

SUPPORTING STATEMENT

A. *Justification*

1. Section 713 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 613, which was added pursuant to section 305 of the Telecommunications Act of 1996, requires the Commission to prescribe rules and implementation schedules for closed captioning of televised video programming. In enacting section 713, Congress generally required that video programming be closed captioned, regardless of distribution technology, to ensure access to persons who are deaf and hard of hearing. The purpose of this submission is to seek Office of Management and Budget (OMB) approval for a three-year extension to the currently approved information collections under Control No. 3060-0761,¹ which relates to the closed captioning on television rules (found in 47 CFR § 79.1).

History:

On August 22, 1997, the Commission adopted rules and implementation schedules for the closed captioning of video programming. *Closed Captioning and Video Description of Video Programming; Implementation of Section 305 of the Telecommunications Act of 1996; Video Programming Accessibility*, Report and Order, 13 FCC Rcd 3272 (1997), published at 62 FR 48487 (September 16, 1997) (*Closed Captioning Report and Order*). The Commission took the following actions, among others:

- (a) Placed responsibility for compliance with the closed captioning rules on video programming distributors (VPDs);
- (b) After a phase-in period, required that 95% of non-exempt “new” English language programming (analog programming first published or exhibited on or after January 1, 1998) and 75% of non-exempt “pre-rule” English language programming (analog programming first published or exhibited before January 1, 1998) be closed captioned;
- (c) Established exemptions from the closed captioning rules for several classes of programs or services;
- (d) Established procedures for seeking individual exemptions from the closed captioning rules if the requirements would impose an undue burden;²
- (e) Permitted the use of electronic newsroom technique (ENT) to create closed captions of live programming;
- (f) Established a complaint procedure, found in 47 CFR § 79.1(g).

¹ See ICR Reference No. 201710-3060-005, submitted Oct. 18, 2017 and approved by OMB Dec. 4, 2017.

² In 2010, the standard for individual exemptions was changed from “undue burden” to “economically burdensome.” See Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Pub. L. No. 111-260 § 202(c), 124 Stat. 2751 (2010). See also *Interpretation of Economically Burdensome Standard; Amendment of Section 79.1(f) of the Commission’s Rules; Video Programming Accessibility*, Report and Order, 27 FCC Rcd 8831, 8834-35, paras. 7-9 (2012) (*Economically Burdensome Order*) (amending 47 CFR 79.1 § 79.1(f) to implement the change from “undue burden” to “economically burdensome”).

On October 2, 1998, the Commission adopted an Order on reconsideration. *Closed Captioning and Video Description of Video Programming; Implementation of Section 305 of the Telecommunications Act of 1996; Video Programming Accessibility*, Order on Reconsideration, 13 FCC Rcd 19973 (1998), published at 63 FR 55959 (October 20, 1998) (*Reconsideration Order*). Among other things, the Commission:

- (a) Increased from 95% to 100% the amount of non-exempt new English language programming that must be captioned;
- (b) Imposed a closed captioning requirement on Spanish language programming, and after a phase-in period, required that 100% of new Spanish language programming and 75% of pre-rule Spanish programming be closed captioned; and
- (c) Granted, in part, petitions for reconsideration regarding the use of electronic newsroom technique, and limited the circumstances in which this method of captioning may be permitted to count toward the captioning requirement for live programming.

On July 31, 2000, the Commission adopted a Report and Order requiring that digital programming be captioned in a format that can be recovered and displayed by decoders meeting the EIA-708 standard.³ *Closed Captioning Requirements for Digital Television Receivers; Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, Report and Order, 15 FCC Rcd 16788 (2000), published at 65 FR 58467 (September 29, 2000) (*DTV Closed Captioning Order*). The Commission established July 1, 2002, as the date for determining whether digital programming is new programming or pre-rule programming and required that 100% of new digital programming and 75% of pre-rule digital programming be closed captioned.

On November 7, 2008, the Commission amended its rules to provide for more efficient complaint processes and methods for consumers to contact VPDs with concerns about closed captioning. *Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers*, Declaratory Ruling, Order, and Notice of Proposed Rulemaking, 23 FCC Rcd 16674 (2008), published at 74 FR 1594 (January 13, 2009) (*2008 Closed Captioning Declaratory Ruling and Order*). The Commission took the following actions, among others:

- (a) Amended rules regarding the filing of complaints concerning alleged violations of the closed captioning requirements, the forwarding of complaints filed with the Commission, and the required time for response by the responsible VPD; and
- (b) Required VPDs to provide contact information to viewers and subscribers for the receipt and handling of immediate closed captioning concerns and to file complaints, to place this information in on their websites, in directories, and in billing statements, to file this information with the Commission for posting on the Commission's website, and to notify the Commission within 10 business days each time there is a change in any of the required contact information.

On December 4, 2009, the Commission adopted an Order amending 47 CFR § 79.1(i)(3) to permit VPDs to submit the required contact information through an electronic webform as an

³ EIA-708-B is the standard adopted by the Electronics Industries Alliance for digital closed captioning.

alternative to the email and paper filing options already provided for under the rule. *Closed Captioning of Video Programming*, Order, 24 FCC Rcd 14837 (2009).

On October 20, 2011, the Commission adopted a Memorandum Opinion and Order reversing a prior Commission order granting individual petitions for exemption. This order described the information and documentation that a petitioner must provide to satisfy the four factors that the Commission must consider when determining whether to grant or deny a petition for exemption. *Anglers for Christ Ministries, Inc.; New Beginning Ministries; Petitioners Identified in Appendix A; Interpretation of Economically Burdensome Standard; Amendment of Section 79.1 of the Commission's Rules; Video Program Accessibility*, Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking, 26 FCC Rcd 14941 (2011), published at 76 FR 67376 (November 1, 2011), 76 FR 67377 (November 1, 2011), 76 FR 67397 (November 1, 2011) (*Anglers Reversal Order*).

On February 20, 2014, the Commission adopted rules governing the quality of closed captioning on television. *Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc. Petition for Rulemaking*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 2221 (2014), published at 79 FR 17911 (March 31, 2014) (*Closed Captioning Quality Report and Order*). The Commission took the following actions, among others:

- (a) Required VPDs to make best efforts to obtain certifications from video programmers that their programming (i) complies with the captioning quality standards established in the Report and Order; (ii) adheres to the Best Practices for video programmers set out in the Report and Order; or (iii) is exempt from the closed captioning rules under one or more properly attained and specified exemptions.
- (b) Adopted additional requirements and a “compliance ladder” for broadcasters that use ENT.
- (c) Required VPDs to keep records of their activities related to the maintenance, monitoring, and technical checks of their captioning equipment.
- (d) Required that petitions requesting an exemption based on the economically burdensome standard and all subsequent pleadings, as well as comments, oppositions, or replies to comments, be filed electronically in accordance with 47 CFR § 0.401(a)(1)(iii) instead of as a paper filing. Comments, oppositions, or replies to comments must be served on the other party, by delivering or mailing a copy to the last known address in accordance with 47 CFR § 1.47 or by sending a copy to the e-mail address last provided by the party, its attorney, or other duly constituted agent, and must include a certification that the other party was served with a copy.

On February 19, 2016, the Commission amended its rules to allocate the responsibilities of VPDs and video programmers with respect to the provision and quality of closed captioning. *Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc. Petition for Rulemaking*, Second Report and Order, 31 FCC Rcd 1469 (2016), published at 81 FR 57473, August 23, 2016 (*Closed Captioning Quality Second Report and Order*). The Commission took the following actions, among others:

- (a) Required video programmers to file certifications with the Commission that (1) the video programmer (i) is in compliance with the rules requiring the inclusion of closed captions, and (ii) either is in compliance with the captioning quality standards or has adopted and is

- following related Best Practices; or (2) is exempt from the captioning obligation and specifies the exemption claimed.
- (b) Revised the procedures for receiving, serving, and addressing television closed captioning complaints in accordance with a burden-shifting compliance model.
 - (c) Established a compliance ladder for the Commission's television closed captioning quality requirements.
 - (d) Required VPDs to use the Commission's web form when providing contact information to the VPD registry.
 - (e) Required video programmers to register their contact information with the Commission for the receipt and handling of written closed captioning complaints.

FINAL INFORMATION COLLECTION REQUIREMENTS

- (a) Records of monitoring and maintenance activities. Pursuant to 47 CFR § 79.1(c)(3), VPDs must maintain, for a minimum of two years, records of their monitoring and maintenance activities to ensure that captioning equipment and other related equipment are maintained in good working order and that captions are passed through to viewers.
- (b) ENT compliance. Pursuant to 47 CFR § 79.1(e)(11)(iv), if the Commission identifies a pattern or trend of possible noncompliance with 47 CFR § 79.1(e)(11) by a broadcast station, the station must respond within 30 days by describing corrective measures taken. If the Commission identifies a further pattern or trend of possible noncompliance with 47 CFR § 79.1(e)(11), within 30 days, the station must submit a corrective action plan and must also conduct spot checks of its ENT performance and report the results 180 days after the submission of the action plan.
- (c) Petitions for individual exemption. Pursuant to 47 CFR § 79.1(f), a video programming provider, video programming producer, or video programming owner may petition the Commission for a full or partial exemption from the closed captioning requirements based upon a showing that the closed captioning requirements will be economically burdensome.⁴ Petitions and all subsequent pleadings must be filed electronically in accordance with 47 CFR § 0.401(a)(1)(iii). Comments or oppositions to the petition and replies to comments or oppositions must be filed electronically, served on the other party, and must include a certification that the other party was served with a copy.
- (d) Complaints filed with the Commission. Pursuant to 47 CFR § 79.1(g)(1)-(2), within sixty (60) days after experiencing a problem with closed captioning, a complaint may be filed with the Commission or relevant VPD. Complaints filed with the Commission must be in writing and specify the alleged rule violated. Complaints must also include (1) the consumer's name, postal address, and if available additional contact information; and (2) the channel number, channel name, network or call sign, the multichannel video programmer distributor, if

⁴ See also <http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements> (providing instructions for filing individual petitions, including a description of the information and documentation that a petitioner must include to support an individual petition based on economic burden).

applicable, the date and time when the captioning problem occurred, the name of the program, and a detailed and specific description of the problem.

- (e) Complaints forwarded from the Commission. Pursuant to 47 CFR § 76.1(g)(3), if the Commission informs the VPD of the Commission's inability to determine the appropriate video programmer, then within 10 days after the date of such notification, the VPD must provide the Commission with contact information for the appropriate video programmer.
- (f) VPD and video programmer responsibilities. Pursuant to 47 CFR § 79.1(g)(4), (6), and (8), in response to a complaint forwarded from the Commission:
 - (1) The VPD must conduct an investigation and within 30 days provide a response in writing to the Commission, the appropriate video programmer, and the complainant. In its response, the VPD must:
 - i. Acknowledge responsibility for the closed captioning problem and describe the steps taken to resolve the problem; or
 - ii. Certify that the VPD has conducted an investigation and that the closed captioning problem is not within the VPD's control and appears to have been present in the program stream when received by the VPD; or
 - iii. Certify that the VPD has conducted an investigation and that the closed caption problem appears to have been caused by a third party DVR, television, or other third party device not within the VPD's control.
 - (2) If the VPD certifies that the closed captioning problem appears to have been present in the program stream when received by the VPD, the video programmer must conduct an investigation within 30 days and provide a written response to the Commission, the appropriate VPD, and the complainant. In its response the video programmer must either describe the steps taken to correct the captioning problem or certify that the captioning problem was not within its control.
 - (3) If the video programmer certifies that the captioning problem was not within its control, and it has not been determined that the problem was caused by a third party device or other causes that appear not to be within the control of the VPD or the video programmer, then within 30 days of such certification, the VPD and video programmer shall work together to determine the source of the problem, correct those issues within each entity's control, and report in writing to the Commission and the complainant the steps taken to correct the captioning problem.
 - (4) VPDs and video programmers must provide the Commission with sufficient records and documentation to demonstrate compliance with Commission rules. The Commission will, as needed, request additional information from the VPD or video programmer.
- (g) Complaints filed with VPDs. Pursuant to 47 CFR § 79.1(g)(5):
 - (1) In response to a complaint sent directly to a VPD, the VPD must respond within 30 days to the complainant by:
 - i. Acknowledging responsibility and describing the steps taken to resolve the closed captioning problem; or

- ii. Informing the complainant that the complaint has been referred to the video programmer or other responsible entity and providing to the complainant the name and contact information for the entity as well as a complaint identification number; or
 - iii. Informing the complainant the closed captioning problem appears to have been caused by a third party DVR, television, or other third party device not within the VPDs control.
- (2) If applicable, the VPD must refer the complaint and the results of the VPD's investigation to the video programmer or other responsible entity within 30 days. The VPD must assign a complaint identification number and either include a copy of the complaint with contact information redacted or provide a description of the complaint with sufficient detail for resolution.
- (3) The video programmer or other responsible entity must respond to the VPD within 30 days of when the complaint was forwarded by the VPD.
- (4) The VPD must follow up with the complainant within 40 days of when the complaint was forwarded by the VPD to the video programmer or other responsible entity by forwarding the video programmer's or other responsible entity's response to the complaint or informing the complainant that no response has been received.
- (5) If the complainant is not satisfied with the response or does not receive a response to the complaint, the complainant may file a complaint with the Commission within 60 days from the date the complainant should have received such response.
- (h) Pattern or trend of noncompliance with closed captioning rules. Pursuant to 47 CFR 79.1(g)(9), if the Commission notifies a VPD or video programmer of a pattern or trend of noncompliance with the Commission's rules for the quality of closed captioning, the VPD or video programmer shall respond within thirty (30) days describing corrective measures taken. If after the date for receiving a response from the VPD or video programmer, the Commission notifies the VPD or video programmer of further evidence of noncompliance, the VPD or video programmer shall within thirty (30) days submit to the Commission a written action plan describing specific measures that will bring the VPD's or video programmer's performance into compliance with the closed captioning quality rules. The VPD or video programmer shall conduct spot checks of its closed captioning quality performance and report to the Commission the results of the action plan and spot checks 180 days after the submission of such action plan.
- (i) Provision of contact information. Pursuant to 47 CFR § 79.1(i):
 - (1) VPDs must make current contact information publicly available for (1) the handling of immediate closed captioning concerns and (2) handling closed captioning complaints. VPDs must keep the information current and make it available on their websites, in telephone directories, and in billing statements.
 - (2) VPDs and video programmers must file and keep current contact information with the Commission through a web form on the Commission's website.

