

## **SUPPORTING STATEMENT**

This submission is being made pursuant to 44 U.S.C. § 3507 of the Paperwork Reduction Act of 1995 to revise an existing information collection in order to obtain the Office of Management and Budget (OMB) approval for the full three-year clearance.

### **A. Justification:**

*Circumstances that make the collection necessary:*

1. Inmate calling services (ICS) allow inmates to make calls to individuals outside the correctional facilities where they are being held, regardless of the technology used to deliver the service. Section 201 of the Communications Act of 1934 Act, as amended (Act), 47 U.S.C. § 201(b), requires that ICS providers' interstate and international rates and practices be just and reasonable. Section 276 of the Act, 47 U.S.C. § 276, requires that payphone service providers (including ICS providers) be fairly compensated for completed calls.

*Annual Reports.* In the *Inmate Calling Service Second Report and Order*,<sup>1</sup> FCC 15-136, the Commission undertook comprehensive reform of the ICS marketplace. The Commission, among other things, established new rate caps for interstate and intrastate ICS calls and limited and capped ancillary services charges.<sup>2</sup> To enable the Commission to evaluate further potential ICS reforms, identify and track trends in the ICS marketplace, and monitor compliance with the rules adopted in the *2015 Order*, the Commission required all ICS providers to file annual reports providing data and other information on their ICS operations.<sup>3</sup> In particular, the Commission required each ICS provider to file a report annually specifying, for the prior calendar year:

- Interstate, international, and intrastate rates and minutes of use by facility, and the name, size, and type of facility being served;
- Fees for any ancillary services, the amount of these fees, and the number of times each fee was imposed;
- Monthly site commission payments;
- Rates and minutes of use for video calling services by facility, as well as ancillary fees for such services;

---

<sup>1</sup> *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763 (2015) (*2015 Order*).

<sup>2</sup> In *Global Tel\*Link v. FCC*, 866 F.3d 397, 408-15 (D.C. Cir. 2017), *clarifying and amending*, 859 F.3d 39 (D.C. Cir. 2017) (*GTL v. FCC*), the D.C. Circuit held that, on the record in that case, the Commission lacked jurisdiction pursuant to 47 U.S.C. § 276 to cap rates for intrastate ICS calls and that the rate caps the Commission had adopted for interstate calls were arbitrary and capricious. The Court also remanded the Commission's caps on ancillary fees. *Id.* at 415. As a result, the interim rate caps that the Commission had adopted in 2013 for interstate ICS calls (\$0.21 per minute for debit/prepaid ICS calls and \$0.25 per minute for collect calls) are in effect. See *Rates for Interstate Inmate Calling Services*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 12-375, 28 FCC Rcd 14107 (2013).

<sup>3</sup> See 47 CFR § 64.6060(a).

- The number of disability-related calls, problems associated with such calls, and ancillary fees charged in connection with such calls; and
- The number of complaints received related to, for example, dropped calls and poor call quality and the number of instances of each by TTY and TRS users.

The Commission required that an officer of each ICS provider certify annually the accuracy of the data and other information submitted in the provider's annual report and the provider's compliance with the Commission's ICS rules.<sup>4</sup> Pursuant to the authority delegated to it by the Commission in the *2015 Order*, the Wireline Competition Bureau (Bureau) created standardized templates for the annual reports (FCC Form 2301(a)) and certifications (FCC Form 2301(b)). The Bureau also provided instructions that explain the reporting and certification requirements and reduce the burden of the data collection.

*Consumer Disclosure Rule.* In the *2015 Order*, the Commission required ICS providers to disclose to consumers their interstate, intrastate, and international rates and ancillary service charges.<sup>5</sup> The Commission did not dictate the precise form of the consumer disclosure, but stated that it would evaluate disclosures for reasonableness based on a number of factors, including disclosure of information regarding all material charges and use of plain language that can be readily understood by end users.

