

Accessible Telecommunications and Advanced Communications Services and Equipment

A. Justification

1. The Commission is submitting this revised information collection to the Office of Management and Budget (OMB) to modify and extend the information collection requirements under OMB control number 3060-1167.

Sections 255 and 251(a)(2) of the Communications Act of 1934, as amended (Act)¹ were added by the Telecommunications Act of 1996.² In adopting section 255 of the Act, Congress sought to ensure that *all* Americans, including the approximately 54 million Americans with disabilities, could benefit from advances in telecommunications services and equipment. Section 255 requires manufacturers of “telecommunications equipment or customer premises equipment” (CPE) to ensure that such equipment is accessible to and usable by individuals with disabilities, if readily achievable,³ and requires providers of a “telecommunications service”⁴ to ensure that the service is accessible to and usable by individuals with disabilities, if readily achievable.⁵ Where such access is not readily achievable, the manufacturer or service provider must ensure that the equipment or service is “compatible with” existing peripheral devices or specialized CPE commonly used by individuals with disabilities to achieve access, if such compatibility is readily achievable.⁶ Section 255(a) incorporates by reference the ADA definitions of the terms “disability” and “readily achievable.”⁷ Section 255(e) directs the Architectural and Transportation Barriers Compliance Board, “in conjunction with the Commission,” to develop “guidelines for accessibility of telecommunications equipment and customer premises equipment.”⁸ Finally, section 251(a)(2) of the Act, which appears among the general duties of telecommunications carriers, prohibits such carriers from installing “network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to section 255.”⁹

In 1999, the Commission adopted rules and policies to implement sections 255 and 251(a)(2).¹⁰ These rules include requirements for telecommunications service providers and equipment

¹ 47 U.S.C. §§ 255, 251(a)(2).

² Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

³ 47 U.S.C. § 255(b).

⁴ “The term ‘telecommunications service’ means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.” 47 U.S.C. § 153(53).

⁵ 47 U.S.C. § 255(c); *see also* 47 U.S.C. § 153(53) (“The term ‘telecommunications service’ means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used”).

⁶ 47 U.S.C. § 255(d).

⁷ 47 U.S.C. § 255(a).

⁸ 47 U.S.C. § 255(e).

⁹ 47 U.S.C. § 251(a)(2).

¹⁰ *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1966: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities*, Report and Order and Further Notice of Inquiry, 16 FCC Rcd 6417 (1999) (*Section 255 Report and Order*).

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manufacturers to provide to their customers information, documentation, and training on the accessibility and compatibility features of their services and products upon request.¹¹

In 2007, the Commission released the *Section 225/255 VoIP Report and Order*¹² extending the disability access requirements that apply to telecommunications service providers and equipment manufacturers under sections 225 and 255 of the Act to interconnected voice over Internet protocol (VoIP) service providers and equipment manufacturers. As a result, interconnected VoIP service providers and equipment manufacturers are required to provide to their customers information, documentation, and training on the accessibility and compatibility features of their services and products upon request.¹³

The “Twenty-First Century Communications and Video Accessibility Act of 2010” (CVAA) was enacted to increase the access of individuals with disabilities to modern communications, and for other purposes.¹⁴ In enacting the CVAA, Congress noted that the communications marketplace had undergone a “fundamental transformation” since 1996, when it added section 255 to the Communications Act of 1934, as amended (the Act).¹⁵ On October 7, 2011, the Commission adopted rules to implement sections 716 and 717 of the Act.¹⁶

¹¹ See 47 CFR 6.11(a) and (b), 7.11(a) and (b).

¹² *IP-Enabled Services; Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by The Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; and The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Report and Order, 22 FCC Rcd 11275 (2007) (*Sections 225/255 VoIP Report and Order*).

¹³ See 47 CFR 64.611(a) and (b), 7.11(a) and (b).

¹⁴ Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.). See also Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-265, 124 Stat. 2795 (2010) (making technical corrections). Hereinafter, all references to the CVAA will be to the CVAA as codified in the Communications Act of 1934, as amended, unless otherwise indicated.

¹⁵ See 47 U.S.C. § 255; S. Rep. No. 111–386, at 1 (2010) (Senate Report); H.R. Rep. No. 111-563, at 19 (2010) (House Report). Section 255 requires providers of telecommunications services and manufacturers of telecommunications equipment to ensure that their services and equipment are accessible to and usable by individuals with disabilities, if readily achievable. 47 U.S.C. § 255(b) and (c). When not readily achievable, such manufacturer or provider must ensure that the equipment or service is compatible with existing peripheral devices or specialized CPE commonly used by individuals with disabilities to achieve access, if readily achievable. 47 U.S.C. § 255(d).

¹⁶ *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010; Amendments to the Commission’s Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Accessible Mobile Phone Options for People Who are Blind, Deaf-Blind, or Have Low Vision*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557 (2011) (*ACS Report and Order*, when referring to the Report and Order, and *ACS Further Notice*, when referring to the Further Notice of Proposed Rulemaking).

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Section 716 of the Act requires that providers of advanced communications services (ACS)¹⁷ and manufacturers of equipment used for ACS make their services and equipment accessible to and usable by individuals with disabilities, unless it is not achievable to do so.¹⁸ ACS providers and equipment manufacturers may comply with section 716 by building accessibility features into their services or equipment¹⁹ or by relying on third-party applications, peripheral devices, software, hardware, or customer premises equipment (CPE) that are available to individuals with disabilities at nominal cost and that individuals with disabilities can access.²⁰ When this is not achievable, ACS providers and equipment manufacturers must ensure that their services or equipment are compatible with existing peripheral devices or specialized CPE commonly used by individuals with disabilities to achieve access, unless doing so is not achievable.²¹ Section 716 grants the Commission the authority to waive these requirements for multipurpose services and equipment that are designed primarily for purposes other than using ACS.²²

Section 717 of the Act requires that the Commission establish recordkeeping and enforcement procedures for service providers and equipment manufacturers that are subject to sections 255, 716, and 718 of the Act.²³ Covered entities must submit to the Commission an annual certification that records are kept in accordance with the requirements of section 717.²⁴ Every two years after enactment of the CVAA, the Commission is required to file a report to Congress including an assessment of compliance with sections 255, 716, and 718; the extent of persistent barriers to accessibility with respect to new communications technologies; and a summary of complaints handled, along with their resolutions, over the preceding two years.²⁵ Section 717 also compels the Comptroller General to conduct a study on the Commission's enforcement actions, as well as the extent to which the sections' requirements have affected the development of new technologies, within five years of enactment of the CVAA.²⁶ Finally, section 717 requires the creation of a clearinghouse for information about the accessibility of products, services, and accessibility solutions and requires the

¹⁷ "Advanced communications services" are defined as interconnected VoIP service, non-interconnected VoIP service, electronic messaging service, and interoperable video conferencing service. 47 U.S.C. § 153(1). However, section 716 does not apply to any equipment or services, including interconnected VoIP service, that were subject to the requirements of section 255 on October 7, 2010, and which remain subject to the requirements of section 255. 47 U.S.C. § 617(f).

