

SUPPORTING STATEMENT

A. Justification

1. Circumstances that make the collection necessary

The Federal Communications Commission (Commission) is submitting this request to obtain the Office of Management and Budget (OMB) approval of a revised information collection contained at 47 CFR § 20.19(f), (h)(1), and (i). This modified information collection reflects changes made by the Commission in its recently adopted Report and Order in WT Docket No. 20-3, FCC 21-28 (*2021 Report and Order*) that addressed the Commission's wireless hearing aid compatibility requirements.¹ The Commission's wireless hearing aid compatibility provisions require, among other things, that handset manufacturers and service providers make available to the public a minimum number of hearing aid-compatible wireless handsets that meet industry agreed upon technical standards.

The Commission originally adopted wireless hearing aid compatibility requirements in a 2003 Report and Order in WT Docket 01-309, FCC 03-168. The 2003 Report and Order modified the exemption for telephones used with public mobile services from the requirements of the Hearing Aid Compatibility Act of 1988. Besides requiring that handset manufacturers and service providers offer a minimum number of hearing aid-compatible handsets that meet agreed upon technical standards, the Commission's hearing aid compatibility rules include consumer outreach, product labeling and disclosure, record retention, reporting, and website posting requirements. These provisions allow the Commission to verify compliance with the Commission's rules and to monitor the status of hearing aid-compatible handset deployment in the marketplace, as well as to ensure that consumers have the information that they need to make informed purchasing decisions.

The *2021 Report and Order* revised the information that handset manufacturers and service providers must include on hearing aid-compatible handset package labels and in the related package inserts or user manuals. The Commission's labeling provisions are located at 47 CFR § 20.19(f). The Commission revised the labeling rules in order to streamline the rules and to remove outdated requirements. The new rules require that the package label provide the volume control capabilities of a hearing aid-compatible handset that meets volume control requirements, and maintain the requirement that a hearing aid-compatible handset's package label state that the handset is hearing aid-compatible. The new rules still require a hearing aid-compatible handset to list its hearing aid-compatible rating, but moves the location in which this is required to be listed from the package label to the package insert or user manual. The other requirements for package inserts and user manuals have not changed, but the requirements have been reorganized to make them easier to follow. The Commission's labeling revisions continue to allow consumers to access the information that they need to understand the hearing aid compatibility of handsets they are considering for purchase. At the same time, the labeling revisions give handset manufacturers and service providers flexibility in designing package labels and conveying supplemental information.

¹ Notice of the *2021 Report and Order* was published in the Federal Register on May 4, 2021 with an effective date for the rules not containing Paper Work Reduction Act implications of June 3, 2021. 86 FR 23614. A copy of the Federal Register Summary of the *2021 Report and Order* is available at: <https://www.govinfo.gov/content/pkg/FR-2021-05-04/pdf/2021-08973.pdf>.

The *2021 Report and Order* also revised the website posting requirements for handset manufacturers and service providers contained at 47 CFR § 20.19(h)(1). The revised rule requires handset manufacturers and service providers to post to their publicly accessible websites the technical standard used to determine hearing aid compatibility in addition to the information that handset manufacturers and service providers are presently required to post. Since handset manufacturers and service providers already are required to include the technical standard used to determine hearing aid compatibility in package inserts and users manuals for hearing aid-compatible handsets, this change will not substantially impact the existing paperwork burden estimates OMB has already approved for this information collection. Further, the website posting requirement has been revised to eliminate the requirement that service providers post to their publicly accessible websites the different levels of functionality of the hearing aid-compatible handsets that they offer to the public. This change offsets any burden added by the requirement that service providers post the technical standard used to determine hearing aid compatibility.

Finally, the *2021 Report and Order* addressed the reporting and certification requirements for handset manufacturers and service providers contained at 47 CFR § 20.19(i). The *2021 Report and Order* revised the dates that service providers must file their FCC Form 855 certifications and handset manufacturers must file their FCC Form 655 status reports. The forms were annually due by January 15 and July 15, respectfully, and now are annually due by January 31 and July 31. The Commission revised these filing deadlines in order to accommodate Federal holidays at the start of January and July and to make sure the forms contain information for the full preceding 12-month periods. These forms are the principal way that the Commission ensures compliance with its hearing aid compatibility requirements. In addition, the Commission is revising the forms to reflect the Commission's current hearing aid compatibility *de minimis* provisions located at 47 CFR § 20.19(e) and to reflect the Commission's new mailing address.

The changes the *2021 Report and Order* made to the Commission's wireless hearing aid compatibility provisions will not affect the presently approved number of respondents, responses, burden hours, or costs. The Commission requests that OMB approve the proposed revisions to the currently approved information collection in order to implement the changes the Commission adopted in the *2021 Report and Order*. These changes benefit handset manufacturers and service providers by reducing regulatory burden while continuing to ensure that the Commission can fulfill its statutory obligation to monitor compliance with its hearing aid compatibility rules and to make more complete and accessible information available to consumers. All the other paperwork burden requirements previously approved by OMB in this information collection remain unchanged.