*Changes to the Annual Report and Instructions.* On June 13, 2017, the United States Court of Appeals for the D.C. Circuit (D.C. Circuit) in *GTL v. FCC* vacated the video visitation reporting requirements in the annual report.<sup>6</sup> Pursuant to the D.C. Circuit's mandate, we have removed the "Video Calling Services" section from FCC Form 2301(a). In addition, we have amended the accompanying instructions to reflect the removal of this reporting requirement.

As part of the Commission's continued administration of the ICS data collection, we have changed FCC Form 2301(a) and the accompanying instructions in several additional respects. These changes reflect formal and informal input from ICS providers as well as the Commission's staff experience in analyzing the annual reports.<sup>7</sup> They make the instructions clearer and will make the annual reports easier to understand and analyze. The changes will impose only a minimal additional burden on providers because they address only information that providers usually and customarily compile in the normal course of their business activities.

The amended instructions require ICS providers to:

- (1) Submit all reports using the electronic Excel template provided by the Commission, and to provide the data in a machine-readable, manipulatable format;
- (2) Provide city and state information for each facility served;
- (3) Group the facilities served by underlying contracts in the section for ICS Rates;

---

<sup>4</sup> See 47 CFR § 64.6060(b); *2015 Order*, 30 FCC Rcd at 12891, para. 266.

<sup>5</sup> 47 CFR § 64.6110.

<sup>6</sup> 47 CFR § 64.6060(a)(4); see *GTL v. FCC*, 866 F.3d at 415. The Court did not address any other aspect of the annual report and did not address the certification requirement or consumer disclosure rule. See *id. passim*.

<sup>7</sup> See Letter from Pamela Arluk, Chief, Pricing Policy Division, Wireline Competition Bureau, FCC, to Marcus Trathen, Counsel for Pay Tel Communications, Inc., 32 FCC Rcd 4154 (WCB 2017) (responding to a request for clarification of aspects of the annual reporting requirements).

- (4) Separately report and explain their rates for debit/prepaid calls and collect calls;
- (5) Report fixed site commission payments by facility as well as by contract; and
- (6) Explain certain entries, including any entry that omits requested information.

We estimate that approximately 20 ICS providers will file annual reports and certifications on April 1, 2020 using the revised form and instructions.

Statutory authority for this information collection is contained in Sections: 1, 4(i), 4(j), 201, 225, 276, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201, 225, 276, and 303(r).

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The information requirements set forth below ensure that the Commission has access to the information it needs to fulfill its statutory and regulatory duties, while minimizing the burden on ICS providers. Requiring ICS providers to file annual reports and certifications and to disclose their rates to consumers will help the Commission discharge its statutory mandates regarding ICS. The annual reports also will provide inmates, their families, their representatives, and the general public with access to information affecting the provision of interstate and international ICS.

Since the start of this collection, the ICS providers' annual reports and certifications have provided extensive information about the ICS industry. Continuing to collect this information will help the Commission understand changes in the ICS industry and determine whether further ICS reform is needed. The annual reporting requirements also allow the Commission to monitor the ICS providers' compliance with its ICS rules and to enforce those rules. The Commission's use of a standardized form to collect the data and other information makes it easier for the Commission and the public to analyze the information. This information is usually and customarily compiled and used by ICS providers in the normal course of business, which minimizes the burden of the collection.

The consumer disclosure rule helps ensure that ICS providers' customers know the providers' rates and can make informed decisions on whether to proceed with ICS calls. This data collection is an essential consumer protection mechanism.

3. The Commission's *2015 Order* directed staff to develop a standardized template for the submission of data and to provide instructions to simplify compliance with, and reduce the burden of, the annual reporting and certification requirements. The revised template includes instructions and text fields for respondents to use to report the required data. Providers are directed to file their annual reports and certifications electronically via the Commission's Electronic Comment Filing System (ECFS).

4. The Commission is not aware of any similar information already available that can be used or modified for the purposes described in Item 2 above. Specifically, prior to the *2015 Order*, ICS providers were not required to file such data with the Commission.

5. Because the Commission's *2015 Order* requires all ICS providers to comply with the annual report and certification requirements and to comply with the consumer disclosure rule, the requirements will affect smaller as well as larger ICS providers. The Commission has taken steps to ensure that the reporting templates are competitively neutral and not unduly burdensome for any set of providers.

