Sorenson Communications, Inc. *Paperwork Reduction Act Comments*, CG Docket. No. 10-51, OMB Control No. 3060-1150 (filed Sept. 6, 2011) (*Sorenson PRA Comment*).

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features, billing for compensation from the TRS Fund, and registration -- and for each core function of each call center for which the applicant must provide a copy of technology and equipment proofs of purchase, leases or license agreements in accordance with paragraphs (a) – (d) listed below, a statement whether such technology and equipment is owned, leased or licensed (and from whom if leased or licensed);

(a) For VRS providers operating five or fewer call centers within the United States, a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support their call center functions, for each call center operated by the applicant within the United States;

(b) For VRS providers operating more than five call centers within the United States, a copy of each proof of purchase, lease or license agreement for technology and equipment used to support their call center functions for a representative sampling (taking into account size (by number of communications assistants) and location) of five call centers operated by the applicant within the United States; a copy of each proof of purchase, lease or license agreement for technology and equipment used to support their call center functions for all call centers operated by the applicant within the United States must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request;

(c) For VRS providers operating call centers outside of the United States, a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support their call center functions for each call center operated by the applicant outside of the United States; and

(d) A complete copy of each lease or license agreement for automatic call distribution.

8. For all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including on that list a description of any associated written agreements; copies of all such arrangements and agreements must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request.

These information collections do not affect individuals or households, and thus, there are not impacts under the Privacy Act.

The statutory authority for these information collections can be found at section 225 of the Communications 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 *Second Report and Order* adopts mandatory reporting requirements on potential providers seeking to offer voluntary iTRS services such as VRS, IP Relay and IP CTS services.

The *Second Report and Order* requires potential providers to submit documentation:

- (a) To ensure that the certified providers are qualified to provide iTRS services in compliance with the Commission's rules and orders, including the mandatory minimum standards set forth in 47 CFR § 64.604, and

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(b) To determine whether potential providers are eligible to receive compensation from the Interstate TRS Fund.

These requirements would help the Commission and Fund administrator oversee iTRS service in an effective manner and ensure that iTRS providers receiving certification are qualified to provide iTRS in compliance with the Commission's rules, and to eliminate waste, fraud and abuse through improved oversight of such providers. The measures adopted in the *Second Report and Order* are another step forward in the Commission's efforts to reform the structure and practices of the VRS program, and thus may be transitional, pending other structural changes that the Commission may make to this program.

The *interim rule* 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.
4. The information is not duplicated elsewhere.
5. There are no significant economic impacts on small businesses or small entities.
6. If the collections were not conducted, or conducted less frequently, the Commission and Fund administrator would have less of a basis to detect and prevent fraud and misuse in the provision of relay, and the public less of a basis to rely on the quality of relay service.
7. The *interim rule* requires respondents to report information to the agency at least an annual basis. This is pursuant to the requirement whereby providers submit compliance report on an annual basis. In addition, potential providers who wish to be certified in order to receive compensation from the Interstate TRS Fund will be required to apply for eligibility certification on a one-time basis. If the providers fail to submit an annual compliance report, providers would not get reimbursed from the Fund.
8. Pursuant to 5 C.F.R. § 1320.8(d) of the Commission's rules, the Commission published the 60 day notice on March 3, 2015 [see 80 FR 11434], seeking comment from the public on the information collection requirements contained in this supporting statement. No comments have been received from the public.
9. The Commission does not anticipate providing any payment or gift to any respondents.
10. The Fund administrator keeps all data obtained from iTRS providers confidential and does not disclose such information in company-specific form unless directed to do so by the Commission.¹¹
11. This information collection does not address any private matters of a sensitive nature.

¹¹The 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

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12. The following represents estimates of the burden hours for the collection of information on the rules adopted in the *Second Report and Order and Order*. The Commission estimates that there are approximately 15 (9 existing providers, 3 potentially certified providers, and 3 parties who would be denied certification) parties that would be affected by all or parts of this collection.

COMPONENTS FOR REPORTING REQUIREMENTS

Of the 12 Internet-based TRS providers (respondents), the Commission estimates that:¹²

- Three respondents provides two forms of iTRS (2 IP CTS and VRS, and 1 IP CTS and IP Relay);
- Nine respondents provide one form (5 for VRS, 1 for IP Relay, 3 for IP CTS).

