

Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123, Financial Data, Complaints, and Other Compliance Information

SUPPORTING STATEMENT

A. Justification

Background:

1. The Commission is submitting this emergency information collection to the Office of Management and Budget (OMB) to reinstate burden hours and costs associated with regulations under section 225 of the Communications Act (Act), that were initially included in the January 2002 Supporting Statement for Collection 3060-0463, categorically carried forward through the February 2014 Supporting Statement for Collection 3060-0463 under the broad category of “Existing Information Collection Requirements (2001 TRS Cost Recovery MO&O),” but omitted from the July 2017 Supporting Statement for Collection 3060-0463. This information collection also includes additional burden hours and costs associated with existing regulations under section 225 of the Act that previously have not been included in Supporting Statements for Collection 3060-0463.

This supporting statement includes two information collection forms.¹

- (1) The “TRS Fund State TRS Administrator Form” collects intrastate rate and minutes of use data from state telecommunications relay services (TRS) administrators;² and
- (2) The “TRS Fund Provider Form” collects (i) intrastate rate and minutes of use data from state TRS providers³ and (ii) cost and demand data from Internet-based TRS providers.⁴

Section 225 of the Communications Act of 1934, as amended (the Act), requires that:

- (a) The Commission ensures that TRS⁵ is available, to the extent possible and in the most efficient manner, to persons with hearing or speech disabilities in the United States;⁶
- (b) the Commission to promulgate regulations governing the provision of TRS by common carriers offering telephone voice transmission service;⁷ and

¹ Copies of the two forms, including the instructions, are appended hereto.

² The burden hours associated with this form are included in 12.A, *infra*.

³ The burden hours associated with this aspect of the form are already included in information collection 3060-0463. The Commission intends to merge this entire information collection into information collection 3060-0463 at a later time.

⁴ The burden hours associated with this form are included in 12.B, *infra*.

⁵ TRS is a telephone transmission service that allows an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communications by wire or radio with one or more individuals, a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. 47 U.S.C. § 225(a)(3).

⁶ 47 U.S.C. § 225(b)(1).

⁷ 47 U.S.C. § 225(c), (d).

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- (c) TRS offers persons with hearing and speech disabilities telephone transmission services that are “functionally equivalent” to voice telephone services.⁸

The Commission’s regulations governing the provision of TRS are codified in 47 CFR Part 64, Subpart F. These rules include operational, technical, and functional standards required of all TRS providers and procedures for the certification of state relay programs.

In 2000, the Commission released the *2000 Improved TRS Order*,⁹ which, among other things, amended the TRS rules by recognizing Speech-to-Speech (STS)¹⁰ and Video Relay Service (VRS)¹¹ as new forms of TRS, and directed the Interstate TRS Fund Administrator (TRS Fund Administrator) and Interstate TRS Advisory Council to develop recommendations on how the new forms of TRS should be compensated.

In 2001, the Commission released the *2001 TRS Cost Recovery MO&O and FNPRM*,¹² in which the Commission:

- (a) directed the TRS Fund Administrator to continue to use the average cost per minute compensation methodology for the traditional TRS compensation rate;
- (b) required TRS providers to submit certain projected TRS-related cost and demand data to the TRS Fund Administrator to be used to calculate the rate¹³; and
- (c) directed the TRS Fund Administrator to expand its TRS Center Data Request Form, a form for providers to itemize their actual and projected costs and demand data, to include specific sections to capture Speech-to-Speech (STS) and Video Relay Service (VRS) costs and minutes of use.

⁸ 47 U.S.C. § 225(a)(3).

⁹ *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140 (2000) (*2000 Improved TRS Order*).

¹⁰ STS is a form of TRS that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person. See 47 CFR 64.601(a)(33).

¹¹ VRS is a form of TRS that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party’s signed conversation and relay the conversation back and forth with a voice caller. See 47 CFR 64.601(a)(43).

¹² See *Telecommunications Services for Individuals with Hearing and Speech Disabilities; Recommended TRS Cost Recovery Guidelines; Request by Hamilton Telephone Company for Clarification and Temporary Waivers*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 22948 (2001) (*2001 TRS Cost Recovery MO&O and FNPRM*).

¹³ These costs and demand data are “total TRS minutes of use, total interstate TRS minutes of use, total TRS operating expenses and total TRS investment,” as well as “other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.” 47 CFR § 64.604(c)(5)(iii)(D).

