

National Deaf-Blind Equipment Distribution Program

A. Justification

1. The Commission is seeking OMB approval for a three-year extension of this information collection to allow communications equipment and related services to continue to be provided to low-income individuals who are deaf-blind.

The Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) requires the Commission to take various measures to ensure that individuals with disabilities have access to emerging communications technologies in the 21st century.¹ Section 105 of the CVAA adds section 719 to the Communications Act of 1934, as amended (the Act).² Section 719 of the Act requires the Commission to establish rules that define as eligible for up to \$10,000,000 of support annually from the Interstate Telecommunications Relay Service Fund (TRS Fund) those programs that are approved by the Commission for the distribution of specialized customer premises equipment designed to make telecommunications service, Internet access service, and advanced communications, including interexchange services and advanced telecommunications and information services, accessible by low-income individuals who are deaf-blind.³

Accordingly, in 2011, the Commission adopted rules to establish the National Deaf-Blind Equipment Distribution Program (NDBEDP) as a pilot program.⁴ To implement the pilot program, the Consumer and Governmental Affairs Bureau (CGB or Bureau) certified 53 entities – one entity for each state, plus the District of Columbia, Puerto Rico, and the U.S. Virgin Islands – to receive reimbursement for their NDBEDP activities from the TRS Fund.⁵ CGB launched the pilot program on July 1, 2012.⁶

On August 4, 2016, the Commission adopted rules to establish the NDBEDP, also known as “iCanConnect,” as a permanent program as of July 1, 2017.⁷ To implement the permanent program, CGB certified 56 entities – one entity for each state, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands – to

¹ Pub. L. No. 111-260, 124 Stat. 2751 (2010); *see also* Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-265, 124 Stat. 2795 (2010) (making technical corrections).

² Section 719 of the Act is codified at 47 U.S.C. § 620.

³ 47 U.S.C. § 620(a), (c). For purposes of Section 719, the term “individuals who are deaf-blind” has the same meaning given such term in the Helen Keller National Center (HKNC) Act, as amended by the Rehabilitation Act Amendments of 1992. 47 U.S.C. § 620(b); 29 U.S.C. § 1905(2).

⁴ *Implementation of the Twenty-first Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Report and Order, 26 FCC Rcd 5640 (2011) (*NDBEDP Pilot Program Order*); *see also* 47 CFR § 64.610(a)-(k) (*NDBEDP pilot program rules*).

⁵ *See Commission Announces Entities Certified to Participate in the National Deaf-Blind Equipment Distribution Program*, Public Notice, 27 FCC Rcd 7397 (CGB 2012).

⁶ *Commission Announces Launch of the National Deaf-Blind Equipment Distribution Program*, Public Notice, 27 FCC Rcd 7403 (CGB 2012).

⁷ *Implementation of the Twenty-first Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, CG Docket No. 10-210, Report and Order, 31 FCC Rcd 9178 (2016) (*NDBEDP Permanent Program Order*); 47 CFR §§ 64.6201-64.6219 (*NDBEDP permanent program rules*).

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receive reimbursement for their NDBEDP activities from the TRS Fund.⁸ CGB launched the permanent program on July 1, 2017.⁹

Information Collection Requirements:

In the *NDBEDP Permanent Program Order*, the Commission adopted rules requiring the following:

- (a) *Certification to receive funding.* Entities must apply to the Commission for certification to receive reimbursement from the TRS Fund for NDBEDP activities. 47 CFR § 64.6207(a), (b), (c), (d)(1), (e).
- (b) *Relinquishment of certification.* A program wishing to relinquish its certification before its certification expires must provide written notice of its intent to do so. 47 CFR § 64.6207(g).
- (c) *Conflicts of interest.* Certified programs must disclose to the Commission actual or potential conflicts of interest. 47 CFR § 64.6207(d)(2).
- (d) *Notification of substantive change.* Certified programs must notify the Commission of any substantive change that bears directly on its ability to meet the qualifications necessary for certification. 47 CFR § 64.6207(f).
- (e) *Suspension or revocation of certification.* A certified entity may present written arguments and any relevant documentation as to why suspension or revocation of certification is not warranted. 47 CFR § 64.6207(h).
- (f) *Certification transitions.* When a new entity is certified as a state's program, the previously certified entity must take certain actions to complete the transition to the new entity. 47 CFR § 64.6207(j)(i)-(iii).
- (g) *Verification of disability.* Certified programs must require an applicant to provide verification that the applicant is deaf-blind. 47 CFR § 64.6209(a).
- (h) *Verification of income eligibility.* Certified programs must require an applicant to provide verification that the applicant meets the income eligibility requirement. 47 CFR § 64.6209(b).
- (i) *Reverification.* Certified programs must re-verify the income and disability eligibility of an equipment recipient under certain circumstances. 47 CFR § 64.6209(f).

⁸ 47 CFR § 64.6207; see also *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9184, para. 9; *Commission Announces Entities Certified to Participate in the National Deaf-Blind Equipment Distribution Program for 13 States and Territories*, Public Notice, 32 FCC Rcd 3959 (CGB 2017); *Commission Announces Entities Certified to Participate in the National Deaf-Blind Equipment Distribution Program for 12 States*, Public Notice, 32 FCC Rcd 4078 (CGB 2017); *Commission Announces Entities Certified to Participate in the National Deaf-Blind Equipment Distribution Program for 13 Additional States and Territories*, Public Notice, 32 FCC Rcd 4737 (CGB 2017); *Commission Announces Entities Certified to Participate in the National Deaf-Blind Equipment Distribution Program for 8 Additional States and the District of Columbia*, Public Notice, 32 FCC Rcd 4999 (CGB 2017); *Commission Announces Entities Certified to Participate in the National Deaf-Blind Equipment Distribution Program for 9 Additional States*, Public Notice, 32 FCC Rcd 5041 (CGB 2017).

⁹ *2017-2018 Allocations for the National Deaf-Blind Equipment Distribution Program*, Public Notice, 32 FCC Rcd 5069 (CGB 2017). The information collection for the pilot program, OMB Control No. 3060-1146 (Implementation of the Twenty-first Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals, CG Docket No. 10-210), was discontinued on July 1, 2018.

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- (j) Transfer of recipient's account. Certified programs must permit the transfer of an equipment recipient's account when the recipient relocates to another state. 47 CFR § 64.6211(a)(2)-(3).
- (k) Consumer attestation. Certified programs must include an attestation on consumer application forms. 47 CFR § 64.6211(a)(5).
- (l) Audits. Certified programs must conduct annual audits and submit to Commission-directed audits. 47 CFR § 64.6211(a)(7).
- (m) Recordkeeping. Certified programs must document compliance with NDBEDP requirements, provide such documentation to the Commission upon request, and retain such records for at least five years. 47 CFR § 64.6211(a)(8)-(9).
- (n) Reimbursement claims. Certified programs must submit reimbursement claims as instructed by the TRS Fund Administrator, and supplemental information and documentation as requested. 47 CFR § 64.6213. In addition, the entity selected to conduct national outreach will submit claims for reimbursement on a quarterly basis.¹⁰
- (o) Reports. Certified programs must submit reports every six months as instructed by the NDBEDP Administrator. 47 CFR § 64.6215. In addition, the entity selected to conduct national outreach will submit an annual report.¹¹
- (p) Complaints. Informal and formal complaints may be filed against NEDBEDP certified programs, and the Commission may conduct such inquiries and hold such proceedings as it may deem necessary. 47 CFR § 64.6217.
- (q) Whistleblower protections. Certified programs must include the NDBEDP whistleblower protections in appropriate publications. 47 CFR § 64.6219.