Below are the estimated burdens associated with the information collections:

A. Required Evidence for Submission for Eligibility Certification

Annual Number of Respondents: 6

Annual Number of Responses: 2 forms of TRS (1 providers) + 1 form of TRS (5 providers) = 2 + 5= **7 responses**

Annual Burden Hours (one-time Burden): 50+ 125 + 80= 255 hrs

The Commission estimates that respondents will require approximately 25 hours per form of iTRS (except for VRS) offered to complete the application for certification pursuant to the requirements listed above in 1(A) on pages 2-3, that demonstrates its ability to comply with the Commission's rules.

In the case of VRS, the Commission estimates that respondents will require approximately a total of 20 hours to update the existing application for certification pursuant to the requirements listed above in on pages 2-3, that demonstrates its ability to comply with the Commission's rules, including its ownership of facilities associated with TRS call centers, and employs interpreters, on a full or part-time basis, to staff such call centers at the date of the application.

The application will be completed on a one-time basis.

- Two forms of iTRS: 1 respondents x 2 forms of TRS x 25 hrs/form of TRS = 50 hrs
- One form of iTRS: 5 respondents x 1 form of TRS x 25 hrs/form of TRS = 125 hrs

¹² Because three providers will not be certified, the burden explanation will only be assessed for a maximum of 12 respondents and not 15 respondents. However, requirement (E) will be the only requirement showing an estimate that includes the three additional providers whose application for certification will be denied.

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Because the Commission estimates that 4 responses out of 7 responses contain application for VRS certification, each of 4 responses will require 20 additional hours for completing each VRS application due to additional requirements under No. 1, 2 and 3 listed above on page 3 (the combination of 25 hours for iTRS and 20 hours for VRS) $4 \text{ responses} \times 20 \text{ hours for VRS} = 80 \text{ hrs}$

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

The Commission estimates respondents’ costs to be about \$68.56 per hour to complete:

Annual “In-House” Cost: $255 \text{ hrs} \times \$68.56/\text{hr} = \mathbf{\$17,482.80}$

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:

Annualized Number of Responses: $7/3 = 2.34 \text{ responses/yr}$ (rounded up to 3 responses per year)

Annualized Burden Hours: $255 \text{ hrs}/3 = \mathbf{(85/yr)}$

Annualized “In-House” Cost: $\$17,482.80/3 = \mathbf{(\$5,827.60/yr)}$

B. Submission of Annual Report

Annual Number of Respondents: 12

Annual Number of Responses: (1 response/form of TRS): 2 forms of TRS (3 providers) + 1 form of TRS (9 providers) = $6 + 9 = \mathbf{15 \text{ responses/yr}}$

Annual Burden Hours: $120 + 180 = 300 \text{ hrs}$

The *Second Report and Order* requires that each provider submit report that include updates to the information contained in the original application as listed in 12(A) on an annual basis.

The Commission estimates that each respondent will require approximately 20 hours to complete report that include updates to the information in the application on an annual basis.

- Two forms of TRS: $3 \text{ respondents} \times 2 \text{ forms of TRS} \times 20 \text{ hrs/form of TRS} = 120 \text{ hrs/yr}$
- One form of TRS: $9 \text{ respondents} \times 1 \text{ form of TRS} \times 20 \text{ hrs/form of TRS} = 180 \text{ hrs/yr}$

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The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5) to complete report that include updates to the information in the application on an annual basis.

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

The Commission estimates respondents’ costs to be about \$68.56 per hour to complete.

Annual “In-House” Cost: 300 hrs x \$68.56/hr = **\$20,568**

C. Requiring Providers to Seek Prior Authorization of Voluntary Interruption of Service

Annual Number of Respondents: 12

Annual Number of Responses: 12 responses/yr

The Commission estimates that 12 providers would be required to seek prior authorization of voluntary interruption of service. Specifically, 12 respondents would be required to first obtain Commission authorization if a provider seeks to voluntarily interrupt service for a period of 30 minutes or more in duration by submitting a written request to the Commission’s Consumer and Governmental Affairs Bureau (CGB) at least 60 days prior to any planned service interruption.

Annual Burden Hours: 12hours/yr

(1) The Commission estimates that each respondent will require approximately 1 hour to complete the submission of a written request for voluntary interruption of service on the average of one per year although it is unlikely that respondents would submit such request.