¹⁸ 47 U.S.C. §§ 617(a)(1) and (b)(1). "Achievable" means with reasonable effort or expense, as determined by the Commission considering four specified factors. 47 U.S.C. § 617(g).

¹⁹ 47 U.S.C. §§ 617(a)(2)(A) and (b)(2)(A).

²⁰ 47 U.S.C. §§ 617(a)(2)(B) and (b)(2)(B).

²¹ 47 U.S.C. § 617(c).

²² 47 U.S.C. § 617(h)(1).

²³ See 47 U.S.C. § 618(a). As described further below, section 718 of the Act provides for the accessibility of Internet browsers installed in mobile phones.

²⁴ 47 U.S.C. § 618(a)(5)(B).

²⁵ 47 U.S.C. § 618(b).

²⁶ 47 U.S.C. § 618(c).

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Commission, in coordination with the National Telecommunications and Information Administration (NTIA), to develop an information and educational program to inform the public about the clearinghouse and the protections and remedies available under sections 255, 716, and 718.²⁷

Section 718, which is effective three years after the date of enactment of the CVAA, requires mobile phone manufacturers and service providers to make the Internet browsers that they install or arrange to have included on mobile phones accessible to and useable by people who are blind or have a visual impairment, unless doing so is not achievable.²⁸ Mobile phone manufacturers and service providers may comply with this obligation with or without the use of third-party applications, peripheral devices, software, hardware, or CPE that is available to the consumer at nominal cost and that individual with disabilities can access.²⁹ This obligation does not include a requirement to make Internet content, applications, or services accessible to or usable by individuals with disabilities.³⁰ The Commission released its Second Report and Order adopting rules implementing section 718 on April 29, 2013.³¹

In the *2015 Open Internet Order*, the Commission reclassified broadband Internet access service (BIAS) as a telecommunications service that is subject to the Commission's regulatory authority under Title II of the Communications Act regardless of the technological platform over which the service is offered.³² Although the Commission exercised its forbearance authority broadly,³³ it did not forbear from applying section 255 of the Communications Act and the Commission's implementing rules to providers of BIAS and manufacturers of equipment used for BIAS.³⁴

Information Collection Requirements

²⁷ 47 U.S.C. § 618(d), (e).

²⁸ See 47 U.S.C. § 619.

²⁹ 47 U.S.C. § 619(b).

³⁰ 47 U.S.C. § 619(a)(2). Section 718 also amends section 503 of the Act to provide forfeiture penalties for manufacturers or providers that violate sections 255, 716, or 718. 47 U.S.C. § 619(c). Finally, section 718 amends section 402(b) of the Act to permit persons who are aggrieved or whose interests are adversely affected by a Commission determination of a complaint filed under section 717 to appeal such determination to the United States Court of Appeals for the District of Columbia. 47 U.S.C. § 619(d).

³¹ *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010; Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Accessible Mobile Phone Options for People Who are Blind, Deaf-Blind, or Have Low Vision*, Second Report and Order, 28 FCC Rcd 5957 (2013).

³² *Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5743-44, para. 331 (2015) (*2015 Open Internet Order*).

³³ *Id.* at 5838-64, paras. 493-536.

³⁴ *Id.* at 5826-30, paras. 472-77.

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The rules adopted in the *Section 255 Report and Order*, *ACS Report and Order*, and the *2015 Open Internet Order* have the following information collection requirements:

(a) Under rules adopted in the *Section 255 Report and Order*, telecommunications service providers and equipment manufacturers are required to provide to their customers information, documentation, and training on the accessibility and compatibility features of their services and products upon request. The *Sections 225/255 VoIP Report and Order* extended these requirements to interconnected VoIP service providers and equipment manufacturers, and the *2015 Open Internet Order* extended these requirements to providers of BIAS and manufacturers of equipment used for BIAS. Under the rules adopted in the *ACS Report and Order*, ACS providers and equipment manufacturers must ensure that the information and documentation that they provide to customers is accessible, if achievable.

(b) The rules adopted in the *ACS Report and Order* establish procedures for ACS providers and equipment manufacturers to seek waivers from the accessibility obligations of section 716 of the Act and, in effect, waivers from the recordkeeping requirements and enforcement procedures of section 717 of the Act. Waiver requests may be submitted for individual or class offerings of services or equipment which are designed for multiple purposes, but are designed primarily for purposes other than using advanced communications services. All such waiver petitions will be put on public notice for comments and oppositions.

(c) The CVAA and the rules adopted in the *ACS Report and Order* require service providers and equipment manufacturers that are subject to sections 255, 716, or 718 of the Act to maintain records of the following: (1) their efforts to consult with people with disabilities; (2) descriptions of the accessibility features of their products and services; and (3) information about the compatibility of their products with peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access. These recordkeeping requirements are necessary to facilitate enforcement of accessibility obligations. The *ACS Report and Order* provides flexibility by allowing covered entities to keep records in any format, recognizing the unique recordkeeping methods of individual entities. Because complaints regarding accessibility of a service or equipment may not occur for years after the release of the service or equipment, covered entities must keep records for two years from the date the service ceases to be offered to the public or the equipment ceases to be manufactured. Service providers and equipment manufacturers are not required to keep records of their consideration of achievability or the implementation of accessibility, but they must be prepared to carry their burden of proof in any enforcement proceeding, which requires greater than conclusory or unsupported claims.

(d) The CVAA and the rules adopted in the *ACS Report and Order* require an officer of service providers and equipment manufacturers that are subject to sections 255, 716, or 718 of the Act to certify annually to the Commission that records are kept in accordance with the recordkeeping requirements. The certification must be supported with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the entity with personal knowledge of the representations provided in the company's certification, verifying the truth and accuracy of the information. The certification must also identify the name and contact details of the person or persons within the company that are authorized to resolve accessibility complaints, and the agent

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designated for service of process. The certification must be filed with the Consumer and Governmental Affairs Bureau (CGB) on or before April 1 each year for records pertaining to the previous calendar year. The certification must be updated when necessary to keep the contact information current.

(e) The Commission also established procedures in the *ACS Report and Order* to facilitate the filing of formal and informal complaints alleging violations of sections 255, 716, or 718 of the Act. Those procedures include a nondiscretionary pre-filing notice procedure to facilitate dispute resolution, that is, as a prerequisite to filing an informal complaint, complainants must first request dispute assistance from CGB's Disability Rights Office.

The statutory authority for this information collection is contained in sections 1-4, 255, 303(r), 403, 503, 716, 717, and 718 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 255, 303(r), 403, 503, 617, 618, and 619.

2. All collections of information are promulgated pursuant to sections 255 (access by persons with disabilities), 716 (access to advanced communications services and equipment), 717 (enforcement and recordkeeping obligations), and 718 (Internet browsers built into telephones used with public mobile services) of the Communications Act³⁵ and requires the Commission to establish rules to implement these sections.

This information collection does contain personally identifiable information (PII) on individuals.

