

## SUPPORTING STATEMENT

### A. Justification:

1. On August 6, 2015, the Federal Communications Commission (Commission or FCC) adopted a Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking (*Emerging Wireline Order*), FCC 15-97, that modifies certain recordkeeping or recording requirements identified in paragraph (d) below that relate to the obligations of incumbent local exchange carriers (ILECs) planning to retire copper communications facilities. Paragraph (d) below specifically identifies the requirements that the *Emerging Wireline Order* modified. Otherwise, all requirements described below were previously approved by the Office of Management and Budget (OMB) and have not been modified.

### History:

In April 1996, the Commission issued a Notice of Proposed Rulemaking (*1996 NPRM*), concerning certain provisions of the Telecommunications Act of 1996 (“1996 Act”), including section 251.<sup>1</sup> Section 251 is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition.

In August 1996, in the *Second Report and Order (1996 Order)*, the Commission adopted rules and regulations designed to implement certain provisions of section 251, and to eliminate operational barriers to competition in the telecommunications services market. Specifically, the *1996 Order* addressed:

- (1) local exchange carriers’ (LECs) obligations to provide their competitors with dialing parity and non-discriminatory access to certain services and functionalities;
- (2) ILECs’ duty to make network information disclosures; and
- (3) numbering administration.

In the *Second Order on Reconsideration*, released in September 1999 in CC Docket No. 96-98, the Commission resolved and clarified specific issues regarding the non-discriminatory access obligations of local exchange carriers. The Commission also issued an *NPRM* in CC Docket No. 99-273 soliciting comment on issues arising out of developments in, and the convergence of, directory publishing and directory assistance. The *NPRM* sought comment on several issues that may have resulted in new collections of information.

The Commission issued a *First Report and Order* in CC Docket No. 99-273 and adopted several of the information collection requirements it proposed in the *NPRM*. In an effort to implement the requirements and obligations, the Commission adopted the collections of information set forth in subparagraphs (a) through (i) below.

In November 2014, the Commission issued a Notice of Proposed Rulemaking (*Emerging Wireline NPRM*) concerning the information collection requirements implemented under section 251(c)(5) of the Act, pertaining to network change disclosures related to the retirement of copper facilities. Those rules are designed to provide sufficient notice to interconnecting entities to accommodate the planned network change with minimal disruption of service to end user customers. The

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<sup>1</sup> See 47 U.S.C. § 251.

proposed changes to those rules apply specifically to notices of planned copper retirements and are designed to provide interconnecting entities adequate time to prepare their networks for the planned changes and to ensure that consumers are able to make informed choices.

**The Commission’s August 2015 *Emerging Wireline Order*, which triggered this submission, recognizes that “[c]ommunications networks are rapidly transitioning away from the historic provision of time-division multiplexed . . . services running on copper to new, all-Internet Protocol . . . multimedia networks using copper, co-axial cable, wireless, and fiber as physical infrastructure.” The Commission “emphasized the importance of speeding market-driven technological transitions and innovations while preserving the core statutory values as codified by Congress,” including competition and consumer protection. Under section 251(c)(5) of the 1996 Act, the retirement of copper facilities is a notice-based process that does not require Commission approval so long as no services are discontinued. In light of the growing pace and scope of technology transitions and to ensure implementation of Congress’s mandate under section 251(c)(5), the *Emerging Wireline Order* significantly updated the Commission’s rules regarding the retirement of copper facilities for the first time in a decade to (a) require ILECs to provide notice of planned copper retirements to retail customers when such retirements remove copper to the customers’ premises; (b) update and streamline the process by which ILECs notify interconnecting carriers of copper retirements; (c) require notice of copper retirements to state, Tribal, and federal defense authorities; and (d) define the circumstances in which copper retirement notice is required. These revisions are described in detail in paragraph (d) below.**

***Information Collection Requirements—paragraphs (a) through (i):***

- (a) Sharing of directory assistance and directory listings: Pursuant to 47 U.S.C. § 251(b)(3) and 47 C.F.R. § 51.217, each LEC upon request must provide competing service providers with access to directory assistance (including the LEC’s directory assistance databases) and directory listings, in readily accessible magnetic tape, electronic or other convenient formats.

Updates to the directory assistance database shall be made in the same format as the initial transfer (unless the requesting LEC requests otherwise), and shall be performed in a timely manner, taking no longer than those made to the providing LEC’s own database.

A LEC shall not provide access to unlisted numbers, or other information that its customer has asked the LEC not to make available. See 47 C.F.R. § 51.217(c)(3)(iv).

In the *Second Order on Reconsideration*, the Commission clarified the requirement that a LEC shall provide access to its directory assistance services, including directory assistance databases, and its directory listings. The Commission specified that upon request a providing LEC must provide access to its directory assistance database in any format the competing provider specifies, if the LEC’s internal systems can accommodate that format.

In addition, a providing LEC must supply updates to requesting LECs in the same manner as the original transfer and at the same time that updates are made to the providing carrier’s database.

- (b) Notification regarding format: If a LEC’s internal systems do not permit it to provide directory assistance or directory listings in the format specified by the competing provider, the LEC must inform the competing provider that the requested format cannot be accommodated and tell the requesting provider which formats can be accommodated within 30 days of receiving the request. See 47 C.F.R. § 51.217(c)(3)(iii).

In the *Second Order on Reconsideration*, the Commission required ILECs to inform requesting providers within 30 days if the requested format cannot be accommodated.

- (c) Provision of technical information: Pursuant to 47 U.S.C. §§ 251(c)(2)-(3), an ILEC shall provide to a requesting telecommunications carrier technical information about its network facilities sufficient to allow the requesting telecommunications carrier to achieve interconnection and/or access to unbundled network elements. See 47 C.F.R. §§ 51.305(g), 51.307(e).
- (d) Revised **Information Collection Requirements which require OMB Approval. Public notice of network changes**: Whereas previously copper retirements were subject to public notice requirements similar to those applicable to other forms of network changes, in the *Emerging Wireline Order* the Commission adopted distinct requirements applicable to network change notifications. In so doing, it revised 47 C.F.R. 51.325 to 51.335 to consolidate all notice requirements specific to copper retirement in one place. Copper retirement notices are now subject to only 47 C.F.R. 51.325, 51.329(c), new 51.332, and 51.335.