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On November 19, 2007, the Commission released the *2007 Cost Recovery R&O and Declaratory Ruling*,¹⁴ in which the Commission:

- (a) adopted a new cost recovery methodology for interstate traditional TRS¹⁵ and interstate STS based on the Multi-state Average Rate Structure (MARS) plan, under which interstate TRS compensation rates are determined by weighted average of the states' intrastate compensation rates, and which includes for STS additional compensation approved by the Commission for STS outreach;
- (b) adopted a new cost recovery methodology for interstate captioned telephone service (CTS)¹⁶ and interstate and intrastate Internet Protocol captioned telephone service (IP CTS)¹⁷ based on the MARS plan;
- (c) adopted a cost recovery methodology for Internet Protocol (IP) Relay¹⁸ based on price caps;
- (d) adopted a cost recovery methodology for VRS that adopted tiered rates based on call volume;
- (e) clarified the nature and extent that certain categories of costs are compensable from the Fund; and
- (f) addressed certain issues concerning the management and oversight of the Fund, including prohibiting financial incentives offered to consumers to make relay calls and the role of the Interstate TRS Fund Advisory Council.

Section 64.604(c)(5)(iii)(D), mandatory minimum standards adopted in the *2007 Cost Recovery R&O and Declaratory Ruling*, requires that TRS providers submit to the TRS Fund Administrator the following information annually, for intrastate traditional TRS, STS, and CTS:

- (a) the per-minute compensation rate(s);

¹⁴ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140 (2007), Erratum, 22 FCC Rcd 21842 (CGB 2007) (*2007 Cost Recovery R&O and Declaratory Ruling*).

¹⁵ References to traditional TRS include Spanish-to-Spanish traditional TRS.

¹⁶ CTS is a form of TRS generally used by someone who has the ability to speak and some residual hearing. It uses a special telephone that has a text display, so that on a standard telephone line, the user can both listen to what is said over the telephone (to the extent possible) and simultaneously read captions of what the other person is saying.

¹⁷ IP CTS is a type of captioned telephone service where the captions are delivered to the user via the Internet, rather than a standard telephone line. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379 (January 11, 2007) (*2007 IP CTS Order*).

¹⁸ IP (Internet-Protocol) Relay is a text-based form of TRS where the connection to the CA is via the Internet, rather than the public switched telephone network (PSTN), and a personal computer or other Web-enabled device.

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- (b) whether the rate applies to session minutes or conversation minutes¹⁹;
- (c) the number of intrastate session minutes; and
- (d) the number of intrastate conversation minutes.

Also, STS providers must file a report annually with the TRS Fund Administrator and the Commission on their specific outreach efforts directly attributable to the additional compensation approved by the Commission for STS outreach.

The statutory authority can be found at section 225 of the Communications Act, 47 U.S.C. 225. The law was enacted on July 26, 1990, as Title IV of the Americans with Disabilities Act of 1990, Public Law 101-336, 104 Stat. 327.

2. The *2007 Cost Recovery R&O and Declaratory Ruling* adopting information collections was promulgated pursuant to section 225 of the Communications Act. This data assists the Commission and TRS Fund administrator in determining compensation rates for traditional TRS, STS, and CTS. The information collections augment existing information collections of other relay-related cost and demand data, including data related to minutes of use. Other aspects of this information collection make it possible for the Commission to address consumer complaints and assist the Commission and the TRS Fund administrator to monitor TRS provider compliance with the Commission's rules to protect the TRS Fund from waste, fraud, and abuse.

This information collection includes personally identifiable information (PII).

- (1) As required by OMB Memorandum M-03-22 (September 26, 2003), the FCC completed a Privacy Impact Assessment (PIA)²⁰ 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.
- (2) 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, 2014.²¹

¹⁹ Conversation minutes are a subset of session minutes.

²⁰ The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

²¹ OMB Control Number 3060-0874 already covers the burdens placed on consumers who file complaints with the Commission. See OMB Control Number: 3060-0874 (Consumer Complaint Portal: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, Slamming Complaints, RDAs and Communications Accessibility Complaints) (May 2016). As a result, this supporting statement for OMB Control Number 3060-XXXX covers only the burdens placed on TRS providers and the states to address these complaints.