- (a) As required by the Office of Management and Budget (OMB) Memorandum M-03-22 (September 26, 2003), the FCC completed a Privacy Impact Assessment (PIA)³⁶ on June 28, 2007, that gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII covered by these information collection requirements. The PIA may be viewed at http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.
 - (b) Furthermore, as required by the Privacy Act, 5 U.S.C. § 552a, the FCC published a system of records notice (SORN), FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance" in the *Federal Register* on August 15, 2014 (79 FR 48152), which became effective on September 24, 2014.
3. Under sections 14.32(a) and 14.34(a) of the Commission's rules, respectively, consumers or any other party may transmit a request for dispute assistance to CGB or an informal complaint to the Enforcement Bureau by any reasonable means, including by using the Commission's online filing system, U.S. Mail, overnight delivery, or by e-mail. The Commission's overall purpose is to make the filing of such requests or complaints as simple as possible for consumers, and filing by using the Commission's online filing system or by e-mail will facilitate the Commission's ability to gather the information relevant to identifying and resolving accessibility concerns. The development of the FCC's RDA and Informal Accessibility Complaint online filing systems to request

³⁵ 47 U.S.C. §§ 255, 617, 618,619.

³⁶ The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

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dispute assistance and to file informal complaints (both of which are part of the OMB 3060-0874 collection and are found in the Consumer Help Center at <https://consumercomplaints.fcc.gov/hc/en-us>) enables consumers to file electronically.

4. The information is not duplicated elsewhere. No similar information is available.
5. In adopting these information collection requirements, the Commission concluded that there may be an increased administrative burden on small businesses. Thus, the Commission took steps to minimize the information collection burden for small business concerns, including those with fewer than 25 employees.

For instance, the Commission requires covered entities to maintain only the three categories of records as set forth in section 717(a)(5)(A) of the Act,³⁷ and allows covered entities to keep these records in any format they wish. This approach takes into account the variances in covered entities (e.g., size, experience with the Commission), recordkeeping methods, and telecommunications and advanced communications services and equipment covered. Furthermore, this approach provides the greatest flexibility to small businesses and minimizes the impact that the statutorily mandated recordkeeping requirements impose on small businesses. Correspondingly, the Commission considered and rejected the alternative of imposing a specific format or system for recordkeeping that could potentially impose greater burdens on small businesses.

The Commission also requires annual certification by a corporate officer that the covered entity is keeping the required records. This certification requirement is possibly less burdensome on small businesses than large, as it is presumably a less resource intensive certification for smaller entities.

Further, the Commission adopted a requirement that consumers must file a request for dispute assistance with the CGB Disability Rights Office as a prerequisite to filing an informal complaint with the Enforcement Bureau. This information request is beneficial to consumers and industry because it will help to clarify the accessibility needs of consumers. It will also encourage resolution of accessibility issues without the expenditure of time and resources required by the informal complaint process.

6. These information collections are required and necessary to carry out the purposes of and to comply with the CVAA. Completion of this information collection will afford the Commission an opportunity to ensure that the disability accessibility provisions mandated by Congress under sections 255, 716, 717, and 718 of the Act will benefit users of telecommunications and advanced communications services and equipment.

If this information collection was not completed, individuals with disabilities may not have access to the information, documentation, and training necessary to access or use telecommunications and advanced communications services and equipment that are available to consumers without disabilities. Without this information collection, the Commission would not be able to exercise its authority to waive the accessibility obligations under section 716 for multipurpose services or equipment that is designed primarily for purposes other than to access advanced communications services.

³⁷47 U.S.C. § 618(a)(5)(A)(i)-(iii).

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The information collection is required to ensure that telecommunications and advanced communications service providers and equipment manufacturers maintain records necessary to facilitate compliance with and enforcement of accessibility obligations. Moreover, these information collections provide a mechanism by which individuals with disabilities can request dispute assistance to resolve accessibility concerns or file informal or formal complaints about the accessibility of telecommunications and advanced communications services and equipment.

These information collections are necessary to implement sections 255, 716, 717, and 718 of the Act effectively; to inform the Commission, service providers, and equipment manufacturers about accessibility barriers; and provide consumers with a process for reporting and obtaining relief for accessibility concerns and complaints.

7. The collections are not being conducted in any manner inconsistent with the guideline of 5 CFR § 1320.
8. The Commission published a notice in the *Federal Register* as required by 5 CFR § 1320.8(d) seeking comments from the public on the information collection requirements contained in this supporting statement. See 81 FR 64460, September 20, 2016. The Commission has not received any comments in response to the notice.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. Some assurances of confidentiality are being provided to the respondents.

Petitioners (e.g., telecommunications or advanced communications service providers or equipment manufacturers) seeking waivers from the accessibility obligations under section 716 of the Act for multipurpose services or equipment may seek confidential treatment of information they provide in support of such petitions pursuant to the Commission's existing rules.³⁸ Third parties may request inspection of confidential information under the Commission's rules.³⁹

Section 717(a)(5)(C) of the Act requires the Commission to keep confidential those records that are: (1) filed by a covered entity at the request of the Commission in response to a complaint; (2) created or maintained by the covered entity pursuant to the rules we adopt today; and (3) directly relevant to the equipment or service that is the subject of the complaint.⁴⁰ Accordingly, when a covered entity responds to a complaint alleging a violation of section 255, 716, or 718, or responds to a Commission inquiry, the covered entity may request confidential treatment of the documentation, information, and records that it files with the Commission under section 0.459 of the Commission's rules.⁴¹ When covered entities file records that fall within the limited scope of section 717(a)(5)(C), they may assert the statutory exemption from disclosure under section 0.457(c) of

³⁸ See 47 CFR § 0.459.

³⁹ See 47 CFR § 0.461.

⁴⁰ 47 U.S.C. § 618(a)(5)(C).

⁴¹ 47 CFR § 0.459.

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the Commission's rules.⁴² In all other cases, covered entities must comply with section 0.459 when seeking protection of their records.⁴³

With respect to the consumer dispute assistance and complaint procedures in Part 14 of the Commission's rules, the Commission is not requesting that complainants submit confidential information (e.g., credit card numbers, social security numbers, or personal financial information) to the Commission. The PIA that the FCC completed on June 28, 2007 gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys PII, as required by OMB regulations and the Privacy Act, 5 U.S.C. § 552a. The PIA may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

Also, as stated above in question 2, the Commission published a SORN "Informal Complaints, Inquiries, and Requests for Dispute Assistance" in the *Federal Register* on August 15, 2014 (79 FR 48152), which became effective on September 24, 2014, to cover the PII collected related to this information collection, as required by OMB's Memorandum M-03-22 (September 26, 2003) and by the Privacy Act, 5 U.S.C. § 552a.

11. There are no questions of a sensitive nature with respect to the information collected.
12. Estimates of hour burdens for the collection of information are as follows:⁴⁴

Information Collection Requirements

Consumer Dispute Assistance and Complaints:

The Commission estimates that there are 54 million individuals with disabilities (consumers) who may request dispute assistance, a pre-requisite to filing a complaint. In any given year, however, only a portion of those potential respondents will request dispute assistance. OMB Control Number 3060-0874 already covers the burdens placed on consumers who file requests for dispute assistance and complaints with the Commission.⁴⁵ As a result, this supporting statement for OMB Control Number 3060-1167 covers only the burdens placed on service providers and manufacturers covered by sections 255, 716, 717, and 718 of the Act.