The statutory authority for this information collection is contained in sections 1, 4(i), 4(j), and 719 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 620.

2. All collections of information are promulgated pursuant to section 105 of the CVAA which adds section 719 to the Communications Act and requires that the Commission establish rules that define as eligible for relay service support those programs approved by the Commission for the distribution of specialized customer premises equipment to low-income individuals who are deaf-blind.

This information collection contains personally identifiable information (PII) on individuals.

- (a) As required by the Privacy Act, 5 U.S.C. § 552a, the FCC published a system of records notice (SORN), FCC/CGB-3, "National Deaf-Blind Equipment Distribution Program," in the *Federal Register* on January 19, 2012 (77 FR 2721), which became effective on February 28, 2012.¹²

¹⁰ See *NDBEDP Permanent Program Order* at para. 139.

¹¹ See *id.*

¹² In the *NDBEDP Permanent Program Order*, the Commission directs the Bureau to establish a centralized database for the submission of program data to the Commission. *Id.* at paras. 189-190. The development of a centralized database is expected to streamline the collection of information by eliminating the duplication of effort involved in filing identical data for both reimbursement and reporting purposes. The Commission will modify the NDBEDP SORN, FCC/CGB-3, and take other measures, as necessary and appropriate, with respect to the development of the centralized database.

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- (b) The Commission is in the process of preparing the Privacy Impact Assessment (PIA) related to the PII covered by these information collections, as required by OMB's Memorandum M-03-22 (September 26, 2003) and by the Privacy Act, 5 U.S.C. § 552a.
3. The Commission permits entities to submit applications electronically for certification to participate in the NDBEDP. Certified programs that wish to relinquish their certifications must provide written notice electronically to the Commission. The Commission permits certified programs to submit electronically conflict of interest disclosures, substantive change notifications, suspension or revocation of certification written arguments and documentation, reports of transfer and notification completion, annual audits, and requested documents. The Commission's overall purpose for permitting such electronic filings is to make such submissions as simple and expedient as possible for such entities.
- Consumers may submit informal complaints to the Commission by any reasonable means (e.g., letter, fax, telephone, TTY, e-mail).¹³ The Commission's overall purpose is to make the filing of such complaints as simple as possible for consumers. Filing electronically will also facilitate the Commission's ability to respond to such complaints as expeditiously as possible.
- The rules adopted for the permanent NDBEDP continue to require certified programs to submit reports and reimbursement claims in accordance with instructions issued by the NDBEDP Administrator and the TRS Fund Administrator, respectively, which require such reports and claims to be submitted electronically. Requiring information collections to be submitted electronically is intended to promote electronic recordkeeping to facilitate and reduce the burden of reporting by these certified programs. In addition, these electronic submissions facilitate assessment and evaluation of NDBEDP certified programs for the administration and operation of the permanent program.
- In the *NDBEDP Permanent Program Order*, the Commission directs the Bureau to establish a centralized database for the submission of program data to the Commission.¹⁴ Upon its completion, all certified programs will be required to use the centralized database to file their semiannual program reports. In addition, programs will be allowed, but not required, to also use the centralized database for generating reimbursement requests, which is expected to streamline the collection of information by eliminating the duplication of effort involved in filing identical data for both reimbursement and reporting purposes. A centralized database will allow the efficient retrieval of data in a uniform format from a single system, which, in turn, will enable the Commission to oversee the program more effectively and efficiently; analyze the performance of certified programs; detect patterns indicating potential fraud, waste, or abuse; and provide aggregate national program statistics to inform the Commission's future policy deliberations for the NDBEDP.
4. The information is not duplicated elsewhere. No similar information is available.
5. The Commission took steps to minimize the burdens associated with the information collection requirements contained in the *NDBEDP Permanent Program Order* for small business concerns, including those with fewer than 25 employees. For example, the Commission will reimburse the 56 entities it certifies to participate in the NDBEDP, as well as the entity it selects to conduct national outreach, for all of their NDBEDP-related expenses, up to their annual funding allocations. Specifically, the Commission reimburses certified programs up to 15% of their -

¹³ When the Commission's Consumer Complaint Center is updated, informal complaints may also be transmitted online.

¹⁴ *NDBEDP Permanent Program Order* at paras. 189-190.

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annual funding allocations to cover indirect and direct costs that are necessary for the operation of those programs, such as costs for management and administrative support personnel, as well as the administration of oversight requirements, including reports, accounting, and audits.¹⁵ In addition, among other things, the rules adopted in the *NDBEDP Permanent Program Order* are intended to reduce the administrative burden on certified programs. For example, in the *NDBEDP Permanent Program Order*, the Commission directs the Bureau to establish a centralized database for the submission of program data to the Commission. Upon its completion, all certified programs will be required to use the centralized database to file their semiannual program reports. In addition, programs will be allowed, but not required, to also use the centralized database for generating reimbursement requests, which is expected to streamline the collection of information by eliminating the duplication of effort involved in filing identical data for both reimbursement and reporting purposes.

6. There are no statutory consequences if such information is not submitted by NDBEDP certified programs.
 7. The collections are not being conducted in any manner inconsistent with the guideline of 5 CFR § 1320.
 8. The Commission published a notice in the *Federal Register* as required by 5 CFR § 1320.8(d) seeking comments from the public on the information collection requirements contained in this supporting statement. See 84 FR 48928, published on September 17, 2019. On November 25, 2019, the Commission received comments from one member of the public that appear to be in response to that notice, but which are, in fact, not related to the NDBEDP information collection requirements contained in this supporting statement.
 9. The Commission does not anticipate providing any payment or gift to respondents.
 10. As stated above in question 2, the Commission published a SORN, FCC/CGB-3, “National Deaf-Blind Equipment Distribution Program,” in the *Federal Register* on January 19, 2012 (77 FR 2721), which became effective on February 28, 2012, to cover the PII collected related to this information collection, as required by OMB’s Memorandum M-03-22 (September 26, 2003) and by the Privacy Act, 5 U.S.C. § 522a.¹⁶ In addition, as stated above in question 2, the Commission is in the process of preparing the PIA related to the PII covered by these information collections, as required by OMB’s Memorandum M-03-22 (September 26, 2003) and by the Privacy Act, 5 U.S.C. § 522a.
 11. There are no questions of a sensitive nature with respect to the information collected.
 12. Estimates of hour burdens for the collection of information are as follows:¹⁷
- (a) **47 CFR § 64.6207(a), (b)(1), (c), (d)(1), (e) – Certification to receive funding (renewal and initial certifications).**

In 2017, the Commission certified a single entity for each state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands – a total of 56 jurisdictions – to receive reimbursement from the TRS Fund for NDBEDP activities.¹⁸

¹⁵ See *id.* at para. 165; 47 CFR § 64.6213(c)(8).

