

**Section 79.107 User Interfaces Provided by Digital Apparatus; Section 79.108 Video Programming Guides and Menus Provided by Navigation Devices; Section 79.110 Complaint Procedures for User Interfaces, Menus and Guides, and Activating Accessibility Features on Digital Apparatus and Navigation Devices**

**SUPPORTING STATEMENT**

**A. Justification:**

1. The Commission is submitting this revised information collection to transfer certain information collection burdens associated with this OMB Control Number to another OMB Control Number. This change is being made to reflect the development of an online form for use by consumers in filing complaints alleging violations of the FCC's disability accessibility requirements.<sup>1</sup> The online form is part of an information collection reflected in OMB Control Number 3060-0874.

In the *Report and Order and Further Notice of Proposed Rulemaking*, MB Docket Nos. 12-108, 12-107, FCC 13-138 (the *User Interfaces Accessibility Order*), the Commission adopted rules implementing portions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (the CVAA) related to making accessible the user interfaces, text menus and guides of digital apparatus<sup>2</sup> and navigation devices.<sup>3</sup> These rules are codified at 47 CFR §§ 79.107, 79.108, 79.109, and 79.110.<sup>4</sup> In the *Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking*, MB Docket No. 12-108, FCC 15-156 (the *Second User Interfaces Accessibility Order*), the Commission adopted additional rules to ensure that consumers are able to find out about what accessible devices and features are available from covered manufacturers and MVPDs and how to use such devices and features.<sup>5</sup>

Covered entities will not be required to comply with the rules and information collection requirements contained in the *User Interfaces Accessibility Order* and in the *Second User Interfaces Accessibility Order* until December 20, 2016.<sup>6</sup> Therefore, the burden estimates contained in this document will not start until that date.

**The information collection requirements consist of:**

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<sup>1</sup> See *infra* paragraph A.12.(g).

<sup>2</sup> Specifically, pursuant to Section 204 of the CVAA, the *User Interfaces Accessibility Order* requires the user interfaces, text menus and visual indicators of digital apparatus designed to receive or play back video programming, including IP-delivered video programming, to be accessible to and usable by individuals who are blind or visually impaired, and requires that the activation mechanisms for closed captioning and video description be reasonably comparable to a button, key or icon.

<sup>3</sup> Specifically, pursuant to Section 205 of the CVAA, the *User Interfaces Accessibility Order* requires the on-screen text menus and guides provided by navigation devices for the display or selection of multichannel video programming be made audibly accessible in real time upon request by individuals who are blind or visually impaired, and requires that the activation mechanism for closed captioning be reasonably comparable to a button, key or icon.

<sup>4</sup> We note that while 47 CFR § 79.109 is discussed throughout this supporting statement, that section does not include any information collection requirements that require OMB approval.

<sup>5</sup> Specifically, the rules adopted in the *Second User Interfaces Accessibility Order* that are subject to OMB approval are 47 CFR §§ 79.107(a)(5), 79.107(d), 79.107(e), 79.108(d)(2), and 79.108(f).

<sup>6</sup> 47 CFR §§ 79.107(b), 79.108(b), and 79.109(c).

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(a) Requests for Commission determination of achievability for the accessibility, usability, and information, documentation, and training requirements for the user interfaces of digital apparatus.

Section 204 of the CVAA provides that “if achievable (as defined by section 716 [of the Communications Act, codified at 47 U.S.C. § 617(g)]) . . . digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound, including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol, be designed, developed, and fabricated so that control of appropriate built-in apparatus functions are accessible to and usable by individuals who are blind or visually impaired . . .”<sup>7</sup> Pursuant to 47 CFR § 79.107(a)(1), manufacturers of digital apparatus must comply with the section’s provisions “only if achievable as defined in § 79.107(c)(2),” meaning with reasonable effort or expense.

Pursuant to 47 CFR § 79.107(c)(1), before manufacturing or importing the apparatus, manufacturers of digital apparatus may petition the Commission, pursuant to 47 CFR § 1.41, for a determination that compliance with the requirements of 47 CFR § 79.107 is not achievable. Alternatively, manufacturers may assert that a particular digital apparatus does not comply with the requirements of 47 CFR § 79.107 because compliance was not achievable as a defense to a complaint, which the Commission may dismiss upon a finding that such compliance is not achievable. Pursuant to 47 CFR § 79.107(c)(2), such a petition or a response to a complaint must be supported with sufficient evidence to demonstrate that compliance with the requirements is not achievable. The Commission will consider four specific factors when making such a determination. In evaluating evidence offered to prove that compliance is not achievable, the Commission will be informed by the analysis in the *ACS Order*.<sup>8</sup>

(b) Requests for Commission determination of achievability for the accessibility and information, documentation, and training requirements for the text menus and guides provided by navigation devices.

Section 205 of the CVAA provides that “if achievable (as defined by section 716 [of the Communications Act, codified at 47 U.S.C. § 617(g)])” “the on-screen text menus and guides provided by navigation devices (as such term is defined in section 76.1200 of title 47, Code of Federal Regulations) for the display or selection of multichannel video programming are audibly accessible in real-time upon request by individuals who are blind or visually impaired . . .”<sup>9</sup> Pursuant to 47 CFR § 79.108, manufacturers of navigation devices and covered multichannel video programming distributors (MVPDs) must comply with the section’s provisions “only if achievable as defined in § 79.108(c)(2),” meaning with reasonable effort or expense.

Pursuant to 47 CFR § 79.108(c)(1), before manufacturing or importing the navigation device, manufacturers and covered MVPDs may petition the Commission, pursuant to 47 CFR § 1.41, for a

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<sup>7</sup> Codified at 47 U.S.C. § 303(aa)(1).

<sup>8</sup> See *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*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557, 14607-19, paras. 119-48 (2011) (*ACS Order*).

<sup>9</sup> Codified at 47 U.S.C. § 303(bb)(1).

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determination that compliance with the requirements of 47 CFR § 79.108 is not achievable. Alternatively, manufacturers and covered MVPDs may assert that a particular navigation device does not comply with the requirements of 47 CFR § 79.108 because compliance was not achievable as a defense to a complaint, which the Commission may dismiss upon a finding that such compliance is not achievable. Pursuant to 47 CFR § 79.108(c)(2), such a petition or a response to a complaint must be supported with sufficient evidence to demonstrate that compliance with the requirements is not achievable. The Commission will consider four specific factors when making such a determination. In evaluating evidence offered to prove that compliance is not achievable, the Commission will be informed by the analysis in the *ACS Order*.<sup>10</sup>

(c) Requests to MVPDs and navigation device manufacturers for accessible equipment.

Pursuant to 47 CFR § 79.108(a)(5), manufacturers of navigation devices and covered MVPDs must permit individuals who are blind or visually impaired to request accessible navigation devices through any means that such covered entities generally use to make available navigation devices to other consumers. Such requests could require navigation device manufacturers and MVPDs to collect information from consumers and require consumers to provide information to navigation device manufacturers and/or MVPDs to obtain an accessible navigation device.

