

**Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123, FCC 03-112, FCC 07-110, FCC 07-186**

**SUPPORTING STATEMENT**

**A. Justification**

**Background:**

1. The Commission is submitting this modified information collection to the Office of Management and Budget (OMB) to transfer burden hours and costs associated with regulations under section 225 of the Communications Act (Act), which is currently approved under OMB control number 3060-1249, to this information collection. The Commission intends to discontinue information collection 3060-1249 once this information collection is approved.

This supporting statement also includes two information collection forms.<sup>1</sup>

- (1) The “TRS Fund State TRS Administrator Form” collects intrastate rate and minutes of use data from state telecommunications relay services (TRS)<sup>2</sup> administrators;<sup>3</sup> and
- (2) The “TRS Fund Provider Form” collects (i) intrastate rate and minutes of use data from state TRS providers<sup>4</sup> and (ii) cost and demand data from Internet-based TRS providers.<sup>5</sup>

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

- (1) the Commission ensures that TRS is available, to the extent possible and in the most efficient manner, to persons with hearing or speech disabilities in the United States;<sup>6</sup>
- (2) the Commission promulgates regulations governing the provision of TRS by common carriers offering telephone voice transmission service;<sup>7</sup> and
- (3) TRS offers persons with hearing and speech disabilities telephone transmission services that are “functionally equivalent” to voice telephone services.<sup>8</sup>

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.

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<sup>1</sup> The two information collection forms were approved by OMB in January 2018 under OMB collection 3060-1249 emergency submission.

<sup>2</sup> 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, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.” 47 U.S.C. § 225(a)(3). TRS facilities are staffed by communications assistants (CAs) who relay conversations between individuals who are deaf, hard of hearing, deaf-blind, or who have a speech disability and other individuals.

<sup>3</sup> The burden hours associated with this form are included in 12.C, *infra*.

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

<sup>5</sup> The burden hours associated with this form are included in 12.D, *infra*.

<sup>6</sup> 47 U.S.C. § 225(b)(1).

<sup>7</sup> 47 U.S.C. § 225(c), (d).

<sup>8</sup> 47 U.S.C. § 225(a)(3).

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In 2000, the Commission released the *2000 Improved TRS Order*,<sup>9</sup> which, among other things, amended the TRS rules by recognizing Speech-to-Speech (STS)<sup>10</sup> and Video Relay Service (VRS)<sup>11</sup> 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*,<sup>12</sup> in which the Commission:

- (1) directed the TRS Fund Administrator to continue to use the average cost per minute compensation methodology for the traditional TRS compensation rate;
- (2) required TRS providers to submit certain projected TRS-related cost and demand data to the TRS Fund administrator to be used to calculate the rate;<sup>13</sup> and
- (3) 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 STS and VRS costs and minutes of use.

In 2003, the Commission released the *2003 Second Improved TRS Order*,<sup>14</sup> which required that TRS providers offer certain local exchange carrier-based improved services and features where technologically feasible, several additional types of TRS calls, and other services and features through which consumers with varying needs, abilities, and preferences may access and use TRS. These mandatory minimum requirements included a speed dialing requirement which may entail voluntary recordkeeping for TRS providers to maintain a list of telephone numbers. 47 CFR § 64.604(a)(3)(vi)(B).

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<sup>9</sup> *Telecommunications Relay Services and Speech-to-Speech 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*).

<sup>10</sup> 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.” 47 CFR § 64.601(a)(33).

<sup>11</sup> 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.” 47 CFR § 64.601(a)(43).

<sup>12</sup> 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*).

<sup>13</sup> These costs and demand data are “total TRS minutes of use, total interstate TRS minutes of use, [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)(1).

<sup>14</sup> *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Americans with Disabilities Act of 1990*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, 18 FCC Rcd 12379 (2003) (*2003 Second Improved TRS Order*).