6. Collecting the reports and certifications on a less frequent basis, or not at all, would deprive the Commission of the ability to monitor intrastate, interstate, and international ICS rates on an ongoing and reasonably current basis, which would undermine the Commission's efforts to ensure that interstate and international ICS is provided at just and reasonable rates and to ensure that any ancillary services charges associated with interstate and international ICS are also just and reasonable. It would also deprive consumers and other affected parties of the ability to monitor ICS quality, rates, and fees. Finally, not requiring ICS providers to inform customers of their rates would prevent customers from making informed decisions on whether to proceed with ICS calls.

7. No other special circumstances will apply to this information collection.

8. Pursuant to 5 C.F.R. § 1320.8 (d), on September 24, 2019, the Commission published a 60-day notice in the Federal Register to solicit public comment on these reporting and certification requirements. See 84 Fed. Reg. 50034 (Sept. 24, 2019). Comments were received from three parties: Worth Rises, The Leadership Conference on Civil and Human Rights (Leadership Conference), and Global Tel\*Link Corporation (GTL).

#### *Need for the Collection*

Worth Rises and the Leadership Conference urge the Commission to continue the collection of data regarding the ICS marketplace. Worth Rises asserts that the mandatory annual reports are a vital resource that allows the public to evaluate nationwide data on ICS.<sup>8</sup> The Leadership Conference argues that the collection of ICS data plays a critical role in informing the Commission's regulation of prison phone rates.<sup>9</sup> It adds that the data provide more transparency of the prison system and assist the Commission in identifying unjust and unreasonable charges.<sup>10</sup> The Leadership Conference further contends that "it is vitally important to collect data from institutions serving incarcerated persons and loved ones to prevent incarcerated people and loved ones from falling victim to predatory pricing practices."<sup>11</sup>

By contrast, GTL claims that, rather than extending the collection, the Commission should instead rely on the "rules imposing ICS rate and Ancillary Service Charge caps and ICS consumer disclosures, coupled with the Commission's complaint process," to monitor the ICS industry.<sup>12</sup> GTL contends that these processes "provide a reliable and less burdensome way to facilitate transparency in ICS rates, terms, and fees and to help ensure that providers of ICS comply with the Commission's rules."<sup>13</sup>

*Response.* We will continue to require ICS providers to file annual reports and certifications. By continuing this requirement, the Commission can identify and track trends in the ICS marketplace, and monitor compliance with its rules pertaining to ICS. As noted above, the annual reports and certifications provide extensive information about the ICS industry. Continuing to collect this information will help the Commission understand changes in the industry and determine whether further reform is needed. The annual reporting requirements also allow the Commission to monitor ICS providers' compliance with its rules.

---

<sup>8</sup> Worth Rises Comments at 1.

<sup>9</sup> Leadership Conference Comments at 2.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 1.

<sup>12</sup> GTL Comments at 3 (citations omitted).

<sup>13</sup> *Id.* at 3-4 (citation and internal quotation marks omitted).

Further, the Commission’s annual reports provide inmates, their families, their representatives, and the general public with access to extensive information affecting the provision of interstate and international ICS. This information helps keep inmates and their loved ones from falling victim to predatory pricing practices.<sup>14</sup> As Worth Rise and the Leadership Conference observe, the annual reports are a vital resource that allows the public to monitor ICS providers’ compliance with the Commission’s rules.<sup>15</sup>

Contrary to GTL’s argument, the rate and ancillary fee caps, consumer disclosure rule, and the Commission’s complaint process are not a substitute for the annual reports. Even taken together, these processes do not provide the Commission and the public with a comprehensive view of each ICS provider’s operations. The annual reports, however, provide a window into the provider’s rates, ancillary service charges, and site commission payments, among other matters, for each calendar year. This information allows the Commission and the public to compare ICS providers to each other, and to identify and track trends in the ICS industry.