Pursuant to 47 U.S.C. § 251(c)(5), an ILEC must provide public notice of a network change that either:

- (1) will affect a competing service provider's performance or ability to provide service; or
- (2) will affect the ILEC's interoperability with other service providers.

Until public notice has been given, an ILEC may not disclose to separate affiliates, separated affiliates, or unaffiliated entities (including actual or potential competing service providers or competitors), information about the planned network changes that require public notice. See 47 C.F.R. § 51.325.

**Below in paragraph (d)(i) are the requirements applicable to network changes other than copper retirements. These requirements predate the *Emerging Wireline Order* and already have received OMB approval. Up until now, these requirements have applied to copper retirements in addition to other forms of network changes; subject to OMB approval, they will no longer apply to copper retirements.**

- (i) The ILEC may fulfill this required notice to the public of network changes other than for copper retirements by either:
- (1) filing a public notice with the Commission; or
  - (2) providing public notice through industry fora, industry publications, or the carrier's publicly accessible Internet site.

If the ILEC provides public notice through industry fora, industry publications, or through its Internet site, it must also file a certification with this Commission that includes:

- (1) a statement that identifies the proposed change;

(2) a statement that public notice has been given in compliance with 47 C.F.R. §§ 51.325-35; and

(3) a statement identifying the location of the change information and describing how the information can be obtained.

Until the planned change is implemented, an ILEC must keep the notice available for public inspection, and amend the notice to keep the information complete, accurate, and up-to-date. *See* 47 C.F.R. § 51.329.

Generally, an ILEC shall give public notice of planned changes to its network at the make/buy point,<sup>2</sup> but at least twelve months before implementation.

However, if an ILEC proposes to make changes that can be implemented within twelve months of the make/buy point, public notice must be given at the make/buy point, but at least six months before implementation.

If the changes can be implemented within six months of the make/buy point, public notice may be given pursuant to the short term notice procedures provided in 47 C.F.R. § 51.333. *See* 47 C.F.R. § 51.331.

If an ILEC wishes to provide less than six months' notice of planned network changes, the public notice or certification that it files with the Commission must include a certificate of service establishing that the ILEC served a copy of its public notice upon each telephone exchange service provider that directly interconnects with the ILEC's network at least five business days in advance of its filing with the Commission. The Commission will release a public notice of such short-term filings.

Copper retirement notifications are no longer subject to the long-term or short-term notification requirements described above. *See* paragraphs 16-34 and Appendix A at paragraphs 3 & 5 in the Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking (FCC 15-97).

An information service provider or telecommunications service provider that directly interconnects with the ILEC's network may file an objection to the ILEC's short term notice.

The ILEC shall have an opportunity to file a response to the objection(s) and must serve such a response on all parties that filed objections.

The dispute can be resolved either by the issuance of an Order by the Commission, the ILEC's failure to respond in time, or the ILEC's explicit acceptance of the implementation date requested by the objector. *See* 47 C.F.R. § 51.333. The right to file an objection no longer applies to planned copper retirements. *See* paragraphs 31 & 34 and Appendix A

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<sup>2</sup> The make/buy point is the time at which an ILEC decides to make or procure any product the design of which affects or relies on a new or changed network interface. If the ILEC's proposed changes do not require it to make or buy a product then the make/buy point is the point at which the ILEC makes a definite decision to implement the change.

at paragraphs 3 & 5 in the Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking (FCC 15-97).

**The *Emerging Wireline Order* adopted the requirements described in paragraph (d)(ii) below, which subject to OMB approval, will apply specifically to copper retirements.**

- (ii) **New Information Collection Requirement which requires OMB Approval;** In the case of copper retirements, as defined in § 51.332(a), the ILEC shall fulfill this required notice to the public of network changes by:
- (1) filing a notice with the Commission;
  - (2) providing each entity within the affected service area that directly interconnects with the incumbent LEC's network with a copy of the notice filed with the Commission;
  - (3) if the copper retirement will result in the retirement of copper loops to the premises, directly providing notice through electronic mail or postal mail to all retail customers within the affected service area who have not consented to the retirement; except that the incumbent LEC is not required to provide notice of the copper retirement to retail customers where (i) the copper facilities being retired under the terms of paragraph (a) of this section are no longer in use in the affected service area, or (ii) the retirement of facilities pursuant to paragraph (a)(iii) of this section is undertaken to resolve a service quality concern raised by the customer to the incumbent LEC; and
  - (4) notifying and submitting a copy of its notice filed with the to the public utility commission and to the Governor of the State in which the network change is proposed, to the Tribal entity with authority over the Tribal lands in which the network change is proposed, and to the Secretary of Defense, Attn. Special Assistant for Telecommunications, Pentagon, Washington, DC 20301. 47 C.F.R. 51.332(b).

Generally, an ILEC shall give public notice of its planned copper retirement at least 180 days before implementation. 47 C.F.R. 51.332(e)(1), (e)(3), (f). However, where the copper facilities being retired are no longer being used to serve any customers, whether wholesale or retail, in the affected service area, an ILEC must provide notice no later than 90 days after the Commission's release of its public notice of the copper retirement notice. 47 C.F.R. 51.332(e)(2). Additionally, an ILEC must provide notice to retail customers, when applicable, no later than 90 days after the Commission's release of its public notice. 47 C.F.R. 51.332(e)(4).