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3. The Commission requires automated, electronic processes to be employed by respondents to collect and submit to the TRS Fund Administrator rate and minutes of use data and cost and demand data in furtherance of this collection.²²
4. The information collection requirements do not otherwise duplicate any currently existing federal regulatory obligation.
5. The Commission believes that this information collection will not have a significant economic impact on a substantial number of small entities/businesses.
6. If this information collection was not to be conducted, or conducted less frequently, Commission and TRS Fund Administrator efforts to reevaluate compensation rates for TRS would be thwarted, the Commission would be unable to address consumer complaints, and the ability of the Commission and the TRS Fund administrator to monitor TRS provider compliance with the Commission's rules to protect the TRS Fund from waste, fraud and abuse would be diminished, thus undermining the efficacy of those programs. The Commission believes that the burdens associated with these collections already are minimal. Furthermore, without the collection the providers may not be eligible for reimbursement from the Fund, which could lead them to suspend operation of their important services.
7. No special circumstances exist that would cause this collection to be conducted in a manner inconsistent with the guidelines and/or requirements set forth in the Paperwork Reduction Act of 1995.
8. Pursuant to 5 CFR. § 1320.8, the Commission published a notice in the *Federal Register* on December 5, 2017, at 82 FR 57448, seeking comments from the public on the information collection requirements contained in this supporting statement. On January 4, 2018, Hamilton Relay, Inc. (Hamilton) filed comments regarding the collection of IP CTS cost data. Hamilton claims that the request for PRA approval is premature, arguing that because IP CTS rates are based on a weighted average of state CTS rates, there is no need for IP CTS cost data. Hamilton also argues that the data request is vague, the Commission may not ask for retroactive approval to collect the data, that it is burdensome, and that any reduction in IP CTS rates would make it cost prohibitive for Hamilton to continue to provide IP CTS. On January 16, 2018, Sorenson Communications, LLC and CaptionCall, LLC (collectively Sorenson) filed comments supporting Hamilton's arguments and adding the additional argument that there is no need to collect cost data for VRS because the Commission just adopted a four-year rate plan for VRS.

The collection of IP CTS cost data is not premature, because the Commission expects to make use of the data to help it make a determination in the ongoing rulemaking proceeding on the rate methodology. If the Commission adopts a cost-based rate methodology, the data will be needed to help set the rates. The data will also be needed to determine whether Hamilton is correct when it argues that it cannot continue to offer service if IP CTS rates are reduced. Similarly, although the Commission adopted a four-year rate plan for VRS, annual collection of VRS cost data is needed to develop the necessary record to set VRS rates at the end of the 4-year rate plan. The collection of IP CTS cost data is not vague. Although Hamilton disputes permitting research

²² 47 CFR § 64.604(c)(5)(iii)(D)(4).

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costs as allowable costs only if the research is used to support meeting mandatory minimum standards, this distinction has been used in the past for VRS cost categorization, and to the extent Hamilton is unsure of how to classify certain research activities, Hamilton is free to seek guidance from the TRS Fund administrator or from the Commission. The Commission is not seeking retroactive PRA approval, because past data covering years up through 2017 has already been submitted. As a result, the Commission may make use of such data, and no one will be penalized for not submitting data. The Commission is seeking PRA approval to collect cost data beginning with collecting 2017 data this year. Lastly, although both Hamilton and Sorenson argue that the submission of cost data is burdensome, the Commission needs the data to oversee the TRS program, ensure that the program is efficiently run, and prevent waste, fraud, and abuse of the Federally managed TRS Fund, as required by 47 U.S.C. § 225. The Commission feels that no changes are needed to the submitted information collection at this point.

9. The Commission does not anticipate providing any payment or gift to respondents.
10. For many years, the Commission has been receiving projected cost and demand data submitted by the TRS providers, in order to help set annual interstate relay compensation rates. This data may be confidential proprietary information protected from disclosure under the Freedom of Information Act (FOIA) and the Commission's rules implementing FOIA. The Commission is not requesting respondents to submit any other confidential information. Thus, the Commission has experience in protecting the confidentiality of such information, as appropriate.

If the Commission requests information from respondents which the respondents believe is confidential, respondents may request confidential treatment of such information pursuant to 47 CFR 0.459. Moreover, the Commission requires the TRS Fund Administrator to keep all data and information received from contributors, TRS providers, and state TRS administrators confidential.²³ The *2007 Cost Recovery R&O and Declaratory Ruling* also states that the Commission or TRS Fund Administrator will ask each state and TRS provider to indicate what information should be considered confidential, and that the specifics of such information will not be released.²⁴

Furthermore, assurances of confidentiality are being provided to respondents that are likely to file informal complaints against TRS providers. These assurances include the safeguards used in the system of records notice (SORN) for OMB collection 3060-0874, which states:

Respondents are made aware of the fact that their complaint information may be released to law enforcement officials and other parties as mandated by law (i.e., court-ordered subpoenas). Such information is contained in Commission databases, which are covered under the Commission's system of records notice (SORN), FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance." The PII covered by this system of records notice is used by Commission personnel to handle and to process informal complaints from

²³ See 47 CFR 64.604(c)(5)(iii)(I).