Section 255 applies to all telecommunications, interconnected VoIP, and BIAS service providers and equipment manufacturers. Section 716 applies to advanced communications service providers and equipment manufacturers. Section 718 applies to manufacturers of telephones used with public mobile services that include an Internet browser, and providers of mobile services that arrange for the inclusion of a browser in telephones to sell to customers.

⁴² 47 CFR § 0.457(c).

⁴³ See 47 CFR § 0.459.

⁴⁴ Please note that all of the annualized calculations are annualized over a three year time period.

⁴⁵ See OMB Control Number: 3060-0874 (Consumer Complaint Portal: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, Slamming Complaints, RDAs and Communications Accessibility Complaints) (May 2016).

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Based on the actual number of requests for dispute assistance filed over the past three years and other related factors, the Commission estimates that there will be a total of **40** requests for dispute assistance filed annually with regard to sections 255, 716, and 718.

Service providers and equipment manufacturers that are subject to sections 255, 716, and 718 of the Act are also subject the recordkeeping and annual certification requirements, and the enforcement procedures established by section 717 of the Act. Until the *2015 Open Internet Order* reclassified BIAS as a telecommunications service that is subject to section 255 of the Act and the Commission's implementing rules,⁴⁶ providers of BIAS and manufacturers of equipment used for BIAS were not required to comply with sections 255 and 717 of the Act and the implementing rules. As a result, up until now, the number of covered entities registering and certifying compliance with the Commission did not include providers of BIAS and manufacturers of equipment used for BIAS.⁴⁷

Based on the actual number of service providers and equipment manufacturers that filed registration and certification information with the Commission and other related factors, the Commission estimates that there will be a total of **3,500 entities**, not including providers of BIAS and manufacturers of equipment used for BIAS, that will be subject to sections 255, 716, 717, and 718 of the Act. In addition, the Commission estimates that there are approximately **1,000 entities** that are providers of BIAS and manufacturers of equipment used for BIAS that will be covered by sections 255 and 717, bringing the total to **4,500 covered entities**. Nonetheless, because some of the additional 1,000 covered entities included in these estimates are, in fact, already subject to sections 255, 716, or 718, the number of entities subject to sections 255, 716, 717, and 718 may be somewhat overestimated.

Total Number of Respondents:

4,500 telecommunications and advanced communications service providers and
equipment manufacturers
4,500 Respondents

47 CFR § 14.5 Waivers – Multipurpose Services and Equipment

Advanced communications service providers and equipment manufacturers or interested parties may petition for a waiver for any feature or function of equipment used to provide or access advanced communications services, or for any class of such equipment, for any provider of advanced communications services, or for any class of such services, that (i) is capable of accessing an advanced communications service; and (ii) is designed for

⁴⁶ *2015 Open Internet Order*, 30 FCC Rcd at 5826-30, paras. 472-77.

⁴⁷ See *Accessibility Recordkeeping Compliance Certification and Contact Information Reporting Requirements for Entities Subject to Sections 255, 716, and 718 of the Communications Act*, Public Notice, DA 16-281 (CGB Mar. 16, 2106) (stating that the recordkeeping, registration, and certification requirements will not be enforced against BIAS providers until the Commission receives approval from OMB under the PRA, and the Commission publishes a notice in the Federal Register announcing such approval and an effective date).

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multiple purposes, but is designed primarily for purposes other than using advanced communications services.

All petitions for waiver filed pursuant to this section shall be put on public notice, with a minimum of a 30-day period for comments and oppositions.

Based on the actual number of petitions for waiver filed over the past three years and other related factors, the Commission estimates that 4 advanced communications service providers and equipment manufacturers or interested parties will file waiver petitions per year. Of those 4 petitions, 50% (2 petitions) per year will be filed by an in-house attorney.

Total Number of Annual Respondents: 2

Total Number of Annual Responses: 2 Responses

The Commission estimates that each response will require approximately 5 hours for the submission of the waiver petition.

2 responses/submissions x 5 hours = 10 hours

Total Number of Annual Burden Hours: 10 hours

Annual “In House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$69.56 per hour to comply with the requirement.

10 hours to prepare waiver petitions x \$69.56/hour = \$695.60

Total Annual “In-House” Costs = \$695.60

The Commission estimates that 50% (2 petitions) will be filed by outside counsel, in consultation with an in-house attorney.

Total Number of Annual Respondents: 2

Total Number of Annual Responses: 2 Responses

The Commission estimates that each response will require approximately 1 hour for the consultation with outside counsel on the submission of the waiver petition.

2 responses/submissions x 1 hour = 2 hours

Total Number of Annual Burden Hours: 2 hours

Annual “In-House” Costs:

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The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents' costs to be about \$69.56 per hour to comply with the requirement.

2 hours for waiver consultations x \$69.56/hour = \$139.12

Total Annual "In-House" Costs = \$139.12

The Commission estimates that up to 4 comments or oppositions will be filed by interested parties for each waiver petition, or an average of 2 comments or oppositions per petition.

Total Number of Annual Respondents: 2

2 respondents x 4 waiver petitions = 8 responses

Total Number of Annual Responses: 8

The Commission estimates that each response will require approximately 5 hours for the submission of a comment or opposition.

8 responses/submissions x 5 hours = 40 hours

Total Number of Annual Burden Hours: 40 hours

Annual "In-House" Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents' costs to be about \$69.56 per hour to comply with the requirement.

40 hours to submit comments or oppositions x \$69.56/hour = \$2,782.40

Total Annual "In-House" Costs = \$2,782.40

The Commission estimates that up to all of the 4 respondents filing waiver petitions will file reply comments. Of those 4 reply comments, 50% (2 reply comments) per year will be filed by an in-house attorney.

Total Number of Annual Respondents: 2

Total Number of Annual Responses: 2 Responses

The Commission estimates that each response will require approximately 5 hours for preparing the reply comments.

2 responses/submissions x 5 hours = 10 hours

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Total Number of Annual Burden Hours: 10 hours**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$69.56 per hour to comply with the requirement.

10 hours to prepare reply comments x \$69.56/hour = \$695.60

Total Annual “In-House” Costs = \$695.60

The Commission estimates that 50% (2 petitions) will be filed by outside counsel, in consultation with an in-house attorney.

Total Number of Annual Respondents: 2**Total Number of Annual Responses: 2 Responses**

The Commission estimates that each response will require approximately 1 hour for the consultation with outside counsel consulting on the reply comment.

2 responses/submissions x 1 hour = 2 hours

Total Number of Annual Burden Hours: 2 hours**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$69.56 per hour to comply with the requirement.