GTL also appears to confuse the existence of Commission rules with the question of whether ICS providers comply with those rules. The annual reports and certifications provide a vehicle for helping ensure such compliance. For instance, the information an ICS provider discloses in its annual report regarding its interstate ICS rates helps the Commission and the public to determine whether the provider is complying with the Commission’s requirements regarding interstate ICS rates. Without that information, potential complainants would have difficulty uncovering the scope of an ICS provider’s potential rule violations. Therefore, while relying solely on the complaint process would allow the Commission to address isolated violations of the ICS rules, that approach would provide a far less effective method of ensuring full compliance with those rules.

The Commission’s collection of ICS data through the annual reporting requirements provides a superior vehicle for facilitating transparency in ICS rates, terms and fees, and efficiently monitoring compliance with the ICS rules—the very goals cited by GTL in its comments. It also helps ensure that the Commission has access to the information it needs to fulfill its statutory and regulatory duties, while minimizing the burden on ICS providers. We note that, despite its contention that the data collection is burdensome, GTL does not challenge our burden estimates.

#### *Information regarding Intrastate ICS*

GTL contends that the annual reports should not request data regarding intrastate services “in light of the D.C. Circuit’s finding that the Commission does not have statutory authority over intrastate ICS rates and intrastate ancillary fees.”<sup>16</sup>

*Response.* We will continue to require ICS providers to include information regarding intrastate ICS and intrastate ancillary fees in their annual reports. Collecting that information falls well within the Commission’s statutory authority; moreover, it will help the Commission discharge its statutory responsibilities regarding ICS and help inmates, their families, and their representatives evaluate the Commission’s actions in that regard.

---

<sup>14</sup> Leadership Conference Comments at 1.

<sup>15</sup> GTL Comments at 3-4 (citing Draft FCC Form 2301(a) Instructions (“The form...is designed to facilitate transparency in ICS rates, terms, and fees and to help ensure that providers of ICS comply with the Commission’s rules.”)); see *2015 Order*, 30 FCC Rcd at 12891, para. 266.

<sup>16</sup> GTL Comments at 4 (citing *GTL v. FCC*, 866 F.3d at 409-11).

GTL's reliance on the D.C. Circuit's decision as support for its contention is misplaced. The Court merely held that the Commission did not have statutory authority to cap intrastate rates and fees.<sup>17</sup> That holding does not preclude the Commission from collecting information on intrastate rates and fees.<sup>18</sup> Indeed, the Commission has historically collected information on carriers' intrastate telecommunications services even though it lacks authority to cap, or otherwise regulate, the associated rates and prices.<sup>19</sup> Collecting that information has helped the Commission ensure that carriers do not improperly shift intrastate costs to the interstate jurisdiction. Indeed, without knowing carriers' intrastate costs and rates, the Commission would be unable to detect an overallocation of costs to the interstate jurisdiction.

Moreover, although the D.C. Circuit vacated the Commission's reporting requirement for video visitation services, the Court's opinion did not address the question of whether the Commission could collect information on intrastate ICS and intrastate ancillary fees. That opinion therefore does not require that the Commission delete the portions of the annual report that collect such information.

#### *Correctional Facility Physical Location*

GTL argues that ICS providers should not be required to list the name and physical location of each individual correctional facility at which they provide ICS.<sup>20</sup> GTL contends that most ICS providers track information by contract, not by individual facility, and thus it is overly burdensome to provide the city and state in which each of its facilities is located.<sup>21</sup>

*Response.* We will require each ICS provider to report the physical location of each correctional facility at which it provides ICS. A central purpose of the annual reports is to provide each inmate and inmate family with access to information affecting the provision of interstate and international ICS at the facility in which the inmate is incarcerated. For that to happen, the inmate and inmate family must be able to identify the portion of an annual report relating to that facility. Listing the name and physical location of each facility is a minimally burdensome way of enabling this identification.

In contrast, listing only the contract under which the provider serves the facility, as GTL proposes, would make it difficult, if not impossible, for the inmate and inmate family to identify the portions of the report relating to the inmate's facility. And listing only the name of the facility without also providing the city and state in which it is located would cause uncertainty for facilities having generic names that can be found in multiple cities and states. Even if providers generally track data at a contract level, as GTL contends, it should be minimally burdensome for them to include the facility name as well as city and state information in the reports. And, in any event, the benefits of providing that information, far outweigh any such burden.

