

## SUPPORTING STATEMENT

### A. Justification

1. The Commission submits this revised information collection to the Office of Management and Budget (OMB) to merge OMB Control Number 3060-0687 into OMB Control Number 3060-0422 and to extend the information collection requirements relating to the Commission's hearing aid compatibility (HAC) requirements. Section 710 of the Communications Act of 1934, as amended (the Act), requires that almost all telephones manufactured in, or imported into, this country must be hearing aid compatible.<sup>1</sup> The HAC requirements ensure that people with hearing loss (regardless of whether they use hearing aids or not) can effectively use wireline telephone handsets with the legacy telephone network and with advanced communications services (ACS), which include Voice over Internet Protocol (VoIP). The HAC requirements are structured for handsets to provide sufficient magnetic fields to be used by people with hearing aids and to provide volume control.

Congress recognized that there may be technological or economic reasons why some new telephones may not meet the hearing aid compatibility (HAC) requirement. Therefore, Congress provided a waiver request procedure. Section 68.5 of the Commission's rules, 47 CFR § 68.5, provides the criteria to be used to assess waiver requests.

#### **History:**

Beginning in the 1980s, the Commission adopted a series of regulations to implement statutory directives requiring wireline telephone handsets in the United States (for use with the legacy telephone network) to be hearing aid compatible. Pursuant to the Telecommunications for the Disabled Act of 1982, the Commission adopted a limited set of HAC requirements, mandating that certain "essential" wireline telephones provide magnetic coupling.<sup>2</sup> In 1989, in response to directives in the Hearing Aid Compatibility Act of 1988,<sup>3</sup> the Commission adopted a broader rule requiring virtually all wireline telephones and eventually all cordless phones manufactured or imported for use in the United States to provide inductive coupling with hearing aids.<sup>4</sup> The Commission also adopted the waiver

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<sup>1</sup> 47 U.S.C. § 610.

<sup>2</sup> Telecommunications for the Disabled Act of 1982, Pub. L. No. 97-410, 96 Stat. 2043 (1982 TDA Act) (codified as amended at 47 U.S.C. § 610); *Access to Telecommunications Equipment by the Hearing Impaired and Other Disabled Persons*, Report and Order, 55 R.R.2d 531 (1983), 49 Fed. Reg. 1352-01 (Jan. 11, 1984).

<sup>3</sup> Hearing Aid Compatibility Act of 1988, Pub. L. No. 100-394, 102 Stat. 976 (1988 HAC Act) (codified as amended at 47 U.S.C. § 610).

<sup>4</sup> *Access to Telecommunications Equipment and Services by the Hearing Impaired and Other Disabled Persons*, First Report and Order, 4 FCC Rcd 4596 (1989).

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provision in section 68.5 of the rules, which permits interested persons to request a waiver of HAC requirements. The waiver provision applied to wireline telephones connected to the PSTN.<sup>5</sup>

In 1996, in response to a consensus by consumer, industry, and government stakeholders that grew out of a Commission-led negotiated rulemaking, the Commission added a requirement to the HAC rules to require wireline telephones to meet specified “acoustic coupling” standards for volume control.<sup>6</sup> With acoustic coupling, a hearing aid user simply holds a telephone up to the ear, and the sound from the telephone receiver is picked up and processed in the same manner as other sounds are received.<sup>7</sup> These rules enable hearing aid users and others with hearing loss to increase the sound level on their devices to address their unique needs.

In 2010, the Twenty-First Century Communications and Video Accessibility Act (CVAA) amended section 710(b) of the Communications Act of 1934 (the Act) to apply the HAC requirements to certain customer premises equipment (CPE)<sup>8</sup> used with ACS (ACS telephonic CPE), including VoIP telephones.<sup>9</sup> In accordance with this provision, in October 2017, the Commission released document FCC 17-135 which amended the HAC rules to cover the wireline handsets used with ACS, including VoIP handsets, to the extent that such devices are designed to be held to the ear and provide two-way voice communication via a built-in speaker.<sup>10</sup> These rule amendments included applying the waiver provisions of section 68.5 to ACS telephonic CPE.

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<sup>5</sup> 47 CFR § 68.5.

<sup>6</sup> 47 CFR § 68.317(a), (c) (incorporating ANSI/EIA-470-A-1987 (Telephone Instruments with Loop Signaling) as the standard for analog telephones, and ANSI/EIA/TIA-579-1991 (Acoustic-To-Digital and Digital-To-Acoustic Transmission Requirements for ISDN Terminals) as the standard for digital telephones); *Access to Telecommunications Equipment and Services by Persons with Disabilities*, Report and Order, 11 FCC Rcd 8249 (1996).

<sup>7</sup> *Access to Telecommunications Equipment and Services by Persons with Disabilities; Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets; Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations*, Notice of Proposed Rulemaking, 30 FCC Rcd 12219, 12220 n.2 (2015), *Erratum*, 31 FCC Rcd 11735 (CGB 2016).

<sup>8</sup> “Customer premises equipment” is defined in the Act as “equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.” 47 U.S.C. § 153(16).

<sup>9</sup> Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, sec. 102, § 710(b), 124 Stat. 2751, 2753 (CVAA) (codified at 47 U.S.C. § 610(b)), *amended by* Pub. L. No. 111-265, 124 Stat. 2795 (technical corrections to the CVAA).

<sup>10</sup> *Access to Telecommunications Equipment and Services by Persons with Disabilities; Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets; Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations*, Report and Order and Order on Reconsideration, 32 FCC Rcd. 9063 (2017) (FCC 17-135).