2 hours to consult on reply comments x \$69.56/hour = \$139.12

Total Annual “In-House” Costs = \$139.12**47 CFR §§ 6.11, 7.11, 14.20(d) Information, Documentation, and Training**

Providers of telecommunications, interconnected VoIP, and BIAS services, including voicemail and interactive menu services, and manufacturers of equipment used for those services must ensure that the information and documentation that they provide to customers is accessible (e.g., provided in alternate formats as needed), if readily achievable. Advanced communications service providers and equipment manufacturers must ensure that the information and documentation that they provide to customers is accessible, if achievable.

The Commission estimates that all 4,500 covered entities subject to these rules will respond to an estimated average of 10 requests for accessible information per year.

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Maximum Number of Annual Respondents: 4,500

4,500 service providers and equipment manufacturers x 10 requests = 45,000 annual responses

Total Number of Annual Responses: 45,000 Responses

The Commission estimates that approximately 1 hour will be needed to respond to each request for accessible information.

45,000 responses x 1 hour = 45,000 hours

Total Number of Annualized Burden Hours: 45,000 hours**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-level federal employees (GS-13/5); therefore, the Commission estimates respondents’ costs to be about \$50.04 per hour to comply with the requirement.

45,000 hours to provide accessible information x \$50.04/hour = \$2,251,800

Total Annual “In-House” Costs = \$2,251,800

47 CFR § 14.31(a) Recordkeeping

Each service provider and equipment manufacturer must create and maintain, in the ordinary course of business and for a two-year period from the date a product ceases to be manufactured or a service ceases to be offered, records of the efforts taken by such service provider or equipment manufacturer to implement sections 255, 716, and 718 with regard to the product or service, including:

- (1) information about the service provider’s or equipment manufacturer’s efforts to consult with individuals with disabilities;
- (2) descriptions of the accessibility features of its products and services; and
- (3) information about the compatibility of its products and services with peripheral devices or specialized customer premise equipment commonly used by individuals with disabilities to achieve access.

The Commission estimates that all 4,500 service providers and equipment manufacturers will be subject to this rule.

Maximum Number of Annual Respondents: 4,500**Total Number of Annual Responses: 4,500 annual responses**

1 response x 4,500 responses = 4,500 responses per year

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The Commission estimates that each respondent will require an average of 2 hours per month or 24 hours per year to produce and maintain these records.

4,500 responses x 24 hours / year = 108,000 hours

Total Number of Annualized Burden Hours: 108,000 hours

Annual “In-House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-level federal employees (GS-13/5); therefore, the Commission estimates respondents’ costs to be about \$50.04 per hour to comply with the requirement.

108,000 hours to produce and maintain records x \$50.04 /hour = \$5,404,320

Total Annualized “In-House” Costs = \$5,404,320

47 CFR § 14.31(b) Annual Certification

An officer of each service provider and equipment manufacturer must sign and file a compliance certificate with the Commission annually that states that the service provider or equipment manufacturer has established adequate operating procedures to ensure compliance with the recordkeeping rules and that records are being kept accordingly.

The certificate shall identify the name and contact details of the person or persons within the company that are authorized to resolve accessibility complaints, and the agent designated for service pursuant to section 14.35(b) of the Commission’s rules.⁴⁸ The certificate must be updated when necessary to keep the contact information current.

The Commission estimates that all 4,500 service providers and equipment manufacturers will be subject to this rule.

Maximum Number of Annual Respondents: 4,500

Total Number of Annual Responses: 4,500 Responses

1 response x 4,500 responses) = 4,500 responses per year

The Commission estimates that each respondent will require an average of .50 hour per year to produce and submit this annual certification.

4,500 responses x .50 hour = 2,250 hours

Total Number of Annual Burden Hours: 2,250 hours

Annual “In-House” Costs:

⁴⁸ Every service provider and equipment manufacturer subject to section 255, 716, or 718 shall designate an agent for service of process in the annual certification pursuant to section 14.31 of the Commission’s rules. 47 CFR § 14.35(b).

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The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents' costs to be about \$69.56 per hour to comply with the requirement.

2,250 hours for annual certifications x \$69.56/hour = \$156,510

Total Annual "In-House" Costs = \$156,510

47 CFR § 14.32 Consumer Requests for Dispute Assistance

Requests for dispute assistance may be submitted to CGB by using FCC Form RDA online or by any other reasonable means, and should include certain information.

CGB shall forward the request for dispute assistance to the named service provider or equipment manufacturer using the contact details provided under section 14.31(b) of the Commission's rules. CGB will assist the requester and the service provider or equipment manufacturer in reaching a settlement of the dispute. The requester may file an Informal Accessibility Complaint with the Commission via the Consumer Help Center 30 days after filing the request for dispute assistance. When a requester files an informal complaint with the Enforcement Bureau, the CGB dispute assistance process will be closed and no longer available to the complainant.

The number of requests for dispute assistance, along with their associated burdens, have been removed from this collection and included in the collection for all FCC complaint forms under OMB Control Number 3060-0874. Although that collection is primarily for electronic filing, it acknowledges that a small percentage of complaints will be filed by telephone, fax, and letter and adjusts the burdens accordingly.

The information collection burdens associated with processing requests for dispute assistance are retained in this collection.

Based on the Commission's experience over the past two and half years, the Commission estimates that a total of 40 requests for dispute assistance will be filed each year by 40 consumers and other interested parties under sections 255, 716, and 718 of the Act.

Because OMB Control Number 3060-0874 does not include consumer responses to Commission requests for additional information from consumer requests for dispute assistance, we include the burdens associated with such responses here. The Commission estimates 40 requesters, will provide additional information to the Commission.

Total Number of Annual Respondents: 40

Total Number of Annual Responses: 40 Responses

The Commission estimates that each response will require approximately 1 hour for the submission of the additional information.

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40 responses/submissions x 1 hour = 40 hours

Total Number of Annual Burden Hours: 40 hours

Annual “In-House” Costs: None

Total Annual “In-House” Costs = \$0⁴⁹

47 CFR § 14.34 Informal Complaints

An informal complaint alleging a violation of section 255, 716 or 718 may be transmitted to the Enforcement Bureau by the online Informal Accessibility Complaint via the Consumer Help Center or by any other reasonable means and should include certain information.

Based on the Commission’s experience over the past two and half years, the Commission estimates that 2 informal complaints will be filed by 5% of the 40 consumers and other interested parties who file requests for dispute assistance each year.

The number of informal complaints filed, along with their associated burdens, have been removed from this collection and included in the collection for all FCC complaint forms under OMB Control Number 3060-0874. Although that collection is primarily for electronic filing, it acknowledges that a small percentage of complaints will be filed by telephone, fax, and letter and adjusts the burdens accordingly.

The information collection burdens associated with processing informal complaints is retained in this collection. See 47 CFR § 14.36 Answers and Replies to Informal Complaints, below.

47 CFR § 14.35 Procedure; Designation of Agents for Service

The Commission shall forward any informal complaint meeting the requirements of section 14.34 of the Commission’s rules to each service provider or equipment manufacturer named or determined to be implicated by the complaint.

Every service provider and equipment manufacturer subject to section 255, 716, or 718 shall designate an agent for service of process in the annual certification pursuant to section 14.31 of the Commission’s rules.

