

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

SUPPORTING STATEMENT

A. Justification:

1. The Commission is submitting this revised information collection to the Office of Management and Budget (OMB) to add information collection requirements adopted in the *Accessible Carceral Communications Order*,¹ pursuant to section 225 of the Communications Act of 1934, as amended (the Act).²

The Americans with Disabilities Act of 1990 (ADA), Pub. L. No. 101-336, 104 Stat. 327, 366-69, was enacted on July 26, 1990.

(a) The purposes of the ADA are:

- (i) to provide a clear and comprehensive national mandate to end discrimination against individuals with disabilities and to bring persons with disabilities into the economic and social mainstream of American life;
 - (ii) to provide enforceable standards addressing discrimination against individuals with disabilities; and
 - (iii) to ensure that the Federal government plays a central role in enforcing these standards on behalf of individuals with disabilities.
- (b) Title IV of the ADA added section 225 to the Communications Act of 1934 (the Act) which directs the Commission to promulgate regulations that require all domestic telephone common carriers to provide telecommunications relay services (TRS).³
- (c) 47 CFR Part 64, Subpart F implements certain provisions of the ADA pertaining to TRS. It contains the operational, technical, and functional standards required of all TRS providers and the procedures for state certification.

¹ *Rates for Interstate Inmate Calling Services*, WC Docket No.12-375, Fourth Report and Order and Sixth Further Notice of Proposed Rulemaking, FCC 22-76 (Sept. 30, 2022) (*Accessible Carceral Communications Order*).

² 47 U.S.C. § 225.

³ The Communications Act of 1934, as amended, defines telecommunications relay services (TRS) as:

telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.

47 U.S.C. § 225(a)(3) (as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Pub. L. No. 111-260, § 103(b), 124 Stat. 2751, 2755 (2010); Pub. L. No. 111-265 (technical amendments to CVAA)). The Interstate TRS Fund compensates eligible providers of interstate TRS and Internet-based TRS for their reasonable costs of providing these services. See 47 CFR § 64.604(c)(5)(iii).

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

- (d) The Commission has noted that the overall purpose of section 225 of the Act is to “ensure that interstate and intrastate [TRS] are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States.”
- (e) The Commission has further noted that section 225 of the Act, consistent with section 7(a) of the Act,⁴ requires that the rules the Commission prescribes to implement section 225 encourage “the use of existing technology and do not discourage or impair the development of improved technology.”
- (f) The Commission has also concluded that the functional equivalency standard requires that those technological services currently offered to non-disabled persons should also be available to persons with disabilities, if it is technologically feasible to do so.

History:

On August 1, 2003, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling, 18 FCC Rcd 16121 (2003) (*Captioned Telephone Declaratory Ruling*). The Commission concluded that *one-line* CTS is a type of TRS, and that eligible providers of such services are eligible to receive compensation in accordance with section 225 of the Act.

On July 19, 2005, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 20 FCC Rcd 13195 (2005) (*Two-Line Captioned Telephone Order*). The Commission concluded that two-line CTS, like one-line CTS, is a type of TRS eligible for compensation from the Interstate TRS Fund (TRS Fund or Fund).

On January 11, 2007, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379 (2007) (*IP CTS Declaratory Ruling*). The Commission concluded that IP CTS is a type of TRS, and providers of such services are eligible to receive compensation when offered in compliance with the applicable TRS mandatory minimum standards.

On August 26, 2013, the Commission issued *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 03-123 and 13-24, Report Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 13420 (2013) (*IP CTS Reform Order*), to regulate practices relating to the marketing of IP CTS, impose certain requirements for the provision of this service, and mandate registration and certification of IP CTS users.

- (a) In the *IP CTS Reform Order*, the Commission adopted user registration and certification requirements that are codified at 47 CFR § 64.611(j)(1)(v). In order to be eligible for compensation from the Fund, the *IP CTS Reform Order* requires providers to register each

⁴ 47 U.S.C. § 157(a).

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

- new IP CTS user. As part of the registration process, each provider must obtain from each user a self-certification that the user (1) has a hearing loss that necessitates use of captioned telephone service; (2) understands that captions on captioned telephone service are provided by a live communications assistant who listens to the other party on the line and provides the text on the captioned phone; (3) understands that the cost of captioning each IP CTS call is funded through a federal program; and (4) will not permit, to the best of the consumer's ability, persons who have not been registered to use IP CTS to make captioned telephone calls using the consumer's registered IP Captioned telephone service or device. This self-certification must be made on a form separate from any other user agreement and be separately signed, under penalty of perjury.
- (b) The *IP CTS Reform Order* also requires providers to maintain all documents relating to user registration and certification in a confidential manner for a period of five years after the consumer ceases to obtain service from the provider.
 - (c) For applicants seeking certification as IP CTS providers, the *IP CTS Reform Order* requires that they submit to the Commission a description of how they will ensure that they do not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements, and an explanation of how those measures provide such assurance. 47 CFR § 64.606(a)(2)(ii)(F).
 - (d) Pursuant to the *IP CTS Reform Order*, each IP CTS provider is required to ensure that its IP CTS equipment and software has affixed in a conspicuous location a label or notification that contains the following brief statement: **FEDERAL LAW PROHIBITS ANYONE BUT REGISTERED USERS WITH HEARING LOSS FROM USING THIS DEVICE WITH THE CAPTIONS ON.** 47 CFR § 64.604(11)(c)(iii).
 - (e) For software applications on mobile phones, laptops, tablets, computers or other similar devices, the *IP CTS Reform Order* requires that IP CTS providers ensure that, each time the consumer logs into the application, the required notification language appears in a conspicuous location on the device screen immediately after log-in.
 - (f) The *IP CTS Reform Order* requires that records of the provision to consumers of required labels, as well as instructions for existing equipment, be maintained for a minimum of five years after the consumer ceases to obtain service from the provider. 47 CFR § 64.611(j)(1)(xii).

On June 8, 2018, the Commission released *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 03-123 and 13-24, Report Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800 (2018) (*IP CTS Modernization Order*), adopting requirements to deter the unauthorized use of IP CTS and to permit the provision of IP CTS in emergency shelters.

- (a) IP CTS providers must include on the websites and in other informational materials used to market, advertise, educate or otherwise inform professionals and consumers about IP CTS,

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

the following five sentences: “FEDERAL LAW PROHIBITS ANYONE BUT REGISTERED USERS WITH HEARING LOSS FROM USING INTERNET PROTOCOL (IP) CAPTIONED TELEPHONES WITH THE CAPTIONS TURNED ON. IP Captioned Telephone Service may use a live operator. The operator generates captions of what the other party to the call says. These captions are then sent to your phone. There is a cost for each minute of captions generated, paid from a federally administered fund.” On IP CTS provider websites, these sentences must be included on the website’s home page, each page that provides consumer information about IP CTS, and each page that provides information on how to order IP CTS or IP CTS equipment. IP CTS providers that do not use live communications assistants (CAs) to generate the captions may leave out the second, third and fourth sentences. 47 CFR § 64.604(c)(11)(v).