¹⁶ See *supra* note 12.

¹⁷ Some calculations are annualized over multi-year time periods (e.g., three years or five years).

¹⁸ See *supra* note 8.

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Certifications are granted for a period of five years. When a certified entity is replaced prior to the expiration of the certification period, the successor entity's certification will expire on the date that the replaced entity's certification would have expired. Incumbent programs may apply for renewal of their certifications by filing new applications at least one year prior to the expiration of the certification period. Similarly, other entities may apply for certification as new entrants to the program at least one year prior to the expiration of the five-year certification period.

The current five-year certification period ends June 30, 2022. As a result, all incumbent programs must apply to renew their certifications, if desired, and potential new entrants must also apply for certification by the start of the fourth year of the permanent program, which is July 1, 2021.¹⁹

As such, information (applications for new or renewed certification for the period beginning July 1, 2022 through June 30, 2027) will be collected only once during the three-year OMB approval period and, therefore, related burdens are annualized over three years. The Commission estimates that 36 entities will submit 63 applications for the next five-year certification period.²⁰

36 entities / 3 years = 12 annualized respondents

Number of Annualized Respondents: 12

63 applications / 3 years = 21 annualized responses

Number of Annualized Responses: 21

The Commission estimates that respondents will require approximately five hours to complete and submit each application for NDBEDP certification.

21 annualized responses x 5 hours = 105 annualized hours

Number of Annualized Burden Hours: 105 hours

Annualized "In-House" Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents' costs to be about \$74.86 per hour to comply with the requirement.

105 hours for completing the application process x \$74.86 per hour = \$7,860.30

Total Annualized "In-House" Costs = \$7,860.30

¹⁹ Applications must contain sufficient detail to demonstrate the entity's ability to meet all criteria required for certification and a commitment to comply with all Commission requirements governing the NDBEDP. Applicants for certification must disclose to the Commission certain circumstances that pose an actual or potential conflict of interest and the steps it will take to eliminate the conflict or minimize the associated risks. The Commission determines whether to grant certification based on the ability of a program to meet the criteria required for certification, either directly or in coordination with other programs or entities, as evidenced in the application and any supplemental materials, including letters of recommendation. 47 CFR § 64.6207.

²⁰ The Commission usually receives only one application per state or territory and in many instances (almost half) the same entity applies for and is certified to operate the program in multiple states and territories. For certification during the next five-year period, the Commission estimates that it will receive two applications for seven of the 56 jurisdictions covered (a total of 63 applications) and that three of the 36 entities that apply for renewal or initial certification will not be selected.

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(b) 47 CFR § 64.6207(g) – Relinquishment of certification.

Certified programs may relinquish their certification before their certifications expires. In such instances, the program must provide written notice, electronically, of its intent to do so to the NDBEDP Administrator and the TRS Fund Administrator. The Commission estimates that one certified program will relinquish its certifications each year.²¹

Number of Annual Respondents: 1

1 certified program x 1 notice = 1 response

Number of Annual Responses: 1 response

The Commission estimates that respondents will require approximately one hour to complete and submit each notice of intent to relinquish its certification.

1 response x 1 hour = 1 hour

Number of Annual Burden Hours: 1 hour**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

1 hour for providing notice x \$74.86 per hour = \$74.86

Total Annual “In-House” Costs = \$74.86

47 CFR § 64.6207(a), (b)(3), (c), (d)(1), (e) – Certification to receive funding (replacing an outgoing entity)

The Commission estimates that one entity will submit one application for certification in response to Bureau notices about the one entity that relinquished its certification each year.

Annual Number of Respondents: 1

1 entity x 1 application = 1 response

Annual Number of Responses: 1 response

The Commission estimates that respondents will require approximately five hours to complete and submit each application for NDBEDP certification.

1 application x 5 hours = 5 hours

Annual Burden Hours: 5 hours**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

5 hours for completing the application process x \$74.86 per hour = \$374.30

Total Annual “In-House” Costs = \$374.30

²¹ During the last three years of the program (2016-2019), for various reasons, an average of one entity relinquished its certification per year.

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(c) 47 CFR § 64.6207(d)(2) – Conflicts of interest.

After an entity is certified, it must disclose to the Commission certain circumstances that pose an actual or potential conflict of interest and the steps it will take to eliminate the conflict or minimize the associated risks. The Commission estimates that one certified program will disclose such conflicts to the Commission each year.

Number of Annual Respondents: 1

1 certified program x 1 notice = 1 response

Number of Annual Responses: 1 response

The Commission estimates that respondents will require approximately one hour to complete and submit each conflict of interest disclosure to the Commission.

1 response x 1 hour = 1 hour

Number of Annual Burden Hours: 1 hour**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

1 hour for providing disclosure x \$74.86 per hour = \$74.86

Total Annual “In-House” Costs = \$74.86

(d) 47 CFR § 64.6207(f) – Notification of substantive change.

After an entity is certified, it must notify the Commission of any substantive change that bears directly on its ability to meet the qualifications necessary for certification. The Commission estimates that one certified program will notify the Commission about such substantive changes each year.

Number of Annual Respondents: 1

1 certified program x 1 notice = 1 response

Number of Annual Responses: 1 response

The Commission estimates that respondents will require approximately one hour to complete and submit each substantive change notification to the Commission.

1 responses x 1 hour = 1 hour

Number of Annual Burden Hours: 1 hour**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

1 hour for providing notice x \$74.86 per hour = \$74.86

Total Annual “In-House” Costs = \$74.86

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(e) 47 CFR § 64.6207(h) – Suspension or revocation of certification.

The Commission may suspend or revoke an entity's certification. After being notified of a proposed suspension or revocation of certification, a certified entity may present written arguments and any relevant documentation as to why suspension or revocation of certification is not warranted. The Commission estimates that it will take action to suspend or revoke one entity's certification during the next five years of the permanent NDBEDP.²²

1 entity / 5 years = 0.2 (1 annualized respondent)

Number of Annualized Respondents: 1

1 annualized respondent x 1 response = 1 annualized response

Number of Annualized Responses: 1

The Commission estimates that the respondent will require approximately 10 hours to complete and submit each response to a proposed suspension or revocation of certification.

1 annualized response x 10 hours / 5 years = 2 annualized hours

Number of Annualized Burden Hours: 2 hours**Annualized "In-House" Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents' costs to be about \$74.86 per hour to comply with the requirement.

2 hours to respond to a proposed suspension or revocation of certification x \$74.86 per hour = \$149.72

Total Annualized "In-House" Costs = \$149.72

(f) 47 CFR § 64.6207(j)(i)-(iii) – Certification transitions.