See 47 CFR § 14.31 Annual Certification, above, for the related burden analysis.⁵⁰

47 CFR § 14.36 Answers and Replies to Informal Complaints

(a) The service provider or equipment manufacturer shall file and serve an answer responsive to the complaint and any inquires set forth by the Commission, and

⁴⁹ The Commission estimates that there are no specific “in house” or other annual costs for individuals who file requests for dispute assistance.

⁵⁰ The annual burdens associated with 47 CFR § 14.35 are already encompassed in the information collection requirement for 47 C.F.R § 14.31(b).

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produce documents demonstrating its due diligence in exploring accessibility and achievability.⁵¹

- (b) The answer shall be prepared or formatted in the manner requested by the Commission and the complainant.
- (c) The service provider or equipment manufacturer shall serve the complainant and the Commission with a non-confidential summary of the answer filed with the Commission.
- (d) The complainant may file and serve a reply.

ANSWERS:

The Commission estimates that 2 service providers and equipment manufacturers subject to sections 255, 716, and 718 of the Act will file an answer to an informal complaint each year. The Commission estimates that 50% of 2 answers (1 answer) will be prepared by an in-house attorney each year.

Total Number of Annual Respondents: 1

1 respondent x 1 answer = 1 annual response

Total Number of Annual Responses: 1

The Commission estimates that the response will require approximately 6 hours for the preparation of the answer.

1 responses/submissions x 6 hours = 6 hours

Total Number of Annual Burden Hours: 6 hours**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$69.56 per hour to comply with the requirement.

6 hours to prepare answer x \$69.56/hour = \$417.36

Total Annualized “In-House” Costs = \$417.36

⁵¹ Section 14.31(c) of the Commission’s rules require that, upon the service of an informal or formal complaint, a service provider or equipment manufacturer must produce to the Commission, upon request, records covered by this section and may assert a statutory request for confidentiality for these records. 47 CFR § 14.31(c). All other information submitted to the Commission pursuant to Subpart D of Part 14 or to any other request by the Commission may be submitted pursuant to a request for confidentiality in accordance with section 0.459 of the Commission’s rules. See 47 CFR § 0.459.

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The Commission estimates that 50% of 2 answers (1 answer) will be prepared by outside counsel in consultation with an in-house attorney each year.

Maximum Number of Annual Respondents: 1

1 respondent x 1 answer = 1 annual response

Total Number of Annual Responses: 1

The Commission estimates that each response will require approximately 1 hour for an in-house attorney to consult with outside counsel regarding preparation of the answer.

1 response/submission x 1 hour = 1 hours

Total Number of Annual Burden Hours: 1 hour**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$69.56 per hour to comply with the requirement.

1 hour to prepare answer x \$69.56/hour = \$69.56

Total Annual “In-House” Costs = \$69.56

ENGINEERING ANALYSIS:

The Commission estimates that 50% of 2 answers (1 answer) will include an in-house engineering analysis each year.⁵²

Total Number of Annual Respondents: 1⁵³

1 respondent x 1 analysis = 1 annual response

Total Number of Annual Responses: 1⁵⁴

⁵² Section 14.20(b) of the Commission’s rules require advanced communications service providers and equipment manufacturers to identify barriers to accessibility and usability; consider performance objectives as early as possible in the design stage; and implement them if achievable. *See* 47 CFR § 14.20(b). Service providers and equipment manufacturers that are subject to section 255 of the Act have similar obligations to ensure accessibility when readily achievable. *See* 47 U.S.C. § 255.

⁵³ The number of respondents mentioned herein are already included in the number of respondents for the “Answers” burdens noted above.

⁵⁴ The number of responses mentioned herein are already included in the number of responses for the “Answers” burdens noted above.

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The Commission estimates that each response will require approximately 5 hours for the preparation of an engineering analysis.

1 responses/submissions x 5 hours = 5 hours

Total Number of Annual Burden Hours: 5 hours

Annual “In-House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$69.56 per hour to comply with the requirement.

5 hours to prepare engineering analysis x \$69.56/hour = \$347.80

Total Annual “In-House” Costs = \$347.80

The Commission estimates that 50% of 2 answers (1 answer) will include an analysis by a contract engineer, in consultation with staff engineers, each year.

Total Number of Annual Respondents: 1⁵⁵

1 respondent x 1 analysis = 1 annual response

Total Number of Annual Responses: 1⁵⁶

The Commission estimates that each response will require approximately 1 hour for an in-house engineer to consult with the contract engineer regarding preparation of the engineering analysis.

1 response/submission x 1 hour = 1 hour

Total Number of Annual Burden Hours: 1 hour

Annual “In-House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$69.56 per hour to comply with the requirement.

1 hour for engineering consultations x \$69.56/hour = \$69.56

Total Annual “In-House” Costs = \$69.56

⁵⁵ The number of respondents mentioned herein is already included in the number of respondents for the “Answers” burdens noted above.

⁵⁶ The number of responses mentioned herein is already included in the number of responses for the “Answers” burdens noted above.

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REPLIES:

The Commission estimates that both of the 2 complainants will file a reply to the answer each year.

Total Number of Annual Respondents: 2

2 respondents x 1 reply = 2 annual responses

Total Number of Annual Responses: 2 Responses

The Commission estimates that each response will require approximately 2 hours for the submission of the reply.

2 responses/submissions x 2 hours = 4 hours

Total Number of Annual Burden Hours: 4 hours**Annual "In-House" Costs: None**

Total Annual "In-House" Costs = \$0⁵⁷

47 CFR § 14.37 Review and Disposition of Informal Complaints

The Commission will investigate the allegations in any informal complaint within 180 days after the complaint was filed, issue an order and finding, and provide a basis therefore, unless the complaint is resolved before that time.

If the Commission determines in an order that the service provider or equipment manufacturer violated section 255, 716, or 718, the Commission may direct the service provider or equipment manufacturer bring the service or the next generation of the equipment into compliance within a reasonable period of time, and take other enforcement action deemed appropriate. The service provider or equipment manufacturer shall have a reasonable opportunity to comment on the Commission's proposed remedial action before the Commission issues a final order with respect to that action.

The Commission estimates that 50% of the 2 informal complaints (1 complaint) will result in proposed remedial action annually.

Of the 1 proposed remedial action, 50% (0.5 rounded to 1 annual proposed remedial action) will be reviewed by an in-house staff attorney.

Maximum Number of Annual Respondents: 1

⁵⁷ The Commission estimates that there are no specific "in house" or other annual costs for individuals who file replies.

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1 respondent x 1 analysis = 1 annual response

Total Number of Annual Responses: 1 Response

The Commission estimates that each response will require approximately 2 hours for the review of the proposed remedial action.

1 review of proposed remedial action x 2 hours = 2 hours

Total Number of Annual Burden Hours: 2 hours

Annual “In-House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$69.56 per hour to comply with the requirement.

2 hours to review proposed remedial action x \$69.56/hour = \$139.12

Total Annual “In-House” Costs = \$139.12

The Commission estimates that, of the 1 proposed remedial action response, 50% (0.5 rounded to 1 annual proposed remedial action) will be reviewed by outside counsel, in consultation with an in-house attorney, annually.