(j) Caption quality certification.⁵

(1) Pursuant to 47 CFR § 79.1(j)(1), VPDs must exercise best efforts to obtain a certification from each video programmer from which the distributor obtains programming stating (i) that the video programmer's programming satisfies the caption quality standards of 47 CFR § 79.1(j)(2); (ii) that the video programmer has adopted and follows the Best Practices set forth in 47 CFR § 79.1(k)(1); or (iii) that the video programmer is exempt from the closed captioning rules under one or more properly attained exemptions. VPDs must report non-certifying video programmers to the Commission.

(2) Pursuant to 47 CFR § 79.1(k)(1)(iv), video programmers adopting Best Practices must certify to VPDs that they adhere to Best Practices for video programmers and must make such certifications widely available to VPDs.

(k) Video programmer agreements with captioning vendors. Pursuant to 47 CFR § 79.1(k)(1)(i), video programmers adopting Best Practices must include specified performance and other requirements in new or renewed agreements with captioning vendors; provide to captioning vendors and make available in a centralized location appropriate staff contacts for the resolution of captioning issues; maintain a log of reported captioning issues from the current and prior years; and develop procedures for troubleshooting consumer captioning complaints within the distribution chain.

(l) Real-Time (Live) Captioning Vendors Best Practices. Pursuant to 47 CFR § 79.1(k)(2)(i), (ii), (iii), and (xiii), real-time captioning vendors must perform frequent and regular evaluations and audits to ensure that minimum acceptable standards established by the vendor are maintained and must regularly review discrepancy reports in order to correct issues and avoid future issues.

(m) Real-Time Captioners Best Practices. Pursuant to 47 CFR § 79.1(k)(3)(vi), real-time captioners must file thorough discrepancy reports with the captioning vendor in a timely manner.

(n) Offline (Prerecorded) Captioning Vendors Best Practices. Pursuant to 47 CFR § 79.1(k)(4)(viii), offline captioning vendors must create or designate a manual of style to be applied in an effort to achieve uniformity in presentation and must employ frequent and regular evaluations to ensure standards are maintained.

(o) Video programmer certifications. Pursuant to 47 CFR § 79.1(m):

(1) Video programmers shall annually submit a certification to the Commission through a web form on the Commission's website stating that the video programmer provides closed captioning for its programs in compliance with Commission rules and satisfies the caption quality standard of 47 CFR § 79.1(j)(2) or has adopted and follows the Best Practices set forth in 47 CFR § 79.1(k)(1).

(2) If all of the video programmers' program are exempt from the closed captioning rules, the video programmer shall instead submit a certification specifying each category of exemption claimed.

⁵ These requirements remain in effect until 47 CFR § 79.1(m) takes effect.

- (3) If some of the video programmers' programs are exempt from the closed caption rules, as part of the certification provided above, the video programmer shall specify each category of exemption claimed.

The statutory authority for this information collection is section 713 of the Act, 47 U.S.C. § 613, and implemented at 47 C.F.R. § 79.1.

2. The parties who are involved in these information collections, why they are involved, and how the information that they provide is to be collected and used, is as follows:
- (a) The records maintained by VPDs of the VPDs' monitoring and maintenance activities and submitted to the FCC upon request are used by the FCC to determine whether VPDs have monitored their equipment and signal transmissions, performed technical equipment checks, and promptly undertaken repairs as needed to ensure that equipment is operational and in good working order and that captions are passed through to consumers.
 - (b) The information submitted in response to a notification of a pattern or trend of noncompliance with 47 CFR § 79.1(e)(11) by a broadcast station using ENT is used by the FCC to ensure compliance with the ENT requirements; this information also could be used for enforcement purposes.
 - (c) The information submitted as part of, or in response to, a petition for individual exemption pursuant to 47 CFR § 79.1(f) is used by the FCC to determine whether an individual exemption is warranted.
 - (d) Consumers submit complaints to the FCC about potential violations of the FCC's closed captioning requirements, and VPDs and video programmers may respond to these complaints. The FCC uses the consumer complaints and responses to inform its judgment about how the rules are working and whether consumers, VPDs, and video programmers understand their respective obligations under the rules; these complaints and responses also are used for enforcement purposes.
 - (e) The information submitted in response to a notification of a pattern or trend of noncompliance with the Commission's closed captioning quality rules is used by the FCC to ensure compliance with the closed captioning quality rules by both VPDs and video programmers; this information also could be used for enforcement purposes.
 - (f) The contact information that VPDs provide to consumers through bills and in published directories, as well as the information on the VPDs' websites and information VPDs submit to the FCC's website is used by consumers to contact the VPDs with captioning-related questions, concerns or complaints.
 - (g) The contact information video programmers submit to the FCC via web form for placement on the FCC's website is used by the Commission and VPDs to contact the video programmers when referring complaints.

- (h) The certifications from video programmers that VPDs must make best efforts to obtain pursuant to 47 CFR § 79.1(j)(1) are used to promote the creation of high quality closed captions for video programming.⁶
- (i) The information submitted by VPDs to the FCC regarding video programmers who do not make the certifications required by 47 CFR § 79.1(j)(1) widely available upon request is used by the FCC to inform its judgment about how the closed captioning rules are working and to inform the public as to the identity and number of video programmers that are not providing the certification.⁷
- (j) The provisions required for video programmers adopting Best Practices pursuant to 47 CFR § 79.1(k)(1)(i) regarding agreements with captioning vendors, 47 CFR § 79.1(k)(1)(iii)(C) regarding provision of contact information, 47 CFR § 79.1(k)(1)(iii)(D) regarding maintaining a log of reported captioning issues, and 47 CFR § 79.1(k)(1)(iii)(E) regarding development of procedures for troubleshooting captioning complaints, will help ensure the creation of high quality closed captions for video programming, make it possible to resolve captioning issues on a timely basis, and help prevent captioning issues from recurring.
- (k) The Best Practices requirements for real-time (live) captioning vendors to perform frequent and regular evaluations and audits based upon metrics created by the vendors to assess caption quality and to regularly review discrepancy reports pursuant to 47 CFR § 79.1(k)(2) (i), (ii), (iii) and (xiii) will help ensure the creation of high quality closed captions for video programming.
- (l) The Best Practices requirements for real-time captioners to file discrepancy reports with the captioning vendor pursuant to 47 CFR § 79.1(k)(3)(vi) will help prevent captioning issues from recurring.
- (m) The Best Practices requirement for offline (prerecorded) captioning vendors to create or designate a manual of style and to employ frequent and regular evaluations pursuant to 47 CFR § 79.1(k)(4)(viii) and (ix) will help ensure the creation of high quality closed captions for video programmers.
- (n) The certifications that video programmers must submit to the FCC will alert video programmers of their obligations to comply with captioning quality standards or Best Practices, will remove a burden from VPDs to use best practices to obtain such certifications, and will create a single point of reference for the Commission, VPDs, and consumers to find such certifications; the certifications may also be used by the FCC for enforcement purposes.

The collection of information may contain personally identifiable information (PII) on individuals.

- (a) As required by OMB Memorandum M-03-22 (September 26, 2003), the FCC completed a Privacy Impact Assessment (PIA) on June 28, 2007, that gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII covered by these information collection requirements. The PIA may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

⁶ These requirements remain in effect until 47 CFR § 79.1(m) takes effect.

⁷ These requirements remain in effect until 47 CFR § 79.1(m) takes effect.

(b) Furthermore, as required by the Privacy Act, 5 U.S.C. § 552a, the FCC also published a system of records notice (SORN), FCC/CGB-1, “Informal Complaints, Inquiries, and Requests for Dispute Assistance” in the *Federal Register* on August 15, 2014 (79 FR 48152), which became effective on September 24, 2014.⁸

3. In the *Closed Captioning Quality Report and Order*, the Commission requires petitions requesting an exemption to the Commission’s closed captioning rules based on the economically burdensome standard, and all subsequent pleadings, to be filed electronically instead of being filed on paper. Comments or oppositions to the petition must be filed electronically and served on the petitioner and must include a certification that the petitioner was served with a copy. Replies to comments or oppositions must be filed electronically and served on the commenting or opposing party and must include a certification that the commenting or opposing party was served with a copy.

In the *Closed Captioning Quality Second Report and Order*, the Commission requires VPDs to submit contact information and requires video programmers to register and file contact information using the FCC’s web form system on the FCC’s website. Video Programmers are also obligated to submit their certifications using the FCC’s web form system.

4. There are no comparable information collection requirements regarding compliance with the closed captioning rules.
5. The Commission’s closed captioning requirements are assumed to have a significant impact on small entities, including the specific information collection requirements associated with 47 CFR §§ 79.1(c)(3), 79.1(e)(11)(iv), 79.1(e)(11)(v), 79.1(g)(1)-(9), 79.1(i)(1)-(3), 79.1(j)(1), 79.1(k), and 79.1(m). The Commission has minimized the burden imposed on small entities by, in most instances, providing the entities with flexibility in determining how to comply with the requirements and by not specifying the precise actions entities must take to achieve compliance. In addition, for many rules, the Commission has minimized the burden on small entities by giving them multiple options to choose from in complying with the Commission’s rules or multiple opportunities to come into compliance. The Commission has also minimized the burden on small entities by requiring them to submit certifications and contact information directly to the Commission rather than requiring them to make such information widely available. Collecting such information in one place will make it more easily accessible for other small entities and consumers. Finally, for some rules, the Commission has minimized the burden on small entities by allowing them to take corrective actions through an informal and less time-consuming compliance process than a formal enforcement proceeding.
6. If the Commission did not sponsor these information collections, the Commission would not be in compliance with section 713 of the Act and would be presented with significantly greater difficulty in any enforcement efforts under section 713.
7. Under 47 CFR § 79.1(c)(3), VPDs are obligated to provide the Commission with records of their monitoring and maintenance activities upon request by the Commission. This may require a VPD to report information to the FCC more often than quarterly, depending upon how often technical compliance issues regarding the VPD come to the attention of the Commission. Under 47 CFR § 79.1(g)(3), VPDs are obligated to respond within ten (10) days with the name of the video programmer when the Commission notifies the VPD that the Commission is unable to identify

⁸ The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions made to the SORN.

the appropriate video programmer for forwarding a complaint. This may require a VPD to prepare a written response to a collection of information in fewer than 30 days after receipt. Under 47 CFR § 79.1(g), VPDs and video programmers are obligated to respond to closed captioning complaints. This may require a VPD or video programmer to report information to the FCC more often than quarterly, depending on how often the VPD or video programmer must respond to such complaints. Under 47 CFR § 79.1(i)(3), VPDs and video programmers are obligated to notify the Commission of changes to their contact information within ten (10) business days. This may require a VPD or video programmer to prepare a written response to a collection of information in fewer than 30 days after receipt and to report information to the Commission more than quarterly, depending on how often the VPD or video programmer changes their contact information. Under 47 CFR § 79.1(j)(1), VPDs must submit a report to the Commission identifying video programmers that do not provide certifications as required by 47 CFR § 79.1(j)(1).⁹ This may require a VPD to report information to the FCC more often than quarterly, depending upon how often the VPD encounters video programmers that do not provide such certifications. Otherwise, the collection is not conducted in any manner that is inconsistent with the guidelines in 5 CFR § 1320.6.