#### *Site Commission Information*

---

<sup>17</sup> *GTL v. FCC*, 866 F.3d at 409.

<sup>18</sup> 47 U.S.C. § 201(b).

<sup>19</sup> See, e.g., *Wireline Competition Bureau Releases the 2019 Telecommunications Reporting Worksheets and Accompanying Instructions*, WC Docket No. 06-122, Public Notice, DA 19-84 (WCB Feb. 14, 2019); see also *Automated Reporting Requirements for Certain Class A and Tier 1 Telephone Companies (Parts 31, 43, 67, and 69 of the FCC's Rules)*, CC Docket No. 86-182, Report and Order, 2 FCC Rcd 5770 (1987); *Telecommunications Industry Revenues: 2009*, 1 (WCB/IATD 2011), available at: <https://www.fcc.gov/general/telecommunications-industry-revenue-data-0> (describing the collection of information on interstate and intrastate telecommunications services and nonregulated services).

<sup>20</sup> GTL Comments at 4.

<sup>21</sup> *Id.*

GTL argues that ICS providers should be allowed to report site commission data by contract, rather than for each correctional facility at which they provide ICS.<sup>22</sup> GTL asserts that ICS providers track site commission data by contract and that it is overly burdensome for providers to report site commission data by facility.<sup>23</sup>

GTL also argues that ICS providers should be required to report only the total site commission amount for each contract, rather than having to report fixed and variable site commissions separately.<sup>24</sup> GTL claims that it tracks the total amount of site commissions paid and does not record whether they are fixed or variable, and that allowing providers to report only total site commissions would reduce the burden on providers.<sup>25</sup>

*Response.* We will continue to require ICS providers to report site commission payments by facility and type of payment. As discussed above, a central purpose of the annual reports is to provide each inmate and inmate family with access to information affecting the provision of interstate and international ICS at the facility in which the inmate is incarcerated. This information includes both the total amount of site commissions, as well as the amounts of fixed and variable site commissions, for that facility.

Disaggregated site commission payment information also contributes to the Commission's and the public's understanding of the ICS industry. Site commission payments constitute a significant portion of total ICS revenue. Among other benefits, disaggregated site commission payment information helps the Commission and the public understand how those payments vary among types of facilities and evaluate whether differences in payment levels affect interstate ICS rates. These benefits significantly outweigh any incremental burden on ICS providers from reporting site commission data disaggregated by facility and type of commission. In this regard, we note that GTL makes no attempt to quantify the additional burden, if any, of calculating site commission payments by facility and type of commission. We believe that burden to be minimal and, in any event, far outweighed by the benefits described above.

#### *Contracting Party Name*

GTL argues that ICS providers should be permitted to provide the account name under which they provide service to a correctional facility, instead of naming "the specific party with which the provider negotiated the contract" for that facility, as our draft instructions for the annual report require.<sup>26</sup> GTL contends that if the account name adequately describes the contracting entity, providers should not be required to name the contracting party.<sup>27</sup>

*Response.* Upon review of GTL's comments, we amend the instructions for the annual report to require that each ICS provider name "the specific party with which the provider executed the contract" under which it provides ICS to a correctional facility. We find that this change clarifies our intent in obtaining the name of the contracting party.

---

<sup>22</sup> GTL Comments at 5.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* (citing draft Form 2301(a) Instructions at 4).

<sup>27</sup> *Id.*

We do not, however, allow ICS providers to substitute their account names for the contracting party names, as GTL proposes. In suggesting this change, GTL does not dispute the need to include contracting party information in the annual reports. Instead, it maintains that an account name that “adequately describes the contracting entity” should be sufficient. But to the extent an account name adequately describes the contracting entity, GTL should encounter at most a minimal burden in extracting the contracting party’s name from the account name. We find that this minimal burden is warranted because it would eliminate any potential for confusion regarding the contracting party’s name.