²⁴ *2007 Cost Recovery R&O and Declaratory Ruling*, 22 FCC Rcd at 20154, para. 28.

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individuals and groups. The Commission will not share this information with other federal agencies except under the routine uses listed in the SORN.

The PIA that the FCC completed on June 28, 2007 gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys PII, as required by OMB regulations and the Privacy Act, 5 U.S.C. 552a.²⁵ The PIA may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

11. There are no questions of a sensitive nature with respect to the information collected.
12. Estimates of the burden hours to comply with the collection of information are as follows:

A. Section 64.604(c)(5)(iii)(D) – Data Collection from State Relay Program Administrators²⁶

Annual Number of Respondents: 56

In the *2007 Cost Recovery R&O and Declaratory Ruling*, the Commission established reporting requirements associated with TRS cost recovery methodologies for compensation from the Fund.

State relay program administrators must submit to the TRS Fund Administrator the following information annually on the TRS Fund State TRS Administrator Form, for intrastate traditional TRS, STS, and CTS:

- (a) the per-minute compensation rate(s);
- (b) whether the rate applies to session minutes or conversation minutes;
- (c) the number of intrastate session minutes; and
- (d) the number of intrastate conversation minutes.

The Commission estimates that for the 56 respondents, collectively up to three reports will be necessary, per state or territory, to reflect rate data and information for respondents' traditional TRS, STS, and CTS programs. This process is done annually.

Annual Number of Responses:

56 states/territories x 3 reports (traditional TRS/STS/CTS) = **168 responses**

Annual Number of Burden Hours:

²⁵ As stated in note 22, *supra*, the Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

²⁶ Collection 3060-0463 covers the collection of this information from the TRS providers of state TRS.

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The Commission estimates that it will require approximately 10 hours to submit the data and information for each response.

$$168 \text{ responses} \times 10 \text{ hours/response} = \mathbf{1,680 \text{ hours}}$$

Annual “In-House” Costs: \$86,486.40

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5), therefore, the Commission estimates respondents’ costs to be about \$51.48 hour to comply with the requirement:

$$168 \text{ responses} \times 10 \text{ hours/response} \times \$51.48/\text{hour} = \mathbf{\$86,468.40}$$

B. Section 64.604(c)(5)(iii)(D) – Data Collection from Internet-Based TRS Providers

Annual Number of Respondents: 15²⁷

In the *2007 Cost Recovery R&O and Declaratory Ruling*, the Commission established reporting requirements associated with TRS cost recovery methodologies for compensation from the Fund. Internet-based TRS providers must gather and calculate information and submit to the TRS Fund Administrator historical and projected cost and demand data annually on the TRS Fund Provider Form. This process will take approximately 50 hours, including 45 hours to complete the gathering and calculating of information.

Annual Number of Responses: 16

The Commission estimates that one respondent will provide 2 responses, and that the other respondents will provide one response each.

Annual Number of Burden Hours: 800

$$16 \text{ responses} \times 50 \text{ hours/response} = 800 \text{ hours}$$

The Commission assumes that respondents will use “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5), therefore, the Commission estimates respondents’ costs to be about \$51.48 hour to comply with the requirement:

Annual “In-House” Costs: \$41,184

$$16 \text{ responses} \times 50 \text{ hours/response} \times \$51.48/\text{hour} = \mathbf{\$41,184}$$

²⁷ This includes one provider that is currently providing IP CTS and IP Relay, four other providers of IP CTS, five providers of VRS, and up to as many as five new providers of IP CTS.

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C. Section 64.604(a)(7) – Registration of VRS Users for Calling from International Points to the U.S.

Section 64.604(a)(7) of the Commission’s rules requires that in order for VRS providers to be compensated from the TRS Fund for U.S. residents making VRS calls from international points to the U.S., the providers must pre-register the users before they leave the country for the purpose of making VRS calls from international points for up to a maximum period of 4 weeks. The Commission estimates that each of 5 VRS providers will pre-register an average of 300 users annually for this purpose, and that each registration will take approximately one-half (0.5) hour.