Maximum Number of Annual Respondents: 1

1 respondents x 1 analysis = 1 annual response

Number of Annual Responses: 1 Response

The Commission estimates that each response will require approximately 1 hour for the consultation on the proposed remedial action.

1 consultation x 1 hour = 1 hour

Total Number of Annual Burden Hours: 1 hour

Annual “In-House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$69.56 per hour to comply with the requirement.

1 hour to consult on proposed remedial action x \$69.56/hour = \$69.56

Total Annual “In-House” Costs = \$69.56

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47 CFR §§ 14.38 - 14.52 Formal Complaints

Formal complaint proceedings are generally resolved on a written record consisting of a complaint, answer, and joint statement of stipulated facts, disputed facts and key legal issues, along with all associated affidavits, exhibits and other attachments. Commission proceedings may also require or permit other written submissions such as briefs, written interrogatories, and other supplementary documents or pleadings.

The Commission estimates that 1 complaint and 1 answer will be filed involving 1 complainant and 1 defendant annually.⁵⁸ Of these responses, 50% of respondents will be represented by an in-house attorney.

Maximum Number of Annual Respondents: 1

1 respondent x 1 complaint or answer = 1 response

Total Number of Annual Responses: 1 Response

The Commission estimates 5 hours of paralegal time and 35 hours in-house counsel time will be needed to prepare each complaint or answer

1 response/submission x 5 hours/paralegal time + 35 hours/in-house counsel time = 40 hours

Total Number of Annual Burden Hours: 40**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-level federal employees (paralegal, GS-12/5) and mid-to-senior level federal employees (attorney, GS-15/5); therefore, the Commission estimates respondents' costs to be about \$42.08 and \$69.56, respectively, to comply with the requirement.

5 hours for the complaint or answer x \$42.08/hour = \$210.40
35 hours for the complaint or answer x \$69.56/hour = \$2,434.60

Total Annual “In-House” Costs = \$2,645

The Commission estimates that other 50% of respondents (1 complainant and 1 defendant) will be represented by outside counsel in consultation with an in-house staff attorney in the filing of 1 complaint or 1 answer during the third year of the three-year OMB approval period.

Maximum Number of Annual Respondents: 1

1 respondent x 1 complaint or answer = 1 response

⁵⁸ The cumulative number of respondents for this requirement is 2.

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Total Number of Annual Responses: 1 Response

The Commission estimates that each response will require approximately 5 hours for the consultation on the preparation and filing of the complaint or answer.

1 consultation x 5 hours = 5 hours

Total Number of Annual Burden Hours: 5 hours**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$69.56 per hour to comply with the requirement.

5 hours to consult on complaint or answer x \$69.56/hour = \$347.80

Total Annual “In-House” Costs = \$347.80

Cumulative Number of Respondents: 4,541**Cumulative Number of Annual Responses: 54,064****Cumulative Annual Burden Hours: 155,419 hours****Cumulative Annual “In-House” Costs: \$7,821,187.60**

Information Collection	Respondents⁵⁹	Estimated Annual Number of Responses	Estimated Annual Burden Hours Per Response	Annual Burden Hours	Total Annual “In-House” Costs
§ 14.5 Waivers		16	1-5	64	\$4,451.84
§§ 6.11, 7.11 and 14.20(d) Information		45,000	1	45,000	\$2,251,800

⁵⁹ The Commission estimates that there will be a total of **3,500 entities**, not including providers of BIAS and manufacturers of equipment used for BIAS that will be subject to sections 255, 716, 717, and 718 of the Act. In addition, the Commission estimates that there are approximately **1,000 entities** that are providers of BIAS and manufacturers of equipment used for BIAS that will be covered by sections 255 and 717, bringing the total to **4,500 covered entities**.

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§ 14.31(a) Recordkeeping		4,500	24	108,000	\$5,404,320
§ 14.31(b) Annual Certification		4,500	.50	2,250	\$156,510
§ 14.32 Consumer Requests for Dispute Assistance ⁶⁰	40	40	1	40	0
§ 14.34 Informal Complaints ⁶¹					
§ 14.35 Designation of Agents	See 47 CFR § 14.31 Annual Certification, above, for the related burden analysis.				
§ 14.36 Answers and Replies		2	1-6	7	\$486.92
Engineering Analysis		-- ⁶²	1-5	6	\$417.36
Replies		2	2	4	0
§ 14.37 Review and Disposition		2	1-2	3	\$208.68
§§ 14.38 - 14.52 Formal Complaints ⁶³	1	2	5 - 35	45	\$2,992.80
Totals	4,541	54,064	.50-40	155,419	\$7,821,187.60

13. The following represents the Commission's estimate of the total annual cost burden resulting from the collection of information:

47 CFR § 14.5 Waivers – Multipurpose Services and Equipment

Based on the actual number of petitions for waiver filed over the past three years and other related factors, the Commission estimates that 4 advanced communications service providers and equipment manufacturers or interested parties will file waiver petitions per year. Of those 4 petitions, the Commission estimates that 50% (2 petitions) will be filed by outside counsel, in consultation with an in-house attorney. The Commission estimates 5 hours will be needed to prepare each of these waiver petitions. The Commission estimates that outside counsel will charge approximately \$300.00 per hour:

⁶⁰ As noted above, the burdens associated with consumer filing of 40 RDAs each year are contained in OMB 3060-0874. The information collection burdens associated with consumers responding to requests for additional information, covered entities responding to the RDAs, and Commission processing of RDAs are retained in this collection.

⁶¹ As noted above, the burdens associated with filing 2 informal complaints each year are contained in OMB 3060-0874. The information collection burdens associated with processing informal complaints are retained in this collection. See 47 CFR § 14.36 Answers and Replies to Informal Complaints.

⁶² See *supra* n.56.

⁶³ The estimates of 4,500 covered entities, *see supra* n.59, and 40 consumers responding to requests for additional information pertaining to RDAs do not include the estimate of one consumer filing a formal complaint each year.

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2 petitions prepared by outside counsel x 5 hours/petition x \$300.00/hour = \$3,000.00

The Commission estimates that up to all of the 4 respondents filing waiver petitions, or 4 respondents, will file reply comments. Of those 4 reply comments, 50% (2 reply comments) per year will be filed by outside counsel, in consultation with an in-house attorney. The Commission estimates 5 hours will be needed to prepare each of these reply comments. The Commission estimates that outside counsel will charge approximately \$300.00 per hour:

2 replies prepared by outside counsel x 5 hours/reply x \$300.00/hour = \$3,000.00 annual cost

47 CFR § 14.36 Answers and Replies to Informal Complaints

The Commission estimates that 2 service providers and equipment manufacturers subject to sections 255, 716, and 718 of the Act will file an answer to an informal complaint each year.

