

Justification of Non-substantial changes to Collection 3060-0463

The Commission is submitting this non-substantial change request to the Office of Management and Budget (OMB) to revise the instructions for the telecommunications relay services (TRS) provider cost and demand data collection forms issued by the TRS Fund administrator. The request is to delete in two places an instruction that is inconsistent with Commission Report and Orders released in 2018 and 2020. See TRS Fund Provider – TRS Administrator Form at 11, 20, which is included. In addition, all dates have been updated from the 2019 version to the 2020 version.

The instructions to the data collection forms are revised to make the instructions consistent with (1) the text of the Commission’s 2018 Report and Order (including the rules appendix amending 47 CFR § 64.604(c)(5)(iii)(D)(1)); (2) the Supporting Statement (including the burdens) for collection 3060-0463 as submitted by the Commission to OMB on August 21, 2020 and approved by OMB on October 7, 2020; and (3) the Commission’s recent 2020 Report and Order reiterating these requirements. See *Misuse of Internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800, 5822-23, 5881, paras. 36-37, Appendix B (2018); *Misuse of Internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 13-24, 03-123, and 10-51, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 35 FCC Rcd 10866, 10875-76, paras. 22-23 (2020).

By way of background, in the Supporting Statement for collection 3060-0463, in referring to 47 CFR § 64.604(c)(5)(iii)(D)(1), the Commission explained that the rule requires the following information from Internet Protocol Captioned Telephone Service (IP CTS) providers:

In annual cost data filings and supplementary information provided to the TRS Fund administrator, IP CTS providers that contract for the supply of services used in the provision of TRS shall include information about payments under such contracts, classified according to the substantive cost categories specified by the administrator. To the extent that a third party’s provision of services covers more than one cost category, the resubmitted cost reports must provide an explanation of how the provider determined or calculated the portion of contractual payments attributable to each cost category. To the extent that the TRS Fund administrator reasonably deems necessary, providers shall submit additional details on such contractor expenses, including but not limited to complete copies of such contracts and related correspondence or other records and information relevant to determining the nature of the services provided and the allocation of the costs of such services to cost categories.

Supporting Statement for collection 3060-0463 at 6. The Supporting Statement takes these requirements into account when calculating the collection burdens. See *id.* at 11-12, section 12.D. In other words, the rule requires that contractor expenses must be attributed to each cost category and that the provider must explain how the breakdown was determined or calculated. The rule does not afford providers the option of lumping the various contractor cost categories together. Moreover, the Commission specifically stated in the 2018 Report and Order at para. 36: “All cost reports submitted in the future by IP CTS providers shall provide such a breakdown and

explanation.” This was reiterated in the 2020 Report and Order at paras. 22-23, wherein the Commission explained: “To the extent that providers lack sufficient information from their suppliers to enable them to make a definitive allocation of contract payments among multiple expense categories, there are a number of techniques available for estimating such allocations. *Id.* at n.58.

Because the rules and Commission decisions require IP CTS providers to breakdown contracting costs into specified cost categories, and the Supporting Statement for collection 3060-0463 already takes these burdens into account, we made the following non-substantive changes to the instructions to the TRS Fund administrator provider cost and demand data collection forms:

- On page 11, we eliminated the instruction: “If it is not possible to separate license fees from subcontractor costs, provide total sub-contractor costs and state that the costs may include license fees.”
- On page 20, we eliminated the instruction: “If those costs are not available, please state that those costs are not available.”

A revised set of instructions to the TRS Fund Administrator cost and demand data collection forms is included.