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SUPPORTING STATEMENT**A. Justification:**

The Commission is seeking an extension for existing collection 3060-0411 which relates to the filing requirements of formal complaint proceedings with the Federal Communications Commission. In conjunction with this extension, the Commission includes a non-substantive stylistic edit (no word was changed) to Form 485 (Formal Complaint Intake Form).

Existing Information Collection Requirements:

1. Sections 206-209 of the Communications Act of 1934, as amended (the “Act”), provide the statutory framework for adjudicating formal complaints against common carriers. To resolve complaints between providers regarding compliance with data roaming obligations, Commission Rule 20.12(e) adopts by reference the procedures already in place for resolving Section 208 formal complaints against common carriers, except that the remedy of damages, is not available for complaints against commercial mobile data service providers. Section 208(a) authorizes complaints by any person “complaining of anything done or omitted to be done by any common carrier” subject to the provisions of the Act.

Section 208(a) states that, if a carrier does not satisfy a complaint or there appears to be any reasonable ground for investigating the complaint, the Commission shall “investigate the matters complained of in such manner and by such means as it shall deem proper.” Certain categories of complaints are subject to a statutory deadline for resolution. *See, e.g.*, 47 U.S.C. § 208(b)(1) (imposing a five-month deadline for complaints challenging the “lawfulness of a charge, classification, regulation, or practice”); 47 U.S.C. § 271(d)(6) (imposing a 90-day deadline for complaints alleging that a Bell operating company has ceased to meet conditions imposed in connection with approval to provide in-region interLATA services).

Formal complaint proceedings before the Commission are similar to civil litigation in federal district court. In fact, under section 207 of the Act, a party claiming to be damaged by a common carrier may file its complaint with the Commission or in any district court of the United States, “but such person shall not have the right to pursue both such remedies.” *See* 47 U.S.C. § 207.

The Commission has promulgated rules (the “Formal Complaint Rules”) to govern its formal complaint proceedings that are similar in many respects to the Federal Rules of Civil Procedure. *See* 47 C.F.R. §§ 1.720-1.736. These rules require the submission of information from the parties necessary to create a record on which the Commission can decide complex legal and factual issues. In 2014, the Commission required that all formal complaint submissions, unless confidential, must be filed using the agency’s Electronic Comment Filing System.

As described in Section 1.720 of the Commission’s rules, formal complaint proceedings are 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. *See* 47 C.F.R. § 1.720.

Specifically, the Commission’s Formal Complaint Rules mandate collection of the following information:

- General pleading requirements:

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- ✓ Parties are required to submit copies of all non-Commission authorities relied upon that are not routinely available in national reporting systems. 47 C.F.R. § 1.720(f).
- ✓ Parties must submit copies of relevant tariffs or relevant portions of tariffs that are referred to or relied upon in their pleadings. 47 C.F.R. § 1.720(h).
- Complaint:
 - ✓ All material facts in the complaint must be supported by relevant affidavits and documentation, and the documentary evidence upon which the complainant relies to support its facts and arguments must be attached to the complaint. 47 C.F.R. §§ 1.721(a)(5), (11); *see also* 47 C.F.R. § 1.720(c).
 - ✓ The complaint must contain proposed findings of fact, conclusions of law, and legal analysis relevant to the claims and arguments. 47 C.F.R. § 1.721(a)(6).
 - ✓ The complaint must specify the relief sought and, for complaints against common carriers, the amount of damages claimed, if known. 47 C.F.R. § 1.721(a)(7).
 - ✓ The complainant must certify that prior to filing the complaint, the complainant mailed to the defendant (or its registered agent for service of process) a certified letter outlining the allegations that form the basis of the complaint it anticipates filing with the Commission and inviting a response within a reasonable period of time. 47 C.F.R. § 1.721(a)(8).
 - ✓ The complaint must include an information designation identifying witnesses with knowledge of facts alleged and describing all relevant documents. 47 C.F.R. § 1.721(a)(10).
 - ✓ A FCC Form 485, Formal Complaint Intake Form, must accompany the complaint. 47 C.F.R. § 1.721(a)(12). The form indicates, among other things, that the complaint follows the procedural and substantive requirements under the Act and the Commission's rules.
 - ✓ If a complainant wishes to recover damages, the complaint must contain a clear and unequivocal request for damages. 47 C.F.R. § 1.722(a). Either the complaint or a subsequent supplemental complaint for damages must contain either a computation of damages, along with an identification of relevant supporting evidence, or an explanation of why such evidence is not then available. 47 C.F.R. § 1.722(a), (e) and (h). As noted above, the remedy of damages is not available for complaints against commercial mobile data service providers; accordingly, these provisions are excluded from the formal complaint process in the case of such complaints.

