

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (“Commission”) is requesting that the Office of Management and Budget (OMB) approve an extension of the information collection, titled, “Contracts and Concessions – 47 CFR 43.51” under OMB Control Number 3060-0751. There are no changes to the number of respondents, responses and annual costs.

Summary of Information Collection Requirements

The information collection requirements are summarized as follows:

47 C.F.R. 43.51(a)(1) states any communication common carrier described in paragraph (b)¹ of this section must file with the Commission, within thirty (30) days of execution, a copy of each contract, agreement, concession, license, authorization, operating agreement or other arrangement to which it is a party and amendments thereto with respect to the (i) the exchange of services; and, (ii) the interchange or routing of traffic and matters concerning rates, accounting rates, division of tolls, or the basis of settlement of traffic balances, except as provided in paragraph (c) of this section.

47 C.F.R. 43.51(a)(2) states if the contract, agreement, concession, license, authorization, operating agreement or other arrangement and amendments thereto is made other than in writing, a certified statement covering all details thereof must be filed by at least one of the parties to the agreement. Each other party to the agreement which is also subject to these provisions may, in lieu of also filing a copy of the agreement, file a certified statement referencing the filed document. The Commission may, at any time and upon reasonable request, require any communication common carrier not subject to the provisions of this section to submit the documents referenced in this section.

¹ 47 C.F.R. 43.51(b) states the following communication common carriers must comply with the requirements of paragraph (a) of this section: (1) A carrier that is engaged in domestic communications and has not been classified as non-dominant pursuant to Section 61.3 of this Chapter; or (2) A carrier that is engaged in foreign communications and that has been classified as dominant for any service on any of the U.S.-international routes included in the contract, except for a carrier classified as dominant on a particular route due only to a foreign carrier affiliation under Section 63.10 of this chapter. In *International Settlements Policy Reform*, Report and Order, 27 FCC Rcd 15521 (2012) (*ISP Reform Order*), the Commission eliminated the requirement in Section 43.51(b)(3) that these agreements also be filed by a carrier, other than a provider of commercial mobile radio services, that is engaged in foreign communications and enters into a contract, agreement, concession, license, authorization, operating agreement or other arrangement and amendments thereto with a foreign carrier that does not qualify for the presumption, set forth in Note 3 to this section, that it lacks market power on the foreign end of one or more of the U.S.-international routes included in the contract, unless the route appears on the Commission's list of U.S.-international routes that the Commission has exempted from the international settlements policy set forth in Section 64.1002 of this chapter. *ISP Reform Order*, 27 FCC Rcd 15521 (eliminating the international settlements policy, with one exception related to Cuba).

47 C.F.R. 43.51(c) states with respect to contracts coming within the scope of paragraph (a)(1) (ii) of this section between subject telephone carriers and connecting carriers, except those contracts related to communications with foreign or overseas points, such documents shall not be filed with the Commission; but each subject telephone carrier shall maintain a copy of such contracts to which it is a party in appropriate files at a central location upon its premises, copies of which shall be readily accessible to Commission staff and members of the public upon reasonable request therefore; and upon request by the Commission, a subject telephone carrier shall promptly forward individual contracts to the Commission.

The statutory authority for this information collection is contained in Sections 154, 211, 219 and 220 of the Communications Act of 1934, as amended.

There are no impacts under the Privacy Act because this collection of information does not have an impact on individuals or households.

2. The Commission determined that it would require U.S. carriers to provide information about any above-benchmark settlement rates on an as-needed basis in connection with an investigation of competition problems or a review of high consumer rates on particular routes, according confidential treatment to the information.
3. Given the minimal amount of information requested and the unique nature of each filing, the use of information technology is not feasible for this collection. Therefore, zero (0) percent of the responses are collected electronically.
4. This information collection requirement is not duplicated elsewhere in the Commission's rules.
5. This information collection will not have a significant economic impact on a substantial number of small entities/businesses.
6. The Commission's effort to achieve and maintain market-based or competitive pricing for the benefit of U.S. consumers in U.S.-international markets would be thwarted if the collection were conducted less frequently.
7. The collection of information is not being conducted in any manner known to be inconsistent with the guidelines in 5 CFR 1320.5(d)(2). There are no special circumstances associated with this collection.
8. On March 5, 2021, a 60-day notice was published in the Federal Register (86 FR 12944) to solicit public comments on this information collection. No comments were received from the public in response to the notice.
9. The Commission does not provide any payment or gift to respondents.