- (b) An IP CTS provider that becomes aware of any of the following practices being or having been committed by any person shall, as soon as practicable, report such practices to the Commission or the TRS Fund administrator. These include causing or encouraging: false or unverified claims for TRS Fund compensation; unauthorized use of video relay service (VRS) or IP CTS; the making of VRS or IP CTS calls that would not otherwise be made; or the use of VRS or IP CTS by persons who do not need the service in order to communicate in a functionally equivalent manner. A VRS or IP CTS provider shall not seek payment from the TRS Fund for any minutes of service it knows or has reason to know are resulting from any of these practices or from the use of IP CTS by an individual who does not need captions to communicate in a functionally equivalent manner. 47 CFR § 64.604(c)(13)(iii).
- (c) IP CTS providers may complete and request compensation for IP CTS calls to or from unregistered users of temporary, public IP CTS devices set up in emergency shelters. The IP CTS provider must notify the TRS Fund administrator of the dates of activation and termination for such devices. 47 CFR § 64.604(c)(13)(iv).

On February 15, 2019, the Commission released *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 03-124 and 13-24, Report Order, Further Notice of Proposed Rulemaking, and Order, 34 FCC Rcd 691 (2019) (*IP CTS Program Management Order*). To reduce the risk of waste, fraud, and abuse in the IP CTS program, the Commission expanded the Telecommunications Relay Service User Registration Database (Database) that the Commission created for the VRS program to encompass IP CTS. Among the requirements to integrate IP CTS into the Database each IP CTS provider is required to:

- (a) collect and submit registration information for each IP CTS user to the Database, including the user’s name, address, telephone number, a unique identifier, last four digits of the social security or Tribal Identification number, date of birth, Registered Location, IP CTS provider name and dates of service, self-certification of eligibility for IP CTS and the date obtained by the provider, and (for existing users only) the date on which the registered Internet-based TRS user last placed an IP CTS call; explain clearly to each user the specific information obtained by the IP CTS provider from the user that is to be transmitted; inform the user that the information is being transmitted to the Database; collect consent from each user to

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

- transmit the user's information to the Database; keep a record of such consent; maintain the confidentiality of any registration and certification information obtained by the provider; and not disclose such registration and certification information or the content of such registration and certification information except as required by law or regulation;
- (b) collect, maintain, and transmit to the Database registration information for IP CTS devices to be used in emergency shelters as reasonably requested by the Database administrator, including the telephone number and location of the device; and request that the administrator of the Database remove from the Database the device's registration information when the service for such a device is terminated; and
 - (c) request that the administrator of the Database remove from the Database user information for any registered user who no longer wants, or is no longer eligible for, TRS services. The administrator of the Database shall remove the data of these users.

On June 30, 2022, the Commission released the *Registration Grace Period Order*. To offer more efficient service to IP CTS and VRS users without risk of waste, fraud, and abuse to the TRS Fund, the Commission allows IP CTS and VRS providers to provide compensable service to a new user for up to two weeks after submitting the user's information to the Database if the user's identity is verified within that period.⁵ If the user's identity has not been verified within the two-week period, IP CTS providers must place the user's assigned telephone number on inactive status, and not seek compensation for calls within the two-week period from the TRS Fund. If the user is subsequently verified within 30 days, or after any appeal, whichever is later, IP CTS providers may retransmit the user's assigned telephone number to the Database and begin seeking compensation for calls to and from that telephone number. 47 CFR § 64.611(j)(2)(v), 64.614(a)(6)(v).

On September 30, 2022, the Commission released the *Accessible Carceral Communications Order*.⁶ In the *Accessible Carceral Communications Order*, the Commission requires inmate calling services providers to provide incarcerated TRS-eligible users the ability to access any relay service eligible for TRS Fund support. To facilitate the registration of IP CTS users in carceral facilities, the Commission amends the registration and verification requirements for individual users.

To facilitate individual registrations the Commission continues to require the provider collect and transmit to the TRS-URD the information and documentation required by the applicable provisions of the IP CTS user registration rules, except that: (1) the residential address specified for such incarcerated person shall be the name of the correctional authority with custody of that person along with the main or administrative address of such authority; (2) a user's Registered Location need not be provided; and (3) for incarcerated persons who do not have a social security number or Tribal Identification number, an identification number assigned by the correctional authority along with the facility identification number, if there is one, may be provided in lieu of the last four digits of a Social Security number or a Tribal Identification number.

⁵ The burdens associated with VRS will be tracked separately in a revision to information collection 3060-1089.

⁶ *Rates for Interstate Inmate Calling Services*, WC Docket No.12-375, Fourth Report and Order and Sixth Further Notice of Proposed Rulemaking, FCC 22-76 (Sept. 30, 2022) (*Accessible Carceral Communications Order*).

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

The Commission also requires that upon release (or transfer to a different correctional authority) of an incarcerated person who has registered for IP CTS, the IP CTS provider with which such person has registered shall update the person's registration information within 30 days after such release or transfer. Such updated information shall include, in the case of release, the individual's full residential address and Registered Location, and in the case of transfer, shall include the information required for individual registrations of incarcerated VRS users.

This information collections in the *Accessible Carceral Communications Order* affects individuals or households. The Commission is not the party collecting personally identifiable information (PII) for the purpose of populating the TRS-URD.⁷ The individual's IP CTS provider collects the individual's PII, and for IP CTS users, will transmit certain of the individual's PII to the TRS-URD.⁸ The TRS-URD is made available and accessible by the Commission. Although TRS users are required to provide their personal information to register for using TRS service, such information is available only to that individual's IP CTS provider, a third-party independent vendor selected by the Commission's Managing Director, and the Commission. The IP CTS provider, the third-party vendor, and the Commission are required to maintain all registration information, including PII, in the TRS-URD confidential in accordance with the Commission's rules and the directives under contract with the Commission's Managing Director.

As required by Privacy Act 5 U.S.C. § 552a, the FCC published an updated system of records notice (SORN), FCC/CGB-4, "Internet-based Telecommunications Relay Service-User Registration Database (TRS-URD)," on September 1, 2023 (88 FR 60455), which became effective on October 2, 2023, covering the PII that may be collected, maintained, used, and stored, and disposed of when obsolete, and which are part of the information associated with these information collection requirements.⁹ This SORN will ensure that the PII collected in this information collection will be handled in a manner consistent with the Privacy Act of 1974, as amended.

Also, as required by the Office of Management and Budget Memorandum M-03-22 (September 26, 2003), and by Section 208 of the E-Government Act of 2002, 44 U.S.C. § 3501 note, the FCC completed a Privacy Impact Assessment (PIA) on June 28, 2007, that gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII covered by these information collection requirements. The FCC updated the relevant PIA in July 2023.

The PIA may be reviewed at:

http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

The statutory authority for the information collection requirements is found at section 225 of the Act, 47 U.S.C. § 225, which was enacted on July 26, 1990 by the Americans with Disabilities Act of 1990 (ADA), Pub. L. No. 101-336, § 401, 104 Stat. 327, 366-69, and amended by the Twenty-

⁷ Although the FCC has no direct involvement in the collection of this information on individuals or households, 47 CFR § 64.611(j)(1)(xii) requires that IP CTS providers maintain the confidentiality of the registration and certification information.

⁸ Compliance with these requirements is not required until the User Database has been activated for registration of IP CTS users. See *Accessible Carceral Communications Order*, para. 53.

⁹ 80 Fed. Reg. 6963 (Feb. 9, 2015).

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

First Century Communications and Video Accessibility Act of 2010, Pub. L. 111-260, § 103(a), 124 Stat. 2751, 2755 (2010) (CVAA); Pub. L. No. 111-265 (technical amendments to CVAA).

2. The Commission's rules require each IP CTS provider to maintain a consumer complaint log that must be submitted to the Commission annually. See 47 CFR § 64.604(c)(1)(i), (ii). This requirement has minimal, if any, economic impact on TRS providers because it merely requires the submission of an annual summary of the complaint log to the Commission.