(d) Notifications by covered MVPDs regarding the availability of accessible navigation devices.

Pursuant to 47 CFR § 79.108(d)(1), covered MVPDs must notify consumers that navigation devices with the required accessibility features are available upon request to consumers who are blind or visually impaired. MVPDs must clearly and conspicuously inform consumers about the availability of accessible navigation devices when providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues. In addition, MVPDs must provide prominent notice on their official websites about the availability of accessible navigation devices in a manner that is accessible to people with disabilities.

(e) Contact information for the receipt and handling of accessibility complaints.

Pursuant to 47 CFR § 79.110(b), covered entities must make their contact information available (*e.g.*, posted on their official websites) for the receipt and handling of complaints regarding the requirements of 47 CFR §§ 79.107-79.109. The contact information required must include the name of a person with primary responsibility for accessibility compliance issues. This contact information must also include that person's title or office, telephone number, fax number, postal mailing address, and e-mail address. A covered entity must keep this information current and update it within 10 business days of any change.

(f) Submission and review of verification of consumer eligibility in connection with accessibility solutions provided by sophisticated equipment and/or services at a price lower than that offered to the general public.

Pursuant to 47 CFR § 79.108(e), covered entities may require consumers to provide verification of eligibility as an individual who is blind or visually impaired to the extent a covered entity chooses to rely on an accessibility solution that involves providing the consumer with sophisticated equipment

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<sup>10</sup> See *ACS Order*, 26 FCC Rcd at 14607-19, paras. 119-48.

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and/or services at a price that is lower than that offered to the general public. In these situations, covered entities must allow a consumer to provide a wide array of documentation to verify eligibility for the accessibility solution provided and must comply with the requirements of 47 U.S.C. § 338(i)(4)(A) and 47 U.S.C. § 631(c)(1) to protect personal information gathered from consumers through verification procedures.

(g) Complaints alleging violations of the digital apparatus and navigation device accessibility rules.

The *User Interfaces Accessibility Order* adopts procedures for consumers to file complaints alleging violations of the rules requiring the accessibility of user interfaces, text menus and guides of digital apparatus and navigation devices, and requirements for activating certain accessibility features.<sup>11</sup>

Pursuant to 47 CFR § 79.110(a)(1), a complaint alleging a violation of the requirements of 47 CFR §§ 79.107, 79.108, or 79.109 must be filed with the Commission or with the covered entity within 60 days after the date the complainant experiences a problem relating to compliance with the requirements of §§ 79.107, 79.108, or 79.109. A complaint filed with the Commission may be transmitted to the Consumer and Governmental Affairs Bureau by any reasonable means, such as the Commission's online informal complaint filing system, letter, facsimile, telephone (voice/TRS/TTY), e-mail, or some other method that would best accommodate the complainant's disability. (Because some of the rules we are adopting are intended to make apparatus or navigation devices accessible to individuals who are blind or visually impaired, and therefore complainants may themselves be blind or visually impaired, if a complainant calls the Commission for assistance in preparing a complaint, Commission staff will document the complaint in writing for the consumer.)

Pursuant to 47 CFR § 79.110(a)(2), complaints should include the following information:

- (i) The complainant's name, address, and other contact information, such as telephone number and e-mail address;
- (ii) The name and contact information of the covered entity;
- (iii) Information sufficient to identify the software or digital apparatus/navigation device used;
- (iv) The date or dates on which the complainant purchased, acquired, or used, or tried to purchase, acquire, or use the digital apparatus/navigation device;
- (v) A statement of facts sufficient to show that the covered entity has violated, or is violating, the Commission's rules;
- (vi) The specific relief or satisfaction sought by the complainant;
- (vii) The complainant's preferred format or method of response to the complaint; and
- (viii) If a complaint pursuant to § 79.108 of this part, the date that the complainant requested an accessible navigation device and the person or entity to whom that request was directed.

Pursuant to 47 CFR § 79.110(a)(3), if a complaint is filed first with the Commission, the Commission will forward a complaint satisfying the above requirements to the named covered entity for its response, as well as to any other entity that Commission staff determines may be involved. The covered entity or entities must respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission.

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<sup>11</sup> See 47 CFR §§ 79.110 (detailing the procedures for filing complaints concerning an alleged violation of the requirements of §§ 79.107, 79.108, or 79.109).

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Pursuant to 47 CFR § 79.110(a)(4), if a complaint is filed first with the covered entity, the covered entity must respond in writing to the complainant within 30 days after receipt of a complaint. If the covered entity fails to respond to the complainant within 30 days, or the response does not satisfy the consumer, the complainant may file the complaint with the Commission within 30 days after the time allotted for the covered entity to respond. If the consumer subsequently files the complaint with the Commission (after filing with the covered entity) and the complaint satisfies the requirements, the Commission will forward the complaint to the named covered entity for its response, as well as to any other entity that Commission staff determines may be involved. The covered entity must then respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission.

Pursuant to 47 CFR § 79.110(a)(5), in response to a complaint, the covered entity must file with the Commission sufficient records and documentation to prove that it was (and remains) in compliance with the Commission's rules. Conclusory or insufficiently supported assertions of compliance will not carry the covered entity's burden of proof. If the covered entity admits that it was not, or is not, in compliance with the Commission's rules, it must file with the Commission sufficient records and documentation to explain the reasons for its noncompliance, show what remedial steps it has taken or will take, and show why such steps have been or will be sufficient to remediate the problem.

Pursuant to 47 CFR § 79.110(a)(6), the Commission will review all relevant information provided by the complainant and the covered entity, as well as any additional information the Commission deems relevant from its files or public sources. The Commission may request additional information from any relevant parties when, in the estimation of Commission staff, such information is needed to investigate the complaint or adjudicate potential violations of Commission rules. When the Commission requests additional information, parties to which such requests are addressed must provide the requested information in the manner and within the time period the Commission specifies.

(h) Usability requirements for manufacturers of digital apparatus.

The *Second User Interfaces Accessibility Order* adopts usability requirements for digital apparatus covered by 47 CFR § 79.107. A digital apparatus manufacturer must make functions that are used for the reception, play back, or display of video programming, as well as on-screen text menus or other visual indicators used to access these functions, usable to individuals who are blind or visually impaired. Pursuant to 47 CFR § 79.107(a)(5), the term "usable" means that individuals with disabilities have access to information and documentation on the full functionalities of digital apparatus, including instructions, product information (including accessible feature information), documentation, bills, and technical support which are provided to individuals without disabilities.

(i) Information, documentation, and training requirements for manufacturers of digital apparatus.

Pursuant to 47 CFR § 79.107(d), manufacturers of digital apparatus must ensure access to information and documentation provided to customers, including user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product. Manufacturers of digital apparatus must include the contact method for obtaining this information and documentation in general product information.