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Part 68 of the Commission's rules, 47 CFR Part 68, contains the regulations governing HAC requirements for wireline handsets, regardless of whether the handsets are connected to the legacy telephone network or to ACS. These regulations include the following information collection requirements.

***(a) Labeling and Notices for Wireline Handsets Used with the Legacy Telephone Network***

Part 68 contains the following information collection requirements which are necessary to inform consumers who purchase or use wireline telephone equipment how to determine whether the telephone is hearing aid compatible.

- 47 CFR § 68.300(b) – Equipment Labeling Requirements:

Pursuant to section 68.300(b), all registered telephones manufactured in the United States or imported for use in the United States that are hearing aid compatible must have the letters “HAC” permanently affixed. This provision applies to all telephones manufactured or imported as of April 1, 1997 for use in the United States, but excludes telephones used with public mobile services or private radio services, and secure telephones.

- 47 CFR § 68.224 – Notice of Non-Hearing Aid Compatibility:
  - Section 68.224(a) requires that a notice be contained in a conspicuous location on the surface of the packaging of a non-hearing aid compatible telephone that the telephone is not hearing aid compatible, or if offered for sale without a surrounding package, the telephone be affixed with a written statement that the telephone is not hearing aid compatible.
  - Section 68.224(b) requires that the telephone equipment be accompanied by instructions in accordance with 47 CFR § 68.218(b)(2).

***(b) Labeling and Notices for ACS Telephonic CPE***

For wireline ACS telephonic CPE, section 68.502(a) contains information collection requirements similar to the HAC label and notice requirements discussed above for wireline telephones used with the legacy telephone network. In particular:

- Section 68.502(a)(1) requires all ACS telephonic CPE manufactured in the United States (other than for export) or imported for use in the United States to have the letters “HAC” affixed thereto.
- Section 68.502(a)(2) requires that non-hearing aid compatible ACS telephonic CPE offered for sale to the public:

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- o Contain in a conspicuous location on the surface of its packaging a statement that the ACS telephonic CPE is not hearing aid compatible, or if offered for sale without a surrounding package, it must be affixed with a written statement that the telephone is not hearing aid compatible; and
- o Be accompanied by instructions in accordance with 47 CFR § 68.218(b)(2).

**(c) Certification Procedures and Supplier's Declaration of Conformity for ACS Telephonic CPE**

For ACS telephonic CPE, section 68.501(a) requires a responsible party<sup>11</sup> to obtain certification of its equipment by using a third-party Telecommunications Certification Body (TCB)<sup>12</sup> or a Supplier's Declaration of Conformity.<sup>13</sup>

Section 68.501(b) applies the designation of TCB requirements in section 68.160 and the requirements for TCBs in section 68.162 to ACS telephonic CPE. Under these provisions, the responsible party must assemble and compile supporting technical documentation concerning the ACS telephonic CPE to give to the TCB.

Section 68.501(c) applies, by reference, the Supplier's Declaration of Conformity requirements of sections 68.320-68.350 (except section 68.324(f)) to ACS telephonic CPE. As a result, among other things, a responsible party using a Supplier's Declaration of Conformity for ACS telephonic CPE, would need to:

- Ensure that the Supplier's Declaration of Conformity contains the wording prescribed in section 68.324;
- Retain records of the Supplier's Declaration of Conformity, the testing facility, testing procedure, and test results for, in general, 10 years after the manufacture of the equipment is permanently discontinued; and
- Compile a description of the measurement facilities used for testing the equipment and include in

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<sup>11</sup> A responsible party is the party responsible for the compliance of ACS telephonic CPE with the hearing aid compatibility rules and with any applicable technical criteria published by the Administrative Council for Terminal Attachments (ACTA). For example, a responsible party could be a manufacturer of ACS telephonic CPE. See 47 CFR § 68.3.

<sup>12</sup> Section 68.160 of the Commission's rules provides the requirements for the Commission to recognize a TCB to certify equipment.

<sup>13</sup> A Supplier's Declaration of Conformity is a procedure where a responsible party makes measurements or takes steps to ensure that CPE complies with technical standards, which results in a document by the same name. See 47 CFR § 68.320.

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that description information required by ACTA.<sup>14</sup>

The information collection requirements for sections 68.160 (designation of TCBs), 68.162 (requirements for TCBs), 68.324 (Supplier's Declaration of Conformity), 68.326 (retention of records), and 68.346 (drafting descriptions of testing facilities), as applied to wireline handsets used for the legacy telephone network, are addressed in OMB Control Number 3060-0056.

***(d) ACTA Database for ACS Telephonic CPE***

Pursuant to new section 68.504, information about ACS telephonic CPE must be contained in a database that is administered by ACTA. Section 68.504 applies the ACTA database provisions of sections 68.354, 68.610 and 68.612 to ACS telephonic CPE. As a result, among other things:

- ACS telephonic CPE must be labelled in a manner required by, and with identification information provided by, ACTA;
- ACTA must operate and maintain the database; and
- Responsible parties must submit information about their ACS telephonic CPE to be retained in the ACTA database.

The information collection requirements for section 68.354(b) (labeling of terminal equipment with ACTA-supplied information), 68.610 (operation and maintenance of a database by ACTA), and 68.612 (general labeling requirements for terminal equipment), as applied to wireline handsets used with the legacy telephone network, are addressed in OMB Control Number 3060-0056.

***(e) Warranty, Instructions, and Revocation for ACS Telephonic CPE***

Section 68.502(b)-(d) includes the following requirements.