8. The Commission published a notice in the *Federal Register* pursuant to 5 CFR §1320.8(d) on November 3, 2020 (85 FR 69625) seeking comments from the public on the information collection requirements contained in this supporting statement. No comments were received.
9. There are no payments or gifts to respondents.
10. Assurances of confidentiality are being provided to the respondents.
 - (a) A privacy statement is included on all FCC forms accessed through the Commission's Internet website.
 - (b) In addition, respondents are made aware of the fact that their complaint information may be released to law enforcement officials and other parties as mandated by law. PII is contained in the Commission's Consumer Complaint Center database, which is covered under the Commission's SORN, FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance." The PII covered by this SORN is used by Commission personnel to handle and to process informal complaints from individuals and groups. The Commission will not share this information with other federal agencies except under the routine uses listed in the SORN.

The PIA that the FCC completed on June 28, 2007 gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII, as required by OMB regulations contained in Memorandum M-03-22 (September 22, 2003) and the Privacy Act, 5 U.S.C. § 552a. The PIA may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

The Commission requests that petitioners (*i.e.*, video programming providers, producers, or owners) seeking individual exemptions from the closed captioning rules redact sensitive information contained in their petitions. In addition, to the extent that petitioners desire to withhold from public review information that serves as the basis of their exemption petitions, such requests should be made in writing to the Commission, pursuant to the Commission's existing rules for requesting confidential treatment, 47 CFR § 0.459.

⁹ These requirements remain in effect until 47 CFR § 79.1(m) takes effect.

With respect to the complaint procedures in the closed captioning rules, the Commission is not requesting that respondents submit confidential information, *e.g.*, credit card numbers, social security numbers, and personal financial data, to the Commission. The Commission also directs VPDs to redact and not provide a complainant's PII when a VPD forwards a complaint to a video programmer or other responsible entity.

11. The Commission believes that this information collection will not raise any questions or issues of a sensitive nature for respondents. Additionally, consumers are cautioned not to provide on complaints personal information such as social security numbers, credit card numbers, *etc.*

12. Estimates of the burden hours for the collection of information are as follows:

Types of Respondents	Annual Number of Respondents
Video Programming Distributors (VPDs)	Number of Distributors per Technology
Cable Television Systems ¹⁰	4,392
Commercial and Non-commercial Television Stations ¹¹	4,047
Open Video Systems (OVS) operators ¹²	82
Direct Broadcast Satellite (DBS) operators ¹³	2
Satellite Master Antenna Television (SMATV) systems ¹⁴	36
Local exchange carriers ¹⁵	447
Total VPDs	9,006
Video Programmers	43,812
Real-Time (Live) Captioning Vendors	900
Real-Time Captioners (Individuals)	9,000
Offline (Prerecorded) Captioning Vendors	900

¹⁰ See *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142, Second Report and Order and Order on Reconsideration, App. C, Final Regulatory Flexibility Analysis, FCC 20-72, at para. 16 (June 16, 2020) (citing S&P Market Intelligence – MediaCensus data, Q2 2019).

¹¹ See News Release, FCC, Broadcast Station Totals as of March 31, 2020 (April 6, 2020), <https://www.fcc.gov/document/broadcast-station-totals-march-31-2020>. This total includes UHF and VHF Commercial TV, UHF and VHF Educational TV, UHF and VHF Class A Stations, and UHF and VHF Low Power TV.

¹² See Media Bureau, FCC, *Archived Filings for Certification of Open Video Systems*, <http://www.fcc.gov/encyclopedia/archived-filings-certification-open-video-systems> (last visited July 29, 2020); Media Bureau, FCC, *Current Filings for Certification of Open Video Systems*, <http://www.fcc.gov/encyclopedia/current-filings-certification-open-video-systems> (last visited July 29, 2020).

¹³ *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, Eighteenth Report, 32 FCC Rcd 568, 570, para. 3 (2017).

¹⁴ The Independent Multi-Family Communications Council (IMCC), now known as the Multifamily Broadband Council, lists 36 members on its website. See Multifamily Broadband Council, *Membership Directory*, <http://www.mfbbroadband.org/member-directory> (last visited July 29, 2020).

¹⁵ *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, Fifteenth Report, 28 FCC Rcd 10496, 10653, para. 322 (2013).

Consumer Complainants	600
Commenters on Exemption Petitions	10
Total Number of Respondents	64,228

The Commission also notes that the supporting statement includes burdens placed on video programming owners (VPOs) and video programmers. Specific figures are not available for the exact number of video programmers, but the Census Bureau states that there were 13,812 firms engaged in Motion Picture and Video Production,¹⁶ which it defines as an industry comprising “establishments primarily engaged in producing, or producing and distributing motion pictures, videos, television programs, or television commercials.”¹⁷ In addition, the Commission estimates that approximately 30,000 community groups, local governments, educational institutions, and individuals who put programs on Public, Educational, and Government Access channels (PEG channels) may be subject to video programmer registration and certification burdens.¹⁸ The Commission uses these numbers for estimating the total number of respondents for this category.

The Commission anticipates that only approximately 600 respondents may, in any given year, file closed captioning complaints, and not all of those will be filed with the Commission. They may, instead, be filed with the VPD.

Final Information Collection Requirements

(1) *Records of monitoring and maintenance activities*

47 CFR § 79.1(c)(3) requires VPDs to maintain, for a minimum of two years, records of their monitoring and maintenance activities, including, without limitation, information about the VPD’s monitoring and maintenance of equipment and signal transmissions to ensure the pass through and delivery of closed captioning to viewers, and technical equipment checks and other activities to ensure that captioning equipment and other related equipment are maintained in good working order.

Annual Number of Respondents: 9,006

- (a) The Commission estimates, for present and future purposes, that 8.956 VPDs will perform monitoring and maintenance activities approximately 12 times per year, resulting in approximately 12 records of their monitoring and maintenance activities per year. The Commission further estimates that 50 VPDs are national or regional providers serving multiple markets, and that they will perform monitoring and maintenance activities approximately 120 times a year, resulting in approximately 120 records of their monitoring and maintenance activities per year.

¹⁶ U.S. Census Bureau, *All Sections: Summary Statics for the U.S., States, and Selected Geographies: 2017 NAICS code 512110*, <https://data.census.gov/cedsci/table?q=economic%20census&hidePreview=false&tid=ECNBASIC2017.EC1700BASIC&vintage=2017> (last visited July 29, 2020).

¹⁷ NAICS Associations, *NAICS Code Description, 512110- Motion Picture and Video Production*, <http://www.census.gov/cgi-bin/sssd/naics/naicsrch> (last visited July 29, 2020).

¹⁸ There is currently pending a Petition for Waiver of Registration and Certification Requirement filed by the Alliance for Community Media (ACM), CG Docket No. 05-231 (filed Aug. 25, 2016) (ACM Waiver Petition) requesting a waiver from the registration and certification requirements for those organizations and individuals who place programming on PEG channels that are exempt from the FCC’s closed captioning requirements.

Annual Number of Responses:

$$\begin{aligned} 8,956 \text{ VPDs} \times 12 \text{ records/VPD} &= 107,472 \text{ records} \\ 50 \text{ VPDs} \times 120 \text{ records/VPD} &= \underline{6,000 \text{ records}} \\ &\mathbf{113,472 \text{ records annually}} \end{aligned}$$

The Commission estimates that the average burden to complete all aspects of each recordkeeping will require approximately 0.5 hours per record.

Annual Burden Hours: $113,472 \text{ annual records} \times 0.5 \text{ hour/record} = \mathbf{56,736 \text{ hours}}$

The Commission estimates that VPDs keeping records will prepare the records using “in-house” staff earning the equivalent of a GS-12/step 5 level (\$46.88)

Annual “In-House” Costs: $113,472 \text{ records} \times 0.5 \text{ hour/record} \times \$46.88 = \mathbf{\$2,659,783.68}$

(2) ENT Compliance

47 CFR § 79.1(e)(11)(iv) provides the method of ensuring compliance with the procedures set forth in 47 CFR § 79.1(e)(11)(i) for the use of ENT to provide closed captions.

- (a) Initial Response to Pattern or Trend of Noncompliance: The Commission estimates that, for present and future purposes, it will identify approximately 2 patterns or trends of possible noncompliance each year by broadcast stations necessitating a response by the possibly non-compliant station.

Annual Number of Responses: 2 Responses

The Commission estimates that the average burden to complete the initial response to a pattern or trend of noncompliance will require approximately 10 hours per response.

- (i) The Commission estimates that 50 percent of the responses will be prepared “in-house” using the broadcast station’s staff.

$$2 \text{ responses} \times 50\% \text{ using “in-house” staff} = 1 \text{ response}$$

$$1 \text{ responses} \times 10 \text{ hours/response} = 10 \text{ hours}$$

The Commission estimates that the “in-house” staff that broadcast stations use to prepare these responses earn a salary equivalent to a GS-15/Step 5 level (\$77.49/hour):

$$10 \text{ hours} \times \$77.49 = \$774.90$$

- (ii) The Commission estimates that 50 percent of the responses will be prepared using outside legal counsel, *e.g.*, attorneys in private law firms.

$$2 \text{ responses} \times 50\% \text{ using outside legal counsel} = 1 \text{ response}$$

Broadcast stations that use outside legal counsel are likely to spend an average of 2 hours per response to coordinate with their outside legal counsel to prepare and submit the responses.

$$1 \text{ responses} \times 2 \text{ hours/response} = 2 \text{ hours}$$

The Commission estimates that the “in-house” staff broadcast stations use to prepare these responses earn a salary equivalent to a GS-15/Step 5 level (\$77.49/hour):

$$2 \text{ hours} \times \$77.49/\text{hour for “in-house” staff} = \$154.98$$

Annual Burden Hours to Prepare Initial Response:

$$10 \text{ hours} + 2 \text{ hours} = 12 \text{ hours}$$

Annual “In-House” Costs:

$$\$774.90 + \$154.98 = \$929.88$$

- (b) Corrective Action Plan: The Commission estimates that, for present and future purposes, it will identify approximately 1 further pattern or trend of possible noncompliance following the initial response to a pattern or trend of noncompliance necessitating a report to the Commission on the results of its corrective action plan and spot checks of its ENT performance.

Annual Number of Responses: 1 Response

The Commission estimates that the average burden to complete the initial response to a pattern or trend of noncompliance will require approximately 50 hours per response. The Commission further estimates that the response will be prepared jointly using the broadcast station’s “in house” staff and outside legal counsel, *e.g.*, attorneys in private law firms, with each spending 25 hours per response.

1 response

$$1 \text{ response} \times 25 \text{ hours/response} = 25 \text{ hours}$$

The Commission estimates that the “in-house” staff that broadcast stations use to prepare these responses earn a salary equivalent to a GS-15/Step 5 level (\$77.49/hour):

$$25 \text{ hours} \times \$77.49 = \$1,937.25$$

Annual Burden Hours to Prepare Initial Response: 25 hours

Annual “In-House” Costs: \$1,937.25

(3) *Petitions for individual exemption:*

Annual Number of Petitioners: 10 Respondents

- (a) Filing of Petitions: The Commission estimates that, for present and future purposes, approximately 10 video programming providers, producers, and owners (petitioners) will file petitions requesting exemption from the closed captioning requirements annually.

Annual Number of Responses:

10 petitioners x 1 petition/petitioner = **10 petitions annually**

The Commission estimates that the average burden to complete all aspects of each petition process, including filing any possible reply comments and associated certifications, may require 10 hours.

- (i) The Commission estimates that 70 percent of the petitions that petitioners file will be prepared “in-house” using the petitioners’ staff.

10 petitioners x 70% using “in-house” staff = 7 petitioners

7 petitioners x 10 hours/petition = 70 hours

The Commission estimates that the “in-house” staff that petitioners use to prepare these petitions earns a salary equivalent to a GS-14/Step 5 level (\$65.88/hour):

70 hours x \$65.88/hour for “in-house” staff = \$4,611.60

- (ii) The Commission also estimates 30 percent of the petitions that the petitioners file will be prepared using outside legal counsel, *e.g.*, attorneys in private law firms.

10 petitioners x 30% using outside legal counsel = 3 petitioners

Petitioners that use outside legal counsel are likely to spend an average of 2 hours per petition to coordinate with their outside legal counsel to prepare and submit the petitions, including any possible reply comments and associated certifications.

3 petitioners x 2 hours/petition per outside legal counsel = 6 hours

The Commission estimates that the “in-house” staff that petitioners use to coordinate with their outside legal counsel to prepare these petitions earn a salary equivalent to a GS-14/Step 5 level (\$65.88/hour):

6 hours x \$65.88/hour for “in-house” staff = \$395.28

Annual Burden Hours to Prepare Petitions:

70 hours + 6 hours = **76 hours**

Annual “In-House” Costs:

\$4,611.60 + 395.28 = **\$5,006.88**

- (b) Filing of Responses: The Commission estimates that all of the petitions filed are placed on Public Notice. The Commission estimates that there is an average of one commenter filing a response or opposition to every petition placed on Public Notice. The Commission estimates that the average burden to complete all aspects of the response process, including the certification, is five (5) hours.