Statutory authority for this information collection is contained in 47 U.S.C. §§ 151, 154(i), 157, 160, 201, 202, 208, 214, 301, 303, 308, 309(j), 310 and 610.

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

2. How, by whom, and for what purpose the information will be used

The information collection modifications discussed above have practical utility and will help the Commission fulfill its statutory requirements under the Hearing Aid Compatibility Act. These modifications provide the Commission with a way to verify compliance with rules that require handset manufacturers and service providers to offer specified numbers of hearing aid-compatible handsets and to monitor the status of hearing aid-compatible handset deployment. These modifications also ensure that consumers have easy access to up-to-date information about hearing aid-compatible handsets that handset manufacturers and service providers offer. The changes to the presently approved information collection will allow the Commission to better perform its functions.

3. To what extent does the collection use electronic collection techniques

FCC Forms 655 and 855 are electronic forms that handset manufacturers and service providers can access from the Commission's website at <http://wireless.fcc.gov/hac>. Filers fill the forms out online and then file the forms electronically. Returning filers can have the information they filed the previous year self-fill their next reports or certifications. After Commission staff reviews the filings, the Commission posts the filings to the hearing aid compatibility part of the Commission's website for the general public to access and review.

The Commission does not mandate how handset manufacturers and service providers configure their websites or the way hearing aid compatibility information must be posted. Handset manufacturers and service providers have flexibility with the design and administration of their websites and may maintain Commission required information in a manner that works best for them. The Commission's recently adopted modified website posting requirement does not change this approach. The Commission only requires the information be kept up-to-date; the format and manner of presentation is left entirely to individual handset manufacturers and the service providers.

4. Describe efforts to identify duplication

The information that the Commission is requiring handset manufacturers and service providers to provide to consumers and annually submit to the Commission is not otherwise readily available. This information allows consumers to make informed purchasing decisions and the Commission to monitor compliance with its hearing aid compatibility provisions. Further, the changes the Commission has adopted eliminate redundancy and regulatory burden and streamline compliance obligations while at the same time allowing the Commission to fulfill its statutory responsibilities.

5. Describe methods used to minimize burden on small businesses

The revisions that the Commission requests OMB approve will not have a significant economic impact on small businesses, organizations, or other small entities. Consistent with the Paperwork Reduction Act of 1995, the Commission strives to minimize the regulatory burden on all respondents regardless of size. Here, the Commission's changes reduce regulatory burden by streamlining and simplifying handset manufacturer and service provider labeling, website posting, and reporting obligations.

These changes will ease compliance burdens for small entities. All handset manufacturers and service providers, including small businesses, will be allowed to choose how to design and display the information that the Commission is requiring be on package labels, and included in package inserts and user manuals, and on websites. Further, all service providers will no longer be required to post to their websites information about the different levels of functionality of their handsets.

6. Describe the consequences to policy activities if the collection is not conducted or conducted less frequently

In order for the Commission to fulfill its statutory obligations under the Hearing Aid Compatibility Act, it must maintain the information collection contained in its hearing aid compatibility rules. The labeling and disclosure modifications and website posting revisions are necessary to ensure that consumers have easy access to up-to-date compatibility information. The Commission's yearly reporting and certification requirements are necessary for the Commission to fulfill its statutory obligation to monitor the availability of hearing aid-compatible handsets. If this information collection is not done or is done less frequently, the Commission

could not fulfill its statutory obligations to the fullest extent possible and consumers would be deprived of necessary information.

7. Explain any special circumstance that require a deviation from OMB information collection guidelines

The modifications that the Commission has made to the currently approved information collection are consistent with OMB's guidelines as set forth at 5 CFR §1320.5(d)(2).

8. Publication date of public notice seeking comment on this revised information request

Pursuant to 5 CFR §1320.8(d), the Commission initiated a 60-day public comment period on May 25, 2021, 86 FR 28103, seeking comment from the public on the revised information collection requirements contained in this OMB submittal. In response to the 60-day notice, the Center for Regulatory Effectiveness (CRE) filed a comment on July 5, 2021 in WT Docket No. 20-3 requesting that the Commission impose certain filing requirements on manufacturers of personal sound amplification products (PSAPs) who claim in advertisements that their devices are compatible with a particular handset. Specifically, CRE requests that the Commission require these manufacturers to provide the Commission with advertising materials and other information relating to their PSAPs. However, the *2021 Report and Order* does not cover PSAPs or include PSAPs paperwork requirements, as PSAPs are not considered handsets under the Commission's hearing aid compatibility rules. See 47 CFR §20.19(a). In addition, the issue of whether the Commission should modify its hearing aid compatibility rules to include PSAPs and what, if any requirements should be imposed on these devices, is being considered in a separate rulemaking proceeding. See FCC 16-103 at paras. 46-47. As a result, CRE's comments provide no grounds to adjust the paperwork burden estimates contained in this submittal.

