

This submission is being made pursuant to 44 U.S.C. § 3507 of the Paperwork Reduction Act of 1995 to revise an existing information collection in order to obtain Office of Management and Budget (OMB) approval for the full three-year clearance.

## SUPPORTING STATEMENT

### A. Justification:

1. Sections 201, 202, 203, 204 and 205 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 201, 202, 203, 204 and 205, require that common carriers establish just and reasonable charges, practices and regulations that must be filed with the Federal Communications Commission (Commission), which is authorized to determine whether such schedules are just, reasonable and not unduly discriminatory. Section 251(b)(5) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. §§ 251(b)(5), requires local exchange carriers (LECs or carriers) to establish reciprocal compensation arrangements for the transport and termination of telecommunications.

Part 61 of the Commission's rules establishes the procedures for filing interstate tariffs which contain common carriers' charges, practices and regulations, as well as supporting economic data and other related documents. The supporting data must also conform to other parts of the Commission's rules such as parts 36 and 69. Part 61 prescribes the framework for the initial establishment of and subsequent revisions to tariffs. Any issuing carrier that is a LEC, and chooses to establish an Internet website, must make its tariffs available on that website, in addition to the Commission's website.<sup>1</sup>

Part 51 of the Commission's rules requires certain LECs to file interstate and/or intrastate tariffs to transition certain interstate and intrastate switched access and reciprocal compensation rates to bill-and-keep. This subpart uses the tariffing procedures of part 61 to govern the interstate tariff filings required by part 51. Tariffs that are required by part 51 to be filed with state commissions use the relevant state procedures.

On April 27, 2001, the Commission released the *CLEC Access Order*,<sup>2</sup> which limited the application of the Commission's tariff rules to interstate access services provided by nondominant LECs (i.e., competitive LECs). Pursuant to this order, competitive LEC access rates that are at or below a benchmark set by the Commission will be presumed to be just and reasonable and may be imposed by tariff. Above the benchmark, competitive LEC access services were mandatorily detariffed.

On September 23, 2005, the Commission released the *Wireline Broadband Internet Access Services Order*, which permits facilities-based providers to offer broadband Internet access transmission arrangements for wireline broadband Internet access services on a common carrier basis or a non-common carrier basis.<sup>3</sup> If the provider decides to offer broadband Internet access transmission service on a common carrier basis, the Commission allows them to do so on a permissive detariffed basis.

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<sup>1</sup> See 47 CFR § 61.72(c).

<sup>2</sup> *Access Charge Reform; Reform of Access Charges Imposed by Competitive Local Exchange Carriers*, CC Docket No. 96-262, Seventh Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 9923 (2001) (*CLEC Access Order*).

<sup>3</sup> *Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities et al.*, CC Docket No. 02-33 et al., Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853 (2005) (*Wireline Broadband Internet Access Services Order*).

On August 31, 2007, the Commission released the *Section 272 Sunset Order*, which found the Bell Operating Companies (BOCs) to be nondominant in the provision of in-region, interstate and international, long distance services, whether they provide these services directly or through certain affiliates.<sup>4</sup> Under that order, AT&T, the legacy Qwest portions of CenturyLink, Verizon, Hawaiian Telcom, and the legacy Verizon portions of FairPoint and Frontier are barred from filing tariffs for in-region, interstate and international, long distance services pursuant to section 203 of the Act and sections 61.31-61.38 and 61.43 of the Commission's rules.

On November 18, 2011, the Commission released the *USF/ICC Transformation Order*,<sup>5</sup> which requires or permits incumbent LECs and competitive LECs to transition interstate and intrastate switched access rates and reciprocal compensation rates to bill-and-keep under section 251(b)(5) of the Act by filing tariffs with state commissions and the Commission. This transition affects different switched access rates at specified timeframes and establishes an Access Recovery Charge (ARC) by which carriers will be able to assess end users a monthly charge to recover some or all of the revenues they are permitted to recover resulting from reductions in intercarrier compensation rates.