- A responsible party must warrant that the ACS telephonic CPE complies with applicable rules and regulations and with the applicable technical criteria;
- For ACS telephonic CPE that is represented to be hearing aid compatible, the responsible party must give the user any instructions required by ACTA.
- For ACS telephonic CPE that is not hearing aid compatible, the responsible party must give the user a notice that the ACS telephonic CPE is not hearing aid compatible; and
- When approval of any ACS telephonic CPE is revoked, the responsible party must notify the purchaser and user of the equipment to discontinue its use.

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<sup>14</sup> ACTA is an organization, previously created pursuant to FCC regulations, whose key function is to maintain a database of telephone equipment.

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The information collections for section 68.218, as applied to wireline handsets used with the legacy telephone network, are addressed in OMB Control Number 3060-0056.

***(f) Designation of Agents for Service for ACS Telephonic CPE***

Section 68.503 applies the procedures of sections 68.414-68.423 for filing complaints at the FCC to ACS telephonic CPE. Manufacturers of ACS telephonic CPE will need to designate an agent for service of process pursuant to section 68.418. The other information collection requirements associated with these complaint procedures are addressed in OMB Control Number 3060-0056.

***(g) Requests for Waiver of the HAC Requirements***

Section 68.5 permits interested persons to request waiver of the HAC requirements for wireline and ACS telephonic CPE. Such request must demonstrate that such telephones or ACS telephonic CPE, or such technology or service, are in the public interest, and that (a) compliance with the requirements is technologically infeasible, or (b) compliance with such requirements would increase the costs of the telephones or ACS telephonic CPE, or of the technology or service, to such an extent that such telephones or ACS telephonic CPE, technology, or service could not be successfully marketed.

This information collection does not impose burdens on individuals or households; thus, there are no impacts under the Privacy Act, because it does not require the collection of personal information from individuals.

The statutory authority for this information collection is found at section 710 of the Communications Act of 1934, as amended, 47 U.S.C. § 610.

2. The labeling and notice information collection requirements are useful primarily for consumers to determine whether the telephone equipment they are purchasing or using is hearing aid compatible. The CPE certification and Supplier's Declaration of Conformity procedures for ACS telephonic CPE, and the labelling and database information requirements pertaining to ACTA, ensure that ACS telephonic CPE comply with the corresponding technical standards for inductive coupling and volume control, thereby ensuring consumers that the telephone equipment they are purchasing or using meets industry standards for HAC.

The Commission would receive requests for waivers of the HAC requirements from telephone manufacturers and distributors pursuant to Section 68.5 of its rules. Upon receipt of such requests, the Commission would review the merits of the requests and determine whether the public interest would be served by grant of a waiver.

3. The information required by the labeling and notice rules is to be provided on outside packaging or on the outside physical casing of equipment. Respondents may use any equipment or technique they choose in order to comply with these requirements. The information needed to obtain CPE certification or

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provide a Supplier's Declaration of Conformity, and the information given to ACTA may be provided using any equipment or technique of the respondents' and ACTA's choosing in order to comply with these requirements, which can include automated, electronic, mechanical, or other technological techniques, or other forms of information technology. The Commission permits electronic filing of waiver requests under section 68.5.

4. The Commission believes that these information collection requirements are not duplicated elsewhere.
5. The information collection requirements may affect manufacturers and importers, regardless of their size, because of the need to protect consumers purchasing telephone sets. Respondents may use any equipment or technique they choose in order to comply with these requirements, including equipment or techniques that minimize their burdens of compliance. In addition, based on our experience, the number of small businesses that produce or distribute new, non-HAC telephones and apply for a waiver pursuant to section 68.5 is very small.
6. The Commission believes that if these information collection requirements were not in place, possible harm may come to persons with hearing disabilities who purchase telephones that they believe to be hearing aid compatible, but which are not. For instance, such individuals may not be able to locate a hearing aid compatible telephone in an emergency, without the information collections. These information collection requirements specifically implement the provisions of 47 U.S.C. § 610(d), which provides that the Commission "shall establish such requirements for the labeling of packaging materials for equipment as are needed to provide adequate information to consumers on the compatibility between telephones and hearing aids."

The existence of a waiver process benefits consumers, federal programs and policy, and industry. With a less rigorous process, the requirement for near universal hearing aid compatible telephones could be circumvented by those manufacturing and distributing non-hearing aid compatible telephones, thereby frustrating the Commission's effort to ensure that all Americans have reasonable access to telephone services. On the other hand, the absence of a waiver process altogether could be significantly burdensome to industry, where technological or economic considerations about compliance with the requirements could mean the difference between going to market, or not going to market, with a specific telephone.

7. Respondents theoretically could file waiver requests more often than quarterly, but those are business decisions on respondents' parts and completely within respondents' control. Otherwise, the information collection is not inconsistent with the guidelines of 5 CFR § 1320.5(d).
8. Pursuant to 5 CFR § 1320.8(d), the Commission placed a notice in the *Federal Register* on March 9, 2021 at 86 FR 13544, seeking comment from the public on the information collection requirements contained in this supporting statement. No comments were received from the public.
9. The Commission does not anticipate providing any payment or gift to respondents.