The *IP CTS Reform Order* imposes registration and certification requirements for new users and requires applicants for certification to be qualified as IP CTS providers to describe how the applicants will ensure that they do not request or collect payment for service to consumers who do not satisfy the registration and certification requirements. The *IP CTS Reform Order* also places labeling requirements on IP CTS providers. In addition, the *IP CTS Reform Order* requires maintenance of records regarding these requirements.

- (a) The registration and certification requirements, set forth in 47 CFR § 64.611(j)(1), are to ensure that IP CTS providers are providing service only to individuals who have a hearing loss that necessitates use of the service as required by section 225 of the Act. In particular, section 225(a)(3) defines TRS as “telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals.” 47 U.S.C. § 225(a)(3).
- (b) As part of the requirements of section 64.611(j)(1) of the Commission's rules, providers are required to obtain from new IP CTS consumers self-certification of hearing loss necessitating the use of IP CTS and their understanding of the IP CTS program. IP CTS providers are required to maintain records of these registration and certification requirements for five years after the consumer ceases to obtain service from the provider. This registration, certification and recordkeeping is necessary to ensure that Fund expenditures are made only on behalf of individuals who have a hearing loss that necessitates use of the service, thereby preventing waste and abuse of the Fund that add costs to the Fund, which are ultimately borne by the general public using interstate telecommunications and voice over Internet protocol (VoIP) services.
- (c) The provider certification application process requirement in section 64.606(a)(2)(ii)(F) of the Commission's rules, provides additional assurance that providers approved for reimbursement will have the means to ensure that Fund expenditures are made only on behalf of individuals who have a hearing loss that necessitates use of the service, thereby preventing waste and abuse of the Fund that add costs to the Fund, which are ultimately borne by the general public using interstate telecommunications and VoIP.
- (d) As a part of the equipment requirements in section 64.604(c)(11) of the Commission's rules, providers must provide labeling on all new equipment, software, and mobile applications to notify potential users of restrictions on the use of captioning by ineligible persons. Providers must maintain records of this label distribution for a period of five years after the consumer ceases to obtain service from the provider. Again, this is

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

necessary to ensure that Fund expenditures are made only on behalf of individuals who have a hearing loss that necessitates use of the service, thereby preventing waste and abuse of the Fund.

The *IP CTS Modernization Order* takes further steps to deter the unauthorized use of IP CTS and permits the provision of IP CTS in emergency shelters.

- (a) Section 64.604(c)(11)(v) of the Commission's rules prescribes five sentences that IP CTS providers must include on their websites and in other informational materials used to market, advertise, educate or otherwise inform professionals and consumers about IP CTS. Section 64.604(c)(11)(v) also specifies the location of the information on websites. This information helps to ensure that professionals and consumers are aware that use of IP CTS is restricted, that a live operator may be used to generate captions, and that there is federal funding for the cost of providing IP CTS. Due to the growth of IP CTS and the related concerns about waste of the TRS Fund via IP CTS, this information is needed to ensure that people who do not need IP CTS in order to communicate on the telephone do not make use of IP CTS, and that only those people who actually need the service will make use of IP CTS and have those calls be supported by the TRS Fund.
- (b) Section 64.604(c)(13)(iii) of the Commission's rules requires IP CTS providers to inform the TRS Fund administrator or the Commission of fraudulent activity. In particular, an IP CTS provider must make such reports if they are aware of the following activities being or having been committed by any person causing or encouraging: false or unverified claims for TRS Fund compensation; unauthorized use of VRS or IP CTS; the making of VRS or IP CTS calls that would not otherwise be made; or the use of VRS or IP CTS by persons who do not need the service in order to communicate in a functionally equivalent manner. As with section 64.604(c)(11)(v) of the Commission's rules, section 64.604(c)(13)(iii) of the Commission's rules seeks to curtail any waste of the TRS Fund. By placing an affirmative obligation on IP CTS providers to report unlawful practices, the Commission is in a position to collect that information and take action, as appropriate, in order to stop the unlawful practices, help deter unlawful practices in the future, and ensure the continued viability of IP CTS for people with hearing loss who need it. Section 64.604(c)(13)(iii) of the Commission's rules further seeks to remove any incentives for unlawful practices by prohibiting IP CTS providers from requesting payment for IP CTS calls that the IP CTS provider knows or has reason to know have resulted from these unlawful practices.
- (c) To further the goal of section 225 of the Act to ensure that TRS is available "to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States," section 64.604(c)(13)(iv) of the Commission's rules permits IP CTS providers to make IP CTS available to unregistered users in emergency shelters if they need IP CTS in order to communicate by telephone. The calls made from these shelters will be compensated from the TRS Fund. To ensure that the Commission is aware of such use, each IP CTS provider is required to inform the Commission of the commencement and termination of such service at each shelter location. The provision of this information to the Commission is a minor burden on the providers, while the

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

provision of IP CTS to people in emergency shelters will have immeasurable benefits in helping them and their families contact medical and other services.

The *IP CTS Program Management Order* adopts rule changes to facilitate the Commission's efforts to reduce waste, fraud, and abuse and improve its ability to efficiently manage the IP CTS program.

- (a) Section 64.611(j)(2) of the Commission's rules requires IP CTS providers to collect and submit registration information for each IP CTS user to the Database. IP CTS providers are already required to collect this information from IP CTS users. Section 64.611(j)(2) of the Commission's rules also requires IP CTS Providers to obtain and keep affirmative acknowledgement by every registered IP CTS user of the user's consent to the IP CTS provider to transmit such registration information to the Database. Lastly, section 64.611(j)(2) of the Commission's rules requires IP CTS providers, before commencing service to temporary, public IP CTS devices set up in emergency shelters, to provide all information reasonably requested by the Database administrator, including the telephone number and location of the device.
- (b) Section 64.615(a)(3) of the Commission's rules requires IP CTS providers to keep their registration databases current and notify the Database administrator of any users removed from their databases and any users who request to no longer use the service. The Database administrator must remove said users from the Database after receiving such notification.

The *Registration Grace Period Order* takes further steps to advance the goal of section 225 of the Act to ensure that TRS is available "to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States." Sections 64.611(j)(2)(v) and 64.615(a)(6)(v) allow IP CTS providers to provide compensable service to new users for up to two weeks if the user's identity is verified by the Database administrator within that period. If the user's identity is not verified within the two-week period, then the TRS provider must place the user's assigned telephone number on inactive status and not seek compensation for any calls during the two-week period. IP CTS providers may retransmit the user's telephone number to the Database if the user's identity is verified within 30 days, or after any appeal, whichever is later, and then begin seeking compensation for calls to and from the assigned telephone number.¹⁰ These procedures are necessary to ensure individuals with hearing loss have immediate access to IP CTS and to prevent, waste, fraud, and abuse by not compensating IP CTS providers for users whose identity cannot be verified.

The *Accessible Carceral Communications Order* contains information collection requirements that will improve access to IP CTS for individuals with hearing and speech disabilities in carceral facilities. For individual registration of IP CTS users in carceral facilities, IP CTS providers must collect the same registration information as from all IP CTS users except that for the IP CTS user in a carceral facility, the residential address specified for such incarcerated person shall be the name of the correctional authority with custody of the IP CTS user along with the main or administrative address of such authority; a registered location need not be provided; and if an incarcerated person has no Social Security number or Tribal Identification number, an

¹⁰ The burdens associated with VRS will be tracked separately in a revision to information collection 3060-1089.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

identification number assigned by the correctional authority along with the facility identification number, if there is one, may be provided. For identity and address verification of an IP CTS user in a carceral facility, an IP CTS provider may collect documentation, such as a letter or statement, provided by an official of a correctional authority that states the name of the person; the person's identification number assigned by the correctional authority; the name of the correctional authority; and the address of the correctional facility. All collected information must be transmitted to the TRS-URD administrator. The information submitted to the administrator will be used to register, identify, and verify the eligibility of an IP CTS user. Registering users and validating identities helps to ensure that only eligible users are making use of the service, prevent waste, fraud, and abuse, protect the integrity of the TRS Fund, and ensure the continued provision of TRS.