On March 23, 2016, the Commission adopted the *Rate-of Return Reform Order*,<sup>6</sup> which reformed universal service for rate-of-return incumbent LECs. The Commission allowed carriers to elect the new Alternative Connect America Model (A-CAM) support, which provides a set amount of monthly support over 10 years, or remain with a reformed version of legacy support mechanisms with Connect America Fund Broadband Support (CAF-BLS) and High Cost Loop Support (HCLS).

On April 28, 2017, the Commission released the *Price Cap Business Data Services Order*,<sup>7</sup> which establishes a new regulatory framework for business data services. Under this framework, price cap incumbent LECs are no longer subject to price cap regulation of their: (a) packet-based business data services; (b) time division multiplexing (TDM) transport business data services; (c) TDM business data services with bandwidth in excess of a DS3; and (d) DS1 and DS3 end user channel terminations, and other lower bandwidth TDM business data services, to the extent a price cap incumbent LEC provides these services in counties deemed competitive under the Commission's competitive market test or in counties for which the price cap incumbent LEC had obtained Phase II pricing flexibility under the Commission's prior regulatory regime. The *Price Cap Business Data Services Order* required that, within 36 months of its effective date (i.e., by August 1, 2020), price cap incumbent LECs must remove all business data services that are no longer subject to price cap regulation from their interstate tariffs. The order also required competitive LECs, by that same deadline, to remove all business data services from their interstate tariffs.

On October 24, 2018, the Commission released the *Rate-of-Return Business Data Services Order*,<sup>8</sup> allowing rate-of-return carriers currently receiving model-based or other forms of fixed high-cost

<sup>4</sup> *Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements et al.*, WC Docket No. 02-112 et al., Report and Order and Memorandum Opinion and Order, 22 FCC Rcd 16440 (2007) (*Section 272 Sunset Order*).

<sup>5</sup> *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*), *aff'd*, *In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

<sup>6</sup> *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087 (2016) (*Rate-of-Return Reform Order*).

<sup>7</sup> *Business Data Services in an Internet Protocol Environment et al.*, WC Docket No. 16-143 et al., Report and Order, 32 FCC Rcd 3459 (2017) (*Price Cap Business Data Services Order*).

<sup>8</sup> *Business Data Services for Rate-of-Return Local Exchange Carriers et al.*, WC Docket No. 16-143 et al., Report and Order, Second Further Notice of Proposed Rulemaking, and Further Notice of Proposed Rulemaking, 33 FCC Rcd 10403 (2018) (*Rate-of-Return Business Data Services Order*).

universal service support to voluntarily elect to transition their business data service offerings from rate-of-return to incentive regulation. Under the framework adopted in that order, rate-of-return incumbent LECs electing incentive regulation for their business data services were required to detariff all packet-based and TDM business data services above a DS3 bandwidth within 36 months after the effective date of their elections of incentive regulation; and detariff all TDM-based end user channel termination business data services at or below a DS3 bandwidth in any study area deemed competitive by the competitive market test within 36 months after such services shall be deemed competitive in a study area.<sup>9</sup>

As part of the reforms adopted in the *Price Cap Business Data Services Order* and *Rate-of-Return Business Data Services Order*, the Commission directed the Wireline Competition Bureau (Bureau) to update the price cap and rate-of-return competitive market test results every three years following the 2020 price cap test.<sup>10</sup> The Bureau updated the price cap competitive market test results on May 15, 2017 and January 27, 2023. The Bureau updated the rate-of-return competitive market test results on October 25, 2018 and January 27, 2023. Rate-of-return carriers electing incentive regulation for their business data service offerings serving competitive study areas and price cap carriers serving competitive counties were granted relief from tariffing obligations for TDM-based end-user channel terminations with capacity at or below a DS3-level.

On September 27, 2019, the Commission released the *Access Arbitrage Order*,<sup>11</sup> making access-stimulating LECs financially responsible for the terminating tandem switching and transport service access charges associated with the delivery of traffic from an interexchange carrier (IXC) to the access-stimulating LEC end office or its functional equivalent. The *Access Arbitrage Order* required that, within 45 days of its effective date, access-stimulating LECs remove any existing tariff provisions for terminating tandem switching or terminating tandem switched transport access charges. Affected Intermediate Access Providers have the same time period to prepare any tariff revisions which they may see fit to file. The *Access Arbitrage Order* also required that access-stimulating LECs file notice of their access-stimulating status and acceptance of financial responsibility in the Commission's *Access Arbitrage* docket, and provide notice to any affected IXCs and Intermediate Access Providers of the same. If access-stimulating LECs no longer engage in access stimulation, they must also file notice of that change in status with the Commission and with any affected IXCs and Intermediate Access Providers.