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10. The nature of the information to be collected under the rules is neither proprietary nor confidential, thus no assurances have been given to respondents to treat the information as such. The information to be collected is required public information, needed for public safety and consumers' product awareness.
11. Information of a sensitive nature is not solicited in this information collection.
12. The following represents the estimates of hour burdens for the collections of information:

***A. Labeling and Notices for Wireline Handsets Used with the Legacy Telephone Network***

• **47 CFR § 68.300(b) - Equipment Labeling Requirements:**

- (1) **RESPONDENTS:** The Commission believes that approximately 230 manufacturers and telephone importers (respondents) will include the letters "HAC" on telephone equipment.
- (2) **RESPONSES:** The Commission believes this process is primarily automated. The Commission assumes that respondents will use in-house personnel to ensure the label is designed correctly. The Commission estimates that there will be about 600 responses per year,<sup>15</sup> approximately 2.6 responses per respondent annually.
- (3) **HOURS PER RESPONSE:** The Commission estimates that respondents will comply with the requirement "on occasion" and that this requires approximately 0.25 hours per response to complete this requirement.
- (4) **ANNUAL BURDEN HOURS:**

$$600 \text{ responses/year} \times 0.25 \text{ hours/response} = 150 \text{ hours/year}$$
- (5) **ANNUAL IN-HOUSE COST:** The Commission assumes that respondents use in-house personnel earning a salary equivalent to a mid- to senior-level federal employee -- GS-13/Step 5 Level (\$56.31/hour) -- to comply with the requirements.

$$150 \text{ hours/year} \times \$56.31/\text{hour} = \$8,446.50$$

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<sup>15</sup> The 600 responses per year represents the number of new wireline handset models used with the legacy telephone network introduced each year that are required to have labels. Because the process of placing the label on each telephone handset is an automated part of the manufacturing process, the Commission no longer considers that process, and hence no longer considers an estimate of the number of telephone handsets manufactured, when estimating the number of responses. Rather, the Commission considers the number of times that the labels need to be designed when estimating the number of responses.



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- **47 CFR § 68.224 - Notice of Non-Hearing Aid Compatibility:**

(1) **RESPONDENTS:** The Commission estimates that up to 230 respondents<sup>16</sup> also will place notices on equipment packaging or the equipment itself, and furnish appropriate instructions, when the telephone equipment is not hearing aid compatible.

(2) **RESPONSES:** The Commission believes this process is primarily automated. The Commission assumes that respondents will use in-house personnel to ensure the notices are designed correctly. The Commission estimates that there will be approximately 2 responses per respondent annually.<sup>17</sup>

$$230 \text{ respondents} \times 2 \text{ responses/respondent} = 460 \text{ responses/year}$$

(3) **HOURS PER RESPONSE:** The Commission estimates that respondents will comply with the requirement “on occasion” and that this requires approximately 2 hours per response to complete this requirement.

(4) **ANNUAL BURDEN HOURS:**

$$460 \text{ responses/year} \times 2 \text{ hours/response} = 920 \text{ hours/year}$$

(5) **ANNUAL IN-HOUSE COST:** The Commission assumes that respondents use in-house personnel earning a salary equivalent to a mid- to senior-level federal employee -- GS-13/Step 5 Level (\$56.31/hour) -- to comply with the requirements.

$$920 \text{ hours/year} \times \$56.31/\text{hour} = \$51,805.20$$

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<sup>16</sup> These are the same 230 respondents included above with regard to equipment labeling requirements.

<sup>17</sup> The 600 responses per year represents the number of new wireline handset models used with the legacy telephone network introduced each year that are required to have labels. Because the process of placing the label on each telephone handset is an automated part of the manufacturing process, the Commission no longer considers that process, and hence an estimate of the number of telephone handsets manufactured, when estimating the number of responses. Rather, the Commission considers the number of times that the labels need to be designed when estimating the number of responses.

**Totals for Labeling and Notices for Wireline Handsets Used with the Legacy Telephone Network**

**Total Number of Respondents: 230 manufacturers and importers of telephones**

**Total Number of Responses Annually:  $600 + 460 = 1,060$  responses/year**

**Total Annual Hourly Burden:  $920 + 150 = 1,070$  hours**

**Total Annual In-House Costs:  $\$8,446.50 + \$51,805.20 = \$60,251.70$**

***B. Labeling and Notices for ACS Telephonic CPE***

- **47 CFR § 68.502(a) - Equipment Labeling Requirements**

(1) **RESPONDENTS:** The Commission believes that approximately 100 manufacturers and telephone importers (respondents) of ACS telephonic CPE will include the letters “HAC” on telephone equipment.

(2) **RESPONSES:** The Commission believes this process is primarily automated. The Commission assumes that respondents will use in-house personnel to ensure the label is designed correctly. The Commission estimates that there will be about approximately 2.6 responses per respondent annually.

$100 \text{ respondents} \times 2.6 \text{ responses/respondent} = 260 \text{ responses}$

(3) **HOURS PER RESPONSE:** The Commission estimates that respondents will comply with the requirement “on occasion” and that this requires approximately 0.25 hours per response to complete this requirement.

(4) **ANNUAL BURDEN HOURS:**

$260 \text{ responses} \times 0.25 \text{ hours/response} = 65 \text{ hours}$

(5) **ANNUAL IN-HOUSE COST:** The Commission assumes that respondents use in-house personnel earning a salary equivalent to a mid- to senior-level federal employee -- GS-13/Step 5 Level (\$56.31/hour) -- to comply with the requirements.

$65 \text{ hours/year} \times \$56.31/\text{hour} = \$3,660.15$

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**47 CFR § 68.502(b) - Notice of Non-Hearing Aid Compatibility**

- (1) The Commission estimates that up to 100 respondents<sup>18</sup> also will place notices on equipment packaging or the equipment itself, and furnish appropriate instructions, when the telephone equipment is not hearing aid compatible.
- (2) RESPONSES: The Commission believes this process is primarily automated. The Commission assumes that respondents will use in-house personnel to ensure the notices are designed correctly. The Commission estimates that there will be approximately 2 responses per respondent annually.

$$100 \text{ respondents} \times 2 \text{ responses/respondent} = 200 \text{ responses}$$

- (3) HOURS PER RESPONSE: The Commission estimates that respondents will comply with the requirement “on occasion” and that this requires approximately 2 hours per response to complete this requirement.