Annual Number of Respondents to Petitions: 10 commenters

Annual Number of Responses: 10

10 petitions placed on Public Notice x 1 response/petition = **10 responses**

The Commission estimates that 10 percent of commenters filing responses prepare the responses themselves. The remaining 90 percent of commenters hire outside legal counsel to prepare and file the response:

- (i) 10 commenters x 10%/preparing their responses = 1 commenter

1 commenters x 5 hours/response preparation = 5 hours

The Commission estimates that the commenters use “in-house” staff earning the equivalent of a GS-14/Step 5 level (\$65.88/hour) to prepare the responses:

5 hours x \$65.88/hour “in-house” staff = \$329.40

- (ii) 10 commenters x 90 percent using outside legal counsel to prepare responses = 9 commenters.

(A) Of those 9 commenters, it is the Commission’s observation that 90% of the responses prepared by outside legal counsel will be done at a pro-bono rate, and without any significant consultation between the commenter and the outside legal counsel.

9 commenters x 90% = 8.1 commenters (8 commenters rounded)

(B) The remaining 10 percent (1 rounded) commenter using outside legal counsel are likely to take 2 hours to coordinate the preparation of their response with the outside legal counsel:

1 comment x 2 hours to coordinate with outside legal counsel = 2 hours

The Commission estimates that the commenters use “in-house” legal and administrative staff earning the equivalent of a GS-14/Step 5 level (\$65.88/hour) to coordinate their responses with the outside legal counsel:

2 hours x \$65.88/hour for legal/administrative staff = \$131.76

Annual Burden Hours to Prepare and File Responses to Petitions:

5 hours + 2 hours = **7 hours**

Annual “In-House” Costs:

$\$329.40 + \$131.76 = \$461.16$

- (c) The Commission estimates that all petitioners will file replies to oppositions by commenters. The burden hours for such replies are already encompassed in 12(3)(a). However, this will generate an **additional** 10 responses annually.

Annual Number of Responses: 10 replies to oppositions

(4) *Complaints alleging violations of the Closed Captioning Rules*

Annual Number of Respondents: 600 complainants

- (a) Filing of Complaints: The Commission estimates that, for present and future purposes, of an estimated total 600 annual complaints, 400 will be filed with the VPDs and 200 with the Commission.¹⁹ Of the 400 filed with the VPDs, the Commission estimates that approximately 20 percent will remain unresolved, and the complainants will then re-file their complaints with the Commission. The Commission also estimates that, for present and future purposes, of the estimated 400 complaints filed with the VPDs, 200 will be referred to video programmers. Of the 200 complaints filed with the Commission, the Commission estimates that 100 will also be referred to video programmers.

Annual Number of Respondents: 600 complainants

600 annual complaints (responses)

400 complaints to VPDs/year x 20% refiled with Commission = 80 refiled
complaints/year (responses)

Annual Number of Responses: 680 responses

The Commission estimates that the average burden for each consumer to prepare and submit the complaint to the VPD or directly to the FCC would be 1 hour, except for complaints being re-filed with the Commission, which the Commission estimates will require approximately 2 hours per complaint.²⁰

600 annual complaints x 1 hour/complaint = 600 hours

80 complaints re-filed with Commission annually x 2 hours/complaint = 160 hours

Annual Burden Hours: 760 hours

Annual “In-House” Costs: None

Annual Number of Respondents: 600

¹⁹ These estimates include informal complaints pursuant to 47 CFR § 79.1(e)(11)(iii) regarding captioning provided by a broadcast station that utilizes ENT.

²⁰ The estimates of the average burden for each consumer to prepare and submit the complaint directly to the FCC include complaints regarding captioning for a broadcast station that utilizes ENT to providing captioning pursuant to the procedures set forth in 47 CFR § 79.1(e)(11)(i).

- (b) VPD Responses to Complaints: The Commission assumes that VPDs will file a response to each complaint. The Commission estimates, for present and future purposes, that with 500 of the 600 annual complaints, received by VPDs either directly from the complainants or via forwarding by the Commission, VPDs will use “in-house” staff to respond to these complaints, and that with the other 100 VPDs will use outside legal counsel to prepare the responses. The Commission estimates, for present and future purposes, that the average burden for VPDs to prepare and submit an “in-house” response to each consumer complaint is 3 hours. The Commission further estimates that with the 100 complaints where VPDs will use outside legal counsel to prepare the responses, VPDs will spend 1 hour to coordinate each response with outside legal counsel. Likewise, the Commission estimates, for present and future purposes, that for the estimated 80 complaints per year that will be re-filed with the Commission, VPDs will use outside legal counsel to prepare responses to these re-filed complaints, and will spend 1 hour to coordinate each response with outside legal counsel.

500 complaint responses using “in-house” staff
100 complaint responses using outside legal counsel
80 responses to complaints re-filed with the Commission

Annual Number of Responses: 680 responses

500 “in-house” responses x 3 hours/response = 1,500 hours
100 outside legal counsel responses x 1 hour/response conferring with outside legal counsel on responses = 100 hours
80 responses to re-filed complaints x 1 hour/response conferring with outside legal counsel = 80 hours

Annual Burden Hours: 1,680 hours

The Commission estimates, for present and future purposes, that VPDs will use “in-house” legal and administrative staff earning the equivalent salary of a GS-14/step 5 level (\$65.88/hour) to prepare responses to consumer complaints, and to confer with outside legal counsel on the responses that it will prepare to consumer complaints and complaints re-filed with the Commission:

500 responses using “in-house” staff x 3 hours/response x \$65.88/hour = \$98,820
100 outside legal counsel responses to original complaints x 1 hour/response conferring with outside legal counsel x \$65.88/hour = \$6,588
80 outside legal counsel responses to re-filed complaints x 1 hour/response conferring with outside legal counsel x \$65.88/hour = \$5,270.40

Annual “In-House” Costs: $\$98,820 + \$6,588 + \$5,270.40 = \$110,678.40$

Annual Number of Respondents: 300

- (c) Video Programmer Responses to Complaints: The Commission requires that each video programmer file a response to each complaint referred to the video programmer. The Commission estimates, for present and future purposes, that with 250 of the 300 annual complaints, referred to video programmers from VPDs, video programmers will use “in-house” staff to respond to these complaints, and that with the other 50 complaints, video programmers will use outside legal counsel to prepare the responses. The Commission

estimates, for present and future purposes, that the average burden for video programmers to prepare and submit an “in-house” response to each consumer complaint is 3 hours.²¹ The Commission further estimates that with the 50 complaints where video programmers will use outside legal counsel to prepare the responses, video programmers will spend 1 hour to coordinate each response with outside legal counsel. Likewise, the Commission estimates, for present and future purposes, that for the estimated 80 complaints per year that will be re-filed with the Commission of which 40 are estimated to be referred to video programmers, video programmers will use outside legal counsel to prepare responses to these re-filed complaints, and will spend 1 hour to coordinate each response with outside legal counsel.

250 complaint responses using “in-house” staff
50 complaint responses using outside legal counsel
40 responses to complaints re-filed with the Commission

Annual Number of Responses: 340 responses

250 “in-house” responses x 3 hours/response = 750 hours
50 outside legal counsel responses x 1 hour/response conferring with outside legal counsel on responses = 50 hours
40 responses to re-filed complaints x 1 hour/response conferring with outside legal counsel = 40 hours

Annual Burden Hours: 840 hours

The Commission estimates, for present and future purposes, that video programmers will use “in-house” legal and administrative staff earning the equivalent salary of a GS-14/step 5 level (\$65.88/hour) to prepare responses to consumer complaints, and to confer with outside legal counsel on the responses that it will prepare to consumer complaints and complaints re-filed with the Commission:

250 responses using “in-house” staff x 3 hours/response x \$65.88/hour = \$49,410
50 outside legal counsel responses to original complaints x 1 hour/response conferring with outside legal counsel x \$65.88/hour = \$3,294
40 outside legal counsel responses to original complaints x 1 hour/response conferring with outside legal counsel x \$65.88/hour = \$2,635.20

Annual “In-House” Costs: \$49,410 + \$3,294 + \$2,635.20 = \$55,339.20

- (d) Re-filing of Misdirected Complaints: The Commission assumes, for present and future purposes, that 10 percent of the estimated 600 annual complaints will have to be re-filed by consumers because they were misdirected when first filed. As misdirected complaints will be returned to the consumer, none of these complaints will be referred to video programmers for investigation. The Commission estimates that the average burden for consumers to re-file such misdirected complaints will be approximately 30 minutes (0.5 hours) per complaint re-filed.

600 complaints x 10% re-filed = **60 re-filed complaints (responses)**

²¹ This estimate includes time “in-house” VPD staff spends providing assistance to video programmers in resolving complaints in accordance with 47 CFR § 79.1(g)(4)(iii)(A).

Annual Number of Responses: 60 responses

The number of respondents is already encompassed in the number of respondents noted in (a). This is a layout of the burden hours it would require for consumers to re-file complaints that were originally misdirected.

$$60 \text{ responses} \times 0.5 \text{ hours/response} = 30 \text{ hours}$$

Annual Burden Hours: 30 hours

Annual “In-House” Costs: None

- (e) Recordkeeping in Support of Complaint Responses: The Commission estimates, for present and future purposes, that the average annual burden for VPDs and video programmers to perform recordkeeping and to make information available upon request to the Commission will be 10 hours for each VPD or video programmer.²² The Commission believes that the VPDs and video programmers can perform these activities “in-house.”

9,006 VPDs
13,812 Video Programmers

Annual Number of Respondents: 22,818 Respondents

Annual Number of Responses: 22,818 sets of records kept (responses)

$$22,818 \text{ respondents} \times 10 \text{ hours/respondent} = 228,180 \text{ hours}$$

Annual Burden Hours for VPDs and video programmers to perform recordkeeping and to make closed captioning information available to viewers: 228,180 hours

The Commission estimates, for present and future purposes, that VPDs and video programmers will use clerical/administrative staff earning a salary equivalent to a GS-5/Step 5 level (\$21.34/hour) to perform recordkeeping and to make closed captioning information available to the Commission:

$$228,180 \text{ hours} \times \$21.34/\text{hour} = \$4,869,361.20$$

Annual “In-House” Costs: \$4,869,361.20

(5) *Closed captioning quality compliance ladder*

47 CFR § 79.1(g)(9) provides an informal method for VPDs and video programmers to resolve identified patterns or trends of noncompliance with the Commission’s closed captioning rules, without an enforcement action.

²² The Commission considers all of these recordkeeping and information provision requirements to constitute one response per VPD or video programmer or one set of records kept per VPD or video programmer, with the 10 hours per response encompassing the burdens associated with fulfilling these requirements. These recordkeeping and associated requirements would not apply to the approximately 30,000 community groups, local governments, educational institutions, and individuals who put programs on PEG channels that are exempt from the FCC’s closed captioning requirements.

Annual Number of Respondents: 2 Respondents

- (a) Initial Response to Pattern or Trend of Noncompliance: The Commission estimates that, for present and future purposes, it will annually identify approximately 2 patterns or trends of possible noncompliance by VPDs or video programmers necessitating a response. The Commission estimates that for 50 percent of the responses prepared VPDs and video programmers will use “in-house staff”, and that with the other 50 percent of responses prepared VPDs and video programmers will use outside legal counsel. The Commission estimates that the average burden for VPDs or video programmers to prepare and submit an “in-house” response to the pattern or trend of noncompliance is 10 hours. The Commission further estimates that with the 50 percent where VPDs and Video Programmers use outside legal counsel to prepare the responses, VPDs and video programmers will spend 2 hours to coordinate each response with outside legal counsel.

2 inquiries of noncompliance x 50% responses using “in-house” staff = 1 response using “in-house staff”

2 inquiries of noncompliance x 50% responses using outside legal counsel = 1 response using outside legal counsel

Annual Number of Responses: 2 Responses

1 “in-house” responses x 10 hours/response = 10 hours

1 outside legal counsel responses x 2 hour/response conferring with legal counsel on responses = 2 hours

Annual Burden Hours: 12 hours

The Commission estimates, for present and future purposes, that VPDs and video programmers will use “in-house” legal and/or administrative staff earning the equivalent salary of a GS-15/Step 5 level (\$77.49/hour) to prepare responses and to confer with outside legal counsel on the responses that it will prepare.