On October 9, 2020, the Commission released the *8YY Access Charge Reform Order*,<sup>12</sup> that transitioned intercarrier compensation for toll free (8YY) services either to lower, uniform rate caps or to bill-and-keep over three years as a means of curtailing abuse of the 8YY intercarrier compensation regime. The order required price cap and rate-of-return carriers to establish separate rate elements for certain interstate and intrastate toll free and non-toll free services. Carriers were also required to lower their 8YY database query charges over a three-year transition ending July 1, 2023, and were prohibited from charging for more than one database query per call.<sup>13</sup> As the final step in the transition, in July 2023, all incumbent LECs were required to refile their interstate and intrastate tariffs to remove any

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<sup>9</sup> 47 CFR § 61.50(k)(3).

<sup>10</sup> *Wireline Competition Bureau Releases Results of Tests Required by Sections 61.50(j) and 69.803(c) of the Commission's Rules*, WC Docket Nos. 21-17 and 17-144, Public Notice, DA 23-76 (WCB Jan. 27, 2023).

<sup>11</sup> *Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage*, WC Docket No. 18-155, Report and Order and Modification of Section 214 Authorizations, 34 FCC Rcd 9035 (2019) (*Access Arbitrage Order*), *aff'd*, *Great Lakes Communications Corp. v. FCC*, 3 F.4th 470 (D.C. Cir. 2021).

<sup>12</sup> *8YY Access Charge Reform*, WC Docket No. 18-156, Report and Order, 35 FCC Rcd 11594, 1604-05, para. 25 (2020) (*8YY Access Charge Reform Order*).

<sup>13</sup> *Id.*; 47 CFR §§ 51.907(i)-(k), 51.909(l)-(o).

intercarrier charges for toll free originating end office access services<sup>14</sup> and reduce toll free database query charges to no more than \$0.0002 per query.<sup>15</sup> Competitive LECs assessing a tariffed intrastate or interstate toll free database query charge must have capped such charges and revised their tariffs to ensure that those charges do not exceed the rates charged by the competing incumbent LEC.<sup>16</sup>

On April 21, 2023, the Commission released the *Access Arbitrage Second Report and Order*,<sup>17</sup> which added rules applicable to Internet Protocol Enabled Service (IPES) Providers engaged in Access Stimulation. The *Access Arbitrage Second Report and Order* requires that access-stimulating IPES Providers provide notice of their status to the Commission by filing a record of their access-stimulating status in the Commission's Access Arbitrage docket, and to provide notice to any affected IXCs and Intermediate Access Providers of the same, within 45 days of the effective date of that requirement after approval of that information collection by OMB (or for an entity that later engages in access stimulation, 45 days from the date it commences access stimulation). If, after the effective date of this requirement subsequent to approval of this requirement by OMB, an access-stimulating IPES Provider is no longer engaged in Access Stimulation, the IPES Provider must file notice of that change in status with the Commission and with any affected IXCs and Intermediate Access Providers.

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

Statutory authority for this information collection is contained in sections 1-5, 201-205, 208, 251-271, 403, 502, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-155, 201-205, 208, 251-271, 403, 502, and 503.

2. The Commission and state commissions use the information collected through a carrier's tariff, as well as any supporting documentation carriers submit, to determine whether a carrier's services are offered in a just and reasonable manner. In the case of LECs or IPES Providers engaged in Access Stimulation, the Commission and other carriers will use the information collected from LECs and IPES Providers engaged in Access Stimulation to determine when a shift in payment obligations shall occur.

