

Note: This submission is made pursuant to 44 U.S.C. 3507 to extend an existing collection that is expiring. The Commission has not changed the reporting requirement for this information collection. We note that the Commission has granted AT&T, Verizon, legacy Qwest, and other similarly-situated carriers forbearance from Form 492-A. *See Petition of AT&T Inc. for Forbearance under 47 U.S.C. §160 from Enforcement of Certain of the Commission's Cost Assignment Rules*, WC Docket Nos. 07-21, 05-342, Memorandum Opinion and Order, 23 FCC Rcd 7302 (2008) (*AT&T Cost Assignment Forbearance Order*). The Commission seeks OMB approval for the extension of this information collection.

SUPPORTING STATEMENT

A. Justification:

1. Section 220 of the Communications Act of 1934, as amended, 47 USC 220, allows the Commission, at its discretion, to prescribe the forms of any and all accounts, records and memoranda to be kept by carriers subject to this Act, including the accounts, records and memoranda of the movement of traffic, as well as the receipts and expenditures of monies.

Section 219(b) of the Communications Act of 1934, as amended, 47 USC 219(b), authorizes the Commission by general or special orders to require any carrier subject to this Act to file monthly reports of earnings and expenses and to file periodic and/or special reports concerning any matters with respect to which the Commission is authorized or required by law to act.

Filing of FCC Form 492 and FCC Form 492A is required by Section 65.600 of the FCC Rules. The annual filing of FCC Form 492 is required from each local exchange carrier or group of affiliated carriers, which is not subject to sections 61.41 through 61.49 of the Commission's Rules and which has filed individual access tariffs during the enforcement period. Each local exchange carrier or group of affiliated carriers subject to the previously stated sections shall file their annual FCC Form 492A with the Commission. All carriers are also required to file within 15 months after the end of each calendar year a report reflecting any corrections or modifications. A copy of each report must be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection. The Commission does not specify a retention period for this report. The Rate of Return Monitoring Reports are necessary to enable the Commission to scrutinize the access tariffs and enforce rate-of-return prescriptions.

The statutory authority for this collection of information is contained in 47 U.S.C. Sections 160, 161, 209(b) and 220.

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

2. The information contained in FCC Forms 492 and 492A is data used by staff members for enforcement purposes and by the public in analyzing the industry. The reports are also used by the Commission in the tariff review process and provide both the Commission and the carriers with an early warning system if rate adjustments are necessary to correct significant targeting errors. It also enhances the Commission's ability to quantify the effects of policy proposals.
3. The Commission allows carriers to file the data on paper FCC Form 492 and FCC Form 492A. Paper filings submitted to the Commission are the least burdensome reporting format. If carriers desire to utilize improved information technology to submit data, we will be glad to accommodate them wherever feasible. Both forms are available on FCC's Internet Home Page.
4. No duplication of the required data exists outside the agency. The Commission knows of no other existing information that would serve the same regulatory purpose.
5. The collection of information does not involve small businesses or other small entities. These forms are filed only by the local exchange carriers (LECs) that have filed access tariffs with the FCC and the National Exchange Carrier Association (NECA). Most of the small companies choose to be in the NECA pools instead of filing their own access tariff with the Commission.
6. The FCC Forms 492 and 492A are filed once per year. If the forms were filed less frequently, the Commission would not be able to conduct its studies of these data in a timely manner. These data also are necessary to support other Commission oversight functions. As noted above, submissions correcting previously filed data are to be filed within 15 months after the end of each calendar year.
7. The Commission prescribes a specific record retention period for telephone toll records in section 42.6. In addition, the Commission maintains these filed reports for ten years and then forwards them to the Federal Records Center, where they are stored for another ten years and then destroyed.
8. A 60-day notice was published in the Federal Register pursuant to 5 CFR § 1320.8(d). See 80 FR 79894, dated December 23, 2015. No PRA comments were received.
9. There will be no payments or gifts to respondents.
10. In most cases, rate-of-return reports do not require submission of any confidential or commercially-sensitive data. The Commission contends that areas in which detailed information is required are fully subject to regulation and the issue of data being regarded as sensitive will arise in special circumstances only. If a respondent finds it necessary to submit confidential or commercially-sensitive data, Section 0.459, 47 CFR, contains the procedures for requesting confidential treatment of data.
11. There are no questions that request confidential or sensitive information in this collection.

12. The following represents the estimate of the annual burden hours and the annual cost burden for this collection of information. We note that the hour burden imposed by the requirement is very difficult to quantify. The following represents our best estimate.

FCC Forms 492 and 492A:

1. Number of respondents: **137**
2. Frequency of response: Annual reporting requirement.
3. Total Number of Responses Annually: **137**
137 carriers x 1 response/annum
4. Total Annual Hourly Burden: **1,096**

The Commission estimates that each respondent takes approximately 8 hours to comply with the requirement.

137 respondents x 8 hours per response = 1,096 hours.

5. Estimated Industry Cost: **\$ 40,223**

137 (number of respondents) x 1 (number of filings) x 8 (hours per filing) x \$36.70 per hour = \$40,223.

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

(a)(1) Total capital and start-up cost component (annualized over its expected useful life): \$0. The reporting requirement does not necessitate the purchase of additional equipment.

(b)(2) Total operation and maintenance and purchase of services component: \$0.

14. The Federal Communications Commission no longer tabulates a report based on the data incorporated in FCC Forms 492 and 492A; therefore, there is no cost to the Federal Government.

15. The Commission is reporting adjustments/increases to the number of respondents, responses and burden hours with this collection. The total number of respondents and total annual responses increased from 80 to 137 (+57) and the total burden hours increased from 640 to 1,096 (+456). The adjustments/increases are due to the carrier's acquisition of smaller telcos which have increased the number of filings of Forms 492 and 492A since the last submission to OMB.

16. The paper report data from the Forms 492 and 492A are stored in a binder for monitoring purposes.
17. The Commission does not seek approval not to display the expiration date of OMB approval based on the Commission's rules. The Commission publishes a list of all OMB-approved information collections with their associated OMB control numbers, titles and OMB expiration dates under 47 CFR 0.408 of the Commission's rules.
18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

The Commission does not employ the use of statistical methods.