1 “in-house” responses x 10 hours x \$77.49/hour = \$774.90

1 outside legal counsel responses x 2 hours/response conferring with legal counsel x \$77.49/hour = \$154.98

Annual “In-House” Costs: \$774.90 + 154.98 = \$929.88

- (b) Corrective Action Plan: The Commission estimates that, for present and future purposes, it will identify approximately 1 further pattern or trend of possible noncompliance following the initial response to a pattern or trend of noncompliance requiring a VPD or video programmer to respond with a written action plan describing specific actions the VPD or video programmer will take to bring its closed captioning performance into compliance with the Commission’s closed captioning quality rules. The Commission further estimates that the response will be prepared jointly using the broadcast station’s “in house” staff and outside legal counsel, *e.g.*, attorneys in private law firms, with each spending 25 hours per response.

Annual Number of Responses: 1 response

1 corrective action plan x 25 hours/response = 25 hours

Annual Burden Hours: 25 hours

The Commission estimates, for present and future purposes, that VPDs and video programmers will use “in-house” legal and administrative staff earning the equivalent salary of a GS-15/step 5 level (\$77.49/hour) to jointly prepare corrective action plan with outside legal counsel:

1 corrective action plan x 25 hours x \$77.49/hour = \$3,041.50

Annual “In-House” Costs: \$1,937.25

(6) Provision of VPD contact information to viewers, subscribers, and FCC

47 CFR § 79.1(i) requires that VPDs make two kinds of contact information available to consumers: (1) contact information for the receipt and handling of immediate closed captioning concerns raised by consumers (e.g., the captions suddenly disappear or become garbled); and (2) contact information for the receipt and handling of written closed captioning complaints. All VPDs must place this information in telephone directories, in billing statements, to the extent they issue billing statements, and on their websites, if they have a website, and must provide their contact information to the FCC for posting on the FCC’s website. In addition, VPDs are required to keep this information current, and update it within 10 business days for websites (including the Commission’s website), by the next billing cycle for billing statements, and by the next publication of directories.

Annual Number of Respondents: 9,006 Respondents

- (a) The Commission estimates, for present and future purposes, that of the 9,006 VPDs, 8,956 VPDs will place one contact information listing in four telephone directories annually. The Commission further estimates that the remaining 50 VPDs are national or regional providers serving multiple markets, and that they will only place contact information listings in directories in markets where they directly do business. While the actual number of directories per provider will depend on the provider’s geographic reach, the Commission estimates that, on average, each of these 50 VPDs will place one contact information listing in 100 telephone directories annually.

Annual Responses: 8,956 VPDs x 4 listings/VPD/year = 35,824

50 VPDs x 100 listings/VPD/year = 5,000

40,824 listings (responses)

The Commission estimates, for present and future purposes, that 8,956 VPDs will spend approximately 1 hour each conferring with outside printing firms on how to compose the contact information to be placed in telephone directories. The Commission further estimates that the aforementioned 50 VPDs will spend approximately 10 hours each conferring with outside printing firms on how to compose the contact information to be placed in telephone directories.

Annual Burden Hours: 8,956 VPDs x 1 hour/VPD = 8,956

50 VPDs x 10 hours/VPD = 500

9,456 hours

The Commission estimates, for present and future purposes, that VPDs will use “in-house” legal and administrative staff earning the equivalent salary of a GS-13/step 5 level (\$55.75/hour) to confer with outside printing firms.

Annual “In-House” Costs: 8,956 VPDs x 1 hour/VPD x \$55.75/hour = \$499,297
50 VPDs x 10 hours/VPD x \$55.75/hour = \$ 27,875
\$527,172

- (b) Of the 4,959 subscription service providers, the Commission estimates, for present and future purposes, that 20 percent or 992 will have changed their contact information and that 5 percent or 248 will be new entrants annually. As a result, the Commission estimates that 1,240 subscription service providers will update or for the first time place contact information in billing statements, and that they will spend approximately 30 minutes (0.5 hours) doing so.²³

Annual Number of Responses: 1,240 responses

1,240 subscription service providers x 1 contact information placement or update/provider x 0.5 hours/contact information placement = **620 hours**

Annual Burden Hours = 620 hours

The Commission estimates, for present and future purposes, that 1,240 subscription service providers will use “in-house” clerical and administrative staff earning equivalent to a GS-5/step 5 salary (\$21.34/hour) to place contact information in billing statements:

620 hours x \$21.34/hour = \$13,230.80

Annual “In-House” Costs: \$13,230.80

- (c) Of the 9,006 VPDs, the Commission estimates, for present and future purposes, that 20 percent or 1,801 will have changed their contact information and that 5 percent or 450 will be new entrants annually. As a result, the Commission estimates that 2,251 VPDs will update or place contact information on their websites.

Annual Responses: 2,251 VPDs x 1 listing/VPD = 2,251 listings (responses)

The Commission estimates, for present and future purposes, that 2,251 VPDs will spend approximately 30 minutes (0.5 hours) each providing contact information on their websites:

Annual Burden Hours: 2,251 VPDs x 0.5 hours/VPD = 1,125.5 hours (1,126 hours rounded)

²³ Though billing statements typically are issued once per month, the Commission considers this a one-time burden because, once contact information is placed in billing statements, it need only be replicated in subsequent billing statements.

The Commission estimates, for present and future purposes, that 2,251 VPDs will use “in-house” clerical and administrative staff earning equivalent to a GS-5/step 5 salary (\$21.34/hour) to provide contact information:

Annual “In-House” Costs: 1,126 hours x \$21.34/hour = **\$24,028.84**

- (d) Of the 9,006 VPDs, the Commission estimates, for present and future purposes, that 20 percent or 1,801 will have changed their contact information and that 5 percent or 450 will be new entrants. As a result, the Commission estimates that 2,251 VPDs will update or provide contact information to the FCC.

Annual Responses: 2,251 VPDs x 1 filing/VPD = **2,251 filings (responses)**

The Commission estimates, for present and future purposes, that 2,251 VPDs will spend approximately 30 minutes (0.5 hours) each providing contact information to the FCC:

Annual Burden Hours: 2,251 VPDs x 1 filing/VPD x 0.5 hours/filing = **1,125.5 hours (1,126 hours rounded)**

The Commission estimates, for present and future purposes, that 2,251 VPDs will use “in-house” clerical and administrative staff earning equivalent to a GS-5/step 5 salary (\$21.34/hour) to provide contact information:

Annual “In-House” Costs: 1,126 hours x \$21.34/hour = **\$24,028.84**

(7) *Provision of video programmer contact information to the FCC*

47 CFR § 79.1(i) requires that video programmers provide their contact information to the FCC for posting on the FCC’s website. Video programmers are required to keep this information current and update it within 10 business days for the Commission’s website.

Annual Number of Respondents: **43,812 Respondents**

- (a) The Commission estimates, for present and future purposes, that 39,095 video programmers will provide contact information to the FCC.²⁴

Annual Responses: 43,812 video programmers x 1 filing/video programmer = **43,812 filings (responses)**

The Commission estimates, for present and future purposes that 43,812 video programmers will spend approximately 30 minutes (0.5 hours) each providing contact information to the FCC:

Annual Burden Hours: 43,812 video programmers x 1 filing/video programmer x 0.5 hours/filing = **21,906 hours**

²⁴ This estimate includes approximately 30,000 community groups, local governments, educational institutions, and individuals who put programs on PEG channels that are exempt from the FCC’s closed captioning requirements. The ACM Waiver Petition requests a waiver from the registration and certification requirements for those organizations and individuals.

The Commission estimates, for present and future purposes, that 43,812 video programmers will use “in-house” clerical and administrative staff earning equivalent to a GS-5/step 5 salary (\$21.34/hour) to provide contact information:

Annual “In-House” Costs: 21,906 hours x \$21.34/hour = **\$467,474.04**

- (b) Of the 43,812 video programmers, the Commission estimates for present and future purposes, that 20 percent or 8,762 (rounded) will have changed their contact information and that 5 percent or 2,191 (rounded) will be new entrants. As a result, the Commission estimates that 10,953 video programmers will update or provide contact information to the FCC.

Annual Number of Respondents: 10,953 Respondents

Annual Responses: 10,953 video programmers x 1 filing/video programmer = **10,953 filings (responses)**

The Commission estimates, for present and future purposes, that 10,953 video programmers will spend approximately 30 minutes (0.5 hours) each providing contact information to the FCC:

Annual Burden Hours: 10,953 video programmers x 1 filing/video programmers x 0.5 hours/filing = **5,476.5 hours (5,477 hours rounded)**

The Commission estimates, for present and future purposes, that 10,953 video programmers will use “in-house” clerical and administrative staff earning equivalent to a GS-5/step 5 salary (\$21.34/hour) to provide contact information:

Annual “In-House” Costs: 5,477 hours x \$21.34/hour = **\$116,879.18**

(8) *Video Programmer Agreements with Captioning Vendors*

- (a) New and Renewed Agreements between Video Programmers and Captioning Vendors:

Annual Number of Respondents: 300 Respondents

47 CFR § 79.1(k)(1)(i) requires video programmers adopting Best Practices to include the following in new or renewed agreements with captioning vendors: (1) Performance requirements comparable to those described in 47 CFR § 79.1(k)(2), (k)(3), and (k)(4); (2) a means of verifying compliance with such performance requirements; and (3) provisions designed to ensure that captioning vendors’ employees and contractors who provide caption services have received appropriate training and that there is oversight of individual captioners’ performance.

- (i) Video Programmers. The Commission estimates that, for present and future purposes, each year approximately 300 video programmers will be required to enter into new or renewed agreements with captioning vendors as required by 47 CFR § 79.1(k)(1)(i). The Commission estimates that each of the 300 video programmers will have to enter into new or renewed agreements with approximately 2 captioning vendors, on average.

300 video programmers x 2 new or renewed agreements = 600 new or renewed agreements

Annual Number of Responses: 600 Responses

The Commission estimates, for present and future purposes, that for 50 percent of the 600 annual new or renewed contracts, video programmers will use “in-house” legal staff to prepare these new or renewed contracts and that for the other 50 percent video programmers will use outside legal counsel to prepare these new or renewed contracts. The Commission estimates, for present and future purposes, that the average burden for video programmers to prepare a new or renewed agreement “in-house” is 10 hours. The Commission further estimates that with the 50 percent of new or renewed agreements where video programmers use outside legal counsel to prepare the responses, video programmers will spend an hour to coordinate each new or renewed agreement with outside legal counsel.

600 responses x 50% using “in-house” staff = 300 new or renewed agreements using “in-house” staff

600 responses x 50% using outside legal counsel = 300 new or renewed agreements using outside legal counsel

300 “in-house” responses x 10 hours/response = 3,000 hours

300 outside legal counsel responses x 1 hour conferring with outside legal counsel on responses = 300 hours

Annual Burden Hours: 3,000 hours + 300 hours = 3,300 hours

The Commission estimates, for present and future purposes, that video programmers will use “in-house” legal staff earning the equivalent salary of a GS-14/step 5 level (\$65.88/hour) to prepare new or renewed agreements with captioning vendors, and to confer with outside legal counsel on the new or renewed agreements.

300 “in-house” responses x 10 hours/response x \$65.88/hour = \$197,640

300 outside legal counsel responses x 1 hour/response conferring with outside legal counsel x \$65.88/hour = \$19,764

Annual “In-House” Costs: \$197,640 + \$19,764 = \$217,404

- (ii) Captioning vendors. The Commission estimates that, for present and future purposes, approximately 2 captioning vendors per video programmer, on average, will be required to enter into new or renewed agreements with each video programmer as required by 47 CFR § 79.1(k)(1)(i).

300 video programmers x 2 new or renewed agreements = 600 new or renewed agreements

Annual Number of Responses: 600 Responses

The Commission estimates, for present and future purposes, that for 50 percent of the 600 annual new or renewed contracts, captioning vendors will use “in-house” legal staff to prepare these new or renewed contracts and that for the other 50 percent

captioning vendors will use outside legal counsel to prepare these new or renewed contracts. The Commission estimates, for present and future purposes, that the average burden for captioning vendors to prepare a new or renewed agreement “in-house” is 10 hours. The Commission further estimates that with the 50 percent of new or renewed agreements where captioning vendors use outside legal counsel to prepare the responses, captioning vendors will spend an hour to coordinate each new or renewed agreement with outside legal counsel.

600 responses x 50% using “in-house” staff = 300 new or renewed agreements using “in-house” staff

600 responses x 50% using outside legal counsel = 300 new or renewed agreements using outside legal counsel

300 “in-house” responses x 10 hours/response = 3,000 hours

300 outside legal counsel responses x 1 hour conferring with outside legal counsel on responses = 300 hours

Annual Burden Hours: 3,000 hours + 300 hours = **3,300 hours**

The Commission estimates, for present and future purposes, that captioning vendors will use “in-house” legal staff earning the equivalent salary of a GS-14/step 5 level (\$60.83/hour) to prepare new or renewed agreements with video programmers, and to confer with outside legal counsel on the new or renewed agreements.