3. Beginning January 18, 2012, all carriers, both domestic and international, were required to file interstate and international tariffs (where still mandated or permitted) electronically using the Commission's Electronic Tariff Filing System (ETFS).<sup>18</sup> We are unable to estimate the number of filings with state commissions that can be made electronically, or how many will need to be filed by paper. The information collected from LECs and IPES Providers engaged in Access Stimulation will be filed using the Commission's Electronic Comment Filing System (ECFS)<sup>19</sup> which is accessible to interested carriers and the public.

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<sup>14</sup> 47 CFR §§ 51.907(k)(1), 51.909(o)(1).

<sup>15</sup> *Id.* §§ 51.907(k)(2), 51.909(o)(2).

<sup>16</sup> See *Wireline Competition Bureau Reminds Competitive Local Exchange Carriers to File Revised Tariffs by July 18, 2022 and to Submit New Filing Fees Through CORES*, WC Docket Nos. 18-156 and 22-108, Public Notice, DA 22-542 (WCB May 17, 2022).

<sup>17</sup> *Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage*, WC Docket No. 18-155, Second Report and Order, FCC 23-31 (rel. Apr. 21, 2023) (*Access Arbitrage Second Report and Order*).

<sup>18</sup> *Electronic Tariff Filing System (ETFS)*, WC Docket No. 10-141, Report and Order, 26 FCC Rcd 8884 (2011).

<sup>19</sup> *Welcome to the FCC's Electronic Comment Filing System*, <https://www.fcc.gov/ecfs/search/search-filings> (last visited May 18, 2023) ("ECFS serves as the repository for official records in the FCC's docketed proceedings from 1992 to the present. The public can use ECFS to retrieve any document in the system . . .").

4. No similar information is available elsewhere.

5. As discussed in prior OMB filings, small incumbent LECs are not considered by the Commission to constitute “small entities” within the meaning of the Regulatory Flexibility Act, since they are dominant in the provision of local exchange and access services. The Commission, nevertheless, is committed to reducing the regulatory burdens on small incumbent LECs whenever possible, consistent with the Commission’s other public interest responsibilities. Nondominant LECs are permitted, but not required, to file tariffs for services that are not mandatorily detariffed. Some nondominant LECs may qualify as small businesses under the Regulatory Flexibility Act.<sup>20</sup>

The category of “IPES Providers” includes many Voice over Internet Protocol (VoIP) providers, which are included in a U.S. Census Bureau category of “All Other Telecommunications”—the vast majority of which the Commission estimates can be considered small—as explained in the Final Regulatory Flexibility Analysis for the *Access Arbitrage Second Report and Order*. As the Commission does with small incumbent LECs, the Commission sought to reduce the regulatory burdens on IPES Providers. In the order, the Commission adopted rules requiring the IPES Providers to notify carriers and the Commission when they begin to be involved in Access Stimulation and when they cease being involved in Access Stimulation. To minimize the impact on IPES Providers that may be considered small entities, an IPES Provider that is engaged in Access Stimulation has 45 days after OMB approval (or for an entity that later engages in access stimulation, 45 days from the date it commences access stimulation) to provide the necessary notifications.

6. The tariff reporting requirements are necessary to allow the Commission and state commissions to become aware of unjust or unreasonable charges to the public in a timely manner. Without these reporting requirements, the Commission would not be able to minimize any adverse effects on the public. The notification requirements applicable to LECs and IPES Providers engaged in Access Stimulation are necessary so that other carriers will know when to stop or start imposing access charges on IXCs.

7. Sections 51.907 and 51.909 of the Commission’s rules, among other things, require incumbent LECs to file tariffs with state commissions. We do not know the extent to which any state commission may require that more than an original and two copies of a tariff be filed. If that is the case, we believe that state commissions have determined that multiple copies are needed to perform their functions. There are no requirements for IPES Providers to provide notifications more frequently than when they change from being engaged in Access Stimulation to not being engaged in Access Stimulation, and vice versa.

8. The Commission published a 60-day notice in the Federal Register seeking public comment on June 20, 2023 (88 FR 39847). The Commission received no comments from the public.

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

10. The information is not of a confidential nature. Respondents that believe certain information to be of a proprietary nature may solicit confidential treatment in accordance with the procedures described in 47 C.F.R. § 0.459.