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Manufacturers should take such other steps as necessary including providing a description of the accessibility and compatibility features of the product and end-user product documentation upon request in alternate formats or alternate modes at no additional charge; and ensuring usable customer support and technical support in the call centers and service centers which support their products at no additional charge. In developing training programs, manufacturers of digital apparatus must consider the following topics: (i) accessibility requirements of individuals with disabilities; (ii) means of communicating with individuals with disabilities; (iii) commonly used adaptive technology used with the manufacturer's products; (iv) designing for accessibility; and (v) solutions for accessibility and compatibility.

(j) Information, documentation, and training requirements for covered MVPDs and manufacturers of navigation devices.

Pursuant to 47 CFR § 79.108(f), covered MVPDs and manufacturers of navigation devices must ensure access to information and documentation provided to customers, including user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product. MVPDs and manufacturers of navigation devices must include the contact method for obtaining this information and documentation in general product information.

MVPDs and manufacturers should take such other steps as necessary including providing a description of the accessibility and compatibility features of the product and end-user product documentation upon request in alternate formats or alternate modes at no additional charge; and ensuring usable customer support and technical support in the call centers and service centers which support their products at no additional charge. In developing training programs, MVPDs and manufacturers of navigation devices must consider the following topics: (i) accessibility requirements of individuals with disabilities; (ii) means of communicating with individuals with disabilities; (iii) commonly used adaptive technology used with the manufacturer's products; (iv) designing for accessibility; and (v) solutions for accessibility and compatibility. If a consumer with a disability requests an accessible navigation device, this also constitutes a request for a description of the accessibility features of the device and end-user product documentation in accessible formats.

(k) Notifications by covered manufacturers regarding the availability of accessible digital apparatus.

Pursuant to 47 CFR § 79.107(e), manufacturers of digital apparatus must provide notice on their official websites about the availability of accessible devices. Manufacturers must prominently display information about accessible devices and solutions on their websites in a way that makes such information available to all consumers and in a format that is accessible to people with disabilities. The notice for digital apparatus must publicize the availability of accessible devices and the specific person, office or entity who can answer consumer questions about which products contain the required accessibility features. The contact office or person listed on the website must be able to answer both general and specific questions about the availability of accessible equipment, including, if necessary, providing information to consumers or directing consumers to a place where they can locate information about how to activate and use accessibility features.

(l) Notifications by covered manufacturers regarding the availability of accessible navigation devices.

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Pursuant to 47 CFR § 79.108(d)(2), manufacturers of navigation devices must provide notice on their official websites about the availability of accessible devices. Manufacturers must prominently display information about accessible devices and solutions on their websites in a way that makes such information available to all consumers and in a format that is accessible to people with disabilities. The notice for navigation devices must publicize the availability of accessible devices and separate solutions and explain the means for making requests for accessible equipment and the specific person, office, or entity to whom such requests are to be made. The contact office or person listed on the website must be able to answer both general and specific questions about the availability of accessible equipment, including, if necessary, providing information to consumers or directing consumers to a place where they can locate information about how to activate and use accessibility features.

The statutory authority for this collection of information is contained in the Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751, and Sections 4(i), 4(j), 303(r), 303(u), 303(aa), 303(bb), and 716(g) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. §§ 154(i), 154(j), 303(r), 303(u), 303(aa), 303(bb), and 617(g).

2. The Commission will use the information submitted by a digital apparatus manufacturer or other party to determine whether it is achievable for digital apparatus to be fabricated so that control of appropriate built-in apparatus functions are accessible to and usable by individuals who are blind or visually impaired or whether it is achievable to comply with the information, documentation, and training requirements. The Commission will use the information submitted by an MVPD or navigation device manufacturer or other party to determine whether it is achievable for on-screen text menus and guides provided by navigation devices for the display or selection of multichannel video programming to be audibly accessible in real time upon request by individuals who are blind or visually impaired or whether it is achievable to comply with the information, documentation, and training requirements. Consumers will use the information provided by manufacturers of digital apparatus on the full functionalities of digital apparatus, such as instructions and product information, as well as information provided by manufacturers and MVPDs in accordance with the information, documentation, and training requirements, in order to have accessible information and support on how to use the device. Consumers will use the information provided by manufacturers and MVPDs notifying consumers of the availability of accessible digital apparatus and navigation devices to determine which devices accessible and whether they wish to request an accessible device. MVPDs and manufacturers of navigation devices will use the information provided by consumers who are blind or visually impaired consumers when requesting accessible navigation devices to fulfill such requests. MVPDs will use information provided by customers who are blind or visually impaired as reasonable proof of disability as a condition to providing equipment and/or services at a price that is lower than that offered to the general public. Consumers will use the contact information of covered entities to file written complaints regarding the accessibility requirements for digital apparatus and navigation devices. Finally, the Commission will use information received pursuant to the complaint procedures for violations of sections 79.107-79.109 to enforce the Commission's digital apparatus and navigation device accessibility requirements. The Commission will forward complaints, as appropriate, to the named manufacturer or provider for its response, as well as to any other entity that the Commission determines may be involved, and it may request additional information from relevant parties.

This information collection includes personally identifiable information (PII) with respect to complainants and other parties.

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(a) As required by OMB Memorandum M-03-22 (September 26, 2003), the FCC completed a Privacy Impact Assessment (PIA) 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 reviewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](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 also 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.<sup>12</sup>

3. Requests for Commission determination achievability of the digital apparatus or navigation device accessibility, usability, or information, documentation, and training requirements may be filed pursuant to 47 CFR § 1.41. Manufacturers of navigation devices and MVPDs must permit a requesting blind or visually impaired individual to request an accessible navigation device through any means that such covered entities generally use to make available navigation devices to other consumers. Any such means must not be more burdensome to a requesting blind or visually impaired individual than the means required for other consumers to obtain navigation devices. A manufacturer that provides navigation devices at retail to requesting blind or visually impaired consumers must make a good faith effort to have retailers make available compliant navigation devices to the same extent they make available navigation devices to other consumers generally.

MVPDs must provide consumers with clear and conspicuous notification that navigation devices with the required accessibility features are available to consumers who are blind or visually impaired upon request whenever providing information about equipment options in response to a consumer inquiry about service, accessibility or other issues, regardless of the form that inquiry takes. MVPDs and manufacturers must also provide notice on their official websites about the availability of accessible digital apparatus and navigation devices in a way that makes such information available to all consumers and in a website format accessible to people with disabilities. MVPDs may determine how customers who are blind or visually impaired can submit reasonable documentation of disability in order to obtain an accessibility solution that involves providing the consumer with sophisticated equipment and/or services at a price that is lower than that offered to the general public. The contact information for MVPDs and manufacturers may be provided by any method, including through a general notice on the MVPD’s or manufacturer’s website.

Complaints alleging violations of the digital apparatus and navigation device accessibility requirements (47 CFR §§ 79.107-79.109) may be transmitted to the Consumer and Governmental Affairs Bureau by any reasonable means, such as the Commission’s online informal complaint filing system, letter in writing or Braille, facsimile transmission, telephone (voice/TRS/TTY), e-mail, or some other method that would best accommodate the complainant’s disability. Consumers may also file their complaint using the FCC’s web-based form, which many consumers experience as the least burdensome method. The web-based form is located on the Commission’s website at [https://esupport.fcc.gov/ccmsforms/form2000.action?form\\_type=2000C&request\\_locale=en](https://esupport.fcc.gov/ccmsforms/form2000.action?form_type=2000C&request_locale=en).