(4) ANNUAL BURDEN HOURS

$$200 \text{ responses} \times 2 \text{ hours/response} = 400 \text{ hours}$$

- (5) ANNUAL IN-HOUSE COST: The Commission assumes that respondents use in-house personnel mid- to senior-level federal employee -- GS-13/Step 5 Level (\$56.31/hour) -- to comply with the requirements.

$$400 \text{ hours} \times \$56.31/\text{hours} = 22,524$$

**Totals for Labeling and Notices for ACS Telephonic CPE**

**Total Number of Respondents: 100 manufacturers and importers of telephones**

**Total Number of Responses Annually: 260 + 200 = 460 responses/year**

**Total Annual Hourly Burden: 65 + 400 = 465 hours**

**Total Annual In-House Costs: \$3,660.15 + \$22,524 = \$26,184.15**

**C. Certification Procedures and Supplier’s Declaration of Conformity for ACS Telephonic CPE**

<sup>18</sup> These are the same 100 respondents included above with regard to equipment labeling requirements.

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- **47 CFR § 68.501(a)-(b) – Application of Sections 68.160 and 68.162 (Certifications by TCBs) to ACS Telephonic CPE – Submission of Information to TCBs to Obtain Certifications of Equipment**
  - (1) RESPONDENTS: The Commission estimates that approximately 70% of the approximately 100 manufacturers of ACS telephonic CPE,<sup>19</sup> that is approximately 70 respondents, will obtain certifications from TCBs.
  - (2) RESPONSES: The Commission estimates approximately 2.6 responses per respondent annually:
    - 70 respondents x 2.6 responses/respondent = 182 responses
  - (3) HOURS PER RESPONSE: The Commission estimates that it takes about 24 hours per submission to assemble and submit the supporting technical documentation needed by the TCBs.
  - (4) ANNUAL BURDEN HOURS:
    - 182 responses x 24 hours/response = 4,368 hours/year
  - (5) ANNUAL IN-HOUSE COST: The Commission estimates that respondents will use in-house personnel equivalent to a mid- to senior-level federal employees -- GS-13/Step 5 (\$56.31/hour).
    - 4,368 hours/year x \$56.31/hour = \$ 245,962.08/year
  
- **47 CFR § 68.501(c) – Application of Section 68.324 – (Supplier’s Declaration of Conformity) to ACS Telephonic CPE**
  - (1) RESPONDENTS: The Commission estimates that approximately 30% of the approximately 100 manufacturers of ACS telephonic CPE,<sup>20</sup> that is approximately 30 respondents, will use Supplier’s Declarations of Conformity (SDoCs).
  - (2) RESPONSES: The Commission estimates approximately 2.6 responses per respondent annually:

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<sup>19</sup> These are the same 100 respondents listed in 12.B.

<sup>20</sup> These are the same 100 respondents listed in 12.B.

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30 respondents x 2.6 responses/respondent = 78 responses

- (3) HOURS PER RESPONSE: The Commission estimates that it takes about 8 hours per response to prepare and submit a SDoC.
- (4) ANNUAL BURDEN HOURS: 78 responses x 8 hours/response = 624 hours
- (5) ANNUAL IN-HOUSE COST: The Commission estimates the hourly rate of the person doing the submission to be equivalent to a Grade 7/Step 5 level federal employee (\$26.69/hour).

624 hours x \$26.69/hour = \$16,654.56

- **47 CFR § 68.501(c) – Application of Section 68.326 (Retention of Records) to ACS Telephonic CPE**

- (1) RESPONDENTS: The Commission estimates that approximately 30% of the approximately 100 manufacturers of ACS telephonic CPE,<sup>21</sup> that is approximately 30 respondents,<sup>22</sup> will use SDoCs, and thus will be required to retain records of the SDoCs, the testing facilities, the testing procedures, and the test results.

- (2) RESPONSES: The Commission estimates approximately 2.6 responses per respondent annually:

30 respondents x 2.6 responses/respondent = 78 responses

- (3) HOURS PER RESPONSE: The Commission estimates that it takes about 0.5 hours per response to retain records.

- (4) ANNUAL BURDEN HOURS:

78 responses x 0.5 hours/response = 39 hours

- (5) ANNUAL IN-HOUSE COST: The Commission estimates the hourly rate of the people doing the submission to be equivalent to a Grade 7/Step 5 level federal employee

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<sup>21</sup> These are the same 100 respondents listed in 12.B.

<sup>22</sup> These are the same 30 respondents listed above under Submission of Supplier's Declaration of Conformity.

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(\$26.69/hour).

39 hours x \$26.69/hour = \$1,040.91

- **47 CFR § 68.501(c) – Application of Section 68.346 (Testing Facilities) to ACS Telephonic CPE**

(1) **RESPONDENTS:** The Commission estimates that approximately 30% of the approximately 100 manufacturers of ACS telephonic CPE,<sup>23</sup> that is approximately 30 respondents,<sup>24</sup> will use SDoCs, and thus will be required to compile a description of the measurement facilities used for testing the equipment.

(2) **RESPONSES:** The Commission estimates 1 response per respondent annually

30 respondents x 1 response = 30 responses

(3) **HOURS PER RESPONSE:** The Commission estimates 2 hours per response.