11. There are no questions of a sensitive nature with respect to this information collection.

12. The following represents the estimated number of burden hours for this information collection. We note that the hourly burden imposed by the requirement is very difficult to quantify.

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<sup>20</sup> See *CLEC Access Order*, 16 FCC Rcd at 9967-68, paras. 115-16.

The following represents our best estimate.

**A. Reporting Requirement of Interstate Tariffs for Incumbent and Competitive Local Exchange Carriers**

(1) Number of respondents: **Approximately 825** including incumbent and competitive LECs, NECA, and consultants.

(2) Frequency of response: One-time, on occasion, annual, and biennial reporting requirements.

(3) Total number of responses annually: **Approximately 1,650**.

The Commission estimates 825 respondents x 2 responses per year = 1,650 responses.

(4) Estimated time per response: 50 hours.

(5) Total annual burden: **82,500 hours**.

The Commission estimates that approximately 825 respondents will require 50 hours of reporting time per filing.

825 respondents x 50 hours per response x 2 responses per year per respondent = 82,500 hours.

(6) Total estimate of “in-house” cost to respondents: **\$4,219,875**.

(7) Explanation of calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 12/Step 5 employee earning \$51.15 per hour. Thus:

82,500 hours x \$51.15 per hour = \$4,219,875.

**B. Reporting Requirement of Intrastate Tariffs**

(1) Number of respondents: **Approximately 2,925**.

(2) Frequency of response: One-time, on occasion and annual reporting requirements.

(3) Total number of responses annually: **Approximately 2,925**.

The Commission estimates 2,925 respondents x 1 response per year = 2,925 responses annually.

(4) Estimated time per response: 30 hours.

Without surveying the states, it is difficult to estimate the support burden for intrastate tariffs because we do not know the specific state requirements, which likely vary widely.

(5) Total annual burden: **87,750 hours**.

The Commission estimates that approximately 2,925 respondents will require 30 hours of reporting time per filing.

$2,925 \text{ respondents} \times 30 \text{ hours per response} \times 1 \text{ response per year per respondent} = 87,750 \text{ hours}$ .

(6) Total estimate of “in-house” cost to respondents: **\$4,488,412.50**.

(7) Explanation of calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 12/Step 5 employee earning \$51.15 per hour. Thus:

$87,750 \text{ hours} \times \$51.15 \text{ per hour} = \$4,488,412.50$ .

**C. Reporting Requirement: Detariffing by Incumbent Local Exchange Carriers**

(1) Number of respondents: **Approximately 20** including price cap and rate-of-return incumbent local exchange carriers

(2) Frequency of response: On occasion reporting requirement as needed by filer.

(3) Total number of responses annually: **Approximately 20**.

The Commission estimates  $20 \text{ respondents} \times 1 \text{ response per year} = 20 \text{ responses annually}$ .

(4) Estimated time per response: Approximately 30 hours per filing.

(5) Total annual burden: **600 hours**.

The Commission estimates that approximately 20 entities will require approximately 30 hours of reporting time per filing.

$20 \text{ respondents} \times 30 \text{ hours per response} \times 1 \text{ response per year per respondent} = 600 \text{ hours}$ .

(6) Total estimate of “in-house” cost to respondents: **\$30,690.00**.

(7) Explanation of calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 12/Step 5 employee earning \$51.15 per hour. Thus:

$600 \text{ hours} \times \$51.15 \text{ per hour} = \$30,690.00$ .

**D. Reporting Requirement: Detariffing of Access-Stimulating Local Exchange Carriers**

- (1) Number of respondents: **Approximately 16.**
- (2) Frequency of response: One-time reporting requirement.
- (3) Total number of responses annually: **Approximately 16.**

The Commission estimates 16 respondents x 1 response per year = 16 responses annually

- (4) Estimated time per response: Approximately 30 hours.
- (5) Total annual burden: **480 hours.**

The Commission estimates that approximately 16 entities will require approximately 30 hours of reporting time per filing.

16 respondents x 30 hours per response x 1 response per respondent = 480 hours.

- (6) Total estimate of “in-house” cost to respondents: **\$24,552.**
- (7) Explanation of calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 12/Step 5 employee earning \$51.15 per hour. Thus:

480 hours x \$51.15 per hour = \$24,552.