Annual Number of Respondents: 5²⁸

Annual Number of Responses: 3,000

$(300 \text{ responses/provider} \times 5 \text{ providers}) + (1 \text{ response/user} \times 1,500 \text{ users}) = 3,000$ responses

Annual Number of Burden Hours: 1,500

$(300 \text{ responses/provider} \times 5 \text{ providers} \times 0.5 \text{ hour}) + (1 \text{ response/user} \times 1,500 \text{ users} \times 0.5 \text{ hour}) = 1,500$ hours

The Commission estimates that provider respondents will utilize “in-house” personnel whose pay is comparable to mid-level federal employee (GS-9/5), to register users. The Commission estimates respondents cost to be about \$29.85 per hour to complete. There will be no cost to users to register.

Annual “In-House Costs: \$22,387.50

$(300 \text{ responses/provider} \times 5 \text{ providers} \times 0.5 \text{ hour} \times \$29.85/\text{hour}) + (1 \text{ responses/user} \times 1,500 \text{ users} \times 0.5 \text{ hours} \times \$0) = \$22,387.50$

D. Section 64.604(c)(1) – Complaint Log Summaries

Annual Number of Respondents: 7²⁹

Section 64.604(c)(1) of the Commission’s rules requires each state and interstate TRS provider maintain a log of consumer complaints and file a summary of the complaint log with the Commission. This process will be done “annually” and will require approximately 8 hours to complete.

²⁸ The estimated five respondents that provide VRS are included in the 15 respondents reported in B, *supra*.

²⁹ The seven respondents that provide traditional TRS, STS, IP Relay, and VRS are included in the 15 respondents reported in B, *supra*. Collection 3060-1053 covers the collection of this information from one-line and two-line CTS providers and IP CTS providers.

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Annual Number of Responses: 10

(1 respondent x 3 responses) + (1 respondent x 2 responses) + (5 respondents x 1 response) = 10 responses

Annual Number of Burden Hours: 80

10 responses x 8 hours/maintain consumer complaint logs = 80 hours

The Commission estimates that respondents will utilize “in-house” personnel whose pay is comparable to a senior level federal employee (GS-15/5), to maintain consumer complaint log submissions. The Commission estimates respondents cost to be about \$71.56 per hour to complete.

Annual “In House” Costs: \$5,724.80

80 hours x \$71.56 = \$5,724.80

E. Section 64.604(c)(2) – Contact Information

Annual Number of Respondents: 15³⁰

Section 64.604(c)(2) of the Commission’s rules requires each state and interstate TRS provider to submit contact information to the Commission. This process will be done once when the provider commences operations and each time there is a change in contact information. The Commission estimates that an average of 5 providers will be submitting new or revised contact information annually, and it will require approximately 1 hour to complete.

Annual Number of Responses: 5

5 respondents x 1/submission = 5 responses

Annual Number of Burden Hours: 5

5 respondents x 1 hour/submission = 5 hours

The Commission estimates that respondents will utilize “in-house” personnel whose pay is comparable to a senior level federal employee (GS-15/5), to submit contact information. The Commission estimates respondents cost to be about \$71.56 per hour to complete.

Annual “In House” Costs: \$357.80

³⁰ These are the same 15 respondents reported in B, *supra*.

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5 respondents x 1/submission x 1 hour/submission x \$71.56 = \$357.80

F. Section 64.604(c)(5)(iii)(D)(3) – Submission of Speed of Answer Compliance Data

Annual Number of Respondents 10³¹

Section 64.604(c)(5)(iii)(D)(3) of the rules requires providers to submit speed of answer data for IP CTS.³² The Commission estimates that 10 IP CTS providers will each require approximately 5 hours to complete the compilation and submission of speed of answer data on a monthly basis.

Annual Number of Responses: 120

10 respondents x 1 response/month x 12 months = 120 responses

Annual Burden Hours: 600

10 respondents x 5 hours/month x 12 months = 600 hours

The Commission estimates that respondents will utilize “in-house” personnel whose pay is comparable to a senior level federal employee (GS-15/5), to prepare speed of answer compliance reports. The Commission estimates respondents cost to be about \$71.56 per hour to complete.