(4) **ANNUAL BURDEN HOURS:**

30 responses x 2 hours/response = 60 hours annually

(5) **ANNUAL IN-HOUSE COST:** The Commission estimates that respondents will use in-house personnel equivalent to a mid- to senior-level federal employee -- GS-13/Step 5 (\$56.31/hour).

60 hours/year x \$56.31/hour = \$3,378.60/year

**Totals for Certification Procedures and Supplier's Declaration of Conformity for ACS Telephonic CPE**

**Total Number of Respondents: 100 manufacturers and importers of ACS telephonic CPE**

**Total Number of Responses Annually: 182 + 78 + 78 + 30 = 368 responses/year**

**Total Annual Hourly Burden: 4,368 + 624 + 39 + 60 = 5,091 hours**

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<sup>23</sup> These are the same 100 respondents listed in 12.B.

<sup>24</sup> These are the same 30 respondents listed above under Submission of Supplier's Declaration of Conformity.

**Hearing Aid Compatibility; Access to Telecommunications Equipment and Services by Persons with Disabilities; Section 68.5 Waivers, CC Docket No. 87-124 and CG Docket No. 13-46**

**Total Annual In-House Costs: \$245,962.08 + \$16,654.56 + \$1,040.91 + \$ 3,378.60/year = \$267,036.15**

***D. ACTA Database for ACS Telephonic CPE***

- **47 CFR § 68.504 – Application of Sections 68.354 (Labeling of Terminal Equipment with ACTA Information) and 68.612 (General Labeling Requirements for Terminal Equipment) to ACS Telephonic CPE**

(1) **RESPONDENTS:** The Commission believes that approximately 100 manufacturers and telephone importers (respondents) of ACS telephonic CPE<sup>25</sup> will include the ACTA information on telephone equipment.

(2) **RESPONSES:** The Commission believes this process is primarily automated. The Commission assumes that respondents will use in-house personnel to ensure the label is designed correctly. The Commission estimates that there will be 2.6 responses per respondent annually.

2.6 responses/respondent x 100 respondents = 260 responses

(3) **HOURS PER RESPONSE:** The Commission estimates that respondents will comply with the requirement “on occasion” and that this requires approximately 0.25 hours per response to complete this requirement.

(4) **ANNUAL BURDEN HOURS:**

260 responses/year x 0.25 hours/response = 65 hours/year

(5) **ANNUAL IN-HOUSE COST:** The Commission estimates that respondents will use in-house personnel equivalent to a mid- to senior-level federal employee -- GS-13/Step 5 (\$56.31/hour).

65 hours/year x \$56.31/hour = \$3,660.15

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<sup>25</sup> These are the same 100 respondents listed in 12.B.

**Hearing Aid Compatibility; Access to Telecommunications Equipment and Services by Persons with Disabilities; Section 68.5 Waivers, CC Docket No. 87-124 and CG Docket No. 13-46**

- **47 CFR § 68.504 – Application of Section 68.610 (Database of Terminal Equipment) to ACS Telephonic CPE**

(1) **RESPONDENTS:** The Commission believes that there are approximately 100 manufacturers and telephone importers (respondents) of ACS telephonic equipment,<sup>26</sup> plus ACTA.

(2) **RESPONSES:** The Commission estimates that there will be about approximately 2.6 responses (compilations and submissions of the information to ACTA) per manufacturer respondent, and 260 responses (preparations and postings of the database entries) by ACTA annually.

$(100 \text{ manufacturers} \times 2.6 \text{ responses/manufacturer}) + 260 \text{ responses by ACTA} = 520 \text{ responses}$

(3) **HOURS PER RESPONSE:** The Commission estimates approximately 0.5 hour per response of manufacturer staff time to compile and submit the information to ACTA, and 0.5 hour per response of the data administrator's time to prepare and post the database entry.

(4) **ANNUAL BURDEN HOURS:**

$520 \text{ responses/year} \times 0.5 \text{ hour/response} = 260 \text{ hours/year}$

(5) **ANNUAL IN-HOUSE COST:** The Commission estimates that manufacturer respondents and ACTA will each use in-house personnel equivalent to a mid- to senior-level federal employee -- GS-13/Step 5 (\$56.31/hour).

$260 \text{ hours/year} \times \$56.31/\text{hour} = \$14,640.60$

**Totals for ACTA Database for ACS Telephonic CPE**

**Total Number of Respondents: 100 manufacturers and importers of ACS telephonic CPE +ACTA = 101**

**Total Number of Responses Annually: 260 +520 = 780 responses/year**

**Total Annual Hourly Burden: 65 + 260 = 325 hours**

**Total Annual In-House Costs: \$3,660.15 + \$14,640.60 = \$18,300.75**

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<sup>26</sup> These are the same 100 respondents listed in 12.B.



**Hearing Aid Compatibility; Access to Telecommunications Equipment and Services by Persons with Disabilities; Section 68.5 Waivers, CC Docket No. 87-124 and CG Docket No. 13-46**

*E. Warranty, Instructions, and Revocation for ACS Telephonic CPE*

• **47 CFR § 68.502(c)-(e) – Warranty, Instructions, and Revocation**

- (1) **RESPONDENTS:** The Commission believes that approximately 100 manufacturers and telephone importers (respondents) of ACS telephonic CPE<sup>27</sup> will need to comply with the warranty, instructions and revocation requirements.
- (2) **RESPONSES:** The Commission believes this process is primarily automated. The Commission assumes that respondents will use in-house personnel to ensure the instructions and labels are written and designed correctly. The Commission estimates that there will be 2.6 responses per respondent annually.

$$2.6 \text{ responses/respondent} \times 100 \text{ respondents} = 260 \text{ responses}$$

- (3) **HOURS PER RESPONSE:** The Commission estimates that compliance requires approximately 1 hour per response to complete this requirement.