Given that the population intended to benefit from the rules will be blind or visually impaired, if a complainant calls the Commission for assistance in preparing a complaint, Commission staff will document

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<sup>12</sup> 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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the complaint in writing for the consumer.

4. No other agency imposes a similar information collection on the respondents. There is no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the information collection burden for small business concerns, including those with fewer than 25 employees.

With regard to the accessibility requirements of 47 CFR §§ 79.107(a)(1)-(3) and 79.108(a)(1), the usability requirements of 47 CFR § 79.107(a)(1)-(2) and (a)(5), and the information, documentation, and training requirements of 47 CFR §§ 79.107(d) and 79.108(f), the rules establish procedures enabling the Commission to determine, in response to a petition, that compliance is not achievable (*i.e.*, cannot be accomplished with reasonable effort or expense). This process will allow the Commission to address the impact of the rules on individual entities, including smaller entities, on a case-by-case basis and to modify the application of the rules to accommodate individual circumstances, which can reduce the costs of compliance for these entities. Two of the four statutory factors that the Commission will consider in determining achievability are particularly relevant to small entities: the nature and cost of the steps needed to meet the requirements, and the technical and economic impact on the entity's operations. Small entities can also benefit from the ability to file a request pursuant to Section 1.41 of the Commission's rules for a determination that a particular solution is a permissible alternate means of compliance that satisfies the digital apparatus accessibility requirements, or to claim in defense to a complaint or enforcement action that the Commission should determine that the party's actions were permissible alternate means of compliance. Similarly, covered entities, including small entities, have maximum flexibility to select the means of compliance with the navigation device accessibility requirements.

The Commission provides procedural guidance for consumers to file complaints with the Commission alleging violations of the digital apparatus and navigation device accessibility requirements. These complaint procedures provide the Commission with flexibility to request additional information from any relevant party when such information is needed, thereby minimizing the information collection burden on small business concerns, including businesses with fewer than 25 employees. Finally, the Commission adopted a two-year delay in compliance with the requirements of Section 205 for certain mid-sized and smaller MVPD operators and small MVPD systems. Specifically, the later deadline will apply to: (1) MVPD operators with 400,000 or fewer subscribers; and (2) MVPD systems with 20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers. The delayed compliance deadline of December 20, 2018 for such smaller entities will help minimize the economic impact of Section 205's requirements.

6. These information collections are necessary for the Commission to carry out the purposes of and to comply with the CVAA. Completion of these information collections will afford the Commission an opportunity to ensure that the accessibility mandated by Congress under sections 303(aa) and 303(bb) of the Communications Act of 1934, as amended by the CVAA, will provide individuals with disabilities with better access to devices used to view video programming.

For example, these information collections provide individuals with disabilities a mechanism to file complaints with the Commission, which will assist the Commission in the enforcement of its apparatus

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rules. If this information collection was not conducted, the Commission might have no basis for enforcing its essential rules implementing the CVAA mandate to ensure the accessibility of digital apparatus and navigation devices. A consumer complaint process is critical to such enforcement efforts. Relatedly, requiring covered entities to make contact information available will allow consumers to directly contact covered entities with equipment-related accessibility complaints.

In addition, these information collections are needed so that consumers are notified about the availability of accessible digital apparatus and navigation devices and can request such accessible devices. In addition, these information collections will ensure that consumers are able to find out about what accessible devices and features are available from covered manufacturers and MVPDs and how to use such devices and features. These information collections are also needed to enable the Commission to provide greater certainty to apparatus manufacturers about what requirements are achievable.

Finally, these information collections allow MVPDs to verify that a customer has a visual disability when that customer requests an accessibility solution that involves providing sophisticated equipment and/or services at a price that is lower than that offered to the general public.

7. Respondents theoretically could file complaints to the Commission more than quarterly depending on the frequency of alleged rule violations. Otherwise, this collection of information is consistent with the guidelines in 5 CFR § 1320.5.

8. The Commission published a notice in the *Federal Register* on January 17, 2017 at 82 FR 4877 as required by 5 CFR § 1320.8(d) seeking comments from the public on the information collection requirements contained in the supporting statement. Joint comments were submitted on March 20, 2017, by deaf and hard of hearing advocacy and academic research organizations that support modifying the Commission's online Consumer Complaint Portal to include the collection of complaint information related to accessibility requirements for video programming digital apparatus and navigation device user interfaces (e.g., TV and set-top box controls, menus, and program guides).<sup>13</sup>

9. No payment or gift will be provided to respondents.

10. Some assurances of confidentiality are being provided to the respondents.

Parties filing requests for Commission determinations of achievability or responses to complaints alleging violations of the Commission's rules may seek confidential treatment of information they provide pursuant to the Commission's existing confidentiality rules.<sup>14</sup>

Regarding complaints alleging violations of the digital apparatus or navigation device accessibility requirements, the Commission provides that complaints should include the name, postal address, and

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<sup>13</sup> These joint comments were filed by Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Association of Late-Deafened Adults (ALDA), Cerebral Palsy and Deaf Organization (CPADO), Deaf Seniors of America, California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), National Association of State Agencies of the Deaf and Hard of Hearing (NASADHH), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), and Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing, Gallaudet University (DHH-RERC).

<sup>14</sup> See 47 CFR § 0.459.

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other contact information of the complainant. Any use of this information is covered under the routine uses listed in the Commission's SORN, FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance."

Regarding consumer eligibility information pertaining to accessibility solutions developed by MVPDs that consist of sophisticated equipment and/or services at a price that is lower than that offered to the general public, the Commission is not requesting that consumers provide reasonable documentation of disability, which may contain confidential information (*e.g.*, personal medical information), to the Commission. Such documentation would be provided directly to the consumer's MVPD.

11. This information collection does not raise any questions or issues of a sensitive nature.

**12. Estimated In-House Burden and Hour Burden Costs for Respondents**

For purposes of estimating the hour burdens for the collection of information, the following estimates will be used:

**14 multichannel video programming distributors (MVPDs)**<sup>15</sup>

**65 manufacturers** of digital apparatus and navigation devices<sup>16</sup>

(a) Requests for Commission determination of achievability for the accessibility, usability, and information, documentation, and training requirements for the user interfaces of digital apparatus.

The Commission estimates that **8 manufacturers** will file a total of 8 requests annually requesting a determination that the accessibility, usability, and information, documentation, and training requirements for the user interfaces of digital apparatus are not achievable.<sup>17</sup>

(1) The Commission estimates that 90% of the requests that manufacturers file will be prepared "in house" using the manufacturer's staff.

8 requests filed by manufacturers x 90% = **7 requests filed using "in-house" staff**

The Commission estimates that an average of 5 hours will be needed to complete all aspects of each request.