Annual “In-House” Cost: \$42,936.00

600 hours x \$71.56/hour = \$42,936.00

G. Section 64.604(c)(5)(iii)(G) – Notification to TRS Fund Administrator

Section 64.604(c)(5)(iii)(G) of the rules requires each TRS provider to submit to the TRS Fund administrator a notification of its intent to participate in the TRS Fund 30 days prior to submitting reports of TRS interstate minutes of use. This is a one-time requirement for new TRS providers. The Commission estimates that up to five new IP CTS providers will each require approximately 1 hour to complete this notification.

Annual Number of Respondents: 2 (rounded)³³

5 new IP CTS providers/3 years = 1.66 (2 respondents rounded)

³¹ The estimated 10 respondents that already provide or are estimated to provide IP CTS are included in the 15 respondents reported in B, *supra*.

³² Collection 3060-1145 covers the collection of this information from VRS and IP Relay providers.

³³ These are a subset of the 15 respondents reported in B, *supra*.

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Annual Number of Responses: 2

5 respondents x 1 response/3 years = 1.66 (2 responses rounded)

Annual Burden Hours: 2 (rounded)

5 respondents x 1 hour/3 years = 1.66 (2 hours rounded)

The Commission estimates that respondents will utilize “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5), to prepare the notification. The Commission estimates respondents cost to be about \$51.48 per hour to complete.

Annual “In-House” Cost: \$85.80

5 respondents x 1 hour x \$51.48/hour/3 years = \$85.80

H. Section 64.604(c)(6)(i)-(iv) – Referral of Complaints Concerning Intrastate TRS to the States

Section 64.604(c)(6)(i)-(iv) of the rules provides procedures for the Commission to refer informal complaints concerning intrastate TRS to the states. OMB Control Number 3060-0874 already covers the burdens placed on consumers who file complaints with the Commission.³⁴ As a result, this supporting statement for OMB Control Number 3060-XXXX covers only the burdens placed on the states to address these complaints.

Annual Number of Respondents 10³⁵

The Commission estimates that, for present and future purposes, approximately 10 complaints concerning intrastate TRS will be referred to the states annually and that each complaint will be referred to a different state. The Commission further estimates that each state will require approximately 5 hours to address the complaint.³⁶

Annual Number of Responses: 10

10 respondents x 1 response = 10 responses

Annual Burden Hours: 50

³⁴ See OMB Control Number: 3060-0874 (Consumer Complaint Portal: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, Slamming Complaints, RDAs and Communications Accessibility Complaints) (May 2016).

³⁵ These are a subset of the 56 respondents reported in A, *supra*.

³⁶ The burden hours associated with TRS provider responses to the complaints referred to the states are included in I, *infra*.

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10 respondents x 1 response x 5 hours = 50 hours

The Commission estimates that respondents will utilize “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5), to address the complaint. The Commission estimates respondents cost to be about \$51.48 per hour to complete.

Annual “In-House” Cost: \$2,547.00

10 respondents x 1 response x 5 hours x \$51.48/hour = \$2,574.00

I. Section 64.604(c)(6)(v)(A)-(B) – Informal Complaints Alleging Violations of the TRS Rules

Section 64.604(c)(6)(v)(A)-(B) of the rules provides procedures for consumers to file informal complaints alleging violations of the TRS rules and for TRS providers to respond to these complaints. OMB Control Number 3060-0874 already covers the burdens placed on consumers who file complaints with the Commission.³⁷ As a result, this supporting statement for OMB Control Number 3060-XXXX covers only the burdens placed on the TRS providers to respond to these complaints.

Annual Number of Respondents 15³⁸

The Commission estimates that approximately 260 informal complaints are filed with the Commission each year, and that each TRS provider uses “in-house” staff to respond to these complaints.

Annual Number of Responses: 260

The Commission estimates, for present and future purposes, that the average burden for TRS providers to prepare and submit a response to each informal complaint is 3 hours.

Annual Burden Hours: 780

260 responses x 3 hours = 780 hours

The Commission estimates that respondents will utilize “in-house” personnel whose pay is comparable to a mid-to-senior level federal employee (GS-14/5), to prepare the response. The Commission estimates respondents cost to be about \$60.83 per hour to complete.

³⁷ See OMB Control Number: 3060-0874 (Consumer Complaint Portal: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, Slamming Complaints, RDAs and Communications Accessibility Complaints) (May 2016).

³⁸ These are the same 15 respondents reported in B, *supra*.