3. An electronic means has been established for IP CTS providers to submit user registration to, user removal from, and queries to the Database. At this time, the Commission is not considering additional uses of improved information technology because the cost of implementing additional new information technology outweighs its benefits. There are currently only twelve existing and potential respondents (the six IP CTS providers and four existing and two potential applicants for certification to provide IP CTS) that will be required to provide information directly to the Commission. The IP CTS providers are required to maintain complaint logs with their internal information technology, and consumers affected by this information collection will be providing information to the IP CTS providers, and not to the Commission. The Commission encourages IP CTS providers to use information technology to whatever extent possible to reduce the burden of the information collections, and the IP CTS providers are free to set up their own systems, which may include improved information technology, to obtain registration and certification information. The ability of IP CTS providers to obtain information on users in carceral facilities using technological techniques or other forms of informational technology may vary based on the security needs and technological capabilities of a correctional facility.
4. The information is not duplicated elsewhere. No similar information is available.
5. There are currently only six entities providing and four entities with currently pending applications for certification to provide IP CTS. Most of these ten entities are small entities. In the *IP CTS Reform Order*, the *IP CTS Modernization Order*, the *IP CTS Program Management Order*, the *Registration Grace Period Order*, and the *Accessible Carceral Communications Order*, the Commission attached a Final Regulatory Flexibility Analysis (FRFA), which provided an analysis of the economic impact of each of the new rules on small entities and certified that the requirements of the *IP CTS Reform Order*, the *IP CTS Modernization Order*, the *IP CTS Program Management Order*, the *Registration Grace Period Order*, and the *Accessible Carceral Communications Order* will not have a significant economic impact on a substantial number of small entities. Because there may be additional applicants for certification to provide IP CTS, for the purposes of estimating the information collections that may occur, we have estimated that there may be up to twelve entities providing IP CTS.
6. The Commission's rules require IP CTS providers to file annual summaries of consumer complaint logs with the Commission. The complaint log summaries must indicate the number of complaints for the 12-month period ending May 31. If such an information collection is not

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

completed, IP CTS providers will not be eligible to receive compensation from the Interstate TRS Fund.

The *IP CTS Reform Order* requires certain information collections, distribution and maintenance, including:

- (a) the collection of certain registration and eligibility certification information from new users;
- (b) maintenance, in a confidential manner, of the registration and certification information for five years after the consumer ceases to obtain service from the provider;
- (c) distribution of labeling information on new equipment and software and advising consumers of the restrictions on the use of IP CTS to registered users;
- (d) maintenance of records as to distribution of equipment labels; and
- (e) collection of assurances from applicants for certification to be eligible to be IP CTS providers as to how they will ensure that they do not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements, and an explanation of how those measures provide such assurance.

The *IP CTS Modernization Order* requires certain information collections, distribution and maintenance, including:

- (a) the placement of information about the restrictions on the use of IP CTS on websites and other informational materials used to market, advertise, educate or otherwise inform professionals and consumers about IP CTS;
- (b) reporting to the Commission or the TRS Fund administrator whenever the IP CTS provider becomes aware of certain prohibited practices being or having been committed by any person; and
- (c) reporting to the TRS Fund administrator the initiation and termination of the provision of IP CTS to unregistered users at emergency shelters.

The *IP CTS Program Management Order* requires certain information collections, distribution and maintenance, including:

- (a) reporting certain IP CTS registration information to the Database;
- (b) reporting that an IP CTS user's information should be removed from the Database
- (c) the collection of an affirmative acknowledgement from every registered IP CTS user of the user's consent to the IP CTS provider to transmit such registration information to the Database; and
- (d) maintenance of the user's consent in the IP CTS provider's records.

The *Registration Grace Period Order* requires certain information collections, distribution, and maintenance, including:

- (a) tracking a new user's calls for up to two weeks in order to determine whether the calls are compensable depending on the user's information verification status;

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

- (b) placing a user's assigned telephone number on inactive status if the user's identity is not verified within the two-week grace period and not seeking compensation for calls during that period; and,
- (c) retransmitting a telephone number that has been placed on inactive status to the Database if the user's identity is verified within 30 days or as a result of any appeal, whichever is later, and beginning to seek compensation for calls to and from that telephone number thereafter.

The *Accessible Carceral Communications Order* requires certain information collections, distribution, and maintenance, including:

- (a) collecting registration and eligibility information from individuals with Social Security numbers or Tribal Identification numbers with communication disabilities in carceral facilities,¹¹ and,
- (b) collecting a letter from officials or authorities at carceral facilities with the user's identification number assigned by the correctional authority, the name of the correctional authority, and the address of the correctional facility.

The information collection and recordkeeping requirements are necessary. The Commission must be able to easily confirm that only eligible users are receiving IP CTS to ensure that Fund expenditures are made only on behalf of individuals who have a hearing loss that necessitates use of the service. The Commission must also be assured that users and non-eligible individuals understand that use of IP CTS is restricted to registered users. Without such information and recordkeeping requirements, the Commission would be limited in its ability to prevent waste and abuse of the Fund. This would add costs to the Fund, which are ultimately borne by the general public using interstate telecommunications and VoIP services.

7. The collection is not being conducted in any manner inconsistent with the guideline of 5 CFR § 1320.5(d)(2).
8. The Commission published a notice in the *Federal Register* pursuant to 5 CFR § 1320.8(d) on August 23, 2023 (88 FR 57457) seeking comments from the public on the information collection requirements contained in this supporting statement. Hamilton Relay, Inc. (Hamilton) filed comments on October 23, 2023, requesting that the Commission and the Office of Management and Bureau not finalize the information collection until the Commission addresses Hamilton's Petition for Reconsideration of the requirement for TRS providers to update an incarcerated person's Internet-based Captioned Telephone Service (IP CTS) registration information within thirty (30) days of the user being released from incarceration or transferred to a different correctional authority. Specifically, Hamilton seeks an explicit statement that an IP CTS provider should receive written notification that an IP CTS user has been released or transferred to another correctional facility.

Hamilton's comment does not raise any concerns regarding the need for the information collection or the accuracy of the burden estimate. Grant or denial of Hamilton's Petition for Reconsideration would have no practical impact on the estimated burden or otherwise alter the consideration of when an IP CTS provider should update an IP CTS user's registration

¹¹ This is the same procedure used for non-carceral IP CTS users required by the *IP CTS Program Management Order*.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

information. Inherent to the obligation on IP CTS providers is that the providers must have knowledge or should have knowledge that an incarcerated person has been released or transferred to another carceral facility. In furtherance of the need for this information in the same rulemaking proceeding, the Commission adopted a parallel obligation to require providers of incarcerated people's communications services to notify IP CTS providers if a person registered to use IP CTS is released from incarceration or transferred to another facility. This obligation, the burden of which is within a different information collection, addresses Hamilton's notification request that it seeks to be added to this rule. As such, the practical effect of the existing rule will allow the IP CTS provider the full 30 days from when the IP CTS provider is or should be aware that the IP CTS user has been released from incarceration or transferred to another facility in order to gather updated registration information for the user to continue to provide IP CTS to the user, if that user or facility agrees. Therefore, it is unnecessary to delay consideration of this information collection pending the outcome of Hamilton's Petition for Reconsideration. Hamilton's concerns are addressed by the current Commission rules and any action to address Hamilton's petition would not alter the burden calculated in the information collection.