7 requests filed by manufacturers x 5 hours/request = **35 hours**

<sup>15</sup> From December 20, 2016 until December 19, 2018, only MVPDs with over 400,000 subscribers (*i.e.*, the top 14 MVPDs) will be required to comply with the requirements of the *User Interfaces Accessibility Order* and the *Second User Interfaces Accessibility Order*.

<sup>16</sup> We believe this is a reasonable estimate of the total number of manufacturers of apparatus that receive, play back, or record video programming. This is based in part on a study of manufacturers exhibiting at the industry's largest trade show and other information in the record identifying entities that would be subject to these rules.

<sup>17</sup> Requests for such determinations may be filed well before the compliance date of December 20, 2016.

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The Commission assumes that respondents use “in-house” personnel whose pay is comparable to mid-senior-level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$71.56 per hour.

35 hours x \$71.56/hour for “in house” staff = **\$2,504.60**

- (2) The Commission also estimates 10% of the requests that manufacturers file will be prepared using outside legal counsel, *e.g.*, attorneys in private law firms.

8 requests filed by manufacturers x 10% = **1 request filed using outside legal counsel**

Manufacturers that use outside legal counsel are likely to spend an average of 2 hours per request to coordinate with their outside legal counsel to prepare and submit the request.

1 request filed by a manufacturer x 2 hours/request = **2 hours to consult with outside legal counsel**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to mid-senior-level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$71.56 per hour.

2 hours x \$71.56/hour for “in house” staff = **\$143.12**

**Total Number of Respondents: 8 manufacturers**

**Total Annual Number of Responses: 7 + 1 = 8 responses**

**Total Annual Hourly Burden: 35 + 2 = 37 hours**

**Total Annual “In House” Costs: \$2,504.60 + \$143.12 = \$2,647.72**

- (b) Requests for Commission determination of achievability for the accessibility and information, documentation, and training requirements for the text menus and guides of navigation devices.

The Commission estimates that **7 manufacturers** will file a total of 7 requests annually requesting a determination that the accessibility and information, documentation, and training requirements for the text menus and guides of navigation devices are not achievable.<sup>18</sup>

- (1) The Commission estimates that 90% of the requests that manufacturers file will be prepared “in house” using the manufacturer’s staff.

7 requests filed by manufacturers x 90% = **6 requests filed using “in-house” staff**

The Commission estimates that an average of 5 hours will be needed to complete all aspects of each request.

<sup>18</sup> Requests for such determinations may be filed well before the compliance date of December 20, 2016.

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6 requests filed by manufacturers x 5 hours/request = **30 hours**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to mid-senior-level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$71.56 per hour.

30 hours x \$71.56/hour for “in house” staff = **\$2,146.80**

- (2) The Commission also estimates 10% of the requests that manufacturers file will be prepared using outside legal counsel, *e.g.*, attorneys in private law firms.

7 requests filed by manufacturers x 10% = **1 request filed using outside legal counsel**

Manufacturers that use outside legal counsel are likely to spend an average of 2 hours per request to coordinate with their outside legal counsel to prepare and submit the request.

1 request filed by a manufacturer x 2 hours/request = **2 hours to consult with outside legal counsel**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to mid-senior-level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$71.56 per hour.

2 hours x \$71.56/hour for “in house” staff = **\$143.12**

**Total Number of Respondents: 7 manufacturers**

**Total Annual Number of Responses: 6 + 1 = 7 responses**

**Total Annual Hourly Burden: 30 + 2 = 32 hours**

**Total Annual “In House” Costs: \$2,146.80 + \$143.12= \$2,289.92**

- (c) Requests to covered MVPDs and navigation device manufacturers for accessible equipment.

The Commission estimates that between the **14 MVPDs** and **65 navigation device manufacturers**, **5,000 requests** for accessible equipment will be received from consumers who are blind or visually impaired.

14 MVPDs + 65 manufacturers = **79 respondents**

5,000 requests = **5,000 responses**

The Commission estimates that each MVPD or manufacturer will spend approximately .50 hours (30 minutes) to fulfill each request.

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5,000 requests x .50 hours/manufacture or MVPD = **2,500 hours**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

2,500 hours x \$19.70/hour for “in house” staff = **\$49,250**

**Total Number of Respondents: 79 respondents**

**Total Annual Number of Responses: 5,000 responses**

**Total Annual Hourly Burden: 2,500 hours**

**Total Annual “In House” Costs: \$49,250**

(d) Notifications by MVPDs regarding the availability of accessible navigation devices.

- (1) Website notifications. The Commission estimates that **14 MVPDs** will provide notifications on their company websites regarding the availability of accessible equipment.

14 MVPDs x 1 notification/MVPD = **14 responses**

The Commission estimates that each MVPD will spend approximately 1.0 hours per year to provide website notifications regarding the availability of accessible equipment as required and to update that information as needed.

14 MVPDs x 1.0 hours/MVPD = **14 hours**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

14 hours x \$19.70 hour for “in house” staff = **\$275.80**

- (2) Other notifications. The Commission estimates that **14 MVPDs** will provide notifications about the availability of accessible navigation devices when providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues.

The Commission estimates that MVPDs will be required to provide **500,000 notifications** to consumers about the availability of accessible navigation devices when providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues.

500,000 notifications = **500,000 responses**

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The Commission estimates that each MVPD will spend approximately 0.0167 hours (1 minute) to provide a consumer with notice about the availability of accessible navigation devices when providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues.

500,000 responses x 0.0167 hours/response = **8,350 hours**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

8,350 hours x \$19.70/hour for “in house” staff = **\$164,495**

**Annual Burden Hours:** 14 hours + 8,350 hours = **8,364 hours**

**Annual “In House” Hourly Cost:** \$275.80 + \$164,495 = **\$164,770.80**

(e) Contact information for the receipt and handling of user interface accessibility complaints

The Commission estimates that **65 manufacturers** of digital apparatus and navigation devices and **14 MVPDs** will provide and maintain their contact information as required.

65 manufacturers + 14 MVPDs x 1 listing/manufacture or MVPD = **79 responses**

The Commission estimates that each manufacturer or MVPD will spend approximately .50 hours (30 minutes) per year to provide their contact information as required and to update that information as needed.

65 manufacturers + 14 MVPDs x .50 hours/manufacture or MVPD = **39.5 hours (rounded to 40)**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

40 hours x \$19.70/hour for “in house” staff = **\$788**

**Total Number of Respondents:** 79 respondents

**Total Annual Number of Responses:** 79 responses

**Total Annual Hourly Burden:** 40 hours

**Total Annual “In House” Costs:** \$788

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(f) Submission and review of verification of consumer eligibility in connection with accessibility solutions provided by sophisticated equipment and/or services at a price lower than that offered to the general public.

- (1) Number of customer requests. The Commission estimates that **4,000 MVPD customers** who are blind or visually impaired will be provided with accessibility solutions provided by sophisticated equipment and/or services at a price lower than that offered to the general public. These customers may need to submit reasonable documentation of disability to the MVPD to demonstrate that they are eligible for such an accessibility solution at no additional cost.