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Annual “In-House” Cost: \$47,447.40

260 responses x 3 hours x \$60.83/hour = \$47,447.40

J. Section 64.604(c)(6)(v)(C)-(I) – Formal Complaints Alleging Violations of the TRS Rules

Section 64.604(c)(6)(v)(C)-(I) of the rules provides procedures for filing formal complaints alleging violations of the TRS rules and for TRS providers to respond to these complaints. The Commission estimates that 1 complaint, 1 answer, and 1 reply to answer will be filed involving 1 complainant and 1 defendant annually and that both parties will be represented by outside counsel.³⁹

Annual Number of Respondents 2

1 complainant⁴⁰ + 1 defendant⁴¹ = 2 respondents

Annual Number of Responses: 3

1 formal complaint + 1 answer + 1 reply to answer = 3 responses

The Commission estimates that the complainant will require 10 hours total to consult with outside counsel, who will prepare the complaint and reply to answer, and that the defendant will require 10 hours to consult with outside counsel, who will prepare the answer.

Annual Burden Hours: 20

Complainant’s 10 hours + Defendant’s 10 hours = 20 hours

The complainant will consult directly with outside counsel and thus will have no “in-house” costs. The Commission estimates that defendants will utilize “in-house” personnel whose pay is comparable to senior level federal employee (GS-15/5), to consult with outside counsel. The Commission estimates respondents cost to be about \$71.56 per hour.

Annual “In-House” Cost: \$715.60

1 response (defendant) x 10 hours x \$71.56/hour = \$715.60

³⁹ The cumulative number of respondents for this requirement is 2.

⁴⁰ The complainant is included here as a respondent for the first time in this Supporting Statement.

⁴¹ The defendant is already included in the 15 respondents reported in B, *supra*.

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K. Section 64.604(c)(7) – Contract Provisions for Transfer of TRS Customer Information

Section 64.604(c)(7) of the rules requires that contracts between state TRS administrators and the TRS vendor provide for the transfer of TRS customer profile data from the outgoing TRS vendor to the incoming TRS vendor. The Commission estimates that no more than an average of ten TRS contracts between state TRS administrators and state TRS providers will be written or renewed each year. The Commission further estimates that the state relay administrators and state TRS providers will each require approximately 1 hour to complete this provision within the contract.

Annual Number of Respondents 12⁴²

10 state relay administrators + 2 state relay providers = 12 respondents

Annual Number of Responses: 20

(10 respondents x 1 response) + (2 respondents x 5 responses/respondent) = 20 responses

Annual Burden Hours: 20

20 responses x 1 hour = 20 hours

The Commission estimates that respondents will utilize “in-house” personnel whose pay is comparable to a senior level federal employee (GS-15/5) to prepare the contract provision. The Commission estimates respondents cost to be about \$71.56 per hour to complete.

Annual “In-House” Cost: \$1,431.20

20 responses x 1 hour x \$71.56/hour = \$1,431.20

CUMULATIVE TOTAL FOR INFORMATION COLLECTION REQUIREMENTS:

	Collection	Number of Respondents	Number of Responses	Burden Hours	“In-House” Costs
A	Data from State Relay Program Administrators	56	168	1,680	\$86,486.40
B	Data from Internet-Based TRS Providers	15	16	800	\$41,184.00
C	Registration – VRS Users Calling from International	5 ⁴³	3,000	1,500	\$22,387.50

⁴² The 10 state relay administrators are a subset of the 56 state relay administrators reported in A, *supra*. The 2 state relay providers are the same 2 respondents (Hamilton and Sprint) reported in B, *supra*.

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	Points					
D	Complaint Log Summaries	Included	10	80	\$5,724.80	
E	Contact Information	Included	5	5	\$357.80	
F	Speed of Answer Data	Included	120	600	\$42,936.00	
G	Notification to TRS Fund Administrator	Included	2	2	\$85.80	
H	Complaint Referrals to States	Included	10	50	\$2,574.00	
I	Informal Complaints	Included	260	780	\$47,447.40	
J	Formal Complaints	1 ⁴⁴	3	20	\$715.60	
K	Contract Provisions	Included	20	20	\$1,431.20	
	CUMULATIVE TOTALS		72	3,614	5,537	\$251,330.50

13. The Commission does not anticipate any “outside” capital or start-up cost burdens associated with this collection, and does not anticipate “outside” annual cost burdens with the exception of the parties retaining “outside” counsel to handle formal complaints. The Commission estimates that one complainant will retain “outside” counsel to file one formal complaint and a reply to answer, and that one defendant will retain “outside” counsel to file one answer to the complaint.