#### *Partnership Information*

The draft instructions for the annual report require each ICS provider to provide information on each partnership it has for the provision of ICS. The instructions define “partnership” as “a contract or other arrangement under which two or more entities jointly provide ICS to inmates at a correctional facility.”<sup>28</sup>

GTL argues that ICS providers should not be required to provide partnership information in the annual reports. GTL contends that, because the annual report applies to “any entity that provides ICS,” the Commission will receive information from the primary partner without the need to delve into private agreements between ICS providers and other parties.<sup>29</sup> GTL further contends that the Commission has no jurisdiction over private agreements and should not require the providers to divulge information regarding their underlying arrangements barring a violation of the Communications Act, Commission rules, or Commission orders.<sup>30</sup>

*Response.* We agree with GTL that our request for partnership information is overbroad. We therefore amend the draft instructions to make clear that partnership information is required only when two or more entities potentially bill consumers under a single contract for the provision of ICS to inmates at a correctional facility. In these circumstances, each partner’s annual report shall describe the types of ICS calls billed by each partner, the ICS-related functions provided by each partner, and any revenue sharing arrangement among the partners. These changes will ensure each partner’s annual report provides a full picture of their provision of ICS at a correctional facility, while avoiding any intrusion into otherwise private business arrangements.

#### *Video Visitation Information*

GTL supports our proposal to delete the “Video Calling Services” section from the annual report,<sup>31</sup> and we will proceed with that deletion.

#### *Redactions from the Annual Reports*

Worth Rises agrees that the Commission should continue to collect information from ICS providers through the annual reports and argues that the Commission should ensure that the information in those reports is accessible to the public with only limited redactions.<sup>32</sup> While we recognize that “[u]nwarranted redactions limit the utility of the annual reports by preventing public access to the redacted information,”<sup>33</sup> Worth Rise’s concern about unwarranted redactions is best addressed on a case-by-case basis. We therefore do not address it here.

---

<sup>28</sup> Draft Form 2301(a) Instructions at Item 1(a).3.

<sup>29</sup> GTL Comments at 6.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Worth Rises at 2-5.



9. The Commission does not anticipate providing any payment or gift to respondents.

10. The *Protective Order* in this proceeding provides confidential treatment for the proprietary information submitted by ICS providers in response to the annual reporting and certification requirements.<sup>34</sup> The Commission will treat as presumptively confidential any particular information identified as confidential by the provider in accordance with the Freedom of Information Act and Commission rules. Each confidential document should be stamped and submitted to the Secretary's Office with an accompanying cover letter, as specified by *Protective Order*. This is standard practice when the Commission seeks competitively sensitive information for ratemaking or other purposes.

11. The information collection does not address any matters of a sensitive nature.

12. The following represents the hour burden on the collections of information discussed herein.

**a. Reporting Requirement:**

(1) Number of respondents: Approximately 20.

(2) Frequency of response: Annual.

(3) Total number of responses annually: Approximately 20.

(4) Estimated Time per Response: 80 hours.

20 respondents x 80 hours per response x 1 response per respondent = 1,600 hours.

(5) Total annual burden: **1,600 hours.**

The Commission estimates that approximately 20 ICS providers will require 80 hours of reporting time.

Approximately 20 respondents x 1 response x 80 hours per response = 1,600 hours.

(6) Total estimate of "in-house" cost to respondents: **\$72,000.**

(7) Explanation of the calculation:

The Commission estimates that approximately 20 ICS providers will be subject to this reporting requirement.

We assume that respondents will use 60 hours of in-house accounting services (rate of \$45/hour) to satisfy this reporting requirement. Thus 1,600 hours x \$45 = \$72,000.

**b. Certification Requirement:**

---

<sup>33</sup> *Wireline Competition Bureau Reminds Providers of Inmate Calling Services of the April 1, 2019 Deadline for Annual Reports and Certifications*, WC Docket No 12-375, Public Notice, 34 FCC Rcd 1292, 1294 (WCB 2019) (citing *2015 Order*, 30 FCC Rcd at 12892, paras. 269-71).