**E. Reporting Requirement: Notice Provided by Access-Stimulating Local Exchange Carriers**

- (1) Number of respondents: **Approximately 16.**
- (2) Frequency of response: On occasion reporting requirement as needed by filer.
- (3) Total number of responses annually: **Approximately 16.**

The Commission estimates 16 respondents x 1 response per year = 16 responses annually

- (4) Estimated time per response: 1 hour.
- (5) Total annual burden: **16 hours.**

The Commission estimates that approximately 16 entities will require approximately 1 hour of reporting time per filing.

16 respondents x 1 hour per response x 1 response per year per respondent = 16 hours.

- (6) Total estimate of “in-house” cost to respondents: **\$818.40.**



(7) Explanation of calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 12/Step 5 employee earning \$51.15 per hour. Thus:

16 hours x \$51.15 per hour = \$818.40.

**F. Reporting Requirement: Notice Provided When Local Exchange Carrier is No Longer Engaged in Access Stimulation**

(1) Number of respondents: **Approximately 8.**

(2) Frequency of response: On occasion reporting requirement as needed by filer.

(3) Total number of responses annually: **Approximately 8.**

The Commission estimates 8 respondents x 1 response per year = 8 responses annually

(4) Estimated time per response: 1 hour.

(5) Total annual burden: **8 hours.**

The Commission estimates that approximately 8 entities will require approximately 1 hour of reporting time per filing.

8 respondents x 1 hour per response x 1 response per year per respondent = 8 hours.

(6) Total estimate of “in-house” cost to respondents: **\$409.20.**

(7) Explanation of calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 12/Step 5 employee earning \$51.15 per hour. Thus:

8 hours x \$51.15/hour = \$409.20.

**G. Reporting Requirement: Notice Provided by Access-Stimulating IPES Providers**

(1) Number of respondents: **Approximately 16.**

(2) Frequency of response: On occasion reporting requirement as needed by filer.

(3) Total number of responses annually: **Approximately 16.**

The Commission estimates 16 respondents x 1 response per year = 16 responses annually

(4) Estimated time per response: 1 hour.

(5) Total annual burden: **16 hours**.

The Commission estimates that approximately 16 entities will require approximately 1 hour of reporting time per filing.

16 respondents x 1 hour per response x 1 response per year per respondent = 16 hours.

(6) Total estimate of “in-house” cost to respondents: **\$818.40**.

(7) Explanation of calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 12/Step 5 employee earning \$51.15 per hour. Thus:

16 hours x \$51.15 hour = \$818.40.

**H. Reporting Requirement: Notice Provided When IPES Provider is No Longer Engaged in Access Stimulation**

(1) Number of respondents: **Approximately 8**.

(2) Frequency of response: On occasion reporting requirement as needed by filer.

(3) Total number of responses annually: **Approximately 8**.

The Commission estimates 8 respondents x 1 response per year = 8 responses annually

(4) Estimated time per response: 1 hour.

(5) Total annual burden: **8 hours**.

The Commission estimates that approximately 8 entities will require approximately 1 hour of reporting time per filing.

8 respondents x 1 hour per response x 1 response per year per respondent = 8 hours.

(6) Total estimate of “in-house” cost to respondents: **\$409.20**.

(7) Explanation of calculation:

The Commission estimates that respondents will use personnel comparable in pay to a GS 12/Step 5 employee earning \$51.15 per hour. Thus:

8 hours x \$51.15/hour = \$409.20.

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**Total respondents: Approximately 3,834.**

**Total responses: Approximately  $1,650 + 2,925 + 20 + 16 + 16 + 8 + 16 + 8 = 4,659$ .**

**Total annual burden:  $82,500 + 87,750 + 600 + 480 + 16 + 8 + 16 + 8 = 171,378$  hours.**

**Total In-House Costs to the Respondents:**

A.	\$4,219,875.00
B.	\$4,488,412.50
C.	\$30,690.00
D.	\$24,552.00
E.	\$818.40
F.	\$409.20
G.	\$818.40
H.	<u>\$409.20</u>
<b>TOTAL</b>	<b>\$8,765,984.70</b>

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

- (1) Total capital and start-up cost component (annualized over its expected useful life): \$0.
- (2) Total operations and maintenance and purchase of services: \$604,000.