$$[(1 \text{ complaint} \times 10 \text{ hours}) + (1 \text{ reply} \times 5 \text{ hours})] \times \$300.00/\text{hour} = \$4,500$$

$$1 \text{ answer} \times 15 \text{ hours} \times \$300/\text{hour} = \$4,500$$

- (a) Total annualized capital/start-up cost: **\$0**
- (b) Total annual costs (operation and maintenance): **\$9,000**
- (c) Total annual cost requested: **\$9,000**

Total annual costs: \$9,000

14. The Commission believes that the cost to the Federal Government will be the collecting, processing, and analysis of the following:

- (i) TRS provider submission of complaint log summaries:
- (a) The Commission will use mid-to senior level employees at the GS-13/Step 5 level to collect, process and analyze the complaint log summaries.
- (b) The Commission estimates the time to process each submission to be approximately 1 hour.

⁴³ In addition, 5 provider respondents are already included in the 15 provider respondents reported immediately above.

⁴⁴ In addition, 1 provider respondent is already included in the 15 provider respondents reported above.

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- (c) On average, the Commission estimates that it will receive approximately 7 submissions annually:⁴⁵

$$7 \text{ submissions} \times 1 \text{ hour/submission} \times \$51.48 = \$360.36$$

- (ii) TRS provider submission of contact information updates:

- (a) The Commission will use mid-to senior level employees at the GS-12/Step 5 level to collect and process the contact information.

- (b) The Commission estimates the time to process each submission to be approximately 30 minutes (0.5 hour).

- (c) On average, the Commission estimates that it will receive approximately 5 submissions annually:⁴⁶

$$5 \text{ submissions} \times 0.5 \text{ hour/submission} \times \$43.29 = \$108.23$$

- (iii) Referral of complaints concerning intrastate TRS to the states:

- (a) The Commission will use mid-to senior level employees at the GS-13/Step 5 level to analyze the complaints and refer them to the states.

- (b) The Commission estimates the time to process and refer each complaint to be approximately 2 hours.

- (c) On average, the Commission estimates that it will receive approximately 10 complaints requiring referral annually:⁴⁷

$$10 \text{ submissions} \times 2 \text{ hours/submission} \times \$51.48 = \$1,029.60$$

- (iv) Processing of informal complaints:

- (a) The Commission will use mid-to senior level employees at the GS-13/Step 5 level to process and analyze informal complaints.

- (b) The Commission estimates the time to process and analyze each complaint to be approximately 3 hours.

- (c) On average, the Commission estimates that it will receive approximately 160 informal complaints requiring processing annually:⁴⁸

⁴⁵ See *supra* item 12.D.

⁴⁶ See *supra* item 12.E.

⁴⁷ See *supra* item 12.H.

⁴⁸ See *supra* item 12.I.

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160 submissions x 3 hours/submission x \$51.48 = \$24,710.40

(v) Processing of formal complaints:

(a) The Commission will use attorneys at the GS-15/Step 5 level to process and analyze formal complaints.

(b) The Commission estimates the time to analyze process each formal complaint to be approximately 30 hours.

(c) On average, the Commission estimates that it will receive approximately 1 formal complaint requiring processing annually:⁴⁹

1 submissions x 30 hours/submission x \$71.56 = \$2,146.80

Total cost to the Federal Government: \$28,355.39

\$360.36 + \$108.23 + \$1,029.60 + \$24,710.40 + \$2,146.80 = \$28,355.39

15. This a new emergency collection of information. The program changes/increases added to OMB's inventory as a result of the final information collection requirements are as follows: +72 respondents; +3,614 responses; +5,537 annual burden hours; and \$9,000 annual cost.
16. There are no plans to publish the result of the collection of information.
17. The Commission is not seeking approval not to display the expiration date for OMB approval of this information. The rate and minutes of use data and the cost and demand data is being collected through use of the TRS Fund State TRS Administrator Form and the TRS Fund Provider Form. Each of these forms will display the expiration date for OMB approval. The remainder of the information collection does not include the use of forms or a form number.
18. The Commission published a notice in the *Federal Register* (82 FR 57448) on December 5, 2017. The Commission inadvertently did not include "State, Local or Tribal Government" as a type of respondents. We make the correction to report Business or other for-profit; Individuals or household; and State, Local or Tribal Government as the type of respondents for this information collection. There are no other exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

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

⁴⁹ See *supra* item 12.J.