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In 2007, the Commission released the *Section 225/255 VoIP Report and Order*<sup>15</sup> extending the disability access requirements that apply to telecommunications service providers and equipment manufacturers under sections 225 and 255 of the Act to interconnected voice over Internet protocol (VoIP) service providers and equipment manufacturers. As a result, under rules implementing section 225 of the Act, interconnected VoIP service providers are required to publicize information about TRS and 711 abbreviated dialing access to TRS (“public access to information”).<sup>16</sup>

On November 19, 2007, the Commission released the *2007 Cost Recovery R&O and Declaratory Ruling*,<sup>17</sup> in which the Commission:

- (1) adopted a new cost recovery methodology for interstate traditional TRS<sup>18</sup> 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;
- (2) adopted a new cost recovery methodology for interstate captioned telephone service (CTS),<sup>19</sup> and interstate and intrastate Internet Protocol captioned telephone service (IP CTS)<sup>20</sup> based on the MARS plan;
- (3) adopted a cost recovery methodology for IP Relay<sup>21</sup> based on price caps;
- (4) adopted a cost recovery methodology for VRS that adopted tiered rates based on call volume;
- (5) clarified the nature and extent that certain categories of costs are compensable from the TRS Fund; and

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<sup>15</sup> *IP-Enabled Services; Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by The Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; and the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Report and Order, 22 FCC Rcd 11275 (2007) (*Sections 225/255 VoIP Report and Order*).

<sup>16</sup> See 47 CFR § 64.604(c)(3).

<sup>17</sup> *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*).

<sup>18</sup> References to traditional TRS include Spanish-to-Spanish traditional TRS.

<sup>19</sup> 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.

<sup>20</sup> 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*, Declaratory Ruling, 22 FCC Rcd 379 (2007) (*2007 IP CTS Order*).

<sup>21</sup> 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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- (6) addressed certain issues concerning the management and oversight of the TRS Fund, including prohibiting financial incentives offered to consumers to make relay calls and clarifying the role of the Interstate TRS Fund Advisory Council.

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:

- (1) the per-minute compensation rate(s);
- (2) whether the rate applies to session minutes or conversation minutes;<sup>22</sup>
- (3) the number of intrastate session minutes; and
- (4) 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, in Title IV of the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327.

2. The Commission requires that providers of IP Relay, VRS, and IP CTS offer the speed dialing feature so that users would be able to use TRS that is functionally equivalent to a telephone service which is mandated under Section 225 of the Communications Act. Providers of IP Relay, VRS, and IP CTS are required to maintain a list of telephone numbers in order to fulfill the speed dialing requirement which is an integral component of a functionally equivalent telephone service. The Commission does not anticipate receiving this information from providers for its internal purposes.

The *2007 Cost Recovery R&O and Declaratory Ruling* adopting new information collections was promulgated pursuant to section 225 of the Communications Act. This data will assist the Commission and TRS Fund administrator in determining future compensation rates for traditional TRS, STS, and CTS. The information collections cover 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)<sup>23</sup> on June 28, 2007, that gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII

<sup>22</sup> Conversation minutes are a subset of session minutes.

<sup>23</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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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).

- (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.<sup>24</sup>
3. The information collection requirements relating to speed dialing are mainly narratives which do not lend themselves to automation. The Commission, however, permits them to be submitted electronically. To the extent a provider voluntarily maintains a list of telephone numbers in order to fulfill the speed dialing requirement, the provider is free to employ any automated technique it wishes to reduce the burden. In regard to cost data, the Commission requires automated, electronic processes to be employed by respondents to collect and submit to the TRS Fund administrator minutes of use data in furtherance of this collection.<sup>25</sup>
4. The Commission is consolidating information collection 3060-1249 into this information collection 3060-0463 and intends to remove information collection 3060-1249 once this information collection 3060-0463 is approved. 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. Providers may choose to maintain a list of telephone numbers in order to fulfill the speed dialing requirement. Eliminating the voluntary collection associated with that requirement would diminish the alternatives available to providers for meeting the requirement, and may lead to greater costs to the TRS program. In addition, to the extent that providers satisfy the requirement in part through maintaining a list of telephone numbers, they are free to pursue other methods of satisfying the requirement that do not involve such recordkeeping.

Data collections are made from TRS providers, state relay program administrators, and Internet-based TRS providers; and STS providers file annual reports on their outreach efforts. If these information collections were not conducted, or conducted less frequently, the Commission’s and the TRS Fund administrator’s 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 are minimal. Furthermore, without the collection the providers may not be eligible for reimbursement from the TRS Fund, which could lead them to suspend operation of their important services.

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<sup>24</sup> 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 2017). As a result, this supporting statement for OMB Control Number 3060-0463 covers only the burdens placed on TRS providers and the states to address these complaints.

<sup>25</sup> 47 CFR § 64.604(c)(5)(iii)(D)(4).