10. By requiring carriers to file only limited information, and by treating information as confidential, we are able to provide the respondents with an assurance that commercially sensitive or proprietary information will not be disclosed.

11. This collection does not contain questions of a sensitive nature.

12. There are 20 respondents to this information collection. The explanation of burden estimates, number of responses, time per response and total annual burden hours are provided below.

| Explanation of Burden Estimate | Number of Responses | Time Per Response | Total Annual Burden Hours |
|---|----------------------------|--------------------------|----------------------------------|
| <p>1. 47 C.F.R. 43.51(a)(1) states any communication common carrier described in paragraph (b) of this section must file with the Commission, within thirty (30) days of execution, a copy of each contract, agreement, concession, license, authorization, operating agreement or other arrangement to which it is a party and amendments thereto with respect to the (i) the exchange of services; and, (ii) the interchange or routing of traffic and matters concerning rates, accounting rates, division of tolls, or the basis of settlement of traffic balances, except as provided in paragraph (c) of this section.</p> | 5 | 8 On occasion | 40 |
| <p>2. 47 C.F.R. 43.51(a)(2) states if the contract, agreement, concession, license, authorization, operating agreement or other arrangement and amendments thereto is made other than in writing, a certified statement covering all details thereof must be filed by at least one of the parties to the agreement. Each other party to the agreement which is also subject to these provisions may, in lieu of also filing a copy of the agreement, file a certified statement referencing the filed document. The Commission may, at any time and upon reasonable request, require any communication common carrier not subject to the provisions of this section to submit the documents referenced in this section.</p> | 5 | 8 On occasion | 40 |

| | | | |
|---|--------------------------------|---|---|
| <p>3. 47 C.F.R. 43.51(c) states that with respect to contracts coming within the scope of paragraph (a)(1)(ii) of this section between subject telephone carriers and connecting carriers, except those contracts related to communications with foreign or overseas points, such documents shall not be filed with the Commission; but each subject telephone carrier shall maintain a copy of such contracts to which it is a party in appropriate files at a central location upon its premises, copies of which shall be readily accessible to Commission staff and members of the public upon reasonable request therefore; and upon request by the Commission, a subject telephone carrier shall promptly forward individual contracts to the Commission.</p> | <p>10</p> | <p>6 On occasion</p> | <p>60</p> |
| <p>Totals:</p> | <p>20 Responses</p> | <p>6-8 Hours Time Per Response</p> | <p>140 Annual Burden Hours</p> |

Total Annual In-House Costs: We estimate that the in-house professional staff are paid at an average hourly rate of \$45 per hour to undergo the burden for this filing requirement.

$$140 \text{ Annual Burden Hours} \times \$45 \text{ Per Hour} = \mathbf{\$6,300 \text{ Annual In-House Costs}}$$

13 (a). Total Capital or Start-Up Costs

There are no capital or start-up costs associated with this collection. The information is readily available to respondents and is already collected and maintained by them in the normal course of business. Therefore, respondents are not assumed to hire or contract-out any work associated with the filing requirements.

(b). Total Operations and Maintenance Costs

There are no total operations and maintenance costs.

(c). Total Annualized Costs: 0.

14. The annualized Federal government costs are as follows:

It is estimated that one GS-14 Attorney spends approximately 8 hours per month reviewing documents that the carriers submit to the Commission. 8 hours per month X 12 months in a year = 96 annual burden hours.

| Federal Government Staff | Number of Staff | Salary Per Hour | Annual Burden Hours | Annualized Costs |
|---------------------------------|------------------------|------------------------|----------------------------|-------------------------|
| GS-14/Step 5 Attorney | 1 | \$66.54 | 96 | \$6,388 |

15. There are no program changes or adjustments to this information collection.

16. The results of this information collection requirement will not be published for statistical use.

17. No applicable. We are not seeking approval to not display the expiration date for OMB approval of this information collection.

18. There are no exceptions to the Certification Statement.

Part B. Collections of Information Employing Statistical Methods.

Not applicable. This information collection does not employ statistical methods.