The Commission estimates that one certified program will relinquish its certification each year.²³ When a new entity is certified as a state's program, the previously certified (outgoing) entity must take the following transition process actions: (1) transfer to the new entity all NDBEDP data, records, and information for the previous five years, and any equipment remaining in inventory; (2) provide notification in accessible formats about the newly-certified state program to state residents who are in the process of obtaining equipment or related services, or who received equipment during the previous three-year period; and (3) inform the NDBEDP Administrator that such transfer and notification have been completed.²⁴ The Commission estimates that three outgoing entities will complete the transition process every year.

²² This estimate is based on the Commission's experience during the last five years of the program, during which the Commission did not suspend or revoke any entity's certification.

²³ See *supra* at 12(b).

²⁴ Based on its experience during the last five full program years, the Commission estimates that an outgoing entity will need to transfer records for an average of 170 individuals served during the previous five years, and notify an average of 110 individuals served during the previous three years. Notifications to these individuals about the newly-certified state program may be provided, for example, by e-mail, in large print format mailed to the consumer's last known mailing address, by phone call, text message, or in-person, as necessary to ensure effective communication.

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Number of Annual Respondents: 1

1 certified program x 1 transition process = 1 response

Number of Annual Responses: 1 response

The Commission estimates that respondents will require approximately 40 hours to complete each transition process.

1 response x 40 hours = 40 hours

Number of Annual Burden Hours: 40 hours**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

40 hours for completing the transition process x \$74.86 per hour = \$2,994.40

Total Annual “In-House” Costs = \$2,994.40

(g) 47 CFR § 64.6209(a) – Verification of disability.

Each of the 56 certified programs must require applicants to provide verification that the applicant is deaf-blind as defined in 47 CFR § 64.6203(c).²⁵ The applicant may provide an attestation from a professional with direct knowledge of the individual’s disability or the applicant may provide existing documentation that the individual is deaf-blind, such as an individualized education program (IEP) or a Social Security determination letter.

Number of Annual Respondents: 56

Based on the number of new individuals served by the program during the last three years (2016-2019), the Commission estimates that the 56 certified programs, collectively, will obtain and review approximately 1,000 verifications of disability each year.

Number of Annual Responses: 1,000 responses

The Commission estimates that the average hourly burden for obtaining and reviewing a verification of disability is 30 minutes (0.5 hour) for each applicant.

0.5 hours x 1,000 verifications of disability = 500 hours

Number of Annual Burden Hours: 500 hours**Annual “In House” Costs:**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5), therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

500 hours to obtain and review verifications of disability x \$74.86/hour = \$37,430.00

Total Annual “In-House” Costs = \$37,430.00

²⁵ See *supra* at 12(a) (noting that the Commission certified a single entity for each of the 56 jurisdictions served by the NDBEDP to receive reimbursement from the TRS Fund for NDBEDP activities).

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(h) 47 CFR § 64.6209(b) – Verification of income eligibility.

Each of the 56 certified programs must require applicants to provide verification that the applicant is low income as defined in 47 CFR § 64.6209(b).²⁶ The applicant may provide verification of income eligibility by demonstrating that the applicant is enrolled in a qualifying low-income subsidy program. When an applicant is not already enrolled in a qualifying low-income program, income eligibility may be verified by the certified program using appropriate and reasonable means.

Number of Annual Respondents: 56

Based on the number of new individuals served by the program during the last three years (2016-2019), the Commission estimates that the 56 certified programs, collectively, will obtain and review approximately 1,000 verifications of income eligibility each year.

Number of Annual Responses: 1,000 responses

The Commission estimates that the average hourly burden for obtaining and reviewing a verification of income eligibility is 30 minutes (0.5 hour) for each applicant.

0.5 hours x 1,000 verifications of income eligibility = 500 hours

Number of Annual Burden Hours: 500 hours**Annual “In House” Costs:**

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5), therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

500 hours to obtain and review verifications of income eligibility x \$74.86/hour = \$37,430.00

Total Annual “In-House” Costs = \$37,430.00

(i) 47 CFR § 64.6209(f) – Reverification.

Each of the 56 certified programs must re-verify the income eligibility of an equipment recipient who applies for additional equipment or related services one year or more after the recipient’s income was last verified. Each of the 56 certified programs must re-verify an individual’s disability eligibility if it has reason to believe that the individual’s vision or hearing has improved sufficiently that the individual is no longer eligible for equipment or related services. Certified programs may require updated information about an individual’s disabilities when it deems this to be necessary to assess whether to provide the individual with different equipment or related services.

Number of Annual Respondents: 56

Based on the number of individuals who were previously-served by the program during the last three years (2016-2019), the Commission estimates that the 56 certified programs, collectively, will re-verify the income eligibility of approximately 1,200 individuals each year.

²⁶ See *supra* at 12(a) (noting that the Commission certifies a single entity for each of the 56 jurisdictions served by the NDBEDP to receive reimbursement from the TRS Fund for NDBEDP activities).

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The Commission also estimates that each certified program, on average, will re-verify the disability eligibility of two individuals each year.²⁷

1,200 income reverifications + 2 disability reverifications = 1,202 reverifications per year

Number of Annual Responses: 1,202 responses

The Commission estimates that the average hourly burden for obtaining and reviewing a verification of income eligibility is 30 minutes (0.5 hour) for each applicant.

0.5 hours x 1,202 verifications of income eligibility = 601 hours

Number of Annual Burden Hours: 601 hours

Annual “In House” Costs:

The Commission assumes that respondents use “in-house” personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5), therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

601 hours to re-verify income and disability eligibility x \$74.86/hour = \$44,990.86

Total Annual “In-House” Costs = \$44,990.86

(j) 47 CFR § 64.6211(a)(2)-(3) – Transfer of a recipient’s account.

Certified programs must permit the transfer of an equipment recipient’s account, records, and any title to and control of the distributed equipment to and from another state’s certified program when the recipient relocates to another state. The Commission estimates that about 10 equipment recipients will relocate to another state each year.²⁸ The Commission estimates that 10 certified programs will transfer an equipment recipient’s account to another state and 10 other certified programs will receive the recipient’s account from other state, involving a total of 20 certified programs.

Number of Annual Respondents: 20

The Commission estimates that each of the 20 certified programs will be involved in the transfer of one equipment recipient’s account per year.

20 certified programs x 1 transfer each = 20 transfers per year

Number of Annual Responses: 20 responses

The Commission estimates that the average hourly burden for transferring an equipment recipient’s account is one hour for each transfer.

1 hour x 20 transfers of equipment recipients’ accounts = 20 hours

Number of Annual Burden Hours: 20 hours

Annual “In House” Costs:

²⁷ Because the vision and hearing of individuals who are deaf-blind are likely to worsen (not improve) over time, the Commission estimates that a certified program will require an updated disability verification from about two individuals per year to effectively respond to changes in the type and severity of an individual’s disability. See *NDBEDP Permanent Program Order* at para. 63.

²⁸ The Commission expects that this estimate will be informed in the future by analysis of data input by certified programs into the centralized database, after that database has been established. See *supra* at 3.