4,000 customers x 1 request = **4,000 responses**

- (2) Eligibility information provided by customer. The Commission estimates the average burden on each customer to obtain reasonable documentation of disability (*e.g.*, proof of participation in a nationally-established program for individuals who are blind or visually impaired, such as the Commission's National Deaf-Blind Equipment Distribution Program or the National Library Service's talking books program; or documentation from any professional or service provider with direct knowledge of the individual's disability, such as a social worker, case worker, counselor, teacher, school superintendent, professional librarian, doctor, ophthalmologist, optometrist, or registered nurse) and to submit such documentation to an MVPD is approximately 2 hours.

4,000 customers x 2 hours/request = **8,000 hours**

Annual "In House" Hourly Costs: **\$0**

- (3) Review of eligibility information and recordkeeping by MVPDs. The Commission expects that MVPDs will use "in house" personnel to review and retain all documentation of disability submitted by customers who are blind or visually impaired used to determine whether the customer is eligible to receive accessibility solutions provided by sophisticated equipment and/or services at a price lower than that offered to the general public.

4,000 customer requests = **4,000 requests reviewed by "in house" personnel**

The Commission estimates that an average of 0.5 hours will be needed for "in house" personnel to review and retain documentation of disability submitted by customers who are blind or visually impaired to determine whether the customer is eligible to receive accessibility solutions provided by sophisticated equipment and/or services at a price lower than that offered to the general public.

4,000 customer requests x 0.5 hour = **2,000 hours**



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The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

2,000 hours x \$19.70/hour for “in house” staff = **\$39,400**

**Annual Burden Hours:** 8,000 hours + 2,000 hours = **10,000 hours**

**Annual “In House” Hourly Cost:** \$0 + \$39,400 = **\$39,400**

(g) Complaints alleging violations of the digital apparatus and navigation device accessibility requirements.

- (1) Complaint respondents. The Commission estimates that a total of 100 complaints will be filed first with covered entities (either manufacturers or MVPDs) and that 80 complaints will be resolved to the satisfaction of the complainants and 20 complaints (20%) will be re-filed with the Commission. The Commission further estimates that an additional 50 complaints will be filed directly with the Commission. To be most inclusive in its estimates, the Commission assumes that each complaint will be filed by a unique consumer, and that these complaints will be filed against unique manufacturers and MVPDs.

80 complaints filed with and resolved by MVPDs or manufacturers  
80 unique consumers

14 MVPDs + 65 manufacturers = 79 MVPDs and manufacturers total  
20% of 79 = 15.8 (rounded to 16) unique MVPDs and manufactures against whom complaints are filed

80 unique consumers + 16 unique MVPDs and manufacturers = **96 respondents**<sup>19</sup>

- (2) Complaints. The Commission estimates that each consumer will need 0.5 hours to prepare and submit a complaint, including responding to any Commission request for additional information.

80 complaints filed with and resolved by MVPDs or manufacturers<sup>20</sup>

80 complaints = **80 responses**

80 responses x 0.5 hour/complaint = **40 hours**

<sup>19</sup> In addition, the Commission estimates that 20 complaints will be filed with MVPDs or manufacturers and re-filed with the Commission and that 50 complaints will be filed directly with the Commission against MVPDs or manufacturers. These 70 unique consumers/respondents are included in OMB Control Number 3060-0874 (as general complaints).

<sup>20</sup> In addition, the Commission estimates that 20 complaints will be filed with MVPDs or manufacturers and re-filed with the Commission and that 50 complaints will be filed directly with the Commission against MVPDs or manufacturers. The burdens associated with the filing of these complaints are reflected in OMB Control Number 3060-0874 (as general complaints). The burden on the FCC of responding to these complaints is reflected in paragraph A.12.(g)(3) (Responses to Complaints) in this supporting statement.

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Annual “In House” Hourly Costs: **\$0**

- (3) Responses to complaints. The Commission assumes that the MVPD or manufacturer will respond to each of the estimated 80 complaints it receives (and resolves), and to each of the estimated 20 complaints re-filed with the Commission and 50 complaints filed directly with and forwarded by the Commission.

- (i) The Commission expects that MVPDs and manufacturers will use “in house” personnel to respond to 50% of the 150 complaints that they received and resolved or that were re-filed or filed directly with and forwarded by the Commission.

**150 x 50% = 75 responses to complaints prepared by “in house” personnel**

The Commission estimates that an average of 3 hours will be needed for “in house” personnel to respond to a complaint, including responding to any Commission request for additional information.

**75 responses to complaints x 3 hours/response = 225 hours**

The Commission assumes that respondents use “in house” personnel whose pay is comparable to mid-senior-level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$71.56 per hour.

**225 hours x \$71.56/hour for “in house” staff = \$16,101**

- (ii) The Commission expects that MVPDs and manufacturers will use outside legal counsel to respond to 50% of the 150 complaints that they received and resolved or that were re-filed or filed directly with and forwarded by the Commission.

**150 x 50% = 75 responses to complaints prepared by outside legal counsel**

MVPDs and manufacturers are likely to spend an average of 1 hour per complaint to coordinate with their outside legal counsel to prepare and submit the response.

**75 responses to complaints x 1 hour/response = 75 hours to consult with outside legal counsel**

The Commission assumes that respondents use “in house” personnel whose pay is comparable to mid-senior-level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$71.56 per hour.

**75 hours x \$71.56 hour for “in house” staff = \$5,367**

- (4) Recordkeeping in support of complaint responses. The Commission estimates that the average annual burden for manufacturers and MVPDs to perform recordkeeping to enable making

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information available upon request to the Commission will be 10 hours for each MVPD or manufacturer.<sup>21</sup> All manufacturers and MVPDs will be expected to perform such recordkeeping. The Commission believes that MVPDs and manufacturers will perform these activities “in house.”

65 manufacturers + 14 MVPDs = **79 respondents**

79 respondents x 10 hours/recordkeeping = **790 hours**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

790 hours x \$19.70/hour for “in house” staff = **\$15,563**

**Annual Burden Hours:** 40 hours + 225 hours + 75 hours + 790 hours = **1,130 hours**

**Annual “In House” Hourly Cost:** \$0 + 16,101 + \$5,367 + \$15,563= **\$37,031**

(h) Usability requirements for manufacturers of digital apparatus.

The Commission estimates that **65 manufacturers** will provide access to information and documentation on the full functionalities of digital apparatus, including instructions, product information (including accessible feature information), documentation, bills, and technical support which are provided to individuals without disabilities to comply with usability requirements.

The Commission estimates that manufacturers will need to respond to **2,500 requests** from consumers for information and documentation on the full functionalities of digital apparatus, including instructions, product information (including accessible feature information), documentation, bills, and technical support which are provided to individuals without disabilities.