12 responses x 1 hrs = 12 hrs/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5) to complete the submission of a written request for voluntary interruption of service on the average of one per year although it is unlikely that respondents would submit such request.

The Commission estimates respondents’ costs to be about \$68.56 per hour to complete.

Annual In-House Cost: 12 hrs/yr x \$68.56 = **\$822.72**

D. Reporting of Unforeseen Service Interruptions

Annual Number of Respondents: 12

Annual Number of Responses: 20 responses/yr (12 responses + 8 responses for a follow-up report)

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The Commission estimates that 12 providers would be required to submit a written notification to CGB within two business days of when the service interruption first occurred due to an unforeseen circumstance, with an explanation of how the provision of its service had been restored or will be restored imminently and that out of the same 12 respondents, 8 of them would submit a follow-up report within two business days of the restoration of service.

Annual Burden Hours: 13

The Commission estimates that each respondent will require approximately .75 hour to complete the submission of a written notification to CGB within two business days of when the service interruption first occurred due to an unforeseen circumstance on the average of one per year, and that 8 of the same respondents will require approximately .5 hour to complete the submission of a follow-up report,

12 responses for initial report x .75 hrs/yr = 9 hrs/yr

8 responses for follow-up report x .5 hrs/yr = 4 hrs/yr

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5) to complete the submission of a written notification to CGB.

The Commission estimates respondents’ costs to be about \$68.56 per hour to complete.

Annual “In-House” Cost: 13 hrs/yr x \$68.56 = \$891.28

E. Applicant Certifying Under Penalty of Perjury for Certification Application.

Annual Number of Respondents: 6 applicants¹³

Annual Number of Responses: 7 responses (2 +5 = 7 responses)

1 one-time response for application for each form of Internet-based forms of TRS listed below:

2 forms of TRS (1 providers) + 1 form of TRS (4 providers) = 2 + 5= **7 responses**

1 respondent (provider) x 2 responses/application per form of TRS = 2 responses

5 respondents (providers) x 1 responses/application per form of TRS = 5 responses

The Commission estimates that each respondent will require approximately .017 hours (1 minute) to certify its submission of certification application under penalty of perjury on a one-time basis.

¹³ This burden is assessed for the **total** amount of providers (six) that will be submitting applications seeking to become a certified iTRS provider. Although six providers will submit applications to become a certified iTRS provider, only three applicants are likely to become certified providers eligible for compensation from the TRS fund.

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Annual Burden Hours (one-time Burden):

7 responses x .017 hrs/one-time response = 0.119 hrs (**rounded to 1 hour**)

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

The Commission estimates respondents’ costs to be about \$68.56 per hour to complete the requirements:

Annual “In-House” Cost: 1 hr/yr x \$68.56/hour = **\$68.56**

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: $7/3 = 2.33$ (**rounded up to 3 responses/yr**)

Total Annual Burden Hours: $1 \text{ hrs}/3 = (.33 \text{ hrs/yr})$ (**rounded to .50 hrs/yr**)

Total Annual In-House Cost: $\$68.56/3 = \22.85

F. Certified Provider Certifying Under Penalty of Perjury for Annual Compliance Filings.

The Commission estimates that 12 respondents would be required to certify their submissions of compliance reports under penalty of perjury on an annual basis.

Annual Number of Respondents: 12

Annual Number of Responses: 12

The Commission estimates that each respondent will require approximately .017 hours (1 minute) to certify its submission of compliance report under penalty of perjury on an annual basis.

$12 \text{ responses} \times .017 \text{ hr/yr} = 0.255204 \text{ hr/yr}$

Annual Burden Hours: = 0.204 (rounded to 1 hour)

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to senior level federal employees (GS-15/5) to certify its submission of compliance report under penalty of perjury.

The Commission estimates respondents’ costs to be about \$68.56 per hour to complete the requirements:

Annual “In-House” Cost: 1 hr x \$68.56/hr = **\$68.56**

G. Notification of Service Cessation.

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The Commission estimates that 4 respondents will be required to give its customers at least 30 days notice that the provider will no longer provide service should the Commission determine that the applicant's certification application does not qualify for certification.

Annual Number of Respondents: 4

Annual Number of Responses: 4

The Commission estimates each respondent will require approximately .5 hours (30 minutes) to notify its customers of the forthcoming service cessation.