No later than ninety (90) days after the Commission's release of a public notice, the ILEC must also file a certification with this Commission that is executed by an officer or other authorized representative of the applicant and meets the requirements of §1.16 of the Commission's rules, that includes:

- (1) A statement that identifies the proposed changes;
- (2) A statement that notice has been filed with the Commission;
- (3) A statement that the incumbent LEC timely served a copy of its notice filed with the

- Commission upon each entity within the affected service area that directly interconnects with the incumbent LEC's network;
- (4) The name and address of each entity within the affected service area that directly interconnects with the incumbent LEC's network upon which written notice was served;
  - (5) A statement that the incumbent LEC timely notified and submitted a copy of its public notice to the public utility commission and to the Governor of the State in which the network change is proposed, to any federally recognized Tribal Nations with authority over the Tribal lands in which the network change is proposed, and to the Secretary of Defense in compliance with paragraph (b)(4) of this section;
  - (6) If notice to retail customers is required, a statement that the incumbent LEC timely served the required customer notice upon all retail customers to whom notice is required;
  - (7) If a customer notice is required by paragraph (b)(3) of this section, a copy of the written notice provided to retail customers;
  - (8) A statement that the incumbent LEC has complied with the notification requirements of §68.110(b) of the Commission's rules or that the notification requirements of §68.110(b) do not apply;
  - (9) A statement that the incumbent LEC has complied with the good faith communication requirements of paragraph (g) of this section and that it will continue to do so until implementation of the planned copper retirement is complete; and
  - (10) The docket number and NCD number assigned by the Commission to the incumbent LEC's notice filed with the Commission. 47 C.F.R. 51.332(d).

An entity within the affected service area that directly interconnects with the incumbent LEC's network may request that the incumbent LEC provide additional information to allow the interconnecting entity where necessary to accommodate the incumbent LEC's changes with no disruption of service to the interconnecting entity's end user customers. Incumbent LECs must work with such requesting interconnecting entities in good faith to provide such additional information. 47 C.F.R. 51.332(g). The Commission adopted this requirement to replace the objection procedure that previously has applied to copper retirement notices. *Cf.* 47 C.F.R. § 51.333.

- (iii) Lastly, if an ILEC claims that information otherwise required to be disclosed is confidential or proprietary, the ILEC's public notice must include a statement that the ILEC will make further information available to those signing a nondisclosure agreement.

Upon receipt by an ILEC of a competing service provider's request for disclosure of confidential or proprietary information, the applicable public notice period will be tolled until the parties agree on the terms of a nondisclosure agreement. *See* 47 C.F.R. § 51.335.

This requirement is applicable to all network change notifications, including copper retirement notifications under section 51.332. *See* 47 C.F.R. 51.325(e).

- (e) **Burden of proof:** Pursuant to 47 U.S.C. § 251(b)(3), a LEC that provides operator services, directory assistance services or directory listings to its customers, or provides telephone

numbers, shall permit competing providers of telephone exchange service or telephone toll service to have non-discriminatory access to that service or feature, with no unreasonable dialing delays.

In disputes involving non-discriminatory access to operator services, directory assistance services, or directory listings, a providing LEC shall bear the burden of demonstrating with specificity:

- (1) that it is permitting non-discriminatory access; and
- (2) that any disparity in access is not caused by factors within its control. *See* 47 C.F.R. § 51.217(e)(1).

In disputes between providing LECs and competing providers involving unreasonable dialing delay in the provision of access to operator services and directory assistance, the burden of proof is on the providing LEC to demonstrate with specificity that it is processing the calls of the competing provider's customers on terms equal to that of similar calls from the providing LEC's own customers. *See* 47 C.F.R. § 51.217(e)(2).

- (f) Submission of notice to serve as central office code administrator: Pursuant to 47 U.S.C. § 251(e)(1) and 47 C.F.R. § 52.19(b)(2) of the Commission's rules, a state commission must notify the entity or entities designated by the Commission to serve as central office code administrator(s) for its state that such state commission intends to perform matters related to initiation and development of area code relief planning efforts.

Notification shall be written and shall include a description of the specific functions the state commission intends to perform. Where the North American Numbering Plan ("NANP") Administrator serves as the central office code administrator, such notification must be made within 120 days of the selection of the NANP Administrator. *See* 47 C.F.R. § 52.19(b)(2).

- (g) Subscriber list information for Internet directories: In the 1996 *NPRM*, the Commission sought comment on whether 47 U.S.C. § 222(e) entitles directory publishers to obtain subscriber list information for use in Internet directories. The Commission concluded, in the *First Report and Order*, that the phrase "in any format" found in section 222(e) brings within the protections of section 222(e) those entities that seek subscriber list information to publish directories on the Internet.

The Commission further concluded that the phrase "in any format" makes clear Congress's intent not to restrict the kinds of directories that could be published using subscriber list information obtained pursuant to section 222(e). Internet databases that contain subscriber list information clearly fall within the very broad category of "directories in any format." In order for directory publishers to provide accurate directory listing, it is essential that publishers have access to the subscriber list information local exchange carriers (LECs) acquire from their customers.

- (h) Provision of nondiscriminatory access to LEC directory assistance databases: In the 1996 *NPRM*, the Commission sought comment on whether 47 U.S.C. § 251(b)(3) requires LECs to provide nondiscriminatory access to any non-local directory assistance data that they use to provide directory assistance to customers within their service areas.

The Commission concluded, in the *First Report and Order*, that LECs should not be required to provide nondiscriminatory access to non-local directory listings since third parties have the same

opportunities to secure the information directly. The Commission noted that this was consistent with its finding in the *US West Forbearance Order* where it determined that US West did not exercise monopoly power with respect to obtaining the telephone numbers of subscribers outside its region.

However, to the extent that a carrier does provide access to national DA information to any other directory assistance (DA) provider, including another LEC, the Commission determined that it must make that same information available to competing DA providers under nondiscriminatory rates, terms, and conditions.

- (i) Listing information to non-telephone exchange or toll service directory assistance providers: The 1996 NPRM sought comment on whether a non-carrier directory assistance provider is entitled to nondiscriminatory access to directory assistance under 47 U.S.C. § 251(b)(3) when that provider is the agent of a LEC or other carrier that qualifies for the benefits of section 251(b)(3), and whether the Commission should also require nondiscriminatory access to directory assistance for non-carrier directory assistance providers pursuant to sections 201 and 202.