Respondents are subject to various tariff filing fees, depending on the type of tariff filing and the regulatory status and size of the filing entity.<sup>21</sup> Not all tariff filings require a tariff filing fee; for example, complete base tariffs do not require a tariff filing fee. Generally, competitive LECs' tariff revisions are subject to the \$1,040 standard tariff filing fee. With the exception of the July 1 annual tariff filing, incumbent LEC's tariff revisions are also generally subject to the \$1,040 standard tariff filing fee. Incumbent LECs' July 1 annual tariff filings are either subject to the \$7,300 complex tariff filing fee (large) or the \$3,650 complex tariff filing fee (small). The \$7,300 complex tariff filing fee (large) applies to price cap incumbent LECs and entities filing annual access charge tariffs on behalf of more than 100 LECs. The \$3,650 complex tariff filing (small) fee applies to all other non-price cap incumbent LECs' annual tariff filings and entities that file annual tariffs on behalf of 100 or fewer LECs. Because entities may file tariffs on behalf of several respondents and not all tariff filings require a fee, the number of fee-payable tariff filings (approximately 350 per year) is less than the total number of annual responses in section 12(A) (1,650). We are unable to estimate what, if any, intrastate filing fees there may be. Thus, for the tariff filings that require fees:

$$20 \text{ complex tariff filings (small)} \times \$3,650 = \$73,000$$

$$30 \text{ complex tariff filings (large)} \times \$7,300 = \$219,000$$

$$300 \text{ standard tariff filings} \times \$1,040 = \$312,000$$

$$\$73,000 + \$219,000 + \$312,000 = \$604,000$$

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<sup>21</sup> See 47 CFR § 1.1105.

**(3) Total annualized cost requested: \$604,000.**

14. Annualized cost to the Federal government to handle all tariffs has been estimated to be approximately \$980,000, estimated based on a GS 14/Step 5 employee earning \$71.88 per hour, multiplied by a total annual burden of approximately 13,566 hours, although this figure is not based on statistical methods or an in-depth survey. Without conducting a survey, we are likewise unable to estimate the cost to state commissions of reviewing the tariff filings that will be made with them. The annualized cost to the Federal government to process the notices to be filed by access-stimulating LECs and IPES Providers is approximately \$863, estimated based on a GS14/Step 5 employee earning \$71.88 per hour, multiplied by an estimated annual burden of 12 hours, although this figure is not based on statistical methods or an in-depth survey. Thus, the total annualized cost to the Federal government is approximately  $\$980,863 = (\$980,000 + \$863)$ .

15. The Commission is reporting program changes to this information collection to reflect the expansion of the price cap LEC detariffing requirement to include rate-of-return LECs due to the triennial update to the business data services competitive market test, the addition of a one-time detariffing requirement for access-stimulating LECs, the addition of two on-occasion reporting requirements for access-stimulating IPES Providers, the completion of the requirement for the detariffing of competitive LECs, and the completion of the transition of intercarrier compensation for toll free (8YY) services either to lower, uniform rate caps or to bill-and-keep over three years as a means of curtailing abuse of the 8YY intercarrier compensation regime. The total program change is a decrease of 4,913 annual responses. Burden hours have decreased by 73,086 burden hours.

Also, the Commission is reporting adjustments to this information collection due to changes in the marketplace which resulted in a further decrease of 13 annual responses and 13 burden hours. Overall, the total number of respondents has increased from 2,925 to 3,834 (+ 909), the total number of responses has decreased from 9,585 to 4,659 (-4,926) and the total annual burden hours have decreased from 244,477 to 171,378 (-73,099). The total annualized cost has adjusted/decreased from \$1,608,000 to \$604,000 (-\$1,004,000) due to a decrease in volume of fee-payable tariff filings.

16. The Commission does not anticipate that it will publish any of the information collected.

17. The Commission does not seek approval not 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:**

This information collection does not employ any statistical methods.