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The Commission assumes that respondents use “in-house” personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5), therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

20 hours to transfer equipment recipients’ accounts x \$74.86/hour = \$1,497.20

Total Annual “In-House” Costs = \$1,497.20

(k) 47 CFR § 64.6211(a)(5) – Consumer attestation.

Each certified program must include an attestation on consumer application forms for applicants to certify that they have read, understand, and accept the conditions specified in the attestation to participate in the NDBEDP. The attestation must be substantially similar to the attestation that appears in 47 CFR § 64.6211(a)(5). This requirement applies to and has been fulfilled by each of the 56 entities currently certified by the Commission. This requirement also applies to the one entity that the Commission estimates it will certify each year to replace outgoing entities that relinquish their certifications before the end of their terms.²⁹

Number of Annual Respondents: 1

Each certified program must include the attestation on consumer application forms once.

Number of Annual Responses: 1

The Commission estimates that respondents will require approximately two hours to include the attestation in their application forms.

1 annual response x 2 hours = 2 hours

Number of Annual Burden Hours: 2 hours

Annual “In-House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

2 hours to include the attestation in consumer application forms x \$74.86 per hour = \$149.72

Total Annualized “In-House” Costs = \$149.72

(l) 47 CFR § 64.6211(a)(7) – Audits.

Each of the 56 certified programs must engage an independent auditor to conduct an annual audit, submit a copy of the annual audit to the NDBEDP Administrator, and submit to audits as deemed appropriate by the Commission or its delegated authorities.

Number of Annual Respondents: 56

In addition to the annual audit required of all 56 certified programs, the Commission estimates that two of the 56 certified programs will be required to submit to an additional Commission-directed audit each year.

(56 certified programs x 1 annual audit each) + 2 Commission-directed audits = 58 responses

Number of Annual Responses: 58 responses

²⁹ See *supra* at 12(a), (b).

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The Commission estimates that respondents will require approximately 10 hours to complete each annual audit and to submit a copy of the audit to the NDBEDP Administrator, and 10 hours to comply with each of the two Commission-directed audits per year.

58 responses x 10 hours = 580 hours

Number of Annual Burden Hours: 580 hours

Annual “In-House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

580 hours for annual and Commission-directed audits x \$74.86 per hour = \$43,418.80

Total Annual “In-House” Costs = \$43,418.80

(m) 47 CFR § 64.6211(a)(8)-(9) – Recordkeeping.

Each of the 56 certified programs must document compliance with all Commission requirements governing the NDBEDP and provide such documentation to the Commission upon request. 47 CFR § 64.6211(a)(8). Each of the 56 certified programs must retain all records associated with the distribution of equipment and provision of related services under the NDBEDP, including records that support reimbursement claims and required reports, for a minimum of five years. 47 CFR § 64.6211(a)(9).

Number of Annual Respondents: 56

In addition to the recordkeeping required of all 56 certified programs, the Commission estimates that two of the 56 certified programs will submit Commission-requested documentation of compliance with NDBEDP requirements each year.

(56 certified programs x 1 recordkeeping each) + 2 Commission-requested documentation submissions = 58 responses

Number of Annual Responses: 58 Responses

The Commission estimates that the 56 certified programs will each require approximately 24 hours per year to document compliance with the Commission’s NDBEDP requirements and to retain those records associated with the distribution of equipment and provision of related services. In addition, the Commission estimates that two of the 56 certified programs will require 8 hours each per year to provide Commission-requested documentation of compliance with the Commission’s NDBEDP requirements.

(56 responses x 24 hours) + (2 responses x 8 hours) = 1,360 hours

Number of Annual Burden Hours: 1,360 hours

Annual “In House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

1,360 hours for recordkeeping and responding to documentation requests x \$74.86 per hour = \$101,809.60

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Total Annual “In-House” Costs = \$101,809.60**(n) 47 CFR § 64.6213 – Reimbursement claims.**

Certified programs are reimbursed for the cost of equipment that has been distributed to eligible individuals and authorized related services, up to each certified program’s annual funding allocation. 47 CFR § 64.6213(a).

- (n)(1) Election of claim period.** Upon certification and at the beginning of each TRS Fund year, certified programs may elect to submit reimbursement claims on a monthly, quarterly, or semiannual basis. 47 CFR § 64.6213(b). Certified programs notify the TRS Fund Administrator about their claim period election. This provision applies to each of the 56 programs that will be certified by the Commission for the five-year certification period beginning July 1, 2022, plus the estimated one entity certified by the Commission each year to replace outgoing entities that relinquish their certifications before the end of their terms (three respondents over the course of three years).³⁰

56 newly-certified programs + 3 replacement certified programs = 59 respondents over 3 years / 3 years = 20 (annualized and rounded)

Number of Annualized Respondents: 20

The Commission estimates that each of the 59 respondents will elect a reimbursement claim period upon certification and, during each year of this information collection, one certified program will elect a different reimbursement claim period (three respondents over the course of three years).

(59 respondents x 1 election upon certification) + (1 respondent x 1 subsequent election x 3 years) = 62 responses / 3 years = 21 responses (annualized and rounded)

Number of Annualized Responses: 21

The Commission estimates that respondents will require approximately 0.5 hours each to notify the TRS Fund Administrator about claim period elections.

21 annualized responses x 0.5 hours = 11 annualized hours (rounded)

Number of Annualized Burden Hours: 11 hours**Annualized “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

11 hours to notify the TRS Fund Administrator about claim period elections x \$74.86 per hour = \$823.46

Total Annualized “In-House” Costs = \$823.46

- (n)(2) Claim submission.** For each reimbursement period elected, a certified program must submit documentation that supports its claim for reimbursement of the reasonable costs of equipment and related services. 47 CFR § 64.6213(c). Documentation must be provided in accordance with claim filing instructions issued by the TRS Fund Administrator, and certified programs must submit supplemental information and documentation, as requested by the NDBEDP

³⁰ See *supra* at 12(a), (b).

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Administrator and the TRS Fund Administrator, when necessary to verify particular claims. 47 CFR § 64.6213(d). Each reimbursement claim must be certified by a senior executive of the certified program. 47 CFR § 64.6213(e). In addition, the entity selected to conduct national outreach will submit claims for reimbursement on a quarterly basis.³¹

56 certified programs + 1 national outreach entity = 57 respondents

Number of Annual Respondents: 57

The Commission estimates that, of the 56 certified programs, 7 will submit claims monthly, 44 will submit claims quarterly, and five will submit claims semiannually, and that the national outreach entity will submit claims quarterly.

(7 programs x 12 monthly claims) + (44 programs x 4 quarterly claims) + (5 programs x 2 semiannual claims) + (1 national outreach x 4 quarterly claims) = 274 reimbursement claims

Number of Annual Responses: 274 responses

The Commission estimates that respondents will require approximately eight hours to complete and submit each reimbursement claim, as instructed, with support documentation and required certification, and respond to any requests for supplemental information and documentation.³²

274 responses x 8 hours = 2,192 hours

Number of Annual Burden Hours: 2,192 hours**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

2,192 hours for reimbursement claims x \$74.86 per hour = \$164,093.12

Total Annual “In-House” Costs = \$164,093.12

(o) 47 CFR § 64.6215 – Reports.