2,500 requests = **2,500 responses**

The Commission estimates that each manufacturer will spend approximately 0.25 hours (15 minutes) to provide a consumer with information and documentation on the full functionalities of digital apparatus, including instructions, product information (including accessible feature information), documentation, bills, and technical support which are provided to individuals without disabilities.

2,500 responses x 0.25 hours/response = **625 hours**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

<sup>21</sup> The Commission considers all of these recordkeeping and information provision requirements to constitute one response per MVPD or manufacturer, or one set of records kept per manufacturer, for a total of 79 responses, with the 10 hours per response encompassing the burdens associated with fulfilling these requirements.

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625 hours x \$19.70/hour for “in house” staff = **\$12,312.50**

**Annual Burden Hours: 625 hours**

**Annual “In House” Hourly Cost: \$12,312.50**

(i) Information, documentation, and training requirements for manufacturers of digital apparatus.

The Commission estimates that **65 manufacturers** will provide information and documentation to customers, including user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product, as well as provide a description of the accessibility and compatibility features of the product and end-user product documentation upon request in alternate formats or alternate modes at no additional charge.

The Commission estimates that manufacturers will need to respond to **2,500 requests** from consumers for information and documentation, including user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product, as well as provide a description of the accessibility and compatibility features of the product and end-user product documentation upon request in alternate formats or alternate modes at no additional charge.

2,500 requests = **2,500 responses**

The Commission estimates that each manufacturer will spend approximately 0.25 hours (15 minutes) to provide a consumer with information and documentation, including user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product, as well as provide a description of the accessibility and compatibility features of the product and end-user product documentation upon request in alternate formats or alternate modes at no additional charge.

2,500 responses x 0.25 hours/response = **625 hours**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

625 hours x \$19.70 /hour for “in house” staff = **\$12,312.50**

**Annual Burden Hours: 625 hours**

**Annual “In House” Hourly Cost: \$12,312.50**

(j) Information, documentation, and training requirements for covered MVPDs and manufacturers of navigation devices.

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The Commission estimates that **14 MVPDs** will provide information and documentation to customers, including user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product, as well as provide a description of the accessibility and compatibility features of the product and end-user product documentation upon request in alternate formats or alternate modes at no additional charge.

The Commission estimates that MVPDs will need to respond to **2,500 requests** from consumers for information and documentation, including user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product, as well as provide a description of the accessibility and compatibility features of the product and end-user product documentation upon request in alternate formats or alternate modes at no additional charge.

2,500 requests = **2,500 responses**

The Commission estimates that each MVPD will spend approximately 0.25 hours (15 minutes) to provide a consumer with information and documentation, including user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product, as well as provide a description of the accessibility and compatibility features of the product and end-user product documentation upon request in alternate formats or alternate modes at no additional charge.

2,500 responses x 0.25 hours/response = **625 hours**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

625 hours x \$19.70/hour for “in house” staff = **\$12,312.50**

**Annual Burden Hours: 625 hours**

**Annual “In House” Hourly Cost: \$12,312.50**

(k) Notifications by covered manufacturers regarding the availability of accessible digital apparatus.

The Commission estimates that **30 manufacturers** will provide notifications on their company websites regarding the availability of accessible digital apparatus.

30 manufacturers x 1 notification/manufacturer = **30 responses**

The Commission estimates that each manufacturer will spend approximately 1.0 hours per year to provide website notifications regarding the availability of accessible digital apparatus as required and to update that information as needed.

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30 manufacturers x 1.0 hours/manufacturer = **30 hours**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

30 hours x \$19.70/hour for “in house” staff = **\$591**

(l) Notifications by covered manufacturers regarding the availability of accessible navigation devices.

The Commission estimates that **35 manufacturers** will provide notifications on their company websites regarding the availability of accessible navigation devices.

35 manufacturers x 1 notification/manufacturer = **35 responses**

The Commission estimates that each manufacturer will spend approximately 1.0 hours per year to provide website notifications regarding the availability of accessible navigation devices as required and to update that information as needed.

35 manufacturers x 1.0 hours/manufacturer = **35 hours**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to clerical/administrative federal employees (GS-5/5); therefore, the Commission estimates respondents’ costs to be about \$19.70 per hour.

35 hours x \$19.70/hour for “in house” staff = **\$689.50**

**Total Number of Respondents:**

14 MVPDs + 65 manufacturers + 16 unique MVPDs and manufacturers + 4,000 MVPD customers + 80 unique consumers = **4,175 respondents**

**Total Annual Number of Responses:**

8 responses + 7 responses + 5,000 responses + 14 responses + 500,000 responses + 79 responses + 4,000 responses + 80 responses + 75 responses + 75 responses + 79 responses + 2,500 responses + 2,500 responses + 2,500 responses + 30 responses + 35 responses = **516,982 responses**

**Total Annual Burden Hours:**

37 hours + 32 hours + 2,500 hours + 8,364 hours + 40 hours + 10,000 hours + 1,130 hours + 625 hours + 625 hours + 625 hours + 30 hours + 35 hours = **24,043 hours**

**Total Annual “In House” Costs:**

\$2,647.72 + \$2,289.92 + \$49,250 + \$164,770.80 + \$788 + \$39,400 + \$37,031 + \$12,312.50 + \$12,312.50 + \$12,312.50 + \$591 + \$689.50 = **\$334,395.44**

13. Estimate of the total annual cost burden to the respondents resulting from the collection of information (excluding the value of the burden hours in #12, above):

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- (a) Requests for Commission determination of achievability for the accessibility, usability, and information, documentation, and training requirements for the user interfaces of digital apparatus.

In #12(a) above, the Commission estimates that 10% of the 8 requests that manufacturers file seeking Commission determinations as to whether it is achievable for certain digital apparatus to comply with accessibility, usability, and information, documentation, and training requirements for the user interfaces of digital apparatus will be prepared using outside legal counsel. The Commission estimates 5 hours will be needed to prepare these requests. The Commission estimates that outside counsel will charge approximately \$300 per hour.

10% of 8 requests = 1 request x 5 hours = 5 hours x \$300 = **\$1,500**

- (b) Requests for Commission determination of achievability for the accessibility and information, documentation, and training requirements for the text menus and guides of navigation devices.

In #12(b) above, the Commission estimates that 10% of the 7 requests that manufacturers file seeking Commission determinations as to whether it is achievable for certain navigation devices to comply with the accessibility and information, documentation, and training requirements for text menus and guides will be prepared using outside legal counsel. The Commission estimates 5 hours will be needed to prepare these requests. The Commission estimates that outside counsel will charge approximately \$300 per hour.

10% of 7 requests = 1 request x 5 hours = 5 hours x \$300 = **\$1,500**

- (c) Requests to MVPDs and navigation device manufacturers for accessible equipment.

There are no outside costs for this requirement.

- (d) Notifications by MVPDs regarding the availability of accessible navigation devices.

There are no outside costs for this requirement.

- (e) Contact information for the receipt and handling of user interface accessibility complaints.

There are no outside costs for this requirement.

- (f) Submission and review of verification of consumer eligibility in connection with accessibility solutions provided by sophisticated equipment and/or services at a price lower than that offered to the general public.