300 “in-house” responses x 10 hours/response x \$60.83/hour = \$197,640

300 outside legal counsel responses x 1 hour/response conferring with outside legal counsel x \$65.88/hour = \$19,764

Annual “In-House” Costs: \$197,640 + \$19,764 = **\$217,404**

- (b) Video Programmer Staff Contacts: The Commission estimates that, for present and future purposes, approximately 900 video programmers will provide to captioning vendors appropriate staff contacts who can assist in resolving captioning issues and make such contact information readily available in master control or other centralized location.

Annual Number of Respondents: 900 Respondents

The Commission estimates that, for present and future purposes, each video programmer will make contact information for staff to assist in resolving captioning issues available at one centralized location for each captioning vendor that provides them with captioning services.

900 respondents x 1 provision of contact information = **900 provisions of contact information annually (responses)**

The Commission estimates that the average burden to complete all aspects of each provision of contact information may require 1 hour.

Annual Burden Hours: 900 provisions of contact information x 1 hour/provision of contact information = **900 hours**

The Commission estimates, for present and future purposes, that video programmers will use “in-house” staff earning the equivalent of a GS-12/step 5 level (\$46.88) to make appropriate staff contact information available,

Annual “In-House” Costs: 900 provisions of contact information x 1 hour/provision of contact information x \$46.88 = **\$42,192**

- (c) Video Programmer Log of Reported Captioning Issues: The Commission estimates that, for present and future purposes, approximately 1,800 video programmers will adopt Best Practices and therefore be required to maintain a log of reported captioning issues.

Annual Number of Respondents: 1,800

The Commission estimates that, for present and future purposes, each respondent will maintain one log of reported captioning issues.

Annual Number of Responses: 1,800 complaint logs kept (responses)

The Commission estimates that, for present and future purposes, the average burden to complete all aspects of the log of reported captioning issues, including collecting reports of captioning issues and entering the required information into the log, may require 30 hours.

Annual Burden Hours: 1,800 responses x 30 hours = 54,000 hours

The Commission estimates that, for present and future purposes, the video programmers will use “in-house” staff earning a salary equivalent to a GS-5/step 5 level (\$21.34/hour) to perform all aspects of maintaining the log of reported captioning issues, including collecting reports of captioning issues and entering the required information into the log.

Annual “In-House” Costs: 1,800 responses x 30 hours x \$21.34/hour = **\$1,152,360**

- (d) Video Programmer Procedures for Troubleshooting Consumer Captioning Complaints: The Commission estimates that, for present and future purposes, approximately 900 video programmers will adopt Best Practices and therefore be required to develop procedures for troubleshooting consumer captioning complaints within the distribution chain.

Annual Number of Respondents: 900

The Commission estimates that, for present and future purposes, each respondent will develop one set of procedures for troubleshooting consumer captioning complaints, and that 25 video programmers will develop new procedures each year, and 875 video programmers will update procedures each year.

Annual Number of Responses: 900 sets of troubleshooting procedures (responses)

The Commission estimates that, for present purposes, the average burden to complete all aspects of the development of procedures for troubleshooting consumer captioning complaints, will require 20 hours for new procedures and 5 hours to update procedures.

Development of new procedures: 25 responses x 20 hours = 500 hours

Update procedures: 875 responses x 5 hours = 4,375 hours

Annual Burden Hours: 500 hours + 4,375 hours = **4,875 hours**

The Commission estimates that, for present and future purposes, the Video Programmers will use “in-house” staff earning a salary equivalent to a GS-14/step 5 level (\$65.88/hour) to complete all aspects of the development of procedures for troubleshooting consumer captioning complaints.

Annual “In-House” Costs: 4,875 hours x \$65.88/hour = **\$321,165**

(9) Real-Time (Live) Captioning Vendors’ Best Practices

- (a) Evaluations and Audits: The Commission estimates that, for present and future purposes, approximately 25 real-time captioning vendors will be required to establish minimum acceptable standards annually. Approximately 875 real-time captioning vendors will be reviewing and updating minimum acceptable standards annually and are required to perform frequent and regular evaluations and audits to ensure they are maintained.

Annual Number of Respondents: 900

- (i) Establishing or modifying minimum acceptable standards.

The Commission estimates that, for present and future purposes, approximately 25 real-time captioning vendors will establish 1 set of minimum acceptable standards, and approximately 875 real-time captioning vendors will review and update 1 set of standards annually.

Annual Number of Responses: 900

The Commission estimates that, for present and future purposes, the average burden to complete all aspects of the development of minimum acceptable standards will require 20 hours, and to review and update the procedures will require 5 hours annually.

Annual Burden Hours:

25 responses x 20 hours = 500 hours plus

875 x 5 hours = 4,375 hours

500 hours + 4,375 hours = **4,875 hours**

The Commission estimates that, for present and future purposes, real-time captioning vendors will use “in-house” staff earning a salary equivalent to a GS-14/step 5 level (\$65.88/hour) to complete all aspects of the development of minimum acceptable standards.

Annual “In-House” Costs: 4,875 hours x \$65.88/hour = **\$321,165**

(ii) Frequent and regular evaluations and audits.

The Commission estimates that, for present and future purposes, approximately 900 real-time captioning vendors will perform on average 25 evaluations and audits annually.

Annual Number of Responses: 900 respondents x 25 evaluations and audits = **22,500**

The Commission estimates that, for present and future purposes, the average burden to complete all aspects of the evaluations and audits, may require 2 hours.

Annual Burden Hours: 22,500 responses x 2 hours = **45,000 hours**

The Commission estimates that, for present and future purposes, real-time captioning vendors will use “in-house” staff earning a salary equivalent to a GS-12/step 5 level (\$46.88/hour) to complete all aspects of the evaluations and audits.

Annual “In-House” Costs: 22,500 responses x 2 hours x \$46.88/hour = **\$2,109,600**

- (b) Review of Discrepancy Reports: The Commission estimates that, for present and future purposes, approximately 900 real-time captioning vendors will be required to regularly review discrepancy reports in order to correct issues and avoid future issues.

The Commission estimates, for present and future purposes, that each real-time captioning vendor will review 100 discrepancy reports annually.

Annual Number of Responses: 900 real-time captioning vendors x 100 discrepancy reports = **90,000 responses**

The Commission estimates, for present and future purposes, that the average burden to complete all aspects of the regular review of discrepancy reports may require 0.5 hours.

Annual Burden Hours: 90,000 responses x 0.5 hours = **45,000 hours**

The Commission estimates that, for present and future purposes, real-time captioning vendors will use “in-house” staff earning a salary equivalent to a GS-12/step 5 level (\$46.88/hour) to complete all aspects of the regular review of discrepancy reports.

Annual “In-House” Costs: 90,000 responses x 0.5 hours/response x \$46.88 = **\$2,109,600**

(10) Real-Time Captioners’ Best Practices

Annual Number of Respondents: 9,000

(a) Filing of Discrepancy Reports: The Commission estimates that, for present and future purposes, approximately 9,000 real-time captioners will be required to file thorough discrepancy reports with captioning vendors in a timely manner.

The Commission estimates that, for present and future purposes, each real-time captioner will file 10 discrepancy reports annually.

Annual Number of Responses: 9,000 real-time captioners x 10 discrepancy reports = **90,000 responses**

The Commission estimates, for present and future purposes, that the average burden to complete all aspects of the filing of discrepancy reports with captioning vendors may require 1 hour.

Annual Burden Hours: 90,000 responses x 1 hour = **90,000 hours**

The Commission estimates that, for present and future purposes, real-time captioners will use “in-house” staff earning a salary equivalent to a GS-12/step 5 level (\$46.88/hour) to complete all aspects of the filing of discrepancy reports.

Annual “In-House” Costs: 90,000 responses x 1 hour/response x \$46.88 = **\$4,219,200**

(11) *Offline (Prerecorded) Captioning Vendors’ Best Practices*

Annual Number of Respondents: 25

(a) Manual of Style: The Commission estimates that, for present and future purposes, approximately 25 offline captioning vendors will be required to create, modify, or designate a manual of style to be applied in an effort to achieve uniformity in presentation.

The Commission estimates that, for present and future purposes, 1 respondent will create a manual of style, 4 respondents will update a manual of style, and 20 respondents will designate a manual of style annually.

Annual Number of Responses: 25

The Commission estimates that, for present and future purposes, the average burden to complete all aspects of the creation of a manual of style requires 25 hours, to update a manual of style requires 10 hours each year, and to designate a manual of style requires 1 hour.

Annual Burden Hours:

1 respondents x 1 creation of manual (response) x 25 hours = 25 hours

4 respondents x 1 update of manual (responses) x 10 hours = 40 hours

20 respondents x 1 designation of manual (responses) x 1 hour = 20 hours

Annual Burden Hours: 25 hours + 40 hours + 20 hours = **85 hours**

The Commission estimates that offline captioning vendors will use “in-house” staff earning a salary equivalent to a GS-14/step 5 level (\$65.88/hour) to complete all aspects of the creation or designation of a manual of style.

Annual “In-House” Costs: 85 hours x \$65.88/hour = **\$5,599.80**

- (b) Evaluations: The Commission estimates, for present and future purposes, that approximately 900 offline captioning vendors will be required to employ frequent and regular evaluations to ensure standards are maintained.

Annual Number of Respondents: **900**

The Commission estimates that, for present and future purposes, each offline captioning vendor will perform an average of 25 evaluations annually.

Annual Number of Responses: 900 respondents x 25 evaluations = **22,500**

The Commission estimates that, for present and future purposes, the average burden to complete all aspects of the evaluations requires 2 hours.

Annual Burden Hours: 22,500 responses x 2 hours = **45,000 hours**

The Commission estimates that, for present and future purposes, real-time captioning vendors will use “in-house” staff earning a salary equivalent to a GS-12/step 5 level (\$46.88/hour) to complete all aspects of the evaluations.

Annual “In-House” Costs: 22,500 responses x 2 hours x \$46.88/hour = **\$2,109,600**

(12) *Caption Quality Certification – 47 CFR § 79.1(j)(1)*

Until 47 CFR § 79.1(m) becomes effective, 47 CFR § 79.1(j)(1) requires VPDs to exercise best efforts to obtain a certification from each video programmer from which the distributor obtains programming stating (i) that the video programmer’s programming satisfies the caption quality standards of 47 CFR § 79.1(j)(2); (ii) that in the ordinary course of business, the video programmer has adopted and follows the Best Practices set forth in 47 CFR § 79.1(k)(1); or (iii) that the video programmer is exempt from the closed captioning rules under one or more properly attained exemptions.

(a) Broadcast Stations: _

- (i) Best efforts to obtain certifications and informing video programmers that they must make certifications widely available.

Annual Number of Respondents: **1,000 Respondents**

The Commission estimates that, for present and future purposes, approximately 1,000 broadcast stations will be required to exercise best efforts for each to obtain certifications from an average of 5 video programmers.

1,000 broadcast stations x 5 responses = 5,000 responses

Annual Number of Responses: 5,000

The Commission estimates that the average burden to exercise best efforts to obtain certifications and inform video programmers in writing that they must make certifications widely available may require 5 hours per broadcast station.

1,000 broadcast stations x 5 responses x 1 hour/video programmer = 5,000 hours

Annual Burden Hours: 5,000 hours

The Commission estimates, for present and future purposes, that broadcast stations will use “in-house” staff earning the equivalent salary of a GS-12/Step 5 level (\$46.88) to complete all aspects of each certification process.

Annual “In-House” Costs: 1,000 broadcast stations x 5 hours/station x \$46.88
= **\$234,400**

(ii) Reporting non-certifying video programmers to the Commission.

The Commission estimates that, for present and future purposes, approximately 10 broadcast stations will be required to report to the Commission on average 2 video programmers that fail to make certifications widely available.

Annual Number of Responses: 20

10 broadcast stations x 2 video programmers that fail to make certifications widely available = **20 responses**

The Commission estimates, for present and future purposes, that broadcast stations will use “in-house” staff to make 50 percent of the reports to the Commission regarding video programmers that fail to make certifications widely available and that broadcast stations will use outside counsel to make the other 50 percent of the reports. The Commission estimates, for present and future purposes, that the average burden for broadcast stations to prepare and submit an “in-house” report to the Commission is 1 hour. The Commission further estimates that with the 50 percent of reports where broadcast stations will use outside legal counsel to prepare the reports, broadcast stations will spend 0.5 hours conferring with outside legal counsel regarding each report.

20 responses x 50% responses using “in-house” staff = 10 reports using “in-house” staff

20 responses x 50% responses using outside legal counsel = 10 reports using outside legal counsel

10 “in-house” responses x 1 hour/response = 10 hours

10 outside legal counsel responses x 0.5 hours/response conferring with outside legal counsel on responses = 5 hours

Annual Burden Hours: 10 hours + 5 hours = 15 hours

The Commission estimates, for present and future purposes, that broadcast stations will use “in-house” legal and administrative staff earning the equivalent salary of a GS-12/step 5 level (\$46.88) to prepare and submit reports regarding video programmers that fail to make certifications widely available and to confer with outside legal counsel on the responses that it will prepare.