Every six months, certified programs must submit data to the Commission about equipment recipients, the equipment provided, assessments, installation, training, local outreach, and promptness of service, and other categories of information, as necessary to further the purposes of the program and prevent fraud, waste, and abuse. 47 CFR § 64.6215(a)-(b). Reports must be submitted in accordance with instructions issued by the NDBEDP Administrator. 47 CFR § 64.6215(b). Each report must be certified by a senior executive of the certified program. 47 CFR § 64.6215(c). In addition, the entity selected to conduct national outreach will submit a summary and analysis of national outreach activities on an annual basis, in a format that will enable the NDBEDP Administrator to monitor the costs and efficacy of its outreach activities.³³

56 certified programs + 1 national outreach entity = 57 respondents

Number of Annual Respondents: 57

³¹ See *NDBEDP Permanent Program Order* at para. 139.

³² This information collection will be amended, and this estimate may be modified when the Bureau establishes a centralized database for the submission of program data to the Commission. See *supra* at 3.

³³ See *NDBEDP Permanent Program Order* at para. 139.

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(56 programs x 2 semiannual reports) + (1 national outreach report) = 113 reports

Number of Annual Responses: 113 responses

The Commission estimates that respondents will require approximately 16 hours to complete and submit each report, as instructed, with the required certification.³⁴

113 responses x 16 hours = 1,808 hours

Number of Annual Burden Hours: 1,808 hours**Annual “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

1,808 hours for reports x \$74.86 per hour = \$135,346.88

Total Annual “In-House” Costs = \$135,346.88

(p) 47 CFR § 64.6217 – Complaints.

Informal and formal complaints may be filed against NEDBEDP certified programs for alleged violations of the Commission’s NDBEDP rules.

- (p)(1) Informal complaints.** An informal complaint may be transmitted to the Bureau by any reasonable means (e.g., letter, fax, telephone, TTY, e-mail).³⁵ 47 CFR § 64.6217(a)(1). An informal complaint must include the name and address of the complainant; the name of the NDBEDP certified program; a statement of facts; the specific relief or satisfaction sought; and the complainant's preferred format or method of response to the complaint by the Commission and the NDBEDP certified program. 47 CFR § 64.6217(a)(2). The Commission will forward informal complaints that satisfy the content requirements to the NDBEDP certified program named in the complaint and call upon the program to satisfy or answer the complaint. 47 CFR § 64.6217(a)(3). After its review, the Commission may consider the matter closed or inform the parties of its review and disposition. 47 CFR § 64.6217(b).

The Commission estimates that five consumers will file informal complaints each year against five certified programs.

Number of Annual Respondents: 10

(5 consumers x 1 informal complaint each) + (5 certified programs x 1 response each) = 10 responses

Number of Annual Responses: 10 responses

The Commission estimates that consumers will require approximately one hour to complete and submit each informal complaint and certified programs will require three hours to prepare each response to an informal complaint.

³⁴ This information collection will be amended, and this estimate may be modified when the Bureau establishes a centralized database for the submission of program data to the Commission. *See supra* at 3.

³⁵ When the Commission’s Consumer Complaint Center is updated, informal complaints may be transmitted online, at which time this information collection will be amended to transfer the burdens associated with filing informal complaints to OMB Control. No. 3060-0874 (Consumer Complaint Portal).

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(5 informal complaints x 1 hour each) + (5 responses x 3 hours each) = 20 hours

Number of Annual Burden Hours: 20 hours

Annual “In-House” Costs:

The Commission assumes that certified programs use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5) to respond to informal complaints; therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

5 responses x 3 hours each = 15 hours x \$74.86 per hour = \$1,122.90³⁶

Total Annual “In-House” Costs = \$1,122.90

(p)(2) Formal complaints. Formal complaints against an NDBEDP certified program may be filed in the manner prescribed under the Commission’s rules.³⁷ 47 CFR § 64.6217(c).

The Commission estimates that one formal complaint and one answer will be filed involving one complainant and one defendant during the next five years of the permanent NDBEDP.³⁸ Each of these respondents will be represented by outside counsel.

(1 complainant + 1 defendant) / 5 years = 0.4 (1 annualized respondent)

Number of Annualized Respondents: 1

(1 formal complaint + 1 answer) / 5 years = 0.4 (1 annualized response)

Number of Annualized Responses: 1

The Commission estimates that outside counsel will consult for approximately five hours each with the complainant and defendant on the preparation and filing of each formal complaint and answer.

(1 formal complaint + 1 answer) x 5 hours consultation / 5 years = 2 annualized hours

Number of Annualized Burden Hours: 2 hours

Annualized “In-House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

2 hours to consult with outside counsel x \$74.86 per hour = \$149.72

Total Annualized “In-House” Costs = \$149.72

³⁶ The Commission estimates that there are no specific “in house” or other annual costs for individuals who file informal complaints.

³⁷ Formal complaint proceedings are generally resolved on a written record consisting of a complaint, answer, and joint statement of stipulated facts, disputed facts and key legal issues, along with all associated affidavits, exhibits and other attachments. Commission proceedings may also require or permit other written submissions such as briefs, written interrogatories, and other supplementary documents or pleadings.

³⁸ This estimate is based on the Commission’s experience during the pilot program and first two years of the permanent program, during which time no formal complaints were filed with the Commission alleging a violation of the Commission’s NDBEDP rules.

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(p)(3) Commission inquiries and proceedings. The Commission may on its own motion conduct such inquiries and hold such proceedings as it may deem necessary. 47 CFR § 64.6215(d). The Commission estimates that it will conduct such inquiries or proceedings with respect to one certified program during the next five years of the permanent NDBEDP.³⁹

1 certified program / 5 years = 0.2 (1annualized respondent)

Number of Annualized Respondents: 1

1 annualized respondent x 1 response = 1 annualized response

Number of Annualized Responses: 1

The Commission estimates that the respondent will require approximately 10 hours to respond to such inquiries or proceedings initiated by the Commission.

1 annualized response x 10 hours /5 years = 2 annualized hours

Number of Annualized Burden Hours: 2 hours

Annualized “In-House” Costs:

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

2 hours to respond to a Commission-initiated inquiry or proceeding x \$74.86 per hour = \$149.72

Total Annualized “In-House” Costs = \$149.72

(q) 47 CFR § 64.6219 – Whistleblower protections.

NDBEDP certified programs shall permit, without reprisal, disclosure to a designated official of the certified program, the NDBEDP Administrator, the TRS Fund Administrator, the Commission, or to any federal or state law enforcement entity, any known or suspected violations of the Communications Act or Commission rules, or any other activity that the reporting person reasonably believes to be unlawful, wasteful, fraudulent, or abusive, or that otherwise could result in the improper distribution of equipment, provision of services, or billing to the TRS Fund. 47 CFR § 64.6219(a). Certified programs must include the NDBEDP whistleblower protections with the information they provide about the program in any employee handbooks or manuals, on their websites, and in other appropriate publications. 47 CFR § 64.6219(b). This requirement applies to each of the 56 entities newly-certified by the Commission, plus the estimated one entity certified by the Commission each year (three respondents over the course of three years) to replace outgoing entities that relinquish their certifications before the end of their terms.⁴⁰

56 newly-certified programs + 3 replacement certified programs = 59 respondents over 3 years / 3 years = 20 (annualized and rounded)

Number of Annualized Respondents: 20

Each certified program must include the whistleblower notification in appropriate publications once.