9. No payment or gifts will be given to respondents.
10. In regard to the collections required by the *IP CTS Reform Order*, the *IP CTS Modernization Order*, and the *Accessible Carceral Communications Order*, confidential information that is related to individuals is collected by third parties—IP CTS providers—and the Commission has no direct involvement in the collection of this information on individuals. Moreover, section 64.604(c)(9)(x) of the Commission's rules requires that IP CTS providers maintain the confidentiality of the registration and certification information that they obtain, as well as the content of such information, except as required by law.

In regard to the collections required by the *IP CTS Program Management Order* and the *Accessible Carceral Communications Order*, the TRS Fund administrator is required to keep all data obtained from TRS providers confidential and may not disclose such information in company-specific form unless directed to do so by the Commission. The *Accessible Carceral Communications Order* does not add any new categories of PII collected by IP CTS providers for submission to the TRS Fund administrator, but it does allow IP CTS providers to substitute an identification number assigned by the correctional authority along with the facility identification number when an incarcerated person has no Social Security number or Tribal Identification number.

The Commission has taken several steps to specifically protect customer proprietary network information. As noted in item 1, the FCC completed the requirements for a SORN, FCC/CGB-4, "Internet-based Telecommunications Relay Service-User Registration Database (TRS-URD)," which covers the PII that may be collected, maintained, used, stored, and disposed of when obsolete, and which is part of the information associated with these information collection requirements. This SORN should address any privacy concerns.

11. There are no questions of a sensitive nature with respect to the information collected.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

12. The following represents the estimates of hour burden of the collection of information affected by the *Captioned Telephone Declaratory Ruling, Two-Line Captioned Telephone Order, IP CTS Declaratory Ruling, IP CTS Reform Order, IP CTS Modernization Order, IP CTS Program Management Order, Registration Grace Period Order, and Accessible Carceral Communications Order*:

Captioned Telephone Declaratory Ruling, Two-Line Captioned Telephone Order, and IP CTS Declaratory Ruling

In the *Captioned Telephone Declaratory Ruling*, the Commission concluded that one-line CTS is a type of TRS eligible for compensation from the Interstate TRS Fund. In the *Two-Line Captioned Telephone Order*, the Commission concluded that two-line CTS is a type of TRS eligible for compensation from the Interstate TRS Fund. In the *IP CTS Declaratory Ruling*, the Commission concluded that IP CTS is a type of TRS eligible for compensation from the Interstate TRS Fund.

The Commission estimates that the 6 providers currently offering one-line CTS, two-line CTS, and IP CTS, plus up to 6 new providers of IP CTS, for an estimated total of 12 providers, will each maintain a log of consumer complaints and file a summary of the complaint log with the Commission.¹²

This process is done annually and requires approximately 8 hours to complete.

12 respondents x 1 complaint log submission per respondent = 12 responses

12 respondents x 8 hours to maintain consumer complaint logs = 96 hours

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to mid-to-senior level federal employee (GS-15/5) to maintain consumer complaint log submissions. The Commission estimates respondents' cost to be about \$84.55 per hour to complete.

12 respondents x 1 complaint log submission per respondent x 8 hours to maintain consumer complaint log submissions x \$84.55/hour = \$8,116.80.

Captioned Telephone Declaratory Ruling, Two-Line Captioned Telephone Order, and IP CTS Declaratory Ruling Totals are as follows:

Total annual number of respondents: 12

Total number of responses: 12

¹² Hamilton provides one-line CTS, two-line CTS, and IP CTS. ClearCaptions, Sorenson (through its wholly-owned subsidiary CaptionCall), InnoCaption, Machine Genius, and Clarity each provide IP CTS. In addition, four potential new entrants have filed applications seeking authority for certification to provide IP CTS, and this collection takes into consideration that there may be up to two additional applicants for certification to provide IP CTS.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

Total annual burden hours: 96 hours

Total in-house costs: \$8,116.80

IP CTS Reform Order

A. IP CTS Labeling Requirement

In the *IP CTS Reform Order*, the Commission adopted sections 64.604(c)(11)(iii) and (iv) of its rules, adding labeling and notification requirements for new equipment and software. Labels must be printed and adhered to new IP CTS equipment, and notifications must appear on the device screen each time the consumer logs into IP CTS software. In addition, records must be maintained on this label disbursement. At this time, an estimated 78,000 new consumers are added annually.

For new equipment and software, the Commission estimates that each IP CTS provider will spend approximately 15 minutes (.25 hour) creating, printing and adhering labels to new equipment and creating notifications for new software and preserving records of each such labeling and notifications. The Commission further estimates that each provider will utilize personnel whose pay is comparable to mid-level federal employees—GS-9/Step 5 level (\$35.27/hour)—to collect such information. This is an on-going requirement.

Annual Number of Respondents: 12 Respondents¹³

12 IP CTS Providers

Annual Number of Responses: 78,000 Responses

6,500 responses per respondent on average

Annual Burden Hours: 19,500 Hours

78,000 responses x .25 hour = 19,500 burden hours for all 12 IP CTS providers

Annual In-House Cost: \$687,765

19,500 hours x \$35.27 = \$687,765 total cost to all 12 IP CTS providers

There is no corresponding time required of consumers under this requirement for new equipment.

B. IP CTS Provider Applicant Assurance

For applicants seeking certification as IP CTS providers, the *IP CTS Reform Order* requires that they submit to the Commission a description of how they will ensure that they do not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements, and an explanation of how those measures provide such assurance. 47 CFR § 64.606(a)(2)(ii)(F).

¹³ These are the same 12 respondents that are submitting complaint log summaries.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

The Commission estimates that each IP CTS provider applicant will spend approximately five hours drafting such description and assurance. The Commission further estimates that each provider will utilize personnel whose pay is comparable to senior-level federal employees—GS-15/Step 5 level (\$84.55/hour)—to collect such information. This is an ongoing requirement.

Annualized Burdens: Each existing IP CTS provider and each new market entrant will incur the burdens estimated in this section once every five years. There are currently 6 existing IP CTS providers and up to 6 potential new market entrants, for a total of up to 12 providers and new market entrants. The Commission estimates that 75 percent of the existing providers and new market entrants, or up to 9 respondents, will submit applications for certification over the next 3 years.¹⁴ Therefore:

Total Annualized Number of Respondents: 9 respondents / 3 years = 3 respondents

Total Annualized Number of Responses: 9 responses / 3 years = 3 responses

Total Annualized Burden Hours: 15

5 hours per application x 9 responses = 45 hours

45 burden hours / 3 years = 15 burden hours

Total Annualized In-House Cost: \$1,268.25

45 hours x \$84.55/hour / 3 years = \$1,268.25

IP CTS Reform Order Totals are as follows:

Total annual number of respondents: 12

Total number of responses: 78,003

Total annual burden hours: 19,515

Total in-house costs: \$689,033.25

IP CTS Modernization Order

A. IP CTS Informational Requirement

In the *IP CTS Modernization Order*, the Commission adopted section 64.604(c)(11)(v) of its rules, adding new requirements for IP CTS providers to include specific information about IP CTS on their websites and in other informational materials used to market, advertise, educate or otherwise inform professionals and consumers about IP CTS. This requirement applies to new websites and informational materials as well as to updates to existing websites that may occur.