In the First Report and Order, the Commission concluded that, when a competitive LEC (CLEC) or an interexchange carrier (IXC) (having entered into an interconnection agreement with the relevant LEC) designates a DA provider to act as its agent, that competing DA provider is entitled to nondiscriminatory access to the providing LEC's local DA database. The DA provider's database access will be consistent with the terms of the relevant interconnection agreement and with the terms of the DA provider's separate agreement with its carrier principal.

The Commission expects that a DA provider's request for access will be accompanied by a letter or other documentation from the CLEC or IXC evidencing its intent that the DA provider receive database access so that it can fulfill its obligations to the CLEC or IXC. The Commission generally found that once carriers or their agents obtain access to the DA database, they may use the information as they wish, as long as they comply with applicable provisions of the Act and the Commission's rules.

The Commission also determined that competing directory assistance providers that offer call completion services for local or toll calls provide telephone exchange or telephone toll services, respectively, and thus qualify for nondiscriminatory access to LEC local directory assistance databases.

The Commission declined, in this proceeding, to address the issue as to whether sections 201(b) and 202(a) require LECs to offer nondiscriminatory database access to all competing DA providers, but the Commission indicated that it may address the issue in a separate proceeding.

Statutory authority for this collection of information is contained in Sections 1, 3, 4, 201, 222, 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 153, 154, 201, 222, and 251.

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

2. In order to encourage competition in the telecommunications services market by lifting operational barriers to entry, the Commission has:
  - (1) required LECs to provide dialing parity and non-discriminatory access to certain services and functionalities;



- (2) required ILECs to provide public notice of network changes; and
- (3) established procedures for numbering administration.

These information collection requirements are part of an effort to make local dialing and networks, telephone numbers, operator services, directory assistance, and directory listings available to all competitors on an equal basis, as follows:

- (1) Directory listings and the public notice of network changes will be provided to third parties.
- (2) Technical information regarding interconnection and/or access to unbundled network elements will be provided by ILECs to requesting telecommunication carriers.
- (3) Burden of proof documentation regarding access to a LECs services and features or dialing delay will be provided to the Commission.
- (4) Area code relief plans will be provided by state commissions to the central office code administrators.

The Commission concluded in the *Second Order on Reconsideration* that a LEC shall permit competing providers of telephone exchange service and telephone toll service access to its directory assistance services, including directory assistance databases.

The Commission clarified that, upon request, a LEC shall provide access to its directory assistance services, including directory assistance databases, and to its directory listings in any format the competing provider specifies, if the LECs internal systems can accommodate that format. In addition, LECs must supply updates to the requesting LEC in the same manner as the original transfer and at the same time that it provides updates to itself.

These information collection requirements are part of an effort to make directory assistance and directory listings available to all competitors on an equal basis. Additionally, the Commission's August 2015 *Emerging Wireline Order* significantly updated the Commission's rules regarding the retirement of copper facilities for the first time in a decade to (a) require ILECs to provide notice of planned copper retirements to retail customers when such retirements remove copper to the customers' premises; (b) update and streamline the process by which ILECs notify interconnecting carriers of copper retirements; (c) require notice of copper retirements to state, Tribal, and federal defense authorities; and (d) define the circumstances in which copper retirement notice is required. These revisions are intended preserve competition and to protect consumers, especially those in vulnerable populations who have not yet voluntarily migrated from plain old telephone service (POTS) and other legacy services, by providing information necessary to ensure that competitive carriers are adequately informed about technology changes that impact them and to enable consumers to make informed choices.

All of the collections implement the requirements of section 251 and/or 222 of the Communications Act of 1934, as amended.

- 3. In order to facilitate the exchange of directory listings, the Commission has required that a LEC provide directory listings to competing providers in magnetic tape or electronic formats, and that a LEC allow competing providers to access and read the LECs directory assistance databases. It was thought that access to databases would allow competing entities to provide seamless access to

directory assistance for their customers and prevent LECs from placing discriminatory conditions or unreasonable delays upon access to this information. This has been reaffirmed in the *Second Order on Reconsideration*.

The Commission also concluded that non-discriminatory access requires that updates be provided to requesting LECs in the same manner as the original database transfer, and that such updates be made at the same time as updates are made to the providing carrier's database.

The provision that requires each ILEC to provide sufficient technical information to allow a requesting carrier to achieve interconnection and/or access to unbundled network elements does not specify the format that an ILEC must use to deliver the information. Thus, each ILEC is allowed the flexibility to provide the information in a technological format that is minimally burdensome to its operation.

In addition, the Commission has given ILECs the option to fulfill their non-copper retirement public notice network disclosure obligations by providing public notice through industry fora, industry publications or publicly accessible Internet sites. Additionally, ILECs have regularly provided notices of network change to interconnecting carriers via electronic mail, and the Commission has also stated that copper retirement notices may be provided to retail customers via electronic mail. The Commission has also stated that the disclosure information filed with the Wireline Competition Bureau under this public notice provision should eventually be made available on the FCC Internet Home Page. And in 2014, the Commission amended section 51.329(c) of its rules to require that carriers file network change disclosures in the Commission's Electronic Comment Filing System (ECFS) but permit responsive filings to be filed via ECFS. The use of these various publication formats will result in the wide availability and release of this information.

The burden of proof showing required by the Commission in certain enforcement proceedings is a relatively limited information collection, and there does not appear to be a technological method of collection that would significantly reduce this burden.

Because each state commission will provide a unique description of its specific functions and plans regarding area code relief planning, there does not appear to be a technological method of collection by which the Commission could significantly reduce the burden of providing these plans.

4. There will be no duplication of information. The information sought is unique to each carrier, and similar information is not already available from other sources.
5. The collections of information may affect small entities as well as large entities. However, in each instance these requirements were instituted to aid new entrants to the telecommunications market and allow them equal access to the resources available to previously established entities. As some new entrants will be small entities these requirements will benefit such businesses. In addition, for small entities that qualify as rural telephone companies, the 1996 Act provides for the exemption, suspension, or modification of certain requirements. (47 U.S.C. § 251(f)).
6. Failing to collect the information, or collecting it less frequently, would prevent the Commission from implementing Section 251 of the 1996 Act, fostering opportunities for new entrants in the local telephone market, and ensuring reasonable public notice of network changes under Section 251 of the 1996 Act.