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- Answer:
 - ✓ A defendant has 20 days after service of the complaint to file an answer, unless otherwise directed by the Commission. 47 C.F.R. § 1.724(a).
 - ✓ The answer must contain proposed findings of fact, conclusions of law, and legal analysis relevant to the claims and arguments. 47 C.F.R. § 1.724(c).
 - ✓ The answer must include an information designation identifying witnesses with knowledge of facts alleged and describing all relevant documents. 47 C.F.R. § 1.724(f).
 - ✓ Copies of all documents upon which the defendant relies to support the facts and arguments set forth in the answer must be attached to the answer. 47 C.F.R. § 1.724(g).
 - ✓ The answer must contain a certification that the defendant has made good faith settlement efforts. 47 C.F.R. § 1.724(h).

- Reply:
 - ✓ A complainant has 3 days after service of the answer to file a reply. 47 C.F.R. § 1.726(a).
 - ✓ The reply must contain proposed findings of fact, conclusions of law, and legal analysis relevant to the claims and arguments. 47 C.F.R. § 1.726(c).
 - ✓ The reply must include an information designation identifying witnesses with knowledge of facts alleged and describing all relevant documents. 47 C.F.R. § 1.726(d).
 - ✓ Copies of all documents upon which the complainant relies to support its facts and arguments set forth in the reply must be attached to the reply. 47 C.F.R. § 1.726(e).

- Other Submissions:
 - ✓ A request for a Commission order on a motion must be made by written motion, stating with particularity the grounds for the motion, relevant authority, and relief sought. 47 C.F.R. § 1.727.

Dispositive motions (and oppositions thereto) must contain proposed findings of fact and conclusions of law, and motions to compel discovery must contain a certification that a good faith attempt was made to resolve the discovery dispute. 47 C.F.R. §§ 1.727(b), (d), 1.729(f).

Facts relied upon in such motions must be supported by documentation or affidavits. 47 C.F.R. § 1.727(b).

Oppositions to motions must be made within five business days of the motion's filing. 47 C.F.R. § 1.727(e).

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All motions and oppositions to motions must contain proposed orders, in hard copy and on disk. 47 C.F.R. § 1.727(c), (d).

- ✓ Parties may file with their initial pleadings requests for interrogatories seeking discovery of non-privileged matter that is relevant to the material facts in dispute in the proceeding; the complainant may file within three days of defendant’s answer a further request for interrogatories. 47 C.F.R. § 1.729(a).

The responding party must file and serve any opposition/objection to the requests for interrogatories. 47 C.F.R. § 1.729(c). Interrogatories that the Commission orders to be answered are to be answered separately and fully in writing under oath. 47 C.F.R. § 1.729(d), (e).

- ✓ A party may file a Motion to Compel if the response to its interrogatories is inadequate. 47 C.F.R. § 1.729(f).
- ✓ The Commission may order further discovery. 47 C.F.R. § 1.729(h).
- ✓ Parties may be required to file briefs summarizing the facts and issues presented in the pleadings and other record evidence. 47 C.F.R. § 1.732(a). The briefs must include all relevant documents as well as proposed findings of fact and conclusions of law. 47 C.F.R. § 1.732(b).
- ✓ The Commission may require the parties to submit additional information. 47 C.F.R. § 1.729(g).
- ✓ Before the initial status conference, the parties must discuss, and attempt to reach agreement on discovery issues and the factual issues to which they can stipulate. Following that meeting, and at least two days before the initial status conference, they must submit to the staff a joint statement of stipulated facts, disputed facts, and key legal issues. 47 C.F.R. §§ 1.732(h), 1.733(a).
- ✓ Following the initial status conference, the parties must submit either (1) a joint proposed order memorializing the oral rulings made during the conference to the Commission (within one business day); 47 C.F.R. § 1.733(f)(1); or (2) a transcript of an audio recording of the status conference (within three business days). 47 C.F.R. § 1.733(f)(2).