¹⁴ These respondents are 9 of the 12 respondents that are submitting complaint log summaries.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

The Commission estimates that each new market entrant IP CTS provider will spend on average approximately 40 hours in the first year of operations and each new market entrant and currently certified IP CTS provider will spend approximately 5 hours in subsequent years ensuring that the information is included on its website and in other informational materials. Because the annual burden for new market entrants decreases after the first year, for new entrants these estimates are annualized over the three-year period for which the Commission seeks approval for this collection. The Commission further estimates that each provider will utilize personnel whose pay is comparable to senior-level federal employees—GS-14/Step 5 level (\$71.88/hour)—to provide such information. This is an ongoing requirement.

Annual Number of Respondents: 12 Respondents¹⁵

12 IP CTS providers (6 new market entrants and 6 currently certified providers)

Annualized Number of Responses: 12 Responses

12 IP CTS providers x 1 response/provider = 12 responses

Annualized Burden Hours: 132 Hours

(40 hours for the first year + 5 hours for each of the second and third years) per new respondent / 3 years = 16.67 annualized burden hours per respondent (17 hours rounded)

6 responses / year x 17 annualized burden hours = 102 annualized burden hours for the 6 new market entrants plus

6 responses / year x 5 burden hours = 30 annual burden hours for the 6 currently certified providers

102 annualized burden hours + 30 annual burden hours = 132 annualized burden hours

Annualized In-House Cost: \$9,488.16

132 hours x \$71.88/hour = \$9,488.16 total cost to all 12 IP CTS providers

B. Reporting Unauthorized and Unnecessary Use of IP CTS

In the *IP CTS Modernization Order*, the Commission adopted section 64.604(c)(13)(iii) of its rules, which requires an IP CTS provider to notify the Commission or the TRS Fund administrator when the IP CTS provider becomes aware that the prohibited practices enumerated below are being or have been committed.¹⁶

The Commission estimates that each respondent will require approximately 0.5 hour (30 minutes) to report to the Commission or the TRS Fund administrator any of the following fraudulent activities: (1) false or unverified claims for TRS Fund compensation, (2) unauthorized use of IP CTS, (3) the making of IP CTS calls that would not otherwise be made, or (4) the use of IP CTS by persons who do not need the service in order to communicate in a functionally equivalent manner. The Commission estimates that each respondent will report to the Commission or the

¹⁵ These are the same 12 respondents that are submitting complaint log summaries.

¹⁶ 47 CFR § 64.604(c)(13)(iii) also requires VRS providers to report such prohibited practices. The corresponding information collections for VRS providers were approved in OMB Control Number 3060-1201.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

TRS Fund administrator on the average of 2 times in each year. The Commission further estimates that each provider will utilize personnel whose pay is comparable to senior-level federal employees—GS-14/Step 5 level (\$68.55/hour)—to provide such information. This is an ongoing requirement.

Annual Number of Respondents: 12 respondents¹⁷

12 IP CTS providers

Annual Number of Responses: 24

2 responses per respondent per year x 12 respondents = 24

Annual Burden Hours: 12 hours

0.5 hours per response x 24 responses = 12 hours

Annual In-House Cost: \$862.56

12 hours x \$71.88 per hour = \$862.56

IP CTS Modernization Order Totals are as follows:

Total annual number of respondents: 12

Total number of responses: 36 responses

Total annual burden hours: 144 hours

Total in-house costs: \$10,350.72

IP CTS Program Management Order and Registration Grace Period Order

A. User Registration Database

- (i) The Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS will require approximately 0.5 hour (30 minutes) to compile and submit specific information for each existing user to the Database, including the user's name, address, telephone number or a unique identifier, last four digits of the social security or Tribal Identification number, date of birth, Registered Location, IP CTS provider name and dates of service, self-certification of eligibility for IP CTS and the date obtained by the provider, and (for existing users only) the date on which the registered Internet-based TRS user last placed an IP CTS call.
- (ii) IP CTS providers must collect the same registration information from IP CTS users in carceral facilities as from all IP CTS users except that for the IP CTS user in a carceral facility, the residential address specified for such incarcerated person shall be the name of the correctional authority with custody of the IP CTS user along with the main or administrative address of such authority; a registered location need not be provided; and if an incarcerated person has no Social Security number or Tribal Identification number, an identification number assigned by the correctional authority along with the facility identification number, if there is one, may be provided. For identity and address verification of an IP CTS user in a

¹⁷ These are the same 12 respondents that are submitting complaint log summaries.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

carceral facility, an IP CTS provider may collect documentation, such as a letter or statement, provided by an official of a correctional authority that states the name of the person; the person's identification number assigned by the correctional authority; the name of the correctional authority; and the address of the correctional facility. The burdens associated with this requirement are included in (iii) below.

- (iii) The Commission estimates that there are approximately 324,000 existing IP CTS users. The Commission assumes that respondents will use in-house personnel whose pay is comparable to senior level federal employees - GS-14/5 (\$71.88) to collect and submit the required information for each user to the Database. This is a one-time requirement that will be met within the first year.

Annual Number of Respondents: 6¹⁸

Annualized Number of Responses: $324,000 / 3 = 108,000$

(18,000 responses per respondent)

18,000 responses x 6 IP CTS users = 108,000 responses

Annualized Burden Hours: 54,000 hours

0.5 hour per response x 108,000 responses = 54,000 hours

Annualized In-House Cost: \$3,881,520

54,000 hours x \$71.88 per hour = \$3,881,520

- (iv) The Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS will each require approximately 0.2 hour (12 minutes) to provide a clear explanation about the Database to each existing user and collect and retain consent from each user to transmit the user's information to the Database. The Commission assumes that respondents will use in-house personnel whose pay is comparable to senior level federal employees - GS-14/5 (\$71.88) to collect consent from each IP CTS user. This is a one-time requirement that will be met within the first year.

Annual Number of Respondents: 6¹⁹

Annualized Number of Responses: $324,000 / 3 = 108,000$

(18,000 responses per respondent)

18,000 responses x 6 IP CTS user = 108,000 responses

Annualized Burden Hours: 21,600 hours

0.2 hour per response x 108,000 responses = 21,600

Annualized In-House Cost: \$1,552,608

21,600 hours x \$71.88 per hour = \$1,552,608

- (v) The Commission estimates that each existing IP CTS user will require approximately 1 hour to submit to its IP CTS provider the specific user information that each provider is required to

¹⁸ These are 6 of the 12 respondents that are submitting complaint log summaries.

¹⁹ These are the same 6 respondents that are submitting the information to the Database.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

submit to the Database. This includes the user's consent to the provider to submit such information to the Database. The Commission estimates that there are approximately 324,000 existing IP CTS users. This is a one-time requirement that will be met within the first year.