7. The requirement to submit three paper and one diskette copy of network change disclosure public notices or certifications was eliminated. *See WCB Biennial Reg. Review*, 21 FCC Rcd at 9942, paras. 22-23. The requirement to file public notices and related certifications on paper was eliminated. *See Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, GC Docket No. 10-44, Order, 29 FCC Rcd 14955 (2014). ILECs must now file their network change notices and associated certifications electronically via the Commission's Electronic Comment Filing System (ECFS), while responsive pleadings are permitted, but not required, to be filed electronically via ECFS. *See id.*, 29 FCC Rcd at 14959-60.
8. Pursuant to 5 C.F.R. § 1320.8, the Commission published a 60 Day notice in the Federal Register soliciting public comment. *See* 80 FR 66003, October 28, 2015. No comments were received from the public.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. The Commission is not requesting respondents to submit confidential information to the Commission.

As previously noted, however, each ILEC is to provide public notice of proposed network changes. If an ILEC claims that information that they are required to disclose is confidential or proprietary, the ILEC's public notice must include a statement that the ILEC will make further information available to those signing a nondisclosure agreement.

Upon receipt by an ILEC of a competing service provider's request for disclosure of confidential or proprietary information, the applicable public notice period will be tolled until the parties agree on the terms of a nondisclosure agreement. *See* 47 C.F.R. § 51.335.

11. There are no questions of a sensitive nature with respect to the information collected.
12. The following represents estimates of the burdens associated with the collections of information:

***Estimated Burdens for the Information Collection Requirements—paragraphs (a) and (k):***  
***Note: The Emerging Wireline Order revised only the burdens described in paragraph (d) below.***

(a) Sharing of directory listings: (*See* 47 U.S.C. § 251(b)(3); 47 C.F.R. § 51.217(c)(3)(ii))

(1) Number of respondents: 1,500 LECs (most of approximately 1,300 ILECs receiving requests for listings w/some of approximately 1,000 CLECs also receiving requests)

(2) Frequency of response: On occasion reporting requirements

(3) Total Number of Responses Annually: approximately 547,500 responses

The Commission estimates that this obligation arises as new competitors enter a LEC's market with a larger initial transfer of data and then smaller updates. The Commission estimates, on average, there are 1,500 LECs that will be required to provide the directory listing information as one initial transfer and then with updates that could occur as often as approximately 364 other times annually.

1,500 respondents x 365 responses/year = **547,500 responses**

(4) Total Annual Hourly Burden: **547,500 hours**

The Commission estimates that it would take no more than one hour for a LEC to comply with this requirement. We believe that respondents have this information readily available in their electronic database(s) and use sophisticated IT software that can provide automated responses, and which poses only a minimal, incremental burden on the respondents to provide the information.

1,500 respondents x 365 notifications/year x 1 hour/notification = 547,500 hours

(5) Total “In-House” Costs: \$547,500

The Commission assumes that LECs generally use sophisticated IT software, which poses only a minimal incremental cost burden, to comply with this provision.

547,500 hours x \$1/hour = \$547,500

(b) Notification Regarding Format (See 47 U.S.C. § 251(b)(3); 47 C.F.R. § 51.217(c)(3)(iii))

(1) Number of Respondents: 50 LECs.

(2) Frequency of response: On occasion reporting requirements.

(3) Total Number of Responses Annually: 50 responses

The Commission estimates that annually there are approximately 50 LECs that may have to respond in compliance with this requirement because their internal systems cannot accommodate a requested format for directory assistance or directory listings. We believe that the LECs will prepare approximately one notification annually.

50 LECs x 1 notification/year = 50 responses

(4) Total Annual Hourly Burden: 50 hours

The Commission estimates that the 50 LECs will take no more than one hour to notify competitive providers and comply with this requirement.

50 LECs x 1 notification/year x 1 hour/notification = 50 hours

(5) Total “In-House” Costs: \$50

The Commission assumes that the LECs generally use sophisticated IT software to provide responses, which poses only a minimal incremental cost burden to comply with the notification requirement.

50 hours x \$1/hour = \$50

(c) Provision of technical information: (See 47 U.S.C. § 251(c)(2)-(3); 47 C.F.R. § 51.305(g), 51.307(e))

(1) Number of respondents: 500 ILECs.

(2) Frequency of response: On occasion reporting requirements.

(3) Total Number of Responses Annually: 12,000 responses

The Commission estimates that there are approximately 500 ILECs that may need to respond to requests in order to comply with this requirement that an ILEC must provide technical information about the ILEC's network facilities sufficient to allow a requesting carrier to achieve interconnection and/or access to unbundled network elements. We estimate that, on average, these ILECs would have to provide such information 24 times annually.

500 ILECs x 24 response/year = 12,000 responses

(4) Total Annual Hourly Burden: **12,000 hours**.

The Commission estimates that ILECs would require approximately one hour per request to provide this information, including the time necessary for the ILECs to distribute, maintain, and update the information. We believe that the ILECs will use sophisticated IT software to maintain this information, making it easily accessible.