- Accelerated Docket Proceedings:

- ✓ Parties to formal complaint proceedings may request that their dispute be included on the Commission’s Accelerated Docket (“AD”). Many, but not all, of the requirements outlined above apply to AD proceedings (albeit with shorter pleading deadlines), and certain other procedural rules (discussed below) apply that do not apply to other formal complaint proceedings. 47 C.F.R. § 1.730(a).
- ✓ Any party that contemplates filing a formal complaint and wishes to have the complaint included on the AD must transmit a request so stating, by phone or in writing, to the Chief of the Enforcement Bureau’s Market Disputes Resolution Division. 47 C.F.R.

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§ 1.730(b). A defendant to a complaint proceeding may request in writing inclusion of the proceeding on the AD. 47 C.F.R. § 1.730(c).

- ✓ If a matter is accepted for handling on the AD, the complainant must file with its complaint a letter stating that it has gained admission on the AD. 47 C.F.R. § 1.730(b).
- ✓ Two days before the initial status conference, parties to an AD proceeding must submit a joint statement detailing the agreements that they have reached with respect to discovery, the facts to which they have agreed to stipulate, and the disputed facts or legal issues of which they can agree to a joint statement. 47 C.F.R. § 1.733(i)(3).
- ✓ Each party to an AD proceeding also must submit two days before the initial status conference a separate statement of the disputed facts and legal issues presented by the complaint proceeding, any additional discovery that the party seeks, any reply (if applicable) to affirmative defenses contained in the answer (including witness and document information), and, if a defendant, any expert evidence. 47 C.F.R. § 1.734(i)(4).
- ✓ Parties to an AD proceeding must serve with their complaint, answer, or pre-status-conference filing all documents in their possession, custody, or control that are likely to bear significantly on the issues raised in their respective pleadings. 47 C.F.R. §§ 1.721(f)(2)(i), 1.724(k)(7), 1.726(g)(4), 1.729(i)(1).
- ✓ Parties to an AD proceeding may request in their pre-status-conference filing the production of additional documents or leave to propound a limited number of interrogatories or to conduct a reasonable number of depositions. 47 C.F.R. §§ 1.729(i)(2), (3), 1.733(i)(4).
- ✓ The Commission may conduct a mini-trial (*i.e.*, hearing) in AD proceedings during which parties present evidence and argument in support of their cases. Three days before the mini-trial, parties are required to exchange exhibits that they may introduce during the proceeding and lists of witnesses whom they may call. 47 C.F.R. § 1.730(g)(3).
- ✓ Parties to an AD proceeding must submit proposed findings of fact and conclusions of law no less than two days before the beginning of the mini-trial. 47 C.F.R. § 1.730(g)(5).
- ✓ Parties may, but are not required to, submit revised proposed findings of fact and conclusions of law within three days after the conclusion of the mini-trial. 47 C.F.R. § 1.730(g). Separate briefs are not permitted in AD proceedings in which a mini-trial is held. 47 C.F.R. § 1.730(g)(1).
- ✓ Parties to an AD proceeding must arrange for the preparation of, and file with the Commission three days after the mini-trial, a stenographic transcript of the mini-trial proceedings. 47 C.F.R. § 1.730(g)(6).
- ✓ A party to an AD proceeding that wishes to obtain review of a staff decision issued on delegated authority must file an application for review within 15 days of notice of the decision. 47 C.F.R. § 1.730(h).

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Similarly, challenges to a recommended staff decision (relating to issues that may not be decided on delegated authority) must be filed as comments within 15 days of the release of the staff recommended decision.

Opposition comments may be filed within 15 days, and reply comments with ten days thereafter. 47 C.F.R. § 1.730(h).