There are no outside costs for this requirement.

- (g) Complaints alleging violations of the digital apparatus and navigation device accessibility requirements.

In #12(g) above, the Commission estimates that 50% of 150 responses to complaints that were

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received and resolved by MVPDs and manufacturers, or that were re-filed with or filed directly with the Commission and forwarded to MVPDs and manufacturers by the Commission will be prepared using outside legal counsel. The Commission estimates 3 hours will be needed to prepare and submit these responses, including responding to any Commission request for additional information. The Commission estimates that outside counsel will charge approximately \$300 per hour.

50% of 150 responses = 75 responses x 3 hours = 225 hours x \$300 = **\$67,500**

(h) Usability requirements for manufacturers of digital apparatus.

There are no outside costs for this requirement.

(i) Information, documentation, and training requirements for manufacturers of digital apparatus.

There are no outside costs for this requirement.

(j) Information, documentation, and training requirements for covered MVPDs and manufacturers of navigation devices.

There are no outside costs for this requirement.

(k) Notifications by covered manufacturers regarding the availability of accessible digital apparatus.

There are no outside costs for this requirement.

(l) Notifications by covered manufacturers regarding the availability of accessible navigation devices.

There are no outside costs for this requirement.

**Total annualized capital/start-up cost: \$0**

**Total annual costs (operation and maintenance):** \$1,500 + \$1,500 + \$0 + \$0 + \$0 + \$0 + \$67,500 = **\$70,500**

**Total annualized cost requested:** \$1,500 + \$1,500 + \$0 + \$0 + \$0 + \$0 + \$67,500 + \$0 + \$0 + \$0 + \$0 + \$0 = **\$70,500**

14. Estimates of annualized costs to the Federal government:

(a) Requests for Commission determination of achievability for the accessibility, usability, and information, documentation, and training requirements for the user interfaces of digital apparatus.

In #12(a) above, the Commission estimates that manufacturers will file 8 requests seeking Commission determinations as to whether it is achievable for certain digital apparatus to comply with the accessibility, usability, and information, documentation, and training requirements for the user interfaces of digital apparatus.



**Section 79.107 User Interfaces Provided by Digital Apparatus; Section 79.108 Video Programming Guides and Menus Provided by Navigation Devices; Section 79.110 Complaint Procedures for User Interfaces, Menus and Guides, and Activating Accessibility Features on Digital Apparatus and Navigation Devices**

The Commission will use GS 15/5 (\$71.56) staff attorneys to review these requests. The Commission estimates that this will require 5 hours for this review per request.

8 requests x 5 hours/request x \$71.56/hour = **\$2,862.40**

- (b) Requests for Commission determination of achievability for the accessibility and information, documentation, and training requirements for the text menus and guides of navigation devices.

In #12(a) above, the Commission estimates that manufacturers will file 7 requests seeking Commission determinations as to whether it is achievable for certain navigation devices to comply with the accessibility and information, documentation, and training requirements for the text menus and guides of navigation devices.

The Commission will use GS 15/5 (\$71.56) staff attorneys to review these requests. The Commission estimates that this will require 5 hours for this review per request.

7 requests x 5 hours/request x \$71.56/hour = **\$2,504.60**

- (c) Requests to MVPDs and navigation device manufacturers for accessible equipment.

The Commission estimates no annual costs to the Federal government.

- (d) Notifications by MVPDs regarding the availability of accessible navigation devices.

The Commission estimates no annual costs to the Federal government.

- (e) Contact information for the receipt and handling of user interface accessibility complaints.

The Commission estimates no annual costs to the Federal government.

- (f) Submission and review of verification of consumer eligibility in connection with accessibility solutions provided by sophisticated equipment and/or services at a price lower than that offered to the general public.

The Commission estimates no annual costs to the Federal government.

- (g) Complaints alleging violations of the digital apparatus and navigation device accessibility requirements.

In #12(g) above, the Commission estimates that it will forward 70 complaints to MVPDs and manufacturers for a response. The Commission will use GS 13/5 (\$51.48) staff analysis to review and forward these informal complaints to MVPDs and manufacturers. The Commission estimates that this will require 1 hour per complaint.

70 complaints x 1 hour/complaint x \$51.48/hour = **\$3,603.60**

**Section 79.107 User Interfaces Provided by Digital Apparatus; Section 79.108 Video Programming Guides and Menus Provided by Navigation Devices; Section 79.110 Complaint Procedures for User Interfaces, Menus and Guides, and Activating Accessibility Features on Digital Apparatus and Navigation Devices**

The Commission will use GS 15/5 (\$71.56) staff attorneys to review the responses and documents submitted by MVPDs and manufacturers. The Commission estimates that this will require 2 to 4 hours (average 3 hours) for this review per response.

70 responses x 3 hours/response x \$71.56/hour = **\$15,027.60**

(h) Usability requirements for manufacturers of digital apparatus.

The Commission estimates no annual costs to the Federal government.

(i) Information, documentation, and training requirements for manufacturers of digital apparatus.

The Commission estimates no annual costs to the Federal government.

(j) Information, documentation, and training requirements for covered MVPDs and manufacturers of navigation devices.

The Commission estimates no annual costs to the Federal government.

(k) Notifications by covered manufacturers regarding the availability of accessible digital apparatus.

The Commission estimates no annual costs to the Federal government.

(l) Notifications by covered manufacturers regarding the availability of accessible navigation devices.

The Commission estimates no annual costs to the Federal government.

**Total Cost to Federal Government:** \$2,862.40 + \$2,504.60 + \$0 + \$0 + \$0 + \$0 + \$3,603.60 + \$15,027.60 + \$0 + \$0 + \$0 + \$0 + \$0 = **\$23,998.20**

15. The Commission transferred information collection burdens related to the filing of complaints from this information collection to OMB Control Number 3060-0874 and further decreased the burdens associated with this information collection by correcting an error in the calculation of the estimated hourly burdens related to filing complaints. Overall, the burdens associated with these two information collections were decreased because filing a complaint offline under this collection (OMB Control Number 3060-1203) was estimated to require 0.5 hour (30 minutes) per complaint, and filing a complaint online (burdens reflected in OMB Control Number 3060-0874) is estimated to require 0.25 hour (15 minutes) per complaint. Therefore, there are adjustments/decreases to this information collection, which are as follows: **-70** from the annual number of respondents (from **4,245 to 4,175**), **-70** from the annual number of responses (from **517,052 to 516,982**), and **-110** from the annual burden hours (from **24,153 hours to 24,043**). There are no changes to the annual cost. Also, there are no program changes to this information collection.

16. The Commission does not intend to publish the results of these collections of information.

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

**Section 79.107 User Interfaces Provided by Digital Apparatus; Section 79.108 Video Programming Guides and Menus Provided by Navigation Devices; Section 79.110 Complaint Procedures for User Interfaces, Menus and Guides, and Activating Accessibility Features on Digital Apparatus and Navigation Devices**

18. There are no exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods:**

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