³⁹ This estimate is based on the Commission’s experience during the pilot program and first two years of the permanent program, during which time the Commission did not initiate any such inquiries or proceedings.

⁴⁰ See *supra* at 12(a), (b).

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Number of Annualized Responses: 20

The Commission estimates that respondents will require approximately 2 hours to include the whistleblower notice in appropriate publications.

20 annualized responses x 2 hours = 40 annualized hours

Number of Annualized Burden Hours: 40 hours**Annualized “In-House” Costs:**

The Commission assumes that respondents use in-house personnel whose pay is comparable to mid-to-senior level federal employees (GS-15/5); therefore, the Commission estimates respondents’ costs to be about \$74.86 per hour to comply with the requirement.

40 hours to include the whistleblower protections x \$74.86 per hour = \$2,994.40

Total Annualized “In-House” Costs = \$2,994.40

Cumulative Number of Respondents: 69**Cumulative Number of Annual Responses: 3,806****Cumulative Annual Burden Hours: 7,793 hours****Cumulative Annual “In-House” Costs: \$583,009.68**

		Annual Number of Respondents	Annual Number of Responses	Annual Number of Burden Hours	Annual “In-House” Costs
(a)	Certification to receive funding (initial certification).	12	21	105	\$7,860.30
(b)	Relinquishment of certification.	1	1	1	\$74.86
	Certification to receive funding (replacing an outgoing entity).	1	1	5	\$374.30
(c)	Conflicts of interest.	1	1	1	\$74.86
(d)	Notification of substantive change.	1	1	1	\$74.86
(e)	Suspension or revocation of certification.	1	1	2	\$149.72
(f)	Certification transitions.	1	1	40	\$2,994.40
(g)	Verification of disability.	56	1,000	500	\$37,430.00
(h)	Verification of income eligibility.	56	1,000	500	\$37,430.00
(i)	Reverification.	56	1,202	601	\$44,990.86
(j)	Transfer of a recipient’s account.	20	20	20	\$1,497.20
(k)	Consumer attestation.	1	1	2	\$149.72
(l)	Audits.	56	58	580	\$43,418.80
(m)	Recordkeeping.	56	58	1,360	\$101,809.60
(n)	Reimbursement claims.	---	---	---	---
(n)(1)	Election of claim period.	20	21	11	\$823.46
(n)(2)	Claim submission.	57	274	2,192	\$164,093.12

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(o)	Reports.	57	113	1,808	\$135,346.88
(p)	Complaints.	---	---	---	---
(p)(1)	Informal complaints.	10	10	20	\$1,122.90
(p)(2)	Formal complaints.	1	1	2	\$149.72
(p)(3)	Commission inquiries and proceedings.	1	1	2	\$149.72
(q)	Whistleblower protections.	20	20	40	\$2,994.40
	Total	69⁴¹	3,806	7,793	\$583,009.68

13. The following represents the Commission's estimate of the total annual cost burden resulting from the collection of information:

47 CFR § 64.6211(a)(7) – Audits

Each of the 56 certified programs must engage an independent auditor to conduct an annual audit and submit a copy of the annual audit to the NDBEDP Administrator. The Commission estimates that the average cost of an audit conducted by an independent auditor is \$3,000.00.

The Commission reimburses certified programs for indirect and direct costs that are necessary for the operation of a program, such as the cost of conducting annual audits.⁴² As a result, there should be no outside costs to certified programs for conducting annual audits.

47 CFR § 64.6217(c) – Formal complaints.

The Commission estimates that one formal complaint and one answer will be filed involving one complainant and one defendant during the next five years of the permanent NDBEDP.⁴³ Each of these respondents will be represented by outside counsel. The Commission estimates that 10 hours of outside counsel time will be needed to prepare each formal complaint and answer. The Commission estimates that outside counsel will charge approximately \$300.00 per hour.

⁴¹ A total of 69 unique respondents are represented by this three-year information collection:

- 3 entities that apply for but are not selected for certification (*see supra* note 20)
- 56 certified programs (maximum number permitted at any one time, with obligations related to relinquishment of certifications, conflicts of interest, substantive changes, suspension or revocation, transitions, verifications of disability and income eligibility, account transfers, consumer attestations, audits, recordkeeping, reimbursement claims, reports, complaints, and whistleblower protections)
- 3 entities that apply to replace outgoing entities that relinquish their certifications
- 1 national outreach entity (reimbursement claims and reports)
- 5 consumers who file informal complaints
- 1 consumer who files formal complaints

⁴² Administrative costs are indirect and direct costs that do not fit into specifically designated categories, such as outreach or equipment and related services, but are necessary for the operation of a program. For example, this could include costs for management and administrative support personnel, facilities, utilities, supplies, as well as the administration of oversight requirements, including reports, accounting, and audits. *See NDBEDP Permanent Program Order* at para. 165; 47 CFR § 64.6213(c)(8).

⁴³ This estimate is based on the Commission's experience during the first four years of the pilot program, during which no formal complaints were filed with the Commission alleging a violation of the Commission's NDBEDP rules.

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(1 formal complaint + 1 answer) x 10 outside counsel hours⁴⁴ / 5 years = 4 hours annualized x \$300.00 per hour = \$1,200.00 (annualized)

The Commission reimburses certified programs up to 15% of their annual funding allocations to cover indirect and direct costs that are necessary for the operation of a program, such as the cost of responding to formal complaints.⁴⁵ As a result, there should be no outside costs to certified programs for preparing an answer to a formal complaint.

The Commission presumes that the complainant in a formal complaint is not a certified program and that the Commission would not reimburse the complainant's costs for outside counsel.

Therefore, the Commission's estimate of the total annual cost burden resulting from the collection of information is as follows:

(1 formal complaint) x 10 outside counsel hours⁴⁶ / 5 years = 2 hours annualized x \$300.00 per hour = \$600.00 (annualized)

(a) Total annualized capital/start-up costs: None

(b) Total annual cost (operational and maintenance): \$600.00

(c) Total annual cost requested: \$600.00

14. Estimates of annual costs to the Federal government are as follows:

47 CFR § 64.6207(a), (b)(1), (c), (d)(1), (e) – Certification to receive funding (initial certification).

The Commission estimates that 36 entities will submit 63 applications for initial certification in the permanent NDBEDP.⁴⁷

The Commission will use GS 15/5 (\$74.86) staff attorneys to review these applications for certification. The Commission estimates that it will require one hour per application for this review.