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7. No special circumstances exist that would cause this collection to be conducted in a manner inconsistent with the guidelines and requirements set forth in the Paperwork Reduction Act of 1995.
8. The Commission placed a 60-day notice in the *Federal Register* pursuant to 5 CFR § 1320.8(d). See 83 FR 13485, dated March 29, 2018, seeking comments from the public on the information collection requirements contained in this supporting statement. No comments were received following publication of this notice.
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 the TRS provider respondents to submit any other confidential information. Thus, the Commission has experience in protecting the confidentiality of such information, as appropriate.

In addition, if the Commission requests information from any 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.<sup>26</sup> 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.<sup>27</sup>

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 SORN for information collection 3060-0874, which states that 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 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 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.<sup>28</sup> The PIA may be viewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html).

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<sup>26</sup> See 47 CFR § 64.604(c)(5)(iii)(I).

<sup>27</sup> *2007 Cost Recovery R&O and Declaratory Ruling*, 22 FCC Rcd at 20154, para. 28.

<sup>28</sup> As stated above, 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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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(a)(3) – Speed Dialing Requirement**

**Annual Number of Respondents: 15 respondents<sup>29</sup>**

The Commission estimates approximately 15 TRS providers (respondents) voluntarily will maintain a list of telephone numbers for this feature, and further that this process will require each such provider approximately 5 hours per year to complete.

**Annual Number of Responses: 15 responses**

15 respondents x 1 list/respondent/year = 15 lists/year (responses)

**Annual Number of Burden Hours: 75 hours**

15 responses x 5 hours/response to maintain lists = 75 hours

**Annual “In-House” Costs: \$3,321**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to a GS-12/5 (\$44.28) to maintain a list of telephone numbers.

15 responses x 5 hours/response x \$44.28/hour = \$3,321

**B. Section 64.604(c)(5)(iii)(D) – Data Collection from State TRS Providers**

**Annual Number of Respondents: 2<sup>30</sup>**

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 TRS Fund.

TRS providers must submit to the TRS Fund administrator the following information annually, for intrastate traditional TRS, STS, and CTS:

- (1) the per-minute compensation rate(s);
- (2) whether the rate applies to session minutes or conversation minutes;

<sup>29</sup> 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.

<sup>30</sup> These 2 Respondents, affected by the reporting requirements for TRS providers, are already included in the total number of 15 Respondents under A. Because each state or territory has assigned the TRS contract to one of the two respondents, each respondent files reports for multiple states and territories.

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- (3) the number of intrastate session minutes; and
- (4) the number of intrastate conversation minutes.

The Commission estimates that for the 2 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 services. This process will be done annually.

**Annual Number of Responses: 168 responses**

56 states/territories x 3 reports (traditional TRS/STS/CTS) = 168 responses<sup>31</sup>

**Annual Number of Burden Hours: 1,680 hours**

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

168 responses x 10 hours/response = 1,680 hours

**Annual "In-House" Costs: \$88,468.80**

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 \$52.66 per hour to comply with the requirement:

168 responses x 10 hours/response x \$52.66/hour = \$88,468.80

**C. Section 64.604(c)(5)(iii)(D) – Data Collection from State Relay Program Administrators**

**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 TRS 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:

- (1) the per-minute compensation rate(s);
- (2) whether the rate applies to session minutes or conversation minutes;
- (3) the number of intrastate session minutes; and
- (4) the number of intrastate conversation minutes.

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<sup>31</sup> Because each state and territory contracts with only 1 provider, each respondent is responsible for only some of the states. Between the 2 respondents, there are 3 reports for each of 56 states and territories, for a total of 168 responses.



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The Commission estimates that there will be 56 respondents (i.e., the states and territories that provide TRS). 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: 168 responses**

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

**Annual Number of Burden Hours: 1,680 hours**

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

168 responses x 10 hours/response = 1,680 hours

**Annual "In-House" Costs: \$88,468.80**

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 \$52.66 hour to comply with the requirement:

168 responses x 10 hours/response x \$52.66/hour = **\$88,468.80**

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

**Annual Number of Respondents: 15<sup>32</sup>**

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 TRS 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 responses x 50 hours/response = 800 hours

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<sup>32</sup> These are the same 15 respondents reported in A, *supra*.

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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 \$52.66 hour to comply with the requirement:

**Annual “In-House” Costs: \$42,128**

16 responses x 50 hours/response x \$52.66/hour = \$42,128

**E. STS Annual Reports on Outreach Efforts**

In the *2007 Cost Recovery R&O and Declaratory Ruling*, the Commission also established reporting requirements for STS providers (respondents). Respondents 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.