<sup>34</sup> Leadership Conference Comments at 3-4; *Rates for Interstate Inmate Calling Services*, WC Docket 12-375, Protective Order, 28 FCC Rcd 16954 (2013) (*Protective Order*).

- (6) Number of respondents: Approximately 20.
- (2) Frequency of response: Annual.
- (3) Total number of responses annually: Approximately 20.
- (4) Estimated Time per Response: 5 hours.

20 x 5 hours per response x 1 response per year per respondent = 100 hours.

- (5) Total annual burden: **100 hours**.

The Commission estimates that approximately 20 ICS providers will require 5 hours of time per annual filing.

Approximately 20 respondents annually x 1 response annually x 5 hours per response = 100 hours.

- (6) Total estimate of “in-house” cost to respondents: **\$12,500**.
- (7) Explanation of the calculation:

The Commission estimates that 20 ICS providers will be subject to this certification requirement.

We assume that respondents will use 5 hours of an officer of the company’s time (rate of \$125/hour) to satisfy this certification requirement. Thus, 100 hours per year x \$125 = \$12,500.

**c. Consumer Disclosure Requirement:**

- (1) Number of respondents: Approximately 20.
- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses annually: Approximately 20.
- (4) Estimated Time per Response: Approximately 15 hours. It is difficult to estimate the time per response because the Commission is not dictating the precise form of the consumer disclosure. Each provider will post the relevant information on its website or provide the information in another manner readily available to consumers and will be required to update the information only when the provider changes an ICS rate. We estimate that compliance will require approximately 15 hours per provider annually, with 10 hours allocated to verifying that the provider has posted or is providing the required information, and another 5 hours allocated to updating the information throughout the year.

20 respondents x 15 hours per response x 1 response per year per respondent = 300 hours.

- (5) Total annual burden: Approximately **300 hours**.

The Commission estimates that approximately 20 ICS providers will require approximately 15 hours each to comply with this requirement.

Approximately 20 respondents x approximately 1 response annually x approximately 15 hours per response = approximately 300 hours.

(6) Total estimate of “in-house” cost to respondents: \$37,500.

(7) Explanation of the calculation:

The Commission estimates that 20 ICS providers will be subject to the consumer disclosure requirements.

We assume that respondents will use approximately 15 hours of an officer of the company’s time (rate of \$125/hour) to satisfy this requirement. Thus 300 hours per year x \$125 = \$37,500.

**d. Total Annual Burden Hours:**

(a)	Reporting Requirement:	1,600
(b)	Certification Requirement:	100
(c)	Consumer Disclosure Requirement:	300

**Total Respondents: 20**

**Total Responses: 20**

**Total In-House Costs: \$72,000 + \$12,500 + \$37,500 = \$122,000.**

**Total Annual Burden Hours = 1,600 + 100 + 300 = 2,000 hours.**

13. Estimated operations and maintenance (O&M) costs of respondents resulting from the collection of information:

(a) Total capital start-up costs component annualized over its expected useful life: \$0.

The collections will not result in additional capital expenditures such as computers or software.

(b) Total operation and maintenance and purchase of services component: \$0.

(c) Total annualized cost requested: \$0.

14. There are unlikely to be any additional costs to the Commission because the data will be submitted by ICS providers in WC Docket No. 12-375 via the Commission’s Electronic Comment Filing System, requiring no additional Commission resources to process or publish.

15. Since the last submission to OMB, the Commission is reporting a program change/increase to this collection as a result of revisions to Form 2301(a) and FCC Form 2301(b) and the accompanying instructions. The burden hours have increased from 1,200 to 2,000 hours (+800). The number of respondents and responses have increased from 15 to 20 due to changes in the ICS marketplace.

16. The Commission does not anticipate publishing any of the information collected. Rather, the ICS providers’ annual reports and certifications will be available for public review via the Commission’s ECFS.

17. The Commission is not seeking approval not to display an OMB expiration date.

18. There are no exceptions to the Certification Statement.

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

19. The Commission does not anticipate that the proposed collection of information will employ statistical methods.