9. Explain any decision to provide any payment or gift to respondents

Handset manufacturers and service providers (i.e., respondents) subject to this modified information collection will not receive any payments or gifts.

10. Describe any assurance of confidentiality provided to respondents

Handset manufacturers and service providers may request that their FCC Form 655 and 855 compliance filings be withheld from public inspection. See 47 CFR § 0.459. The Commission will evaluate such requests on a case-by-case basis.

11. Provide a justification for any questions of a sensitive nature or of a private nature

None of the modified information collection requirements contained in this submission address any private matters or questions of a sensitive nature.

12. Provide estimates of the hour burden for the information collection

The *2021 Report and Order* requires modifications to the currently approved information collection relating to handset manufacturers and service provider labeling and disclosure, website posting, and reporting and certification requirements. These modifications are modest in nature and require the type of information that handset manufacturers and service providers maintain and utilized on a daily basis. Further, in some instances these modifications are offset by the elimination of other paperwork burden requirements.

Estimated Number of Respondents and Responses: The *2021 Report and Order* does not require the Commission to revise the previously approved number of estimated respondents or previously approved number of estimated responses. There are two groups of entities that this information collection applies to – handset manufacturers and service providers. Consistent with

the previously approved information collection, the Commission continues to estimate that there are approximately 25 handset manufacturers and approximately 909 operating service providers. Therefore, consistent with the Commission's last information collection submission, the Commission continues to estimate that the total number of estimated respondents for this collection is 934. Further, each handset manufacturer is only required to file one annual status report and each service provider is only required to file one annual certification. Therefore, the Commission continues to estimate that the total number of estimated responses is 934. Thus, the number of estimated respondents and responses is the same number of estimated respondents and responses that OMB previously approved for this collection.

Estimated Total Number of Respondents: 934 respondents (25 handset manufacturers + 909 service providers).

Estimated Total Number of Responses: 934 responses (25 handset manufacturer status reports and 909 service provider certifications)²

Modified Labeling and Disclosure Requirements: As discussed above, the *2021 Report and Order* revised the information that handset manufacturers and service providers are required to include on hearing aid-compatible handset package labels and in the related package inserts and user manuals. The Commission believes that the modified labeling and disclosure rules are consistent with the information that handset manufacturers and service providers would otherwise provide to consumers in the normal manufacturing and marketing processes. Therefore, the Commission continues to estimate the annual burden hours related to the modified labeling and disclosure rules to be zero hours. This estimate is the same estimate that OMB previously approved for hearing aid compatibility label and disclosure requirements.

Total Annual Label and Disclosure Burden Hours: 0 hours.

Modified Website Posting Requirements: As indicated above, the *2021 Report and Order* modified the website posting requirements for handset manufacturers and service providers by requiring them to post to their publicly accessible websites the technical standard used to determine hearing aid compatibility. Since handset manufacturers and service providers are already required to include the technical standard used to determine hearing aid compatibility in package inserts and user manuals for hearing aid-compatible handsets, this change will not substantially impact the existing paperwork burden estimates already approved by OMB. Further, the website posting requirement has been revised to eliminate the requirement that service providers post to their publicly accessible websites the different levels of functionality of the hearing aid-compatible handsets that they offer to the public. This change offsets any burden added by the requirement that service providers post the technical standard used to determine hearing aid compatibility.

The purpose for the website posting requirement is to ensure that consumers have access to up-to-date handset hearing aid compatibility information. Unlike with annual filings, websites must be updated within 30 days of any changes to this information. The Commission continues to expect that each handset manufacturer will spend no more than one hour updating their website postings and will need to update their website postings at most six times per year and that service providers will spend no more than one and half hours updating their website postings and will need to update their website postings at most six times per year. As a result, the Commission estimates that the website posting burden for handset manufacturers and service providers will be the same as previously approved by OMB. The Commission calculates this burden as follows:

25 handset manufacturers x 1.0 hour per update x 6 updates per year = 150 hours.

² Since some of the requirements are calculated in terms of the burden to the respondent pool instead of the actual responses, it is difficult for the Commission to quantify the total number of responses.

909 service providers x 1.5 hour per update x 6 updates per year = 8,181 hours.

Total Annual Website Posting Burden Hours: 8,331 hours (150 hours + 8,181 hours).