**Annual Number of Respondents: 2<sup>33</sup>**

Currently, there are 2 STS providers. Therefore, the Commission estimates that 2 respondents will be required to submit a report annually on specific outreach efforts.

**Annual Number of Responses: 2 responses**

2 respondents x 1 report/year = 2 responses

**Annual Number of Burden Hours: 30 hours/year**

The Commission estimates that each Respondent will require approximately 15 hours to submit the report:

2 responses x 15 hours/response = 30 hours/year

**Annual “In-House” Costs: \$1,579.80**

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 \$52.66 per hour to comply with the requirement:

2 responses x 15 hours/response x \$52.66/hour = \$1,579.80

**F. Section 64.604(c)(3) – Public access to information**

**Annual Number of Respondents: 3,500**

The Commission estimates 3,500 telecommunications service and VoIP providers and equipment manufacturers are subject to sections 225 and 255 of the Act.

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<sup>33</sup> These 2 Respondents, affected by the reporting requirements for STS providers, are already included in the total number of 15 Respondents reported in A, *supra*.

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Respondents, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS and the availability of 711 abbreviated dialing access to TRS.

The Commission estimates that the required actions will take place on an occasional basis, and respondents will expend approximately 1 hour in the aggregate per year in planning and complying with these requirements.

**Annual Number of Responses: 3,500 responses**

3,500 respondents x 1 response/respondent = 3,500 responses

**Annual Number of Burden Hours: 3,500 hours**

3,500 responses x 1 hour/response = 3,500 hours

**Annual “In-House” Costs: \$184,310**

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 \$52.66 per hour to comply with the requirement:

3,500 responses x 1 hour/response x \$52.66/hour = \$184,310

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

**Annual Number of Respondents: 1,505<sup>34</sup>**

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. This will require providers to collect information from the users to preregister them. 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 Responses: 3,000**

The responses will be provided by: (a) the VRS providers pre-registering their users, and (b) the users participating in the pre-registration.

(300 responses/provider x 5 providers) + (1 response/user x 1,500 users) = 3,000 responses

<sup>34</sup> The estimated 1,505 respondents includes 1,500 VRS users plus the five respondents that provide VRS that are included in the 15 respondents reported in A, *supra*.

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**Annual Number of Burden Hours: 1,500**

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

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 the respondents’ costs to be about \$30.54 per hour to complete. There will be no cost to users to register.

**Annual “In-House” Costs: \$22,905**

$(300 \text{ responses/provider} \times 5 \text{ providers} \times 0.5 \text{ hour} \times \$30.54/\text{hour}) + (1 \text{ responses/user} \times 1,500 \text{ users} \times 0.5 \text{ hours} \times \$0) = \$22,905$

**H. Section 64.604(c)(1) – Complaint Log Summaries**

**Annual Number of Respondents: 7<sup>35</sup>**

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.

**Annual Number of Responses: 10**

$(1 \text{ respondent} \times 3 \text{ responses}) + (1 \text{ respondent} \times 2 \text{ responses}) + (5 \text{ respondents} \times 1 \text{ response}) = 10 \text{ responses}$

**Annual Number of Burden Hours: 80**

$10 \text{ responses} \times 8 \text{ hours/maintain consumer complaint logs} = 80 \text{ hours}$

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 the respondents’ costs to be about \$73.20 per hour to complete.

**Annual “In House” Costs: \$5,856**

$80 \text{ hours} \times \$73.20 = \$5,856$

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<sup>35</sup> The seven respondents that provide traditional TRS, STS, IP Relay, and VRS are included in the 15 respondents reported in A, *supra*. Information 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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**I. Section 64.604(c)(2) – Contact Information**

**Annual Number of Respondents: 5<sup>36</sup>**

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 response/respondent = 5 responses

**Annual Number of Burden Hours: 5**

5 responses x 1 hour/response = 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 the respondents’ costs to be about \$73.20 per hour to complete.

**Annual “In House” Costs: \$366**

5 responses x 1 hour/response x \$73.20 = \$366

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

**Annual Number of Respondents: 10<sup>37</sup>**

Section 64.604(c)(5)(iii)(D)(3) of the rules requires providers to submit speed-of-answer data for IP CTS.<sup>38</sup> 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 1 response/month x 12 months x 5 hours/month = 600 hours

<sup>36</sup> These are a subset of the 15 respondents reported in A, *supra*.

<sup>37</sup> These are a subset of the 15 respondents reported in A, *supra*.

<sup>38</sup> Information collection 3060-1145 covers the collection of this information from VRS and IP Relay providers.