The information collection requirements described above may affect individuals or households. As required by the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and OMB regulations, M-03-22 (September 22, 2003), the FCC has completed both a system of records, FCC/EB-5, "Enforcement Bureau Activity Tracking System," and is drafting an update to the existing Privacy Impact Assessment (PIA), that cover the collection, maintenance, use, and disposal of all personally identifiable information PII that may be submitted as part of a formal complaint:

- (a) The system of records notice (SORN), FCC/EB-5, "Enforcement Bureau Activity Tracking System (EBATS)," was published in the *Federal Register* on December 14, 2010 (75 FR 77872) and became effective on January 24, 2011. It is posted on the FCC's Privacy Act webpage at: <http://www.fcc.gov/omd/privacyact/records-systems.html>.
- (b) The initial Privacy Impact Assessment (PIA) was completed on May 22, 2009. However, with the approval of the FCC/EB-5, "EBATS," on January 24, 2011 and supplementation is expected in Fall of 2017, the Commission is now updating the PIA to include the information that is contained in this SORN.

Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 154(j), 206, 207, 208, 209, 301, 303, 304, 309, 316, 332, and 1302.

2. The Commission uses the information detailed in the Justification to determine the sufficiency of complaints and to resolve the merits of disputes between parties. Orders issued by the Commission in formal complaint proceedings are based upon evidence and argument produced by the parties in accordance with the Formal Complaint Rules. If the information were not collected, the Commission would not be able to resolve common carrier related complaint proceedings required by Section 208, or the complaints against commercial mobile data service providers that will be critically important to ensure compliance with the data roaming rule, 47 C.F.R. § 20.12(e).
3. The Formal Complaint Rules require that all formal complaint submissions, unless confidential, be filed using the Commission's Electronic Comment Filing System (47 C.F.R. §§ 1.731(a)(2), 1.735(b), 1.735(f)) and in addition, hard copies must be provided to the staff of the Market Disputes Resolution Division of the Enforcement Bureau upon request. Parties may serve certain documents on each other by hand, overnight delivery, and email (47 C.F.R. § 1.735(f)). Additionally, the FCC Form 485 is posted on the FCC website for downloading and printing or, completion of this form can be done electronically when done in concert with the agency's fee payment system, Fee Filer.
4. A complainant must state whether suit has been filed in any court or other government agency based on the same claim or set of facts, or whether the complaint seeks prospective relief identical to the relief proposed or at issue in another proceeding before the Commission. 47 C.F.R. § 1.721(a)(9). Thus, the Commission attempts to identify duplication. If there are no duplicative proceedings, it is unlikely that information similar to the information that is obtained via the Formal Complaint Rules is already available. Each dispute involves individual parties and unique facts, and, as stated above, it is

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essential that the Commission develop an adequate legal and factual record in order to adjudicate disputes and, in the event of a meritorious complaint, determine appropriate remedies.

5. The Formal Complaint Rules require complainants and defendants to support factual allegations in their pleadings, through documentation and affidavits, and to identify individuals with knowledge, and describe all relevant documents early in the process. The Formal Complaint Rules seek to eliminate or reduce significantly the need for multiple rounds of discovery requests and protracted discovery disputes, thereby significantly reducing the burden on small business entities.
6. The Commission has no control over the frequency of complaints, which are filed within the sole discretion of a complaining party. The filing of complaints depends entirely upon the complainant's perception that it has a cause of action against a common carrier or a commercial mobile data service provider subject to the Communications Act of 1934, as amended. If the information were not collected, the Commission would not be able to resolve common carrier related complaint proceedings required by Section 208, or the complaints against commercial mobile data service providers that will be critically important to ensure compliance with the data roaming rule, 47 C.F.R. § 20.12(e).
7. As detailed above, the Commission has established certain response times during the pleading cycle that are less than 30 days. These response times are necessary to the expeditious resolution of formal complaints (some of which are subject to statutory deadlines), and the response times are comparable to response times applicable to proceedings in federal district courts.¹
8. The Commission published a notice in the Federal Register initiating a 60-day comment period on September 21, 2017 (82 FR 44181). No comments were received as a result of this notice. A copy of the notice is included in this submission to the OMB.
9. No gifts or payments will be given to respondent for this collection.
10. The Formal Complaint Rules contain a process by which confidential treatment can be afforded for material that a party believes in good faith falls within an exemption to disclosure under the Freedom of Information Act. See 47 C.F.R. § 1.731. In addition, the Commission has both a SORN and PIA to cover any PII that may be submitted, as noted in Question 1.
11. This collection may address personal matters of a sensitive nature such as PII. As noted in Question 1, the FCC has both a SORN and a PIA to cover this PII.
12. This collection accounts for formal complaints filed pursuant to Sections 1.720 *et seq.* We anticipate that two filing parties will generally be involved (the complainant and the defendant/responding party). The following represents the estimates of the hour burdens of the collections of information relating to formal complaint proceedings.