Reporting Requirement: The 2021 Report and Order revised the dates that service providers must file their FCC Form 855 certifications and handset manufacturers must file their FCC Form 655 status reports. These revisions do not require an adjustment in the presently approved burden hours associated with these annual filings. As under the currently approved information collection, the Commission estimates the burden for completing and filing an individual handset manufacturer status report through the Commission's electronic filing system will continue to be two and a half hours and an individual service provider certification through the Commission's electronic filing system will continue to be a half hour. Thus, the Commission estimates that the annual status reporting and certification burdens for handset manufacturers and service providers will continue to be the same as OMB previously approved. The Commission calculates this burden as follows:

One Handset Manufacturer Status Report: 2.5 hours x 25 manufacturers = 63 hours.

One Service Provider Certification: 0.5 hour x 909 providers = 454.50 hours.

Total Annual Status Reporting and Certification Burden Hours: 517.50 hours (63 hours + 454.50 hours).

Standards Development: The 2021 Report and Order did not address the standards development process for ensuring that hearing aids are compatible with handsets. As a result, the burden estimate for ongoing discussions concerning the technical standard used to determine hearing aid compatibility is unchanged from the currently approved collection. The Commission continues to expect that a subset of approximately 50 of the 934 respondents will meet and make modifications to the technical standard for determining hearing aid compatibility in the coming years. The Commission calculates the total estimated annual burden hours for the standard development process as follows: The Commission anticipates that 12 principal representatives will account for 1,920 hours (12 principal representatives x 160 hours) and 38 representatives will account for 2,280 hours (38 representatives x 60 hours).

Total Annual Standards Development Burden Hours: 4,200 hours (1,920 hours + 2,280 hours).

Total Cumulative Annual Burden Hours: By adding together the total annual burden hours set forth above, the Commission estimates that the total annual burden hours for this information collection is 13,048.50 hours rounded up to **13,049 hours** (0 labeling and disclosure hours + 8,331 website posting hours + 517.50 status reporting and certification hours + 4,200 standards development hours = 13,048.50 or 13,049 hours rounded up). This annual burden hours estimate is unchanged from the estimate OMB previously approved for this information collection.

Total Annual In-House Cost: The Commission estimates that the respondents' in-house staff attorneys will be paid an hourly rate of \$150 per hour. Therefore, the in-house cost for this collection is 13,049 hours (rounded up) x \$150 per hour = **\$1,957,350**.

13. Provide an estimate for the total annual cost burden to respondents: There are no external/contracting costs incurred by handset manufacturers and service providers (i.e., the respondents).

14. Provide estimates of annualized costs to the Federal government

As part of the currently approved information collection, the Commission indicated that it would likely assign a staff engineer, GS-13, Step 5, at \$56.31 per hour to review FCC Forms 655

and 855 submissions. The Commission continues to estimate that it will take the staff engineer about 3 hours to review each of the 25 FCC Form 655 status reports filed annually by handset manufacturers and that it will take the staff engineer about a half-hour to review each of the 909 FCC Form 855 certifications filed annually by service providers. This results in a potential cost to the Federal Government of about \$3,949.50 per year to review the FCC Form 655 status reports (25 respondents x 3 hours x \$56.31 = \$4,223.25) and about \$25,592.90 per year to review the FCC Form 855 certifications (909 respondents x 0.5 hours x \$56.31 = \$25,592.90). Therefore, the total likely annual cost to the Federal government for this information collection is \$29,816.15 per year (\$4,223.25 + \$25,592.90 = \$29,816.15). This cost estimate is unchanged from what OMB previously approved.

15. Explain the reasons for any program changes or adjustments reported for this collection

There are no program changes or adjustments to this information collection. As mentioned above, the changes the *2021 Report and Order* made to the Commission's wireless hearing aid compatibility provisions will not affect the presently approved number of respondents, responses, burden hours, or costs. The Commission requests that OMB approve the revisions to the currently approved information collection in order to implement the changes the Commission adopted in the *2021 Report and Order*. These changes benefit handset manufacturers and service providers by reducing regulatory burden while continuing to ensure that the Commission can fulfill its statutory obligation to monitor compliance with its hearing aid compatibility rules and to make more complete and accessible information available to consumers. All other paperwork burden requirements previously approved by OMB in this information collection remain unchanged.

16. For collections of information whose results will be published, outlines plans for tabulation and publication

The Commission will not publish any results from the information collected and the data will not be published for statistical use.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate

The Commission seeks continued OMB approval to not display the expiration date for OMB approval of the information collection associated with FCC Forms 655 and 855. The Commission will continue to use an edition date in lieu of an OMB expiration date. This approach will alleviate Commission staff from having to update the OMB expiration date every time the forms are re-submitted to OMB. Finally, the Commission displays the OMB expiration date, OMB Control Number, and Title of all OMB-approved information collections in 47 CFR § 0.408.

18. Explain each exception to the certification statement

There are no exceptions to the "Certification Statement" contained at 5 CFR § 1320.9.

B. Collections of Information Employing Statistical Methods

The revised information collection does not employ any statistical methods.