21 applications annualized x 1 hour = 21 annualized hours x \$74.86 = \$1,572.06 annualized cost

47 CFR § 64.6207(a), (b)(3), (c), (d)(1), (e) – Certification to receive funding (replacing an outgoing entity).

The Commission estimates that one entity will submit one application for certification in response to Bureau notices about the one that relinquished its certification each year.⁴⁸

⁴⁴ Although outside counsel will consult for approximately five hours each with the complainant and defendant on the preparation and filing of each formal complaint and each answer, outside counsel will work independently for an additional five hours to write the complaint and an additional five hours to write the answer.

⁴⁵ See *supra* note 43.

⁴⁶ See *supra* note 44 (noting that, in addition to outside counsel consulting for approximately five hours with the complainant on the preparation and filing of each formal complaint, outside counsel will work independently for an additional five hours to write the complaint).

⁴⁷ See *supra* at 12(a).

⁴⁸ See *supra* at 12(b).

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The Commission will use GS 15/5 (\$74.86) staff attorneys to review these applications for certification. The Commission estimates that it will require one hour per application for this review.

1 application x 1 hour = 1hour x \$74.86 = \$74.86 annual cost

47 CFR § 64.6207(h) – Suspension or revocation of certification.

The Commission estimates that it will take action to suspend or revoke one entity's certification during the next five years of the permanent NDBEDP.⁴⁹

The Commission will use GS 15/5 (\$74.86) staff attorneys to notify the certified entity, review its response, and make a determination. The Commission estimates that it will require 10 hours to complete each suspension or revocation process.

1 annualized suspension or revocation process x 10 hours / 5 years = 2 annualized hours x \$74.86 = \$149.72 annualized cost

47 CFR § 64.6211(a)(7) – Audits.⁵⁰

Each of the 56 certified programs must engage an independent auditor to conduct an annual audit and submit a copy of the annual audit to the NDBEDP Administrator. In addition, the Commission estimates that two certified programs will be required to submit to an additional Commission-directed audit each year.

The Commission will use GS 15/5 (\$74.86) staff attorneys to review the annual audit reports and material requested during Commission-directed audits. The Commission estimates that it will require one hour to review each annual audit report submitted and five hours to review the material submitted in response to the Commission-directed audits.

(56 annual audit reports x 1 hour) + (2 Commission-directed audits x 5 hours) = 66 hours x \$74.86 = \$4,940.76 annual cost

47 CFR § 64.6211(a)(8)-(9) – Recordkeeping.

The Commission estimates that two of the 56 certified programs will submit Commission-requested documentation of compliance with NDBEDP requirements each year.⁵¹

The Commission will use GS 15/5 (\$74.86) staff attorneys to review the requested documentation. The Commission estimates that it will require two hours to review the documentation submitted in response to each request.

2 requests for documentation x 2 hours = 4 hours x \$74.86 = \$299.44 annual cost

47 CFR § 64.6213 – Reimbursement claims.

For each reimbursement period elected, a certified program will submit a claim for reimbursement. Certified programs must submit supplemental information and documentation, as requested by the NDBEDP Administrator and the TRS Fund Administrator, when necessary to verify particular claims. In addition, the entity selected to conduct national outreach will submit

⁴⁹ See *supra* at 12(e).

⁵⁰ See *supra* at 12(l).

⁵¹ See *supra* at 12(m).

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claims for reimbursement. The Commission estimates that it will review and process 274 reimbursement claims annually.⁵²

The Commission will use GS 15/5 (\$74.86) staff attorneys to review the reimbursement claims and requested documentation. The Commission estimates that it will require two hours to review and process each reimbursement claim.

274 reimbursement claims x 2 hours = 548 hours x \$74.86 = \$41,023.28 annual cost

47 CFR § 64.6215 – Reports.⁵³

Every six months, certified programs must submit data to the Commission about their NDBEDP activities. Reports must be submitted in accordance with instructions issued by the NDBEDP Administrator. In addition, the entity selected to conduct national outreach will submit a summary and analysis of national outreach activities on an annual basis. The Commission will review the data submitted in the reports as part of its program oversight and performance evaluation.

The Commission will use GS 15/5 (\$74.86) staff attorneys to review the data submitted in the reports. The Commission estimates that it will require one hour to review each report.

(56 programs x 2 semiannual reports) + (1 national outreach report) = 113 reports x 1 hour = 113 hours x \$74.86 = \$8,459.18 annual cost

47 CFR § 64.6217 – Complaints.

Informal complaints. The Commission will forward informal complaints that satisfy the content requirements to the NDBEDP certified program named in the complaint. After reviewing the certified program's response, the Commission may consider the matter closed or inform the parties of its review and disposition. The Commission estimates that five consumers will file informal complaints each year.⁵⁴

The Commission will use GS 15/5 (\$74.86) staff attorneys to review each complaint and each certified program's response. The Commission estimates that it will require five hours to process each informal complaint.

5 informal complaints x 5 hours each = 25 hours x \$74.86 = \$1,871.50 annual cost

Formal complaints. The Commission estimates that one formal complaint and one answer will be filed involving one complainant and one defendant during the next five years of the permanent NDBEDP.⁵⁵

The Commission will use GS 15/5 (\$74.86) staff attorneys to review each complaint and each certified program's response. The Commission estimates that it will require five hours to review each formal complaint and answer.

(1 formal complainant + 1 answer) / 5 years = 0.4 annualized responses x 5 hours = 2 hours x \$74.86 = \$149.72 annualized costs

⁵² See *supra* at 12(n)(2).

⁵³ See *supra* at 12(o).

⁵⁴ See *supra* at 12(p)(1).

⁵⁵ See *supra* at 12(p)(2).

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Commission inquiries and proceedings. The Commission estimates that it will, on its own motion, conduct inquiries or proceedings with respect to one certified program during the next five years of the permanent NDBEDP.⁵⁶

The Commission will use GS 15/5 (\$74.86) staff attorneys to conduct these inquiries and proceedings. The Commission estimates that it will require 10 hours to complete each of these inquiries and proceedings.

1 annualized inquiry or proceeding x 10 hours / 5 years = 2 hours x \$74.86 = \$149.72 annualized costs

Total Cost to Federal Government: \$58,690.24

15. The Commission has re-evaluated the burdens associated with this information collection since the last time this information collection was reviewed and approved by OMB and, therefore, makes the following adjustments:
 - (a) The Commission's estimate for the number of respondents has decreased by **-9**, from 78 to 69 respondents;
 - (b) The Commission's estimate for number of responses has increased by **+175**, from 3,631 to 3,806 responses; and
 - (c) The Commission's estimate for the total annual burden hours has decreased by **-202**, from 7,995 to 7,793 hours.
16. The Commission may publish aggregate information on its website about complaints, including complaints that allege violations of the Commission's rules governing the NDBEDP, and will comply with all valid FOIA requests with regard to information sought pertaining to disability-related accessibility complaints.
17. The Commission is not seeking approval not to display the expiration date for OMB approval of the information collection because the collection does not include 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 collection of information will employ any statistical methods.

⁵⁶ See *supra* at 12(p)(3).