¹ The rules require that respondents prepare written responses to a collection of information in fewer than 30 days after receipt. A defendant to a complaint action is required to file an answer within 20 days of service of a complaint. A complainant is required to file a reply within 3 days of service of the answer. Parties may also be required to file, in less than 30 days after receipt of the documents requiring responses, joint statements, briefs, applications for Commission review of staff decisions, and objections to recommended decisions. These response times are necessary to the expeditious resolution of formal complaints (some of which are subject to statutory deadlines).

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The Commission estimates that 5 formal complaints and related pleadings will be filed each year, including FCC 485 forms with the filed complaints. In addition, the Commission estimates that 3 requests for consideration on the accelerated docket will be received, and that, as a result, 1 case will be accepted on the AD and 1 mini-trial will be held. The accelerated docket is an optional process embedded within the formal complaint process and accordingly does not modify the above number of estimated annual formal complaint proceedings.

These estimates are based on FCC staff's knowledge and experience, as are the estimates of preparation times. With this collection renewal, these estimates have been adjusted to reflect staff experience that on average there are five new formal complaint proceedings per year rather than twenty.

We assume that the complainant/defendant will use contract attorneys in the preparation of most required documents.

Total Number of Respondents: 5
Total Number of Annual Responses: 77 filings
Total Annual Burden Hours: 1,937
Total In-House Costs: \$30,174.50

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The Commission estimates the following burden hours for one proceeding:

Filing or event	Complainant hours (In-House)	Complainant's Contract Attorney	Defendant's hours (In-House)	Defendant's Contract Attorney	Parties' Outside Stenograph	Total Hours (In-House & Contracted)
FCC 485	0.5	1	0	0		1.5
Complaint	8	60	0	0		68
Answer/Response	0	0	8	60		68
Reply	4	24	0	0		28
Document Production	12	4	12	4		32
Joint Statement	4	24	4	24		56
Status Conference(s)	2	2	2	2		8
Briefs	4	40	4	40		88
Proposed Findings of Fact and Conclusions of Law	0.5	6	0.5	6		13
Subtotal Non-AD						362.5
AD Hours						
Request for AD Treatment	1	5	0	0		6
Mini-Trial	4	16	4	16		40
Mini-trial Transcripts					10	10
Best and Final Offer	4	24	4	24		56
Subtotal AD Hours						112
Total Hours Non-AD and AD Hours	44	206	38.5	176	10	475 (rounded up)

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Annual Burden Hours (Combines In-House, Outside Counsel and Accelerated Docket Hours):