500 ILECs x 1 hour/response x 24 responses/year = 12,000 hours

(5) Total "In-House" Costs: \$769,392

The Commission assumes that the ILECs use personnel comparable in pay to a GS-13/Step 5 (\$49.32/hour) Federal employee, plus 30% overhead, to comply with this requirement to provide technical information to telecommunications carriers.

|                               |                  |
|-------------------------------|------------------|
| 12,000 hours x \$49.32/hour = | \$591,840        |
| 30% overhead =                | <u>\$177,552</u> |
| Total:                        | \$769,392        |

(d) **Revised**; Public notice of network changes (See 47 U.S.C. § 251(c)(5); 47 C.F.R. §§ 51.325-51.335)

(1) Number of potential respondents: 750 ILECs<sup>3</sup>

(2) Frequency of response: On occasion reporting requirement; recordkeeping; third party

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<sup>3</sup> The number of respondents has changed from 1,300 to 750, a decrease of 550 respondents from the previous submission. Under section 251(f)(1) of the Act, rural telephone companies are exempt from the requirements of section 251(c) "until (i) such company has received a bona fide request for interconnection, services, or network elements, and (ii) the State commission determines . . . that such request is not unduly economically burdensome, is technically feasible, and is consistent with section 254 . . . ." The Commission has determined that the number of potential respondents set forth in the previous submission inadvertently failed to take this exemption into account. There are 1,429 ILECs nationwide. Of those, 87 are non-rural ILECs and 1,342 are rural ILECs. The Commission estimates that of the 1,342 rural ILECs, 679 are entitled to the exemption and 663 are not entitled to the exemption and thus must comply with rules promulgated under section 251(c) of the Act, including the rules that are the subject of this information collection. Thus, there are 87 (non-rural) + 663 (rural) = 750 potential respondents.

disclosure.

(3) Total Number of Responses Annually: 160 responses

The Commission has determined that the estimate of 160 annual responses in the previous submission overstated the number of responses actually received. For instance, the Commission found that there were fewer than 90 responses filed in 2014. However, as stated in the *Emerging Wireline Order*, the Commission anticipates that the number of copper retirement notices will increase significantly as ILECs continue to decommission aging copper facilities in favor of new technologies, particularly fiber. The Commission thus estimates that the number of network change notifications likely will reach 160 annually. To be clear, this number includes both copper retirement notices and other forms of network change notifications.

The Commission estimates that approximately 40% of network change notifications filed annually will involve copper retirements that come within the purview of section 51.332, and that the 60% non-copper retirement notifications must comply with the remaining network change notification rules. Thus, of the 160 annual responses, the Commission estimates that 96 responses will be non-copper retirement network change notifications, and 64 responses will be copper retirement network change notifications.

160 x 60% = 96 Non-Copper Retirement Network Change Notifications  
160 x 40% = 64 Copper Retirement Notices

When interconnected providers file an objection to the non-copper retirement network changes, the respondents have to provide a response to all parties that filed objections. We estimate that providers at most file approximately 1 objection/year, for which the affected respondent must prepare a response.

Approximately 1 response to objections/year

ILECs retiring copper are required to work in good faith with requesting interconnecting entities to provide additional information where necessary to allow the interconnecting entity to accommodate the incumbent LEC's copper retirement network changes with no disruption of service to the interconnecting entity's end user customers. We estimate that 10 interconnecting entities will likely seek such additional information, for which the affected respondent must prepare a response.

Approximately 10 responses to requests for additional information

ILECs are also required to maintain a copy of non-copper retirement public notices and make them available for public inspection until the planned network changes are implemented.

Approximately 160 recordkeeping responses.

Total: 160 notification responses + 1 response to objections + 10 good faith communication responses + 160 recordkeeping responses = 331 responses

(4) Total Annual Hourly Burden: **1,198 hours**.

The Commission estimates that the ILECs require approximately 4.5 hours per non-copper

retirement network change notification to publish the information through industry fora, publications or the Internet and/or to file the information and a certification with the Commission pertaining to network changes.

96 Network Change Notices x 4.5 hours/notification = 432 hours

The Commission estimates each respondent will require approximately 8 hours per copper retirement notice to draft the notice and accompanying certification and to file the notice and certification with the Commission.

64 Copper Retirement Notices x 8 hours/notification = 512 hours

Total Annual Hourly Burden: 432 + 512 = 944 hours

The Commission estimates that a respondent will require approximately 2 hours to transmit each Copper Retirement Notice to interconnecting entities, its retail customers (where required), and to the public utility commission (PUC) and to the governor of the state in which the network change is proposed, the Department of Defense, and federally recognized Tribal Nations where the copper retirement will occur within their Tribal lands. The Commission believes that respondents can comply with this requirement by using sophisticated IT software, which poses only a minimal, incremental hourly burden on the respondents.

64 Copper Retirement Notices x 2 hours/transmit notification = 128 hours

The Commission estimates that ILECs require approximately six hours to file a response to objections to non-copper retirement Network Change Notices and to serve the response on all parties that filed objections (third party disclosure requirements).

6 hours/request x 1 request/year = 6 hours

The Commission estimates that ILECs require approximately 4 hours to respond to each request from interconnecting entities for additional information (good faith communication requirement)

10 requests per year x 4 hours to respond to such requests = approximately 40 hours to comply with good faith communication requirement.

The Commission assumes that most respondents maintain information about their planned network changes on their website, and estimates that respondents require approximately 30 minutes (0.5 hours) annually to maintain this information, updating the information as necessary.

160 respondents x 0.5 hours/year (recordkeeping) = 80 hours

Total: 944 hours (notification responses) + 128 hours (transmittal of Copper Retirement Notices) + 6 hours (responses to objections) + 40 hours (good faith communication requirement) + 80 hours (recordkeeping) = 1,198 hours

(5) Total “In-House” Costs: \$94,558.