- (4) **ANNUAL BURDEN HOURS:**

$$260 \text{ responses/year} \times 1 \text{ hours/response} = 260 \text{ hours/year}$$

- (5) **ANNUAL IN-HOUSE COST:** The Commission estimates the hourly rate of the person handling the compliance requirements to be equivalent to a Grade 7/Step 5 federal employee (\$26.69/hour).

$$260 \text{ hours/year} \times \$26.69/\text{hour} = \$6,939.40$$

**Totals for Warranty, Instructions, and Revocation for ACS Telephonic CPE**

**Total Number of Respondents: 100**

**Total Number of Responses Annually: 260**

**Total Annual Hourly Burden: 260 hours**

**Total Annual In-House Costs: \$6,939.40**

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<sup>27</sup> These are the same 100 respondents listed in 12.B.

*F. Designation of Agents for Service for ACS Telephonic CPE*

- **47 CFR § 68.503 – Designation of Agents for Service**

- (1) **RESPONDENTS:** The Commission believes that approximately 100 manufacturers and telephone importers (respondents) of ACS telephonic CPE<sup>28</sup> will designate agents for service of complaints.
- (2) **RESPONSES:** 1 response per respondent annually, or 100 total responses
- (3) **HOURS PER RESPONSE:** The Commission estimates this requires approximately 0.25 hours per response to complete this requirement.
- (4) **ANNUAL BURDEN HOURS:**  

$$100 \text{ respondents} \times 1 \text{ response/respondent} \times 0.25 \text{ hours/response} = 25 \text{ hours}$$
- (5) **ANNUAL IN-HOUSE COST:** The Commission estimates the hourly rate of the people doing the submissions to be equivalent to a Grade 7/Step 5 federal employee (\$26.69/hour).  

$$25 \text{ hours/year} \times \$26.69/\text{hour} = \$667.25$$

**Totals for Designation of Agents of Service for ACS Telephonic CPE**

**Total Number of Respondents: 100**

**Total Number of Responses Annually: 100**

**Total Annual Hourly Burden: 25 hours**

**Total Annual In-House Costs: \$667.25**

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<sup>28</sup> These are the same 100 respondents listed in 12.B.

**Hearing Aid Compatibility; Access to Telecommunications Equipment and Services by Persons with Disabilities; Section 68.5 Waivers, CC Docket No. 87-124 and CG Docket No. 13-46**

***G. Requests for Waiver of HAC Requirements for Telephonic and ACS Telephonic CPE***

• **47 CFR § 68.5 – Requests for Waiver of HAC Requirements**

- (1) **RESPONDENTS:** The Commission believes that approximately 2 manufacturers and telephone importers (respondents) of telephonic and ACS telephonic CPE<sup>29</sup> will designate agents for service of complaints.
- (2) **RESPONSES:** 1 response per respondent annually, or 2 total responses
- (3) **HOURS PER RESPONSE:** The Commission estimates this requires approximately 3 hours per response to complete this requirement.
- (4) **ANNUAL BURDEN HOURS:**  

$$2 \text{ respondents} \times 1 \text{ response/respondent} \times 3 \text{ hours/response} = 6 \text{ hours}$$
- (5) **ANNUAL IN-HOUSE COST:** The Commission estimates the hourly rate of the people doing the submissions to be equivalent to a Grade 13/Step 5 federal employee (\$56.31/hour).  

$$25 \text{ hours/year} \times \$56.31/\text{hour} = \$1,407.75$$

**Totals for Requests for Waiver of HAC Requirements for Telephonic and ACS Telephonic CPE**

**Total Number of Respondents: 2**

**Total Number of Responses Annually: 2**

**Total Annual Hourly Burden: 6 hours**

**Total Annual In-House Costs: \$1,407.75**

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<sup>29</sup> These are a subset of the 230 respondents listed in 12.A and the 100 respondents listed in 12.B.

**Hearing Aid Compatibility; Access to Telecommunications Equipment and Services by Persons with Disabilities; Section 68.5 Waivers, CC Docket No. 87-124 and CG Docket No. 13-46**

**TOTAL ANNUAL BURDENS FOR THE COLLECTION**

	<b>BURDEN</b>	<b>RESPONDENTS</b>	<b>RESPONSES</b>	<b>BURDEN HOURS/ YEAR</b>	<b>BURDEN/ YEAR</b>
A	Labeling and Notices for Wireline Handsets Used with the Legacy Telephone Network	230	1,060	1,070	\$60,251.70
B	Labeling and Notices for ACS Telephonic CPE	100	460	465	\$26,184.15
C	Certification Procedures and Supplier's Declaration of Conformity for ACS Telephonic CPE	(included above in Labeling and Notices for ACS Telephonic CPE)	368	5,091	\$267,036.15
D	ACTA for ACS Telephonic CPE	1 additional respondent (ACTA) (others included above in Labeling and Notices for ACS Telephonic CPE)	780	325	\$18,300.75
E	Warranty, Instructions, and Revocation for ACS Telephonic CPE	(included above in Labeling and Notices for ACS Telephonic CPE)	260	260	\$6,939.40
F	Designation of Agents for Service for ACS Telephonic CPE	(included above in Labeling and Notices for ACS Telephonic CPE)	100	25	\$667.25
G	Requests for Waiver of HAC Requirements for Telephonic and ACS Telephonic CPE	(included above in Labeling and Notices for Telephonic and ACS Telephonic CPE)	2	6	\$1,407.75
	<b>TOTAL</b>	<b>331</b>	<b>3,030</b>	<b>7,242</b>	<b>\$380,787.15</b>