Annualized Number of Respondents: 324,000 /3 =108,000

Annualized Number of Responses: 108,000

1 response per IP CTS user x 108,000 IP CTS users

Annualized Burden Hours: 108,000 hours

1 hour per response x 108,000 responses

Annual In-House Cost: \$0

- (vi) The Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS and 6 new market entrants will require approximately 0.5 hour (30 minutes) to collect, compile, and submit specific information for each newly enrolled IP CTS user to the Database,²⁰ including the user's name, address, telephone number, a unique identifier, last four digits of the social security or Tribal Identification number, date of birth, Registered Location, IP CTS provider name and dates of service, self-certification of eligibility for IP CTS and the date obtained by the provider, and (for existing users only) the date on which the registered Internet-based TRS user last placed an IP CTS call.
- (vii) IP CTS providers must collect the same registration information from IP CTS users in carceral facilities as from all IP CTS users except that for the IP CTS user in a carceral facility, the residential address specified for such incarcerated person shall be the name of the correctional authority with custody of the IP CTS user along with the main or administrative address of such authority; a registered location need not be provided; and if an incarcerated person has no Social Security number or Tribal Identification number, an identification number assigned by the correctional authority along with the facility identification number, if there is one, may be provided. For identity and address verification of an IP CTS user in a carceral facility, an IP CTS provider may collect documentation, such as a letter or statement, provided by an official of a correctional authority that states the name of the person; the person's identification number assigned by the correctional authority; the name of the correctional authority; and the address of the correctional facility. The burdens associated with this requirement are included in (viii) below.
- (viii) The Commission estimates that on average, each IP CTS provider will enroll approximately 6,500 new users annually. The Commission assumes that respondents will use "in-house" personnel whose pay is comparable to senior level federal employees - GS-14/5 (\$71.88) - to collect, compile, and submit the required information for each newly enrolled user to the Database. This is an ongoing requirement.

Annual Number of Respondents: 12²¹

²⁰ Prior to the Database becoming available to accept registration information, the IP CTS providers will be registering users pursuant to the procedures established under the *IP CTS Reform Order*. Those annual burdens are included here.

²¹ These are the same 12 respondents that are submitting complaint log summaries.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

Annual Number of Responses: 78,000

1 response per new user x 12 providers x average of 6,500 new users/provider annually

Annual Burden Hours: 39,000 hours

0.5 hour per response x 12 providers x 6,500 responses/provider annually

Annual In-House Cost: \$2,803,320

0.5 hour per response x 12 providers x 6,500 responses/provider x \$71.88 per hour)

- (ix) The Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS and 6 new market entrants will require approximately 0.2 hour (12 minutes) to provide a clear explanation about the Database to each new user and collect and retain consent from each user to transmit the user's information to the Database. The Commission assumes that respondents will use in-house personnel whose pay is comparable to senior level federal employees - GS-14/5 (\$71.88) to collect consent from each IP CTS user. This is an ongoing requirement,

Annual Number of Respondents: 12²²

Annual Number of Responses: 78,000

1 response per new user x 12 providers x average of 6,500 new users/provider annually

Annual Burden Hours: 15,600 hours

0.2 hour per response x 12 providers x 6,500 responses/provider annually

Annual In-House Cost: \$ 1,121,328

(0.2 hour per response x 12 providers x 6,500 responses/provider x \$71.88 per hour)

- (x) The Commission estimates that each new IP CTS user will require approximately 1 hour to submit to its IP CTS provider the specific user information that each provider is required to submit to the Database.²³ This includes the user's consent to the provider to submit such information to the Database. The Commission estimates that approximately 78,000 new IP CTS users will enroll annually. This is an ongoing requirement.

Annual Number of Respondents: 78,000

Annual Number of Responses: 78,000

1 response per new user x 78,000 new users

Annual Burden Hours: 78,000

1 hour per response x 78,000 responses

Annual In-House Cost: \$0

²² These are the same 12 respondents that are submitting complaint log summaries.

²³ Prior to the Database becoming available to accept registration information, IP CTS users will register with the providers pursuant to the procedures established under the *IP CTS Reform Order*. Those annual burdens are included here.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

(xi) The Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS and 6 new market entrants will require a total of 0.2 hour (12 minutes) to place an unverified user's telephone number on inactive status if the user is not verified with the initial two weeks after submission of the user's information and 0.2 hour (12 minutes) to retransmit that user's assigned telephone number to the Database if the user is verified within 30 days or after any appeal, whichever is later, and that the first action would be required approximately 24 times on average per provider and the second action would be required approximately 20 times on average per provider during a year. The Commission further estimates that each provider will utilize "in-house" personnel whose pay is comparable to mid-level federal employees—GS-9/Step 5 level (\$35.27/hour)—to process this action. This is an on-going requirement.

Annual Number of Respondents: 12²⁴

Annual Number of Responses: 528

44 responses per provider x 12 providers annually

Annual Burden Hours: 105.6 hours (106 rounded)

0.2 hour per response x 12 providers x 44 responses/provider annually

Annual In-House Cost: \$ 3,738.62 annually

106 (rounded) annual hours x \$35.27 per hour = \$3,738.62

B. Notifications of the Provision of Service at Emergency Shelters

In the *IP CTS Modernization Order*, the Commission adopted section 64.604(c)(13)(iv) of its rules, which requires an IP CTS provider to notify the TRS Fund administrator of the activation and termination of service to a temporary, public IP CTS device set up in an emergency shelter. In the *IP CTS Program Management Order*, the Commission adopted section 64.611(j)(iii), which requires an IP CTS provider, before commencing service to such device, to submit registration information to the Database and to remove the device's registration information from the Database when service to such device is terminated.

The Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS and 6 new market entrants will require approximately 0.5 hour (30 minutes) to notify the TRS Fund administrator and register with the Database the activation of a temporary, public IP CTS device set up in an emergency shelter. Similarly, the Commission estimates that each IP CTS provider will require approximately 0.5 hour (30 minutes) to notify the TRS Fund administrator of the deactivation of the device and to remove the registration information from the Database. The Commission estimates that each IP CTS provider, on average, will perform these tasks 20 times each year (i.e., 10 times for service activation and 10 times for service termination). The Commission further estimates that each provider will utilize personnel whose pay is comparable to mid-level federal employees—GS-9/Step 5 level (\$35.27)—to provide such information. This is an ongoing requirement.

Annual Number of Respondents: 12 respondents²⁵

²⁴ These are the same 12 respondents that are submitting complaint log summaries.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

Annual Number of Responses: 240

20 responses x 12 respondents = 240

Annual Burden Hours: 120 hours

0.5 hour per response x 20 responses x 12 respondents = 120 hours

Annual In-House Cost: \$4,232.40

0.5 hour per response x 20 responses x 12 respondents x \$35.27 per hour = \$4,232.40

C. Removal from the Database

The Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS and 6 new market entrants will require approximately 0.1 hour (6 minutes) to submit each request to the administrator of the Database to remove from the Database user information for each registered IP CTS user who no longer wants, or is no longer eligible to use, IP CTS. The Commission assumes that respondents will use in-house personnel whose pay is comparable to senior level federal employees - GS-14/5 (\$71.88 per hour) - to submit such requests. This is an ongoing requirement.

Annual Number of Respondents: 12

Annual Number of Responses: 36,000

3,000 responses x 12 respondents

Annual Burden Hours: 3,600 hours

0.1 hour per response x 36,000 responses

Annual In-House Cost: \$258,768

0.1 hour per response x 3,000 responses x 12 respondents x \$71.88 per hour = \$258,768

IP CTS Program Management Order and Registration Grace Period Order Totals are as follows:

Total annual number of respondents: 186,012

Total number of responses: 594,768

Total annual burden hours: 320,026 hours

Total in-house costs: \$9,625,515

Accessible Carceral Communications Order

Official of a Correctional Authority Registration Data and Verification Letter.

The Commission estimates that an official of a correctional authority at one of the 1,161 carceral facilities in the United States will require a total of 2 hours to provide (1) an identification number assigned by the correctional authority along with the facility identification number for incarcerated IP CTS users that do not have Social Security numbers or Tribal Identification numbers and (2) prepare

²⁵ These are the same 12 respondents that are submitting complaint log summaries.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

a letter or statement that states: the name of the IP CTS user in a carceral facility; the user's identification number assigned by the correctional authority; the name of the correctional authority; and the address of the correctional facility. The Commission further estimates that each carceral facility will utilize "in-house" personnel whose pay is comparable to federal employees—GS-9/Step 5 level (\$35.27/hour)—to process this action. This is an on-going requirement.