The Commission makes the following assumptions:

The ILECs will use personnel comparable in pay to a GS-15/Step 5 (\$68.56/hour) Federal employee, plus 30% overhead, to comply with the notification requirement;

$$\begin{array}{r} 944 \text{ hours} \times \$68.56/\text{hour} = \$64,721 \\ 30\% \text{ overhead} \quad + \quad \underline{\$19,416} \\ \text{Total} \quad \$84,137 \end{array}$$

The ILECs will use personnel comparable in pay to a GS-15/Step 5 (\$68.56/hour) Federal employee, plus 30% overhead, to reply to any objections.

$$\begin{array}{r} 6 \text{ hours} \times \$68.56/\text{hour} = \$411 \\ 30\% \text{ overhead} \quad + \quad \underline{\$123} \\ \text{Total} \quad \$534 \end{array}$$

The ILECs will use personnel comparable in pay to a GS-7/Step 5 (\$23.38/hour) Federal employee, plus 30% overhead, to transmit the Network Change Disclosures and Copper Retirement Notices.

$$\begin{array}{r} 128 \times \$23.38/\text{hour} = \$2993 \\ 30\% \text{ overhead} \quad + \quad \underline{898} \\ \text{Total} \quad \$3,891 \end{array}$$

The ILECs will use personnel comparable in pay to a GS-15/Step 5 (\$68.56/hour) Federal employee, plus 30% overhead, to comply with the good faith communication requirement.

$$\begin{array}{r} 40 \text{ hours} \times \$68.56/\text{hour} = \$2,742 \\ 30\% \text{ overhead} \quad + \quad \underline{\$ 823} \\ \text{Total} \quad \$3,565 \end{array}$$

The ILECs will use web site postings and/or personnel comparable in pay to a GS-7/Step 5 (\$23.38/hour) Federal employee, plus 30% overhead, to maintain the records.

$$\begin{array}{r} 80 \text{ hours} \times \$23.38/\text{hour} = \$1,870 \\ 30\% \text{ overhead} \quad + \quad \underline{\$ 561} \\ \text{Total} \quad \$2,431 \end{array}$$

$$\text{Total: } \$84,137 + \$534 + \$3,891 + \$3,565 + \$2,431 = \$94,558$$

(e) Burden of proof: (See 47 U.S.C. § 251(b)(3); 47 C.F.R. § 51.217(e))

- (1) Number of respondents: 5 LECs.
- (2) Frequency of response: On occasion reporting requirement.
- (3) Total Number of Responses Annually: 5 responses.

This obligation will arise only when a competing provider alleges that a LEC is failing to provide nondiscriminatory access to features and services, or is subjecting the provider's customers to an unreasonable dialing delay. The Commission estimates that approximately 5 LECs would be subject to this requirement annually.



5 respondents x 1 burden of proof notification/year = 5 notification responses/year

(4) Total Annual Hourly Burden: 40 hours.

The Commission estimates that these disputes would be brought to the Commission perhaps once a year by 5 LECs. We estimate that each respondent requires approximately eight hours annually to comply with this requirement.

5 LECs x 1 notification per LEC/year x 8 hours/notification = 40 hours

(5) Total "In-House" Costs: \$3,565.

The Commission assumes that LECs use personnel comparable in pay to a GS-15/Step 5 (\$68.56/hour) Federal employee, plus 30% overhead, to comply with this requirement.

40 hours x \$68.56/hour = \$2,742  
30% overhead + \$823  
Total \$3,565

(f) Submission of notice to serve as central office code administrator: (See 47 U.S.C § 251(e)(1); 47 C.F.R. § 52.19(b)(2))

(1) Number of respondents: 1.

(2) Frequency of response: On occasion reporting requirement.

(3) Total Number of Responses Annually: 1 response.

The Commission estimates that there will be approximately one notice submitted annually.

1 respondent x 1 response/year = 1 response

(4) Total Annual Hourly Burden: 1 hour.

The Commission estimates that one respondent will submit a notice annually. We estimate that this submission requires one hour to prepare.

1 respondent x 1 hour/submission = **1 hour**

(5) Total "In-House" Costs: \$90

The Commission assumes that the respondent uses personnel comparable in pay to a GS-15/Step 5 (\$68.56/hour) Federal employee, plus 30% overhead, to comply with this requirement.

1 hour x \$68.56/hour = \$69  
30% overhead + \$21  
Total \$90

(g) Subscriber list Information for Internet Directories: (See 47 U.S.C. § 222(e); 47 C.F.R. §§ 64.2301-64.2345)

- (1) Number of respondents: 2,300 LECs
- (2) Frequency of response: On occasion reporting requirements.
- (3) Total Number of Responses Annually: 13,800 responses

The Commission estimates that, on average in any year, approximately 2,300 LECs will receive approximately six requests annually from directory publishers for their subscriber list information for use in compiling Internet directories.

2,300 LECs x 6 requests from directory publishers/year = 13,800 responses

- (4) Total Annual Hourly Burden: **13,800 hours.**

The Commission estimates that, on average, most respondents require approximately one hour to provide the subscriber list information to directory publishers.

2,300 respondents x 1 hour/subscriber list request x 6 request/year = 13,800 hours

- (5) Total "In-House" Costs: \$419,437

The Commission assumes that LECs use personnel comparable in pay to a GS-7/Step 5 (\$23.38/hour) Federal employee, plus 30% overhead, to comply with this requirement.

|                               |            |
|-------------------------------|------------|
| 13,800 hours x \$23.38/hour = | \$322,644  |
| 30% overhead                  | + \$96,793 |
| Total                         | \$419,437  |

- (h) Provision of access to non-local directory assistance listings: (See 47 U.S.C. § 251(b)(3); 47 C.F.R. § 51.217)

- (1) Number of respondents: 1.
- (2) Frequency of response: On occasion reporting requirements.
- (3) Total Number of Responses Annually: 1 response.

The Commission assumes that most LECs do not provide access to directory assistance data from outside their service area. The Commission, therefore, estimates that annually approximately one respondent might be required to provide nondiscriminatory access to any of its non-local directory assistance listings.

1 respondent x 1 responses/year = 1 response

- (4) Total Annual Hourly Burden: **1 hour.**

The Commission estimates that the respondent requires no more than one hour annually to comply with this requirement. We believe that respondents have this information readily available in their electronic database(s) and use sophisticated IT software that can provide automated responses, which poses only a minimal, incremental burden on the respondents to

provide the information.

1 respondent x 1.0 hour/response = 1 hour

~~(5)~~ Total “In-House” Costs: \$1

The Commission assumes that LECs generally use sophisticated IT software, which poses only a minimal incremental cost burden, to comply with this provision.

1 hour x \$1/hour = \$1

(i) Listing Information to non-telephone exchange or toll service directory assistance providers:  
(See 47 U.S.C. § 251(b)(3); 47 C.F.R. § 51.217)

~~(4)~~ Number of respondents: 250 telephone exchange or telephone toll service providers

~~(2)~~ Frequency of response: On occasion reporting requirements.