10 responses using “in-house” staff x 1 hour/response x \$46.88/hour = \$468.80

10 outside legal counsel responses x 0.5 hours/response conferring with outside legal counsel x \$46.88/hour = \$234.40

Annual “In-House” Costs: \$468.80 + \$234.40 = \$703.20

(b) MVPDs:

- (i) Best efforts to obtain certifications and informing video programmers that they must make certifications widely available.

Annual Number of Respondents: 500 Respondents

Annual Number of Responses: 5,000

The Commission estimates that, for present and future purposes, approximately 500 MVPDs will each be required to exercise best efforts to obtain an average of 10 certifications from their video programmer providers.

500 MVPDs x 10 responses = 5,000 responses

The Commission estimates that the average burden to exercise best efforts to obtain certifications and inform video programmers in writing that they must make certifications widely available may require 10 hours per MVPD.

500 MVPDs x 10 responses x 1 hour/response = 5,000 hours

Annual Burden Hours: 5,000 hours

The Commission estimates, for present and future purposes, that MVPDs will use “in-house” staff earning the equivalent salary of a GS-12/Step 5 level (\$46.88) to complete all aspects of each certification process.

Annual “In-House” Costs: 500 MVPDs x 10 responses x 1 hour/response x \$46.88 = \$234,400

- (ii) Reporting non-certifying video programmers to the Commission.

The Commission estimates that, for present and future purposes, approximately 10 MVPDs will be required to report to the Commission on average of 10 video programmers that fail to make certifications widely available.

Annual Number of Responses: 100

10 MVPDs x 10 video programmers = **100 responses**

The Commission estimates, for present and future purposes, that MVPDs will use “in-house” staff to make 50 percent of the reports to the Commission regarding video programmers that fail to make certifications widely available and that MVPDs will use outside counsel to make the other 50 percent of the reports. The Commission estimates, for present and future purposes, that the average burden for MVPDs to prepare and submit an “in-house” report to the Commission is 1 hour. The Commission further estimates that with the 50 percent of reports where MVPDs will use outside legal counsel to prepare the reports, MVPDs will spend 0.5 hours conferring with outside legal counsel regarding each report.

100 responses x 50% responses using “in-house” staff = 50 reports using “in-house” staff

100 responses x 50% responses using outside legal counsel = 50 reports using outside legal counsel

50 “in-house” responses x 1 hour/response = 50 hours

50 outside legal counsel responses x 0.5 hours/response conferring with outside legal counsel on responses = 25 hours

Annual Burden Hours: 50 hours + 25 hours = 75 hours

The Commission estimates, for present and future purposes, that MVPDs will use “in-house” legal and administrative staff earning the equivalent salary of a GS-12/step 5 level (\$46.88) to prepare and submit reports regarding video programmers that fail to make certifications widely available and to confer with outside legal counsel on the responses that it will prepare.

50 responses using “in-house” staff x 1 hour/response x \$46.88/hour = \$2,344

50 outside legal counsel responses x 0.5 hours/response conferring with outside legal counsel x \$46.88/hour = \$1,172

Annual “In-House” Costs: \$2,344 + \$1,172 = \$3,516

- (c) Video Programmers: The Commission estimates that, for present and future purposes, approximately 1,000 Video Programmers will be required to provide widely available certifications to their VPDs.

Annual Number of Respondents: 1,000 Respondents

Annual Number of Responses: 1,000

The Commission estimates that the average burden to provide widely available certifications to VPDs may require 5 hours per Video Programmer.

1,000 Video Programmers x 5 hours/Video Programmer = 5,000 hours

Annual Burden Hours: 5,000 hours

The Commission estimates, for present and future purposes, that Video Programmers will use “in-house” staff earning the equivalent salary of a GS-12/Step 5 level (\$46.88) to complete all aspects of each certification process.

Annual “In-House” Costs: 1,000 Video Programmers x 5 hours/Video Programmer x \$46.88 = **\$234,400**

(13) Caption Quality Certification – 47 CFR § 79.1(m)

Upon taking effect, 47 CFR § 79.1(m) will require each video programmer to submit to the FCC a certification of compliance with the FCC’s closed captioning quality rules through a web form located on the FCC’s website. At that time, 47 CFR § 79.1(j)(1) will no longer be in effect.

Annual Number of Respondents: 43,812

Annual Number of Responses: 43,812 certifications

Video programmers: The Commission estimates that, for present and future purposes, approximately 43,812 video programmers will be required to prepare and submit certifications to the FCC annually for a total of 43,812 certifications.²⁵

The Commission estimates that, for present and future purposes, that the average burden to provide certifications to the FCC will require 2 hours per Video Programmer.

43,812 Video Programmers x 2 hours/Video Programmer = 87,624 hours

Annual Burden Hours: 87,624 hours

The Commission estimates, for present and future purposes, that Video Programmers will use “in-house” staff earning the equivalent salary of a GS-12/Step 5 level (\$46.88) to complete all aspects of each certification process

Annual “In-House” Costs: 43,812 Video Programmers x 2 hours/Video Programmer x \$46.88/hour = **\$4,107,813.12**

FINAL INFORMATION COLLECTION REQUIREMENTS:

Total Number of Respondents: 64,218

Total Annual Number of Responses: 521,074

Total Annual Burden Hours: 727,143 hours

Total Annual “In-House” Costs: \$26,519,700.60

²⁵ This estimate includes approximately 30,000 community groups, local governments, educational institutions, and individuals who put programs on PEG channels that are exempt from the FCC’s closed captioning requirements. The ACM Waiver Petition requests a waiver from the registration and certification requirements for those organizations and individuals.

INFORMATION COLLECTION REQUIREMENTS

Existing (Final) Information Collection Requirements:	Number of Respondents	Number of Responses	Estimated Hourly Burden	Annual Burden Hours	Annual “In-House” Costs
(1) Records of Monitoring and Maintenance Activities	9,006	113,472	0.5	56,736 hours	\$2,659,783.68
(2) ENT Compliance					
(2)(a) Initial Response to Pattern or Trend of Noncompliance	Included under (1)	2	2-10	12 hours	\$929.88
(2)(b) corrective Action Plan	Included under (1)	1	25	25 hours	\$1,937.25
(3) Petitions for Individual Exemption					
(3)(a) Filing of Petitions	Included under (1)	10	2-10	76 hours	\$5,006.88
(3)(b) Filing of Responses	10	10	0-5	7 hours	\$461.16
(3)(c) Replies to Oppositions	Included under (1)	10	Already included under (3)(a)	Already included under (3)(a)	Already included under (3)(a)
(4) Complaints alleging violations of the closed captioning rules					
(4)(a) Consumers filing complaints	600	680	1-2	760 hours	n/a
(4)(b) VPDs Responses to Complaints	Included under 4(e)	680	1-3	1,680 hours	\$110,678.40
(4)(c) Video Programmers Responses to Complaints	Included under 4(e)	340	1-3	840 hours	\$55,339.20
(4)(d) Refiling of Misdirected Complaints	Included under 4(a)	60	0.5	30 hours	n/a
(4)(e) Recordkeeping in Support of Complaint Responses	Included under (1) and (7)(a)	22,818	10	228,180 hours	\$4,869,361.20
(5) Closed Captioning Quality Compliance Ladder					
(5)(a) Initial Response to Pattern or Trend of Noncompliance	Included under (1)	2	2-10	12 hours	\$929.88
(5)(b) Corrective Action Plan for pattern or trend of noncompliance	Included under (1)	1	25	25 hours	\$1,937.25

(6) Provision of VPD contact information to viewers, subscribers, and FCC					
(6)(a) VPDs provide contact information in telephone directories	Included under (1)	40,824	1-10	9,456 hours	\$527,172.00
(6)(b) VPDs provide updated or new contact information in billing statements	Included under (1)	1,240	0.5	620 hours	\$13,230.80
(6)(c) VPDs place updated or new contact information on their websites	Included under (1)	2,251	0.5	1,126 hours	\$24,028.84
(6)(d) VPDs provide updated or new contact information to FCC	Included under (1)	2,251	0.5	1,126 hours	\$24,028.84
(7) Provision of Video Programmers contact information to the FCC					
(7)(a) Video programmers contact information to the FCC	43,812	43,812	0.5	21,906 hours	\$467,474.04
7(b) Video providers provide updated or new contact information to FCC	Included under (7)(a)	10,953	0.5	5,477 hours	\$116,879.18
(8) Video Programmer Agreements with Captioning Vendors					
(8)(a)(i) New and Renewed Agreements – Video Programmers	Included under (7)(a)	600	1-10	3,300 hours	\$217,404.00
(8)(a)(ii) New and Renewed Agreements – Captioning Vendors	Included under (9)(a)(i) and (11)(a)	600	1-10	3,300 hours	\$217,404.00
(8)(b) Video Programmer Staff Contacts	Included under (7)(a)	900	1	900 hours	\$42,192.00
(8)(c) Video Programmer Log of Reported Captioning Issues	Included under (7)(a)	1,800	30	54,000 hours	\$1,152,360.00
(8)(d) Video Programmer Procedures for Troubleshooting Captioning Complaints	Included under (7)(a)	900	5-20	4,875 hours	\$321,165.00
(9) Real-Time (Live) Captioning Vendor Best Practices					
(9)(a)(i) Evaluations and Audits	900	900	5-20	4,875 hours	\$321,165.00
(9)(a)(ii) Frequent and regular evaluations and	Included under (9)(a)(i)	22,500	2	45,000 hours	\$2,109,600.00

audits					
(9)(b) Review of Discrepancy Reports	Included under (9)(a)(i)	90,000	0.5	45,000 hours	\$2,109,600.00
(10) Real-Time Captioners Best Practices – Filing of Discrepancy Reports	9,000	90,000	1	90,000 hours	\$4,219,200.00
(11) Offline (Prerecorded) Captioning Vendors Best Practices					
(11)(a) Manual of Style	Included under (11)(b)	25	1-25	85 hours	\$5,599.80
(11)(b) Evaluations	900	22,500	2	45,000 hours	\$2,109,600.00
(12) Caption Quality Certification					
(12)(a)(i) Broadcast Stations Obtaining Certifications	Included under (1)	1,000	5	5,000 hours	\$234,400.00
(12)(a)(ii) Broadcast Stations Reporting Non-Certifying Video Programmers	Included under (1)	20	0.5-1	15 hours	\$703.20
(12)(b)(i) MVPDs Obtaining Certifications	Included under (1)	5,000	1	5,000 hours	\$234,400.00
(12)(b)(ii) MVPDs Reporting Non-Certifying Video Programmers	Included under (1)	100	0.5-1	75 hours	\$3,516.00
(12)(c) Video Programmer Certifications	Included under (7)(a)	1,000	5	5,000 hours	\$234,400.00

(13) Caption Quality Certifications	Included under (7)(a)	43,812	2	87,624 hours	\$4,107,813.12
TOTALS	64,218	521,074	0.5-30	727,143	\$26,519,700.60

13. The following represents the Commission's estimate of annual cost burdens to respondents resulting from respondents' consultation time with outside legal counsel:

(A) ENT Compliance

In Section 12(2)(a)(ii), the Commission estimates that broadcast stations will use outside legal counsel for an average of 50% of the 2 initial responses to a pattern or trend of noncompliance with 47 CFR § 79.1(e)(11). The Commission further estimates that outside legal counsel will require 10 hours per response to prepare the initial response and will charge \$500.00 per hour for legal services.

1 response (on average) x 10 hours x \$500.00/hour "outside" legal fee = \$5,000.00

In Section 12(2)(b)(ii), the Commission estimates that broadcast stations will use outside legal counsel to assist with the preparation of 1 corrective action plan in response to a further pattern or trend of noncompliance with 47 CFR § 79.1(e)(11). The Commission further estimates that outside counsel will require 25 hours per response to prepare the response, and will charge \$500.00 per hour for legal services.

1 response (on average) x 25 hours x \$500.00/hour "outside" legal fee = \$12,500.00

Total Annual Cost: \$5,000.00 + \$12,500.00 = \$17,500.00

(B) Filing of Individual Exemption Petitions

In Section 12(3)(a)(ii) above, the Commission estimates that 30% of 10 annual individual exemption petitions will be filed by outside legal counsel, who will prepare the petitions for exemption, reply comments and associated certifications. The Commission further estimates that these assignments may require 10 hours per petition, and that outside legal counsel will charge \$500.00 per hour for legal services:

3 petitions x 10 hours/petition = 30 hours

30 hours x \$500.00/hour legal services = \$15,000.00

Total Annual Cost: \$15,000.00

(C) Responses to Individual Exemption Petitions

In Section 12(3)(b)(ii) above, the Commission estimates that 90 percent of 10 annual oppositions to individual exemption petitions will be prepared using outside legal counsel. Of the resulting 9 oppositions to be prepared by outside legal counsel, the Commission estimates that 8 will be prepared on a *pro bono* (without cost to the respondent) basis, and that 1 will be prepared by paid outside counsel. The Commission

further estimates that these assignments may require 5 hours per response, and that outside legal counsel will charge \$500.00 per hour for legal services:

1 opposition x 5 hours/opposition = 5 hours

5 hours x \$500.00/hour legal services = \$2,500.00

Total Annual Cost: \$2,500.00

(D) VPD Responses to Consumer Complaints Alleging Violation of Closed Captioning Rules

In Section 12(4)(b) above, the Commission estimates that with 100 of the estimated 600 annual complaints, VPDs will use outside legal counsel to prepare responses to the complaints. The Commission further estimates that outside legal counsel will spend 3 hours per response and charge \$500.00 per hour for legal services.