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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 the respondents’ costs to be about \$73.20 per hour to complete.

**Annual “In-House” Costs: \$43,920**

600 hours x \$73.20/hour = \$43,920

**K. 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.

**Annualized Number of Respondents: 2 (rounded)<sup>39</sup>**

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

**Annualized Number of Responses: 2**

5 new IP CTS providers x 1 response/3 years = 1.66 (2 responses rounded)

**Annualized Burden Hours: 2 (rounded)**

5 new IP CTS providers x 1 response/3 years x 1 hour/response = 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 the respondents’ costs to be about \$52.66 per hour to complete.

**Annualized “In-House” Costs: \$87.77**

5 new IP CTS providers x 1 response/3 years x 1 hour/response x \$52.66/hour = \$87.77

**L. 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.<sup>40</sup> As a result, this supporting statement for OMB Control Number 3060-0463 covers only the burdens placed on the states to address these complaints.

<sup>39</sup> These are a subset of the 15 respondents reported in A, *supra*.

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**Annual Number of Respondents: 10<sup>41</sup>**

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.<sup>42</sup>

**Annual Number of Responses: 10**

10 respondents x 1 response = 10 responses

**Annual Burden Hours: 50**

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 the respondents’ costs to be about \$52.66 per hour to complete.

**Annual “In-House” Costs: \$2,633**

10 respondents x 1 response x 5 hours x \$52.66/hour = \$2,633

**M. 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.<sup>43</sup> As a result, this supporting statement for OMB Control Number 3060-0463 covers only the burdens placed on the TRS providers to respond to these complaints.

**Annual Number of Respondents: 15<sup>44</sup>**

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<sup>40</sup> 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 2017).

<sup>41</sup> These are a subset of the 56 respondents reported in C, *supra*.

<sup>42</sup> The burden hours associated with TRS provider responses to the complaints referred to the states are included in M, *infra*.

<sup>43</sup> 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).

<sup>44</sup> These are the same 15 respondents reported in A, *supra*.

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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 the respondents’ costs to be about \$62.23 per hour to complete.

**Annual “In-House” Costs: \$48,539.40**

260 responses x 3 hours x \$62.23/hour = \$48,539.40

**N. 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.<sup>45</sup>

**Annual Number of Respondents: 2**

1 complainant + 1 defendant<sup>46</sup> = 2 respondents

**Annual Number of Responses: 3**

1 formal complaint (complainant) + 1 answer (defendant) + 1 reply to answer (complainant) = 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**

<sup>45</sup> The cumulative number of respondents for this requirement is 2.

<sup>46</sup> The defendant is already included in the 15 respondents reported in A, *supra*.



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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 a senior level federal employee (GS-15/5), to consult with outside counsel. The Commission estimates the respondents' costs to be about \$73.20 per hour.

**Annual "In-House" Costs: \$732**

1 response (defendant) x 10 hours x \$73.20/hour = \$732

**O. 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: 12<sup>47</sup>**

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

**Annual Number of Responses: 20**

(10 state relay administrators x 1 response/respondent) + (2 state relay providers 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 the respondents' costs to be about \$73.20 per hour to complete.

**Annual "In-House" Costs: \$1,464**

20 responses x 1 hour x \$73.20 hour = \$1,464

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<sup>47</sup> The 10 state relay administrators are a subset of the 56 state relay administrators reported in C, *supra*. The 2 state relay providers are a subset of the 15 providers reported in A, *supra*.

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**CUMULATIVE TOTAL FOR INFORMATION COLLECTION REQUIREMENTS**

	<b>Collection</b>	<b>Number of Respondents</b>	<b>Number of Responses</b>	<b>Burden Hours</b>	<b>“In-House” Costs</b>
A	Speed Dialing Requirement	15	15	75	\$3,321
B	Data Collection from State TRS Providers	Included in A	168	1,680	\$88,468.80
C	Data from State Relay Program Administrators	56	168	1,680	\$88,468.80
D	Data from Internet-Based TRS Providers	Included in A	16	800	\$42,128
E	STS Annual Reports on Outreach Efforts	Included in A	2	30	\$1,579.80
F	Public Access to Information	3,500	3,500	3,500	\$184,310
G	Registration – VRS Users Calling from International Points	1,500 (plus 5 included in A)	3,000	1,500	\$22,905
H	Complaint Log Summaries	Included in A	10	80	\$5,856
I	Contact Information	Included in A	5	5	\$366
J	Speed-of-Answer Data	Included in A	120	600	\$43,920
K	Notification to TRS Fund Administrator	Included in A	2	2	\$87.77
L	Complaint Referrals to States	Included in C	10	50	\$2,633
M	Informal Complaints	Included in A	260	780	\$48,539.40
N	Formal Complaints	1 (plus 1 included in A)	3	20	\$732
O	Contract Provisions	Included in A and C	20	20	\$1,464
	<b>CUMULATIVE TOTALS</b>	<b>5,072</b>	<b>7,299</b>	<b>10,822</b>	<b>\$534,779.57</b>

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 three categories discussed below.

