Section 68.5, Waivers (Application for Waiver of Hearing Aid Compatibility Requirements)

SUPPORTING STATEMENT

A. Justification:

1. Section 710(b) of the Communications Act of 1934, as amended (Act), requires that almost all telephones manufactured in, or imported into, this country are hearing aid compatible. Congress recognized, however, that there may be technological and/or economical reasons some new telephones may not meet the hearing aid compatibility requirement, and therefore it provided for a waiver request procedure. Section 68.5 of the Commission's rules, 47 CFR § 68.5, provides the criteria to be used to assess waiver requests.

    The Commission is requesting an extension of this information collection in order to receive the full three year OMB approval/clearance.

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

    The statutory authority for the information collection requirements is found at Section 710 of the Act, 47 U.S.C. § 610, and in the Hearing Aid Compatibility Act of 1988, Public Law 100-394, 102 Stat. 976, August 16, 1988.

2. The Commission would receive requests for waivers of the hearing aid compatibility requirements from telephone manufacturers and distributors pursuant to Section 68.5 of its rules. Upon receipt of such requests, the Commission would review the merits of the requests and determine whether the public interest would be served by grant of a waiver.

3. The Commission permits electronic filing of waiver requests under Section 68.5.

4. There is no duplication with other Commission collections or collections by other agencies.

5. Small businesses would only be impacted by this information collection to the extent that they produce or distribute new, non-hearing aid compatible telephones and apply for a waiver pursuant to Section 68.5. The number of such waiver requests is expected to be minimal.

6. The existence of a waiver process benefits consumers, Federal programs and policy, and industry. With a less rigorous process, the requirement for near universal hearing aid compatible telephones could be circumvented by those manufacturing and distributing non-hearing aid compatible telephones, thereby frustrating the Commission's effort to ensure that all Americans have reasonable access to telephone services. On the other hand, the absence of a waiver process altogether could be significantly burdensome to industry, where technological or economic considerations legitimately could render compliance with the requirements the difference between going to market or not with a specific telephone.

7. Respondents theoretically could file waiver requests more often than quarterly, but those are business decisions on respondents' parts and completely within respondents' control. Otherwise, the information collection is not inconsistent with the guidelines of 5 CFR § 1320.

8. The Commission published a notice in the *Federal Register* pursuant to 5 CFR § 1320.8(d) on December 30, 2015 at 80 FR 81547 seeking comments on the information collection requirements contained in this supporting statement. No comments were received from the public.

9. The Commission does not anticipate providing any payment or gift to any respondents.

10. Assurances of confidentiality are not being provided to respondents, though respondents may request confidentiality pursuant to 47 CFR § 0.459.

11. Information of a sensitive nature is not solicited in this information collection.

12. Estimates of the hour burden for the collection of information are as follows:

    The Commission estimates that there will be approximately 2 manufacturers[1] (respondents) that would seek a waiver of the rule which requires that telephones be hearing aid compatible. Though this process will be done "on occasion," for purposes of burden estimates the Commission assumes 1 response per respondent per year. In addition, the Commission estimates that respondents will require 3 hours per response to amass the data essential for seeking a waiver and prepare the document for submission to the Commission.

    Total Number of Respondents: 2

    Total Annual Number of Responses: 2 respondents x 1 response/respondent/yr = **2 responses/yr**

    Total Annual Burden Hours: 2 responses x 3 hrs/response/yr = **6 hrs/yr**

    The Commission assumes that respondents will use, to prepare the responses, "in-house" personnel whose pay is comparable to a mid-level federal employee GS-13/5 ($50.04/hour) per hour to comply with the requirement:

    Total Annual "In-House" Cost: 6 hours x $50.04 = **$300.24**

13. The Commission believes that respondents will use in-house personnel to prepare the waiver requests, thus there will be no costs to the respondents (apart from in-house costs).

    (a) Total annualized capital/start-up costs: **None**

    (b) Total annual cost (operation and maintenance): **None**

    (c) Total annualized cost requested: **None**

14. The Commission will use staff attorneys to review and process waiver requests, and any associated documents, and prepare an appropriate reply. This process will require 3 hours per request and the hourly salary for an employee charged with this task will be a GS-14/5 ($59.13/hour).

    Total Cost to the Federal Government: 2 responses x 3 hours x $59.13/hr. = **$354.78**

15. There are no program changes or adjustments to this information collection.

16. The Commission does not intend to publish the results of the information collection requirements.

17. The Commission is not seeking approval not to display the expiration date for OMB approval of this information collection.

18. There are no exceptions to the certification statement.

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[1] These respondents make of their universe of respondents; therefore, OMB approval is still needed for this collection.

B. Collections of Information Employing Statistical Methods:

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