100 responses x 3 hours/response = 300 hours

300 hours x \$500.00/hour outside legal services = \$150,000.00

Total Annual Cost: \$150,000.00

(E) VPD Responses to Re-filed Complaints Submitted to the Commission

In Section 12(4)(a) above, the Commission estimates that 20 percent of 400 complaints originally filed with VPDs will be re-filed with the Commission. The Commission assumes that of the resulting 80 complaints per year that will be re-filed with the Commission, VPDs will use outside legal counsel to prepare responses to all of these re-filed complaints. The Commission further estimates that outside legal counsel will require 3 hours to prepare, submit and serve responses to each complaint re-filed with the FCC, and will charge \$500.00 per hour for legal services.

80 responses x 3 hours/response = 240 hours

240 hours x \$500.00/hour "outside" legal fee = \$120,000.00

Total Annual Cost: \$120,000.00

(F) Vide Programmer Responses to Consumer Complaints Alleging Violations of Closed Captioning Rules

In Section 12(4)(c) above, the Commission estimates that for 50 of the estimated 300 annual complaints referred to video programmers, video programmers will use outside legal counsel to prepare responses to the complaints. The Commission further estimates that outside legal counsel will spend 3 hours per response and charge \$500.00 per hour for legal services

50 responses x 3 hours/response = 150 hours

150 hours x \$500.00/hour outside legal services = \$75,000

Total Annual Cost: \$75,000

(G) Video Programmer Responses to Re-filed Complaints Submitted to the Commission

In Section 12(4)(c) above, the Commission estimates that 20 percent of 400 complaints originally filed with VPDs will be re-filed with the Commission, and that 50 percent of those 80 refiled complaints will be referred to video programmers. The Commission assumes that video programmers will use outside legal counsel to prepare responses to all 40 of these re-filed complaints. The Commission further estimates that outside legal counsel will require 3 hours to prepare, submit, and serve responses to each complaint re-filed with the FCC, and will charge \$500.00 per hour for legal services.

40 responses x 3 hours/response = 120 hours

120 hours x \$500.00/hour "outside" legal fee = \$60,000.00

Total Annual Cost: \$60,000.00

(H) Closed Captioning Quality Compliance Ladder

In Section 12(5)(a) above, the Commission estimates that with 50 percent of the estimated 2 responses to a pattern or trend of noncompliance with the Commission's closed captioning quality rules, VPDs and video programmers will use outside legal counsel. The Commission further estimates that outside legal counsel will spend 10 hours per response and charge \$500.00 per hour for legal services.

1 responses x 10 hours/response = 10 hours

10 hours x \$500.00/hour outside legal services = \$5,000

In Section 12(5)(b) above, the Commission estimates that with the estimated 1 corrective action plan in response to a further pattern or trend of noncompliance, VPDs and video programmers will use outside legal counsel to jointly prepare a response with "in house" staff. The Commission further estimates that outside legal counsel will require 25 hours per response to work with "in house" staff to prepare the corrective action plans and will charge \$500.00 per hour for legal services.

1 corrective action plan x 25 hours = 25 hours

25 hours x \$500.00/hour outside legal services = \$12,500

Total Annual Cost: \$5,000 + \$12,500 = \$17,500

(I) Placing Contact Information in Telephone Directories

In Section 12(6)(a) above, the Commission estimates that each of 8,956 VPDs will hire an outside printing firm to place complaints-related contact information into an average of 4 telephone directories annually, and each of 50 VPDs will hire an outside printing firm to place complaints-related contact information into an average of 100 telephone directories annually. The Commission further estimates that each outside printing firm

will charge a flat rate of \$756 per year, per listing, to place the required contact information in telephone directories.²⁶

8,956 VPDs x 4 annual listings/VPD x \$756/annual listing =	\$27,082,944.00
50 VPDs x 100 annual listings/VPD x \$756/annual listing =	<u>\$3,780,000.00</u>
	\$30,862,944.00

Total Annual Cost: \$30,862,944.00

(J) Video Programmer Agreements with Captioning Vendors

In Section 12(8)(a)(i), the Commission estimates that video programmers that adopt Best Practices will use outside legal counsel for 50% of the new or renewed agreements entered into with captioning vendors. The Commission further estimates that outside legal counsel will require 10 hours to prepare the new or renewed contracts and will charge \$500.00 per hour for legal services.

300 new or renewed contracts x 10 hours x \$500.00/hour “outside” legal fee =
\$1,500,000.00

In Section 12(8)(a)(ii), the Commission estimates that captioning vendors will use outside legal counsel for 50% of the new or renewed agreements entered into with video programmers that adopt best practices. The Commission further estimates that outside legal counsel will require 10 hours to prepare the new or renewed contracts and will charge \$500.00 per hour for legal services.

300 new or renewed contracts x 10 hours x \$500.00/hour “outside” legal fee =
\$1,500,000.00

Total Annual Cost = \$1,500,000.00 + \$1,500,000.00 = \$3,000,000.00

(K) Reporting Non-Certifying Video Programmers to the Commission

In Section 12(12)(a)(ii), the Commission estimates that broadcast stations will use outside legal counsel for 50% of the reports to the Commission regarding video programmers that fail to make certifications widely available.²⁷ The Commission further estimates that outside legal counsel will require 1 hour to prepare and submit the report and will charge \$500.00 per hour for legal services.

10 reports x 1 hour x \$500.00/hour “outside” legal fee = \$5,000.00

In Section 12(12)(b)(ii), the Commission estimates that MVPDs will use outside legal counsel for 50% of the reports to the Commission regarding video programmers that fail to make certifications widely available. The Commission further estimates that outside legal counsel will require 1 hour to prepare and submit the report and will charge \$500.00 per hour for legal services.

²⁶ Because outside printing firms charge an annual flat rate, there is no hourly burden associated with this cost.

²⁷ Until 47 CFR § 79.1(m) becomes effective, 47 CFR § 79.(j)(1), which requires VPDs to exercise best efforts to obtain a certification of compliance from each video programmer and to report to the Commission video programmers that do not make such certifications widely available, remains in effect.

50 reports x 1 hour x \$500.00/hour “outside” legal fee = \$25,000.00

Total Annual Cost = \$5,000.00 + \$25,000.00 = \$30,000.00

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

(b) Total operation and maintenance costs:

\$17,500.00 + \$15,000.00 + \$2,500.00 + \$150,000.00 + \$120,000.00 + \$75,000 + \$60,000.00
+ \$17,500.00 + \$30,862,944.00 + \$3,000,000.00 + \$30,000.00 = \$34,350,444.00

(c) Total Annual Costs: **\$34,350,444.00**

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

(i) Processing ENT Compliance

(a) The Commission estimates that it will receive 2 initial responses to a pattern or trend of noncompliance with 47 CFR § 79.1(e)(11) annually. The Commission uses attorneys at the GS-15/Step 5 level (\$77.49/hour) to review the initial responses. The Commission estimates that its attorneys will spend approximately 5 hours reviewing initial responses.

2 initial responses x 5 hours x \$77.49 = **\$774.90**

(b) The Commission estimates that it will receive 1 corrective action plan in response to a further pattern or trend of noncompliance with 47 CFR § 79.1(e)(11) annually. The Commission uses attorneys at the GS-15/Step 5 level (\$77.49/hour) to review the corrective action plans. The Commission estimates that its attorneys will spend approximately 10 hours reviewing corrective action plans.

1 corrective action plan x 10 hours x \$77.49 = **\$774.90**

(ii) Processing Individual Exemption Petitions

Petitioners submit approximately 10 petitions for individual exemption from the closed captioning rules to the Commission annually, and the Commission estimates that a response will be filed for each. The Commission uses attorneys at the GS-15/Step 5 level (\$77.49/hour) to review these petitions and the comments and responses. The Commission estimates that its attorneys spend 15 hours to review each of these petitions and their associated records (*i.e.*, including responses or oppositions, replies, and any other filings associated with the petition):

10 petitions x 15 hours x \$77.49/hour = **\$11,623.50**

(iii) Processing Complaints and re-filed Complaints Submitted to the FCC

Viewers submit approximately 200 complaints annually directly to the Commission, and re-file with the Commission approximately 20 percent of the approximately 400 complaints

originally filed with VPDs.²⁸ The Commission uses clerical staff at the GS-13/step 5 level (\$55.75/hour) to forward these estimated 280 complaints to VPDs and video programmers and to process and review each complaint, which the Commission estimates requires 5 hours per complaint:

280 complaints x \$55.75/hour x 5 hours/complaint = **\$78,050.00**

(iv) Closed Captioning Quality Compliance Ladder

(a) The Commission estimates that it will receive 2 initial responses to a pattern or trend of noncompliance with 47 CFR § 79.1(g)(9) annually. The Commission uses attorneys at the GS-15/Step 5 level (\$77.49/hour) to review the initial responses. The Commission estimates that its attorneys will spend approximately 5 hours reviewing each initial response.

2 initial responses x 5 hours x \$77.49 = **\$774.90**

(b) The Commission estimates that it will receive 1 corrective action plan in response to a further pattern or trend of noncompliance with 47 CFR § 79.1(g)(9) annually. The Commission uses attorneys at the GS-15/Step 5 level (\$77.49/hour) to review the corrective action plans. The Commission estimates that its attorneys will spend approximately 10 hours reviewing the corrective action plan.

1 corrective action plans x 10 hours x \$77.49 = **\$774.90**

(v) Processing Contact Information for VPDs and Video Programmers

47 CFR 79.1(i) requires VPDs and video programmers to file contact information through a web form located on the Commission's website. Because the information will be posted directly to the Commission's website, the Commission's processing of the information does not measurably add any burdens on Commission staff.

(vi) Handling of Contact Information Inquiries in the Consumer Center

Because the Commission's Consumer Center already handles telephone inquiries as part of its day-to-day operations, and the volume of calls due to contact information inquiries is marginal, if not negligible, the Commission concludes that the handling of contact information inquiries does not measurably add any burdens to Commission staff.

(vii) Processing Information on Video Programmers that Do Not Provide Certification

VPDs must report to the Commission, for the purpose of being placed in a publicly available database, the identity of any video programmer that does not certify to its compliance with the Commission's closed captioning quality rules.²⁹ The Commission estimates that it

²⁸ See *supra* Section 12(4)(a). These estimates include informal complaints pursuant to 47 CFR § 79.1(e)(11)(iii) regarding captioning provided by a broadcast station that utilizes ENT. The Commission estimates that the processing of complaints remains unchanged, because the Commission was previously requesting the information that section 79.1(e)(11)(iii) now requires.

²⁹ Until 47 CFR § 79.1(m) becomes effective, 47 CFR § 79.1(j)(1), which requires VPDs to exercise best efforts to obtain a certification of compliance from each video programmer and to report to the Commission video programmers that do not make such certifications widely available, remains in effect.

receives approximately 120 reports of non-certifying video programmers annually. The Commission uses attorneys at the GS-15/Step 5 level (\$77.49/hour) to review these reports and make them publicly available. The Commission estimates that its attorneys spend approximately 1 hour to review each of these reports and make them publicly available.

120 reports x 1 hour x \$77.49/hour = **\$9,298.80**

(viii) Processing Video Programmers Certifications

Video programmers will be required to submit certifications to the Commission through a web form located on the Commission's website, pursuant to 47 CFR § 79.1(m). Because the information will be posted directly to the Commission's website, the Commission's processing of the information does not measurably add any burdens on Commission staff.

Total Cost to the Federal Government:

**\$774.90 + \$774.90 + \$11,623.50 + \$78,050.00 + \$774.90 + \$774.90 + \$9,298.80 =
\$102,071.90**

15. There are no program changes. The Commission reports the following adjustments: the annual number of respondents has increased by **+4,223, from 59,995 to 64,218 annual number of respondents**; the annual number of responses has increased by **+8,243, from 512,831 to 521,074 annual number of responses**; the annual number of burden hours has increased by **+24,581 from 702,562 to 727,143 annual burden hours**; and the total annual cost has decreased by **-1,288,152, from \$35,638,596 to \$34,350,444 annual cost**.
16. The results of these information collections are not planned to be published.
17. The Commission intends to display the expiration date for OMB approval of the information collection.
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 statistical methods.