

SUPPORTING STATEMENT

This submission is being made for Office of Management and Budget (OMB) approval pursuant to 44 U.S.C. § 3507 of the Paperwork Reduction Act of 1995 to extend this existing collection for an additional three years.

A. Justification:

1. Public Disclosure of Network Information by Bell Operating Companies (BOCs). Section 276 (b)(1)(C) of the Communications Act of 1934, as Amended (Act) directs the Commission to “prescribe a set of nonstructural safeguards for BOC payphone service to implement the provisions of paragraphs (1) and (2) of subsection (a), which safeguards shall, at a minimum, include the nonstructural safeguards equal to those adopted in the Computer Inquiry – III (CC Docket No. 90-623) proceeding”, 47 U.S.C. § 276 (b)(1)(C); Report and Order, FCC 96-388, 11 FCC Rcd 20541 (1996). The BOCs are required to publicly disclose changes in their networks or new network services to ensure that they do not discriminate in favor of their own payphones.

The *Computer III* network information disclosure requirements specifically state that the disclosure would occur at two different points in time. First, disclosure would occur at the make/buy point: when a BOC decides to make for itself, or procure from an unaffiliated entity, any product whose design affects or relies on the network interface. Second, a BOC would publicly disclose technical information about a new service 12 months before it is introduced. If the BOC could introduce the service within 12 months of the make/buy point, it would make a public disclosure at the make/buy point. In no event, however, would the public disclosure occur less than six months before the introduction of the service.

While the scope and applicability of the *Computer III* safeguards have changed with the Commission’s 2015 decision regarding forbearance from enforcement of the *Computer III* requirements (*Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. Section 160(c) from Enforcement of Obsolete ILEC Regulations that Inhibit Deployment of Next Generation Networks*, Memorandum Opinion and Order, FCC 15-166 (2015)), these are minimum requirements under section 276(b)(1)(C) of the Act. Without information disclosures, the industry would be unable to ascertain whether the BOCs are designing new network services or changing network technical specifications to the advantage of their own payphones, or in a manner that might disadvantage BOC payphone competitors.

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

This submission is being made pursuant to authority contained in 47 U.S.C. § 276.

2. The information required by the Public Disclosure of Network Information by BOCs must be provided to third parties. All of the requirements would be used to ensure that BOCs comply with their obligations under the 1996 Act.

3. Generally, there is no improved technology identified by the Commission to reduce the burden of this collection. However, the Commission does not prohibit the use of improved technology where appropriate.

4. There is no duplication of information. In most instances, the information sought is unique to each carrier.

5. The collection of information will not significantly impact small businesses or other small entities.

6. Failing to collect the information, or collecting it less frequently, would violate the language and/or intent of the 1996 Act to “promote competition among payphone service providers and promote the widespread deployment of payphone services to the benefit of the general public.” 47 U.S.C. § 276.

7. This is a third party disclosure. Generally, FCC requirements do not impose any obligations that would require parties to report information to the FCC more often than quarterly, nor will requirements impose any other special circumstances.

8. Pursuant to 5 CFR § 1320.8, the Commission published a notice in the Federal Register soliciting public comment on this information collection on November 5, 2020 (85 FR 70618). No PRA comments were received.

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

10. The Commission is not requesting respondents to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under section 0.459 of the Commission’s rules.

11. There are no questions of a sensitive nature with respect to the information collected.

12. The following represents the estimate of hour burden of the collection of information:

1. Number of respondents: **3**.¹ Number of responses: **3**.

¹ This information collection requires OMB approval because the respondent pool makes up the universe of the respondent pool.

2. Frequency of response: On occasion reporting requirement and third party disclosure requirement.
3. Annual burden per respondent: 20 hours. Total annual hour burden of **60 hours**.
4. Total estimate of in-house cost to respondents for the hour burdens for collection of information: **\$2,312.70**.
5. Explanation of calculation: We estimate that this on occasion and infrequent obligation will take approximately 10 hours of clerical time, using personnel comparable in pay to a (GS 5/5) Federal employee at \$21.34 per hour and 10 hours of professional time, using personnel comparable in pay to a (GS 13/5) Federal employee at \$55.75 per hour, and will occur occasionally for 3 respondents. $3 \text{ (number of respondents)} \times 1 \text{ (number of submissions required)} \times 10 \text{ (hours of professional time)} \times \$55.75 = \$1,672.50 + 3 \text{ (number of respondents)} \times 1 \text{ (number of submissions required)} \times 10 \text{ (hours of clerical time)} \times \$21.34 = \$640.20$. Total annual cost = $\$1,672.50 + \$640.20 = \$2,312.70$.

Total Respondents: 3 BOCs

Total Annual Number of Responses: 3

Total Annual Burden Hours: 30 + 30=60 hours

Total Annual “in-house” cost to the respondent: $\$1,672.50 + \$640.20 = \$2,312.70$

13. The following represents the Commission’s estimate of the annual cost burden to respondents resulting from the collection of information:

- (a) Total capital and start-up cost component: \$0.00;
(b) Total operation and maintenance and purchase of services: \$0.00.

14. There is no cost to the Federal government.

15. The Commission is reporting adjustments/decreases to this information collection. The total number of respondents and total annual responses remain the same, but the total annual burden hours decreased from 360 hours to 60 hours, due to significant marketplace and technological changes that have occurred since the collection was first initiated, particularly the declining provision and use of payphone services. As a result, we expect any on-occasion network disclosure submissions to be streamlined.

There are no program changes to this information collection.

16. The Commission does not anticipate that it will publish the results of these collections of information.

17. The Commission does not intend to seek approval not to display the expiration date for OMB approval of the information collections.

18. There are no exceptions to the Certification Statement.

B. Collections of information Employing Statistical Methods:

No statistical methods will be employed.