<u>Responses</u>	<u>Hours/Response</u>	<u>Total Hours</u>
5 FCC 485s filed	x 1.5 hour	= 7.5 hours
5 Complaints	x 68 hours	= 340 hours
5 Answer/Responses	x 68 hours	= 340 hours
5 Replies	x 28 hours	= 140 hours
5 Document Production	x 16 hours (complainant)	= 80 hours
5 Document Production	x 16 hours (defendant)	= 80 hours
5 Joint Statements	x 28 hours (complainant)	= 140 hours
5 Joint Statements	x 28 hours (defendant)	= 140 hours
5 Status conferences	x 4 hours (complainant)	= 20 hours
5 Status conferences	x 4 hours (defendant)	= 20 hours
5 Briefs	x 44 hours (complainant)	= 220 hours
5 Briefs	x 44 hours (defendant)	= 220 hours
5 Proposed findings	x 6.5 hours (complainant)	= 32.5 hours
5 Proposed findings	x 6.5 hours (defendant)	= 32.5 hours
3 Requests for AD Treatment	x 6 hours	= 18 hours
1 mini-trial	x 20 hours (complainant)	= 20 hours
1 mini-trial	x 20 hours (defendant)	= 20 hours
Stenographer for Mini-Trial	x 10 hours	= 10 hours
1 Best and Final Offers	x 28 hours (complainant)	= 28 hours
1 Best and Final Offers	x 28 hours (defendant)	= 28 hours

Total Responses: 77

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A. Total Annual In-House Counsel and Paralegal Cost Burdens

We estimate that in-house counsel along with a paralegal, will engage with outside counsel in the preparation of documents and positions. We estimate that the average hourly salary of an in-house counsel (including overhead) is \$93/hour and \$56/hour for a paralegal.

5 FCC Form 485 Filing Fee		x \$230	= \$1,150
5 FCC 485s filed	x .5 hour	x \$93/hour	= \$232.50
5 Complaints	x 8 hours	x \$93/hour	= \$3,720
5 Answers	x 8 hours	x \$93/hour	= \$3,720
5 Replies	x 4 hours	x \$93/hour	= \$1,860
5 Document Production (Atty)	x 2 hours	x \$93/hour (complainant)	= \$ 930
5 Document Production (Paralegal)	x 10 hours	x \$56/hour (complainant)	= \$2,800
5 Document Production (Atty)	x 2 hours	x \$93/hour (defendant)	= \$ 930
5 Document Production (Paralegal)	x 10 hours	x \$56/hour	= \$2,800
5 Joint Statements	x 4 hours	x \$93/hour (complainant)	= \$1,860
5 Joint Statements	x 4 hours	x \$93/hour (defendant)	= \$1,860
5 Status conferences	x 2 hours	x \$93/hour (complainant)	= \$ 930
5 Status conferences	x 2 hours	x \$93/hour (defendant)	= \$ 930
5 Briefs	x 4 hours	x \$93/hour (complainant)	= \$1,860
5 Briefs	x 4 hours	x \$93/hour (defendant)	= \$1,860
5 Proposed findings	x .5 hours	x \$93/hour (complainant)	= \$232.50
5 Proposed findings	x .5 hours	x \$93/hour (defendant)	= \$232.50
Subtotal In-House Costs			= \$27,907.50
3 Requests for AD Treatment	x 1 hours	x \$93/hour	= \$ 279
1 mini-trial	x 4 hours	x \$93/hour (complainant)	= \$ 372
1 mini-trial	x 4 hours	x \$93/hour (defendant)	= \$ 372
1 mini-trial transcript	x 10 hours	x \$50/hour	= \$ 500
1 Best and Final Offers	x 4 hours	x \$93/hour (complainant)	= \$ 372
1 Best and Final Offers	x 4 hours	x \$93/hour (defendant)	= \$ 372
Subtotal AD Treatment			= \$2,267

Total Annual In-House Counsel and Paralegal Cost Burden = \$ 30,174.50

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13. Annual Cost Burden

A. Outside Counsel and One-Time Stenographer:

We assume that the complainant/defendant will use contract attorneys in the preparation of the required documents. It is estimated that a contract attorney will have an average hourly salary of \$300/hour which costs are reflected below.

We also assume that complainant/defendant outside counsel will use a contract stenographer to prepare the stenographic transcription of the one mini-trial proceeding. This stenographer is estimated to have an average hourly salary of \$50/hour.

A fee must be submitted with the filing of a formal complaint along with the FCC Form 485 (\$230 per application). 47 C.F.R. § 1.1106.