ANNUAL NUMBER OF RESPONDENTS: 1,161

1 official per correctional facility x 1,161 = 1,161

ANNUAL NUMBER OF RESPONSES: 1,161

The Commission estimates that on average approximately 1 letter per correctional facility per year will be provided.²⁶

1,161 x 1 = 1,161 responses

ANNUAL BURDEN HOURS: 2,322

The Commission estimates that an official at a correctional facility will spend an average of 2 hours to prepare a response.

1,161 official response x 2 hours = 2,322 hours

ANNUAL IN-HOUSE COSTS: \$81,896.94

2 hours per response x 1 response x 1,161 respondents x \$35.27 per hour = \$81,896.94

²⁶ This includes providing the identification number of the correctional authority along with the facility identification number.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

Rulemakings	Number of Respondents	Number of Responses	Total Burden Hours	Staff Hourly Salary	In-House Costs
<i>Captioned Telephone Declaratory Ruling, Two-Line Captioned Telephone Order, and IP CTS Declaratory Ruling</i>	12 ²⁷	12	96	\$84.55	\$8,116.80
<i>IP CTS Reform Order</i>	12 ²⁸	78,003	19,515	\$35.27 - \$84.55	\$689,033.25
<i>IP CTS Modernization Order</i>	12 ²⁹	36	144	\$71.88	\$10,350.72
<i>IP CTS Program Management Order and Registration Grace Period Order</i>	186,012 ³⁰	594,768	320,026	\$35.27- \$71.88	\$9,625,515
<i>Accessible Carceral Communications Order</i>	1,161³¹	1,161	2,322	\$35.27	\$81,896.94
CUMULATIVE TOTALS	187,173³²	673,980	342,103		\$10,414,911

13. Under the *IP CTS Declaratory Ruling*, the Commission does not anticipate any capital and start-up costs associated with the information collection after the first year, which has already passed.

²⁷ These are the 12 respondents that are submitting complaint log summaries and are the same 12 respondents included elsewhere in this collection.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* See *infra* n.22 for a detailed explanation.

³¹ There are 1,161 correctional facilities in the United States.

³² Overall, there will be: (a) a total of 12 provider respondents, of which 6 provider respondents are certified to provide IP CTS and 6 provider respondents are the estimated number of new providers; and (b) an estimated 108,000 annualized existing IP CTS user, 78,000 new IP CTS user consumer and 1,161 carceral facilities respondents subject to the information collection requirements contained in this supporting statement—totaling 186,012 respondents for this collection.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

Under the *IP CTS Reform Order*, the Commission does not anticipate any capital and start-up costs associated with the information collection after the first year, which has already passed.

Under the *IP CTS Modernization Order*, the Commission does not anticipate any capital and start-up costs associated with the information collection after the first year, which has already passed.

Under the *IP CTS Program Management Order*, the Commission estimates that current IP CTS providers will incur costs for the following:

- (a) Capital/start-up costs associated with the implementation of technological infrastructure to electronically communicate with the Database.³³ The Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS and 6 new market entrants will purchase software at up to \$30,000 each to implement electronic communications with the Database. The Commission further estimates that such software will have a useful life of 10 years.

Annualized Capital and Start-up Costs: **\$36,000**

12 respondents x \$30,000 / 10 years = \$36,000 / year

- (b) Annual Costs (Operation and Maintenance) associated with record storage facilities for retaining records for user registration and certification information provided to the Database. The Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS and 6 new market entrants will need to spend \$3,000 per year for additional server space, memory, communications, and backup/recovery service, including maintenance, associated with a requirement to retain records of user registration and certification information provided to the Database.

Annual Costs (Operation and Maintenance) : **\$36,000**

12 respondents x \$3,000 / year = **\$36,000/year**

Annualized Costs Requested : **\$72,000**

Under the *Registration Grace Period Order*, the Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS and 6 new market entrants will incur **negligible capital/start-up costs** because the process of putting a user's telephone number in inactive status and retransmitting the telephone number to the Database are functions that will need to be present in the technological infrastructure developed under the *IP CTS Program Management Order* to communicate with the Database.

Annual Capital and Start-up Costs : **\$0**

Under the *Accessible Carceral Communications Order*, the Commission estimates that the 6 IP CTS providers that are currently certified to provide IP CTS and 6 new market entrants will incur negligible capital/start up costs because the process for registering IP CTS users in carceral

³³ Because these start-up costs were not incurred during the last 3-year collection period, they are carried over to the new 3-year extension period.

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

facilities uses functions that will need to be present in the technological infrastructure developed under the *IP CTS Program Management Order* to communicate with the Database.

Annual Capital and Start-up Costs : \$0

(a) Total annualized capital/start-up costs: **\$36,000**

(b) Total annual costs (operation and maintenance): **\$36,000**

Total annualized costs requested: \$72,000

14. For the *IP CTS Declaratory Ruling*, the Commission will process the annual consumer complaint log summaries filed by current IP CTS providers using Commission staff.

The Commission will use staff attorneys at the GS-14/5 level to process annual consumer complaint log summaries filed by the 6 IP CTS providers that are currently certified to provide IP CTS and 6 new market entrants. The Commission estimates the time to process each consumer complaint log to be approximately 2 hours.

On average, the Commission estimates that it will receive approximately 12 consumer complaint log summaries annually, thus:

$$12 \text{ summaries} \times 2 \text{ hours/report} \times \$71.88/\text{hour} = \mathbf{\$1,725.12}$$

For the *IP CTS Modernization Order*, the Commission will process reports of persons engaging in the unlawful practices listed in section 64.604(c)(13)(iii) of the rules using Commission staff.

The Commission will use staff attorneys at the GS-15/5 level to process such reports. The Commission estimates that it will receive 24 reports a year, and the time to process each report will be 5 hours per report. Thus:

$$24 \text{ reports/year} \times 5 \text{ hours/report} \times \$84.55/\text{hour} = \mathbf{\$10,146}$$

For the *IP CTS Program Management Order*, the Commission will process and make a determination on appeals from IP CTS service providers of users that do not pass the identity verification conducted by the Database administrator.

The Commission will use staff attorneys at the GS-15/5 level to process the appeals filed by current IP CTS providers. The Commission estimates the time to process and make a determination on each appeal to be approximately 3 hours. The Commission estimates it will receive 120 appeals annually. Thus:

$$120 \text{ appeals/year} \times 3 \text{ hours/appeal} \times \$84.55/\text{hour} = \mathbf{\$30,438}$$

Annual Cost to Federal Government = \$42,309.12

15. Due to the adoption of the *Accessible Carceral Communications Order*, there are program changes in this information collection. Specifically, the Commission has added new information collection requirements. (+1,161 respondents; +1,161 responses; +2,322 annual burden hours).

Misuse of Internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123

(a) the annual number of respondents has increased by **+1,161**, from 186,012 to **187,173 annual number of respondents**;

(b) the annual number of responses has increased by **+1,161**, from 672,819 to **673,980 annual number of responses**;

(c) the total annual burden hours has increased by **+2,322**, from 339,781 to **342,103 annual burden hours**.

There are no adjustments to this information collection.

16. The results of this information collection will not be published.
17. The Commission is not seeking approval not to display the expiration date for OMB approval of these information collection(s) because the collection(s) do not include a form number.
18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

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