~~(3)~~ Total Number of Responses Annually: 250 responses

The Commission estimates that approximately 250 telephone exchange or telephone toll service providers may need to prepare approximately one letter or other documentation annually in order to support its non-telephone exchange or toll service agent’s requests for access to a LEC’s directory assistance database.

250 LECs x 1 letters or documentation/year = 250 responses/year

~~(4)~~ Total Annual Hourly Burden: 1,250 hours.

The Commission estimates that telephone exchange or telephone toll service providers may require approximately five hours to prepare the letter or documentation evidencing their intent to request that their agent receive access to a LECs directory assistance database.

250 respondents x 5 hours/letter or other documentation = 1,250 hours

~~(5)~~ Total “In-House” Costs: \$111,410

The Commission assumes that telephone exchange or telephone toll service providers use personnel comparable in pay to a GS-15/Step 5 (\$68.56/hour) Federal employee, plus 30% overhead, to comply with the requirements.

1,250 hours x \$68.56/hour = \$85,700  
30% overhead = +\$25,710  
Total: \$111,410

## INFORMATION COLLECTION BURDENS

| Information Collection Requirements   | Respondents  | Total Number of Responses | Total Annual Hourly Burden | Total "In House" Costs |
|---|--------------|---------------------------|----------------------------|------------------------|
| a. Sharing directory listings   | 1,500        | 547,500                   | 547,500                    | \$547,500              |
| b. Notification regarding format  | 50           | 50                        | 50                         | \$50                   |
| c. Provision of technical information   | 500          | 12,000                    | 12,000                     | \$769,392              |
| d. Public notice of network changes   | 750          | 160                       | 1,198                      | \$94,558               |
| e. Burden of proof  | 5            | 5                         | 40                         | \$3,565                |
| f. Submission of notice to serve as central office administrator                                | 1            | 1                         | 1                          | \$90                   |
| g. Subscriber list information for Internet directories   | 2,300        | 13,800                    | 13,800                     | \$419,437              |
| h. Provision of nondiscriminatory access to non-local directory assistance listings             | 1            | 1                         | 1                          | \$1                    |
| i. Listing information to non-telephone exchange or toll service directory assistance providers | 250          | 250                       | 1,250                      | \$111,410              |
| <b>TOTALS:</b>  | <b>5,357</b> | <b>573,767</b>            | <b>575,840</b>             | <b>\$1,946,003</b>     |

**Total Number of Respondents (Cumulative): 5,357.**

**Total Number of Responses Annually (Cumulative): 573,767 responses.**

**Total Annual Hourly Burden (Cumulative): 575,840 hours.**

**Total "In House" Cost (Cumulative): \$1,946,003.**

13. The following represents the Commission's estimate of the annual cost burden to respondents or record keepers resulting from the collection of information:

The Commission believes that the respondents have sufficient "in house" staff to address all the information collection requirements using their "in house" personnel rather than having to contract out this requirement. Thus:

(a) Total annualized capital/startup costs: \$0.00

(b) Total annualized costs (O&M): \$0.00

(c) Total annualized cost requested: \$0.00

14. The following represents the Commission's estimate of the annual cost burden to respondents or record keepers resulting from the collection of information:

a. Submission of toll dialing parity implementation plans: Eliminated in 2006.

b. Justification for noncompliance: Eliminated in 2006.

- c. Sharing of directory listings: No costs anticipated.
- d. Notification Regarding Format: No cost anticipated.
- e. Provision of technical information: No costs anticipated.
- f. Public notice of network changes: The Commission estimates that it receives approximately 160 network change disclosure filings annually. We estimate that it requires approximately four hours for the FCC staff to review each notice.

160 notices x 4 hours/review = 640 hours

The Commission uses staff at the GS-15/Step 5 (\$68.56/hour) Federal employee, plus 30% overhead for printing and miscellaneous costs, to review these notices

|                            |            |
|----------------------------|------------|
| 640 hours x \$68.56/hour = | \$43,878   |
| 30% overhead               | + \$13,163 |
| Total                      | \$57,041   |

- g. Burden of proof: The Commission estimates that it may receive approximately five disputes annually. We estimate that it takes FCC staff approximately six hours to review the allegations in each dispute.

5 notices x 6 hours/review = 30 hours

The Commission uses staff at the GS-15/Step 5 (\$68.56/hour) Federal employee, plus 30% overhead for printing and miscellaneous costs, to review these notices

|                           |         |
|---------------------------|---------|
| 30 hours x \$68.56/hour = | \$2,057 |
| 30% overhead =            | +\$ 617 |
| Total                     | \$2,674 |

- h. Submission of area code relief plans: No cost anticipated.
- i. Subscriber List Information for Internet Directories: No costs anticipated.
- j. Provision of access to non-local listings: No costs anticipated.
- k. Listing information to non-telephone exchange or toll service directory assistance providers: No costs anticipated.

**Total Cost to Federal Government: \$57,041 + 2,674 = \$59,715**

15. The Commission notes the following changes:

- There is a decrease/adjustment to the number of respondents from 1,300 to 750, a decrease of 550 respondents from the previous submission to OMB.

- Also, the Commission has determined that the total number of annual responses of 160 in the Commission's last submission was over estimated. With this submission, the annual number of responses is more accurately reflected based on the current data collected by the Commission. Lastly, there will not be an increase or decrease in the number of responses because the over-estimate of the number of responses in the last submission and the current increase in the number of responses with this submission offset each other.
- The Commission is reporting an increase/program change to the total annual burden hours from 575,448 hours to 575,840 hours, an increase of 392 hours. This increase is due to an assumption that copper retirement notices will increase, and an increase in the number of hours ILECs will need to comply with the new information collection requirements regarding copper retirement adopted pursuant to the *Emerging Wireline Order*.

16. The Commission does not anticipate that it will publish the results of these collections of information.

17. This information collection does not include forms; thus, 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:**

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