- (i) In regard to speed dialing, the only potential “outside” cost burden to respondents could be for software related to the maintaining of telephone number lists. The Commission believes, however, that such software either would be a standard component of office computer

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“suites,” or should be readily available “off the shelf.” Therefore, the Commission estimates that up to 15 respondents will purchase such software at up to \$120 per provider, for an aggregate cost of \$1,800. Because the Commission expects that such software would be capitalized and estimates that it will have a useful life of 3 years and be purchased every 3 years, the Commission estimates the annualized cost to be:

$$(15 \text{ providers} \times \$120 / \text{provider}) / 3 = \$600$$

- (ii) With regard to STS outreach, each of the two STS providers may utilize the assistance of outside counsel. The Commission estimates that outside legal counsel will require 2 hours to prepare and submit the report, and will charge \$300.00 per hour for legal services.

$$2 \text{ reports} \times 2 \text{ hours} \times \$300.00/\text{hour} \text{ “outside” legal fee} = \$1,200.00$$

- (iii) For 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.

$$(1 \text{ complaint} \times 10 \text{ hours}) + (1 \text{ reply} \times 5 \text{ hours}) \times \$300/\text{hour} + (1 \text{ answer} \times 15 \text{ hours} \times \$300/\text{hour}) = \$9,000$$

**TOTAL ANNUAL COST**

**Total Start-Up Costs: \$0**

**Total Operation, Maintenance, and Purchase of Service Costs: \$10,800/year**

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

**(i) Reports on outreach efforts submitted by STS providers:**

- (1) The Commission will use staff attorneys at the GS-14/Step 5 level to collect, process and analyze the reports on outreach efforts submitted by STS providers.
- (2) The Commission estimates the time to process each submission to be approximately 3 hours.
- (3) On average, the Commission estimates that it will receive approximately 2 submissions<sup>48</sup> annually:

$$2 \text{ submissions} \times 3 \text{ hours/submission} \times \$62.23 = \mathbf{\$373.38}$$

**(ii) TRS provider submission of complaint log summaries:**

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<sup>48</sup> See *supra* item 12.E.

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- (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.
- (c) On average, the Commission estimates that it will receive approximately 10 submissions annually:<sup>49</sup>

10 submissions x 1 hour/submission x \$52.66 = **\$526.60**

**(iii) 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:<sup>50</sup>

5 submissions x 0.5 hour/submission x \$44.28 = **\$110.70**

**(iv) 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:<sup>51</sup>

10 submissions x 2 hours/submission x \$52.66 = **\$1,053.20**

**(v) 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 260 informal complaints requiring processing annually:<sup>52</sup>

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<sup>49</sup> See *supra* item 12.H.

<sup>50</sup> See *supra* item 12.I.

<sup>51</sup> See *supra* item 12.L.

<sup>52</sup> See *supra* item 12.M.

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260 submissions x 3 hours/submission x \$52.66 = **\$41,074.80**

**(vi) 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 process and analyze 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:<sup>53</sup>

1 submission x 30 hours/submission x \$73.20 = **\$2,196**

**Total cost to the Federal Government: \$45,334.68**

$\$373.38 + \$526.60 + \$110.70 + \$1,053.20 + \$41,074.80 + \$2,196 = \$45,334.68$

15. Due to the transfer of the information collection requirements from OMB control 3060-1249 and the re-evaluation of the existing burdens for this information collection, the Commission makes the following adjustments: the annual number of respondents has increased by **+1,562**, from 3,510 to 5,072 annual number of respondents; the annual number of responses has increased by **+3,619**, from 3,680 to 7,299 annual number of responses; the annual burdens hours has increased by **+5,562** annual burden hours, from 5,260 to 10,822 annual burden hours; and the annual cost has increased by **+\$9,200**, from \$1,600 to \$10,800.

There are no program changes to this collection.

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. There are no 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.

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<sup>53</sup> See *supra* item 12.N.