Of those 2 answers, 50% (1 answer) will be prepared by outside counsel, in consultation with an in-house attorney. The Commission estimates 6 hours will be needed to prepare each of these answers. The Commission estimates that outside counsel will charge approximately \$300.00 per hour:

1 answers prepared by outside counsel x 6 hours/answer x \$300.00/hour = \$1,800 annual cost

The Commission estimates that 50% of 2 answers (1 answer) will include an analysis by a contract engineer in consultation with staff engineers. The Commission estimates 5 hours will be needed to prepare each of these analyses. The Commission estimates that contract engineers will charge approximately \$250.00 per hour:

1 analysis by a contract engineer x 5 hours/analysis x \$250.00/hour = \$1,250 annual cost

Section 14.36(b) of the Commission's rules requires that the answer to the complaint be prepared or formatted in the manner requested by the Commission and the complainant. The Commission estimates that 50% of 2 answers (1 answer) will require such alternative formatting (e.g., Braille). The Commission estimates that respondents will outsource such formatting of complaint answers and that 1 hour will be needed to format each answer. The Commission estimates that formatting services will charge approximately \$150.00 per hour:

1 answers in alternative format x 1 hour/answer x \$150.00/hour = \$150.00 annual cost

47 CFR § 14.37 Review and Disposition of Informal Complaints

The Commission estimates that 50% of the 2 informal complaints filed (1 complaint) will result in proposed remedial action each year. Of the 1 proposed remedial action, 50% (0.5 rounded to 1 proposed remedial action each year) will be reviewed by outside counsel, in consultation with an in-house attorney. The Commission estimates 2 hours

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will be needed to review each of these proposed remedial actions. The Commission estimates that outside counsel will charge approximately \$300.00 per hour:

1 proposed remedial actions x 2 hours/action x \$300.00/hour = \$600.00 annual cost

47 CFR §§ 14.38 - 14.52 Formal Complaints

The Commission estimates that 1 complaint and 1 answer will be filed each year involving 1 complainant and 1 defendant. Of these responses, 50% of respondents will be represented by outside counsel in consultation with an in-house staff attorney in the filing of 1 complaint or 1 answer. The Commission estimates 5 hours of paralegal time and 25 hours of outside counsel time will be needed to prepare each complaint or answer. The Commission estimates that paralegals will charge \$42.08 (comparable mid-level federal employees, GS 12/5) and outside counsel will charge approximately \$300.00 per hour:

1 answer/complaint x 5 paralegal hours x \$42.08/hour = \$210.40 annual cost

1 answer/complaint x 25 outside counsel hours x \$300.00 = \$7,500 annual cost

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

(b) Total annual cost (operational and maintenance): \$17,510.40 (17,510 rounded)

(c) Total annual cost requested: \$17,510

14. Estimates of annual costs to the Federal government are as follows:

47 CFR § 14.5 Waivers – Multipurpose Services and Equipment

The Commission estimates that 4 advanced communications service providers and equipment manufacturers or interested parties will file waiver petitions per year.

The Commission will use GS 15/5 (\$69.56) staff attorneys to review these waiver petitions, comments and oppositions, and reply comments. The Commission estimates that this will require 2 to 4 hours (average 3 hours) for this review per petition.

4 petitions x 3 hours/petition x \$69.56/hour = \$834.72 annual cost

47 CFR § 14.32 Consumer Dispute Assistance

The Commission estimates that 40 requests for dispute assistance will be filed each year. The Commission will use GS 13/5 (\$50.04) staff analysts to review and forward these requests to service providers and equipment manufacturers. The Commission estimates that this will require 1 hour per request.

40 requests x 1 hour/request x \$50.04/hour = \$2,001.60 annual cost

47 CFR § 14.35 Procedure; Designation of Agents for Service

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The Commission shall forward any informal complaint meeting the requirements of section 14.34 of the Commission's rules to each service provider or equipment manufacturer named or determined to be implicated by the complaint.

Every service provider and equipment manufacturer subject to section 255, 716, or 718 shall designate an agent for service of process in the annual certification pursuant to section 14.31 of the Commission's rules.

The Commission estimates that 2 informal complaints will be filed each year. The Commission will use GS 13/5 (\$50.04) staff analysts to review and forward these informal complaints to service providers and equipment manufacturers. The Commission estimates that this will require 1 hour per informal complaint.

2 requests x 1 hour/request x \$50.04/hour = \$100.08 annual cost

47 CFR § 14.36 Answers and Replies to Informal Complaints

The Commission estimates that 2 service providers and equipment manufacturers subject to sections 255, 716, and 718 of the Act will file an answer to an informal complaint each year. The Commission will use GS 15/5 (\$69.56) staff attorneys to review these answers and documents produced. The Commission estimates that this will require 2 to 4 hours (average 3 hours) for this review per answer.

2 answers x 3 hours/answer x \$69.56/hour = \$417.36 annual cost

The Commission estimates that 100% of 2 answers filed each year will include an analysis by an engineer, which will result in 2 responses per year. The Commission will use GS 15/5 (\$69.56) staff engineers to review these engineering analysis. The Commission estimates 1 to 3 hours (average 2 hours) will be needed to review these engineering analyses.

2 engineering analyses x 2 hours/analysis x \$69.56/hour = \$278.24 annual cost

47 CFR §§ 14.38 - 14.52 Formal Complaints

The Commission estimates that 1 complaint and 1 answer will be filed each involving 1 complainant and 1 defendant. The Commission will use GS 12/5 (\$42.08) staff paralegals and GS 15/5 (\$69.56) staff attorneys to review these formal complaints and answers. The Commission estimates that this will require 6 hours of paralegal time, and 10 hours of attorney time for this review per complaint or answer.

2 filings x 6 hours/filing x \$42.08/hour = \$504.96 annual cost

2 filings x 10 hours/filing x \$69.56/hour = \$1,391.20 annual cost

Total Cost to Federal Government: \$5,528.16

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15. This is a revised collection of information that includes a program change. As a result of the *2015 Open Internet Order* reclassifying BIAS as a telecommunications service, the information collection requirements adopted in the *Section 255 Report and Order* were extended to providers of BIAS and manufacturers of equipment used for BIAS. However, the decreases in the various estimates of respondents, responses, and costs has resulted in a net decrease for this information collection. The net decreases subtracted from OMB's inventory as a result of these revisions are as follows:
 - (a) The Commission's estimate for the number of respondents has decreased by **-5,008**, from 9,549 respondents to 4,541 respondents;
 - (b) The Commission's estimate for number of responses has decreased by **-65,753**, from 119,817 responses to 54,064 responses;
 - (c) The Commission's estimate for the total annual burden hours has decreased by **-253,959**, from 409,378 hours to 155,419 hours; and
 - (d) The Commission's estimate for the total annual costs has decreased by **-\$273,978**, from \$291,488 to \$17,510.
16. The Commission posts on its website designated agent and other contact information submitted to the Commission pursuant to the information collection requirements discussed above. The Commission may also post aggregate complaint information on its website, and will comply with all valid FOIA requests with regard to information sought pertaining to accessibility complaints.
17. The Commission is not seeking approval not to display the expiration date for OMB approval of the information collection because the collection does not include a form number.
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 any statistical methods.