5 FCC Form 485 Filing Fee		x \$230	= \$ 1,150
5 FCC 485s filed	x 1 hour	x \$300/hour	= \$ 1,500
5 Complaints	x 60 hours	x \$300/hour	= \$ 90,000
5 Answers	x 60 hours	x \$300/hour	= \$ 90,000
5 Replies	x 24 hours	x \$300/hour	= \$ 36,000
5 Document Production	x 4 hours	x \$300/hour (complainant)	= \$ 6,000
5 Document Production	x 4 hours	x \$300/hour (defendant)	= \$ 6,000
5 Joint Statements	x 24 hours	x \$300/hour (complainant)	= \$ 36,000
5 Joint Statements	x 24 hours	x \$300/hour (defendant)	= \$ 36,000
5 Status conferences	x 2 hours	x \$300/hour (complainant)	= \$ 3,000
5 Status conferences	x 2 hours	x \$300/hour (defendant)	= \$ 3,000
5 Briefs	x 40 hours	x \$300/hour (complainant)	= \$ 60,000
5 Briefs	x 40 hours	x \$300/hour (defendant)	= \$ 60,000
5 Proposed findings	x 6 hours	x \$300/hour (complainant)	= \$ 9,000
5 Proposed findings	x 6 hours	x \$300/hour (defendant)	= \$ 9,000
3 Requests for AD Treatment	x 5 hours	x \$300/hour	= \$ 4,500
1 mini-trial	x 16 hours	x \$300/hour (complainant)	= \$ 4,800
1 mini-trial	x 16 hours	x \$300/hour (defendant)	= \$ 4,800
1 mini-trial transcript	x 10 hours	x \$50/hour	= \$ 500
1 Best and Final Offers	x 24 hours	x \$300/hour (complainant)	= \$ 7,200
1 Best and Final Offers	x 24 hours	x \$300/hour (defendant)	= \$ 7,200

Total Annual Outside Counsel and Stenographer Cost Burden = \$ 475,650

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14. Cost to the Federal Government:

The Commission will use staff attorneys at the GS-15, Step 5 grade level (\$71.56/hour) to review the material submitted for each formal complaint proceeding. It is estimated that this staff attorney would spend approximately 48 hours in this review. It is further estimated that this staff attorney would also spend approximately 16 hours reviewing the Best and Final Offers.

5 complaint proceeding filings	x \$71.56/hour x 48 hours =	\$ 17,174.40
1 Best and Final Offer Review	x \$71.56/hour x 4 hours =	\$ 286.24
Total Cost to the Federal Government:		\$ 17,460.64

15. The Commission is reporting adjustments to this information collection. We estimate 5 new proceedings a year which produce an estimated 77 responses annually. There is a decrease in the number of formal complaint proceedings filed annually and thus also in the total number of related ongoing pleading responses. In particular, new filings are reduced to 5 rather than 20 and, total annual responses are reduced from 302 to 77.

Also, the Commission is reporting increases to this information collection. The total annual burden hours increased from 1,348 to 1,937. This increase was due to an inadvertent omission because the burdens were not considered fully in our prior filing and for this reason there is an increase in those reporting aspects despite the overall decline in annual responses.

Lastly, there is an increase in the total annual cost burden which results from an increase in the fee amount of \$10 per formal complaint filed (requires using FCC Form 485); however, the total annual cost burden increases are offset by decreases to the previous estimates from \$1,847,901 to \$475,650. These estimates reflect adjustments to this information collection from the last submission to OMB based on more recent staff experience.

16. The data will not be published.

17. An extension of the waiver not to publish the expiration date on the FCC Form 485 is requested. The Commission will use an edition date in lieu of the OMB expiration date. This will obviate the need for the Commission to destroy existing stock of forms upon the expiration of the clearance. OMB approval of the expiration date of the information collection will be displayed at 47 C.F.R. § 0.408.

18. When the 60 Day Notice was published in the Federal Register on September 21, 2017 (82 FR 44181), the Commission inadvertently stated the total burden hours as 367 hours. The total annual burden hours should have been reported as 1,937 which was the result of the omission of the AD Proceedings burden hours as well as the total annual burden hours for the entire collection. These updates to the burden hours are now reflected in this submission to OMB.

There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

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This information collection does not employ any statistical methods.