**Hearing Aid Compatibility; Access to Telecommunications Equipment and Services by Persons with Disabilities; Section 68.5 Waivers, CC Docket No. 87-124 and CG Docket No. 13-46**

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

***A. Labeling and Notices for Wireline Handsets Used with the Legacy Telephone Network***

**47 CFR §§ 68.224 and 68.300(b) - Notice of Non-Hearing Aid Compatibility and Equipment Labeling Requirements**

**Total Annualized Costs: \$0**

**Total Annual Operation, Maintenance, and Purchase of Service Costs: \$0**

***B. Labeling and Notices for ACS Telephonic CPE***

- **47 CFR § 68.502(a), Equipment Labeling Requirements and Notice of Non-Hearing Aid Compatibility**

The Commission estimates that there are no longer any capital or start-up costs for this requirement. The Commission does not believe that the requirement will necessitate any operation, maintenance, or purchase of service costs.

**Total Annualized Start-Up Costs: \$0**

**Total Operation, Maintenance, and Purchase of Service Costs: \$0**

***C. Certification Procedures and Supplier's Declaration of Conformity for ACS Telephonic CPE***

For ACS telephonic CPE, section 68.501(a) requires a responsible party to obtain certification of its equipment by using a third-party TCB or a Supplier's Declaration of Conformity. As noted above, the Commission estimates that approximately 70% of the 100 manufacturers and importers of ACS telephonic CPE (i.e., 70 respondents) will use the services of a TCB. The Commission estimates approximately 2.6 responses per respondent annually. The Commission further estimates the average cost of TCB testing to be approximately \$1,500 per response.

Testing Costs = 70 respondents using TCBs x 2.6 responses/respondent x \$1,500/test = \$273,000 annually

Regardless of whether the respondent obtains certification from a TCB or uses a Supplier's Declaration of Conformity, each of the responsible parties for ACS telephonic CPE will also need to have its equipment listed in the ACTA database. ACTA charges a filing fee of approximately \$825 per application. As noted above, the Commission estimates that there will be about approximately 2.6 responses per respondent annually. The Commission therefore estimates the cost for each responsible party to register ACS telephonic CPE in the ACTA

**Hearing Aid Compatibility; Access to Telecommunications Equipment and Services by Persons with Disabilities; Section 68.5 Waivers, CC Docket No. 87-124 and CG Docket No. 13-46**

database to be as follows.

Registration in ACTA Database = 100 respondents x 2.6 responses/respondent x \$825/application = \$214,500 annually

**Total Annualized Start-Up Costs: \$0**

**Total Operation, Maintenance, and Purchase of Service Costs: \$273,000 + \$214,500 = \$487,500 annually**

***D. ACTA Database for ACS Telephonic CPE***

The Commission estimates that there are no longer any capital or start-up costs for this requirement. The Commission does not believe that the requirement will necessitate any operation, maintenance, or purchase of service costs.

**Total Annualized Start-Up Costs: \$0**

**Total Operation, Maintenance, and Purchase of Service Costs: \$0**

***E. Warranty, Instructions and Revocation for ACS Telephonic CPE***

**Total Annualized Start-Up Costs: \$0**

**Total Operation, Maintenance, and Purchase of Service Costs: \$0**

***F. Designation of Agents for Service for ACS Telephonic CPE***

**Total Annualized Start-up Costs: \$0**

**Total Operation, Maintenance, and Purchase of Service Costs: \$0**

***G. Requests for Waiver of HAC Requirements for Telephonic and ACS Telephonic CPE***

**Total Annualized Start-UP Costs: \$0**

**Total Operation, Maintenance, and Purchase of Service Costs: \$0**

**Hearing Aid Compatibility; Access to Telecommunications Equipment and Services by Persons with Disabilities; Section 68.5 Waivers, CC Docket No. 87-124 and CG Docket No. 13-46**

**TOTAL COSTS:**

**Total Annualized Start-up Costs: \$0**

**Total Operation, Maintenance, and Purchase of Service Costs: \$487,500 annually**

**TOTAL: \$487,500 annually**

14. The Commission will use staff attorneys to review and process waiver requests, and any associated documents, and prepare an appropriate reply. This process will require 3 hours per request. The hourly salary for an employee charged with this task will be a GS-14/5 (\$66.54/ hour). The Commission also has determined there are no other costs to the federal government associated with these information collection requirements.

**Total Cost to the Federal Government:** 2 responses x 3 hours x \$66.54 / hour = **\$399.24**

15. Due to the merger of information collection 3060-0687 into information collection 3060-0422 and the elimination of one-time start-up costs for the Labeling and Notices for ACS Telephonic CPE and ACTA Database for ACS Telephonic CPE requirements that were put in place three years ago, the Commission reports the following adjustments to this collection: the annual number of respondents has increased by **+329, from 2 to 331 annual number of respondents**; the annual number of responses has increased by **+3,028, from 2 to 3,030 annual number of responses**; the annual burden hours have increased by **+7,236, from 6 to 7,242 annual burden hours**; and the total annual cost has increased by **+\$487,500, from \$0 to \$487,500 annual cost**.
16. The Commission does not intend to publish the results of these collections of information.
17. The Commission does not intend to seek approval not to display the expiration date for OMB approval of the information collections.
18. There are no exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods:**

The Commission does not anticipate that the collections of information will employ statistical methods.