

August 2016

Electronic Tariff Filing System (ETFS),
WC Docket No. 10-141, FCC 10-127

3060-1142
August 2016

SUPPORTING STATEMENT

A. Justification:

1. The Commission is requesting review and approval of an extension of an information collection requiring all tariff filing entities to use the Federal Communications Commission's Electronic Tariff Filing System (ETFS) to file their tariffs and related documents.

Incumbent local exchange carriers (LECs) file their tariffs and associated documents electronically, using ETFS. ETFS has improved the usefulness of tariff filings for both filers and the public and made the entire tariff filing process more transparent. On July 15, 2010, in the *Notice of Proposed Rulemaking* (NPRM), Electronic Tariff Filing System (ETFS), in WC Docket No. 10-141, FCC 10-127, the Commission initiated a rulemaking proceeding to consider extending the existing electronic filing requirement to all tariff filing entities.

On June 9, 2011, the Commission released a *Report and Order*, Electronic Tariff Filing System (ETFS), WC Docket No. 10-144, FCC 11-92, creating a more open, transparent and efficient flow of information to the public, and determined that the benefits of using ETFS for incumbent LEC tariff filings would also be obtained if all tariff filers filed electronically. Such action will benefit the public and carriers by creating a central system providing online access to all carrier tariffs and related documents filed with the Commission. As such, competitive LECs (and other nondominant carriers) must now file tariffs and associated documents electronically.

In adopting the Telecommunications Act of 1996 (1996 Act), Congress sought to establish "a pro-competitive, de-regulatory national policy framework" for the telecommunications industry. Consistent with that goal, section 402(b)(1)(A)(iii) of the 1996 Act added section 204(a)(3) to the Communications Act of 1934, as amended, providing for streamlined tariff filings by local exchange carriers. The action taken in this proceeding advances the goals of the 1996 Act by allowing more efficient and better access to the tariffs and related documents of all telecommunications carriers.

Statutory authority for this information collection is contained in Sections: 1, 2, 4(i), 201-205 and 226 (h)(1)(A) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 201- 205 and 226(h)(1)(A).

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

2. Mandatory electronic filing of all tariffs and tariff-related documents by all carriers will allow for easier access to these documents by the public, other carriers and Commission staff. The Commission believes that this reporting requirement will not be burdensome for carriers, as they already have the tariff documents prepared and only need to file them online instead of via paper and diskette.

3. The use of ETFS will prove relatively easy for carriers as they are likely familiar with ETFS, which has been in use since 1998.

4. The Commission is not aware of any similar information already available that can be used or modified for the purposes described in Item 2 above.

5. Because the Commission requires that all local exchange carriers comply with the requirements identified above, the collections may affect small entities, as well as large entities. The Commission has taken steps to ensure that these mechanisms are competitively neutral and therefore not unduly burdensome for any set of carriers.

6. The 1996 Act requires the streamlining of the tariffing process. This effort was started in 1998 with incumbent LECs filing tariffs via ETFS and this item extends that requirement to all carriers. This requirement provides the Commission, and the public, with easier and more immediate access to tariff documents thus easing compliance with the 1996 Act.

7. No other special circumstances will apply to this information collection.

8. Pursuant to 5 CFR § 1320.8 (d), the Commission published a 60 day notice on August 30, 2016 (81 FR 59622). No PRA comments were received.

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

10. The Commission does not anticipate providing confidentiality of the information submitted by the local exchange carriers. Particularly, the tariffs and related documents sent to the Commission will be made public through ETFS. If the respondents submit information they believe to be confidential, they may request confidential treatment of such information under section 0.459 of the Commission's rules.

11. The information collection does not address any matters of a sensitive nature.

12. The following represents the hour burden on the collections of information discussed herein.

a. **Reporting Requirement:**

(1) Number of respondents: Approximately 1,500.

(2) Frequency of response: Annual and on-occasion reporting requirement.

(3) Total number of responses annually: Approximately 1,500.

(4) Estimated Time Per Response: 1 hour.

$1,500 \times 1 \text{ hour per response} \times 1 \text{ response per year per respondent} = 1,500 \text{ hours.}$

(5) Total annual burden: **1,500 hours.**

The Commission estimates that approximately 1,500 carriers will require 1 hour of reporting time per filing.

Approximately 1,500 respondents annually x 1 response annually x 1 hour per response = 1,500 hours.

(6) Total estimate of "in-house" cost to respondents: \$150,000.

(7) Explanation of the calculation:

The Commission estimates that approximately 1,500 carriers will be subject to this reporting requirement.

We assume that respondents will use approximately four in-house paralegals (rate of approximately \$25/hour) to satisfy this reporting requirement. Thus, 1,500 hours per year x \$25/hour x 4 paralegals) = \$150,000.

13. Estimated operations and maintenance (O&M) costs of respondents resulting from the collection of information:

(a) Total capital start-up costs component annualized over its expected useful life: \$0. The collections will not result in additional capital expenditures such as computers or software.

(b) Total operation and maintenance and purchase of services component: **\$1,387,500.**

Respondents are subject to a filing fee of \$925. Thus:

1,500 responses x \$925 filing fee = **\$1,387,500.**

(c) Total annualized cost requested: **\$1,387,500.**

14. There will be few, if any additional costs to the Commission because tariff review responsibilities are already part of the Commission's duties.

15. This Commission has made the following adjustment to this collection from the previous submission to OMB:

There are no changes in the total number of respondents, total annual responses and total burden hours. However, the total annual costs increased due to an increase in the filing fee for ETFS from \$910 to \$925. As such, the "Total operation and maintenance and purchase of services component" has increased by \$120,000, from \$1,267,500 to \$1,387,500.

There are no program changes.

16. The Commission does not anticipate publishing any of the information collected. Rather, the tariff documents will be available for public review via the Commission's ETFS.

17. The Commission is not seeking approval to not display an OMB expiration date.

18. When the 60 Day Notice was published in the Federal Register on August 30, 2016 (81 FR 59622), the Commission reported the total annual costs as \$1,365,000. The total annual costs are \$1,387,500 due to an increase in the Commission's ETFS filing fee from \$910 to \$925.

There are no exceptions other 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.