



Federal Communications Commission
Washington, D.C. 20554

November 30, 2017

Mr. Alexander Hunt
Chief, Information Policy Branch
Office of Information and Regulatory Affairs
Office of Management and Budget

Dear Mr. Hunt:

In accordance with OMB's emergency processing rules, 5 CFR § 1320(13), the Federal Communications Commission (FCC or Commission) requests expedited review and approval, under the Paperwork Reduction Act of 1995 (PRA), of the information collection requirements contained in 47 CFR §§ 64.604(a)(7), (c)(1), (c)(2), (c)(5)(iii)(D) and (G), (c)(6), and (c)(7). As explained below, these rule sections include (1) the collection of certain information associated with a rule first adopted in 1993 for which no PRA approval can be found and (2) the collection of certain information that was inadvertently excluded from the July 2017 supporting statement for information collection 3060-0463. We make this request for emergency approval to be granted on or before January 10, 2018, so that the Telecommunications Relay Services (TRS) administrator can distribute the information collection forms to the TRS providers and the state relay administrators by mid-January 2018. This will afford the providers and state administrators sufficient time prior to the February 20, 2018 deadline to report the information to the TRS administrator. This deadline is necessary so that the TRS administrator has sufficient time to prepare and submit to the Commission a report on recommended interstate TRS rates before the May 1, 2018 deadline. The Commission, in turn, needs sufficient time to seek public comment and adopt rates before the commencement of the next rate year on July 1, 2018. The Commission must adopt rates prior to July 1 of each year so that the TRS providers can be compensated for the interstate TRS services that they provide.

In 1993, the Commission adopted a rule authorizing the TRS Fund administrator to collect cost and demand information from TRS providers for the purpose of determining interstate TRS Fund compensation. *Telecommunications Relay Services and the Americans with Disabilities Act*, Third Report and Order, 8 FCC Rcd 5300, 5307 (1993). This rule provision, which has changed relatively little over time, currently reads:

TRS providers seeking compensation from the TRS Fund shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS investment in general in accordance with Part 32 of the Communications Act, and 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).

Pursuant to this provision, various TRS providers have annually submitted cost and demand data to the TRS Fund administrator, Rolka Loube (Rolka), in response to specific requests and instructions issued by the administrator. Such information has been collected from video relay service (VRS) providers and Internet Protocol relay service (IP Relay) providers, for example, since the early 2000s. Until relatively recently, IP CTS providers were not requested to submit cost data because the Internet Protocol Captioned Telephone Service (IP CTS) compensation rates was determined under the Multistate Average Rate Structure (MARS) Plan, based on a weighted average of state captioned telephone relay service (CTS) rates. *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, 20160-61, paras. 36-38 (2007). In 2013, however, when the Commission began a reassessment of the IP CTS compensation methodology, Rolka began requesting IP CTS providers to provide historical and projected cost and demand data in order to formulate recommendations regarding a cost-based IP CTS compensation rate.

In 2017, the Consumer and Governmental Affairs Bureau (CGB) of the Commission specifically directed the IP CTS providers to submit such data “when requested by Rolka Loube, using the cost categories reported by service providers for IP Relay and VRS or as otherwise instructed by Rolka Loube.” *Rolka Loube Associates Submits Payment Formulas and Funding Requirement for the Interstate Telecommunications Relay services Fund for the 2017-18 Fund Year*, Public Notice, 32 FCC Rcd 3880, 3881, n.9 (CGB 2017); *see also* Rolka Loube Associates LLC, *Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate*, CG Docket Nos. 03-123, 10-51 (May 2, 2017) (2017 TRS Fund Administrator Rate Report). One of the IP CTS providers is now claiming that the Commission lacks PRA authority to collect cost and demand data from IP CTS providers. This provider made its argument after it already submitted its 2016 data in February 2017.

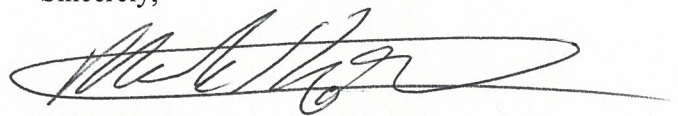
We conducted an exhaustive review of PRA authorizations for the collection of data from TRS providers. We found that the only current authorization relevant to Rolka’s annual collection of cost and demand data under section 64.604(c)(5)(iii)(D)(1) is collection 3060-0463. According to the supporting statements, this information collection covers the collection of data from providers on the per-minute compensation rates and minutes compensated for traditional TRS, Speech-to-Speech service (STS), and CTS under each of the 50 state TRS programs. (This data is used by Rolka Loube to calculate MARS-based compensation rates for interstate traditional TRS, STS, and CTS, and for IP CTS.) However, we could not find any PRA supporting statement covering IP CTS, VRS, and IP Relay cost and demand data. Although supporting statements for collection 3060-0463 cover TRS provider cost data for traditional TRS and STS, collection of cost data for CTS was not carried forward after adoption of the MARS Plan in 2007. In addition, there is no Office of Management and Budget (OMB) control number on any of the Rolka Loube forms used for annual data submissions.

We also found, that when we prepared the July 2017 supporting statement for information collection 3060-0463, we inadvertently neglected to carry forward from the February 2014 supporting statement 25,717 burden hours originating with *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). The February 2014 supporting statement for information collection 3060-0463 listed 25,717 burden hours from existing information collection requirements with no detail explaining what they were for. After researching earlier supporting statements, we found a table of the rule sections associated with this collection in the January 2002 supporting statement. The April 2003 supporting statement added one rule section to the table. Subsequent supporting statements made references to existing information collection requirements without providing any detail. We are therefore including in this emergency collection a detailed

explanation supporting reinstatement of the information collections that were inadvertently omitted from the July 2017 supporting statement for information collection 3060-0563. As a result of reevaluation of the burdens, the total number of burden hours is only 5,537 for both the burden hours associated with the collection of TRS cost and demand data and the burden hours associated with the information collections that were inadvertently omitted.

The Commission is requesting OMB approval of the information collections described above by January 10, 2018. The Commission will publish a notice in the Federal Register seeking public comment on the information collection requirements associated with the requirements listed above, with a full 30-day comment period. Please have your PRA Desk Officer contact Cathy Williams, if he has any questions or requires any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Stephens', written over a horizontal line.

Mark Stephens
Managing Director
Federal Communications Commission