Annual Burden Hours (one-time Burden): = .5 hr x 4 responses = 2 hrs

The Commission assumes that respondents will use "in-house" personnel whose pay is comparable to senior level federal employees (GS-15/5) to notify its customers of the forthcoming service cessation.

The Commission estimates respondents' costs to be about \$68.56 per hour to complete the requirements:

Annual "In-House" Cost: 2 hrs x \$68.56/hr = \$137.12

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: 4/3 = 1.33 responses/yr (rounded to 2 responses)

Total Annual Burden Hours: 2 hrs/3 = (.667 hr/yr) (rounded to 1 hr)

Total Annual "In-House" Costs: \$137.11/3 = (\$45.70/yr)

H. Notification on Website

The Commission estimates that 12 respondents will provide notification of temporary service outages to consumers on an accessible website in a timely manner two times a year.

Annual Number of Respondents: 12

Annual Number of Responses: 24 (12 respondent x 2 responses/notifications per year)

The Commission estimates each respondent will require approximately .25 hours (15 minutes) to post notification on an accessible website.

Annual Burden Hours: = .25 hr x 24 responses = 6 hrs

The Commission assumes that respondents will use "in-house" personnel whose pay is comparable to senior level federal employees (GS-15/5, plus 30% overhead) to provide notification of temporary service outages to consumers on an accessible website.

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The Commission estimates respondents' costs to be about \$68.56 per hour to complete the requirements:

Annual "In-House" Cost: 6 hrs x \$68.56/hr = **\$411.36**

Cumulative Totals:

Total Annual Number of Respondents: 15

9 existing Internet-based TRS providers + 3 certified providers +3 parties = **15¹⁴ respondents**

Total Annual Number of Responses: 91 responses/yr

Total Annual Burden Hours: 418.50 (419 hrs/yr rounded)

Total Annual "In-House" Costs: \$28,658.07

13. The Commission estimates that the Internet-based TRS providers will incur *de minimis* costs for signing their application for certification and annual compliance report, certifying them to be true, accurate and complete under penalty of perjury.

(a) The Commission also estimates that the Internet-based TRS providers will incur *de minimis* costs for notifying their customers of permanent and temporary service cessations because they already maintain existing communication relationship with their customers.

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

(a) initial staff review of the submissions of application for eligibility certification, annual reports and notification of service interruptions. Therefore, 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 10 hours per month = 120 hours annually.

120 hrs x \$58.28/hr = **\$6,993.60**

(b) senior staff review of issues identified and escalated from the initial staff review of information contained in these submissions. Therefore, 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 12 hours per month = 144 hours annually.

144 hrs x \$68.56/hr = **\$9,872.64**

¹⁴ The Commission estimates that out of six applicants, three applicants would receive certification as a provider eligible for compensation from the TRS fund.

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(c) senior staff review of **6** certification signatures of the certification applications + **12** annual compliance reports (Sections E and F). Therefore, the Commission will use staff attorneys at the GS-15/5 level to review this information.

The Commission estimates the time to review each of **6** certification signatures of the certification applications will be approximately 1 minute each which would be a total of 6 minutes (1 hour rounded) on a one-time basis.

1 hr x \$68.56/hr = **\$68.56**

The Commission estimates the time to review **12** annual compliance reports to be approximately 45 minutes (.75 hours) = 9 hours annually.

9 hrs x \$68.56/hr = **\$617.04**

(d) initial staff review of **12** respondents website notification of temporary service cessation. Therefore, 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 1 hr (estimate time to review providers' website) = 12 hours on an one-time basis.

12 hrs x \$58.28/hr = **\$699.36**

Total Cost to the Federal Government: \$18,251.20

15. There are adjustments to the total annual number of respondents, total annual number of responses and total annual burden hours due to the re-evaluation of certain information collection requirements.

Due to the adjustments, the OMB inventory should now reflect the following burdens: annual number of respondents decreased by **-13**, from 28 respondents to **15** number of respondents; annual number of responses increased by **+2**, from 89 responses to **91** annual number of responses, and annual burden hours decreased by **-515**, from 934 hours to **419** annual burden hours.

There are no program changes to this information collection.

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 these collections of information.
18. There are no exceptions to Certification Statement.

B. Collections of Information Employing Statistical Methods

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