

SUPPORTING STATEMENT

A. Justification

The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) grant it a three-year extension of the currently approved information collection related to the Commission's wireless hearing aid compatibility requirements located in section 20.19 of the Commission's rules. 47 CFR § 20.19. OMB's approval of the information collection contained in these rules expires on October 31, 2024. While the Commission is not requesting approval of any substantive changes to the information collection, it is requesting approval of a few minor, non-substantive changes to FCC Form 855 and the related instructions. The Commission uses this form to ensure wireless service provider compliance with the hearing aid compatibility rules. The Commission is also requesting approval of certain minor, non-substantive changes to the instructions for FCC Form 655 but not to the form itself. The Commission uses this form to ensure handset manufacturer compliance with the Commission's hearing aid compatibility rules. These changes are for clarification purposes only and do not affect the burden hours or the cost of compliance associated with the approved information collection.

1. Circumstances that make the collection necessary

The Commission's wireless hearing aid compatibility rules ensure that consumers with hearing loss have the same access to the newest and most technologically advanced handset models as consumers without hearing loss. These rules were adopted by the Commission in response to the Hearing Aid Compatibility Act, which was enacted in 1988 and is codified as amended at 47 U.S.C. § 610. *See* Pub. L. No. 100-394, § 3, 102 Stat. 976, 976 (1988). In order to ensure handset manufacturer and service provider compliance with the Hearing Aid Compatibility Act and the Commission's regulations implementing the Act, the Commission has adopted handset labeling and disclosure requirements, website posting and record retention requirements, and handset manufacturer and mobile wireless service provider reporting requirements. *See* 47 CFR § 20.19(f), (h), (i). These requirements are the subject of this information collection submission, and these regulations ensure that consumers are given the information that they need to make informed purchasing decisions and that handset manufacturers and service providers meet hearing aid-compatible handset model deployment requirements that the Commission has adopted.

The Commission is not proposing changes to the handset labeling and disclosure requirements, nor to the website posting and record retention requirements. These requirements will remain unchanged after OMB approval of this information collection submission.

With respect to FCC Form 855, the Commission is proposing to add an information icon to two of the form's questions for clarification purposes only. The two questions appear in the certification part of the form, and the Commission will place a validation stop after each question to ensure that filers provide answers to the questions before proceeding to complete the form. The two information icons will be placed in the following locations and will provide as follows:

- One information icon will be placed at the end of the question requesting filers to provide the percentage of hearing-aid compatible handset models that they provided for the reporting period. The information icon will provide the following clarification: "If your company claims a HAC handset model compliance percentage of less than 85%, then you

must indicate above which *de minimis* exception your company is claiming.” The addition of this information icon will not change what the question is asking, but will provide filers with guidance on how to complete the form.

- The second information icon will be placed at the end of the question requesting filers who maintain publicly accessible websites to provide the website address where required hearing aid compatibility information is posted. The information icon will provide the following clarification: “If your company did not have a publicly-accessible website for the reporting period, then type the following statement into the box: ‘For the reporting period, [name of company] did not operate a publicly-accessible website.’” The addition of this information icon will not change what the question is asking, but will provide filers with guidance on how to complete the form.

In addition to these minor, non-substantive changes to FCC Form 855, the Commission is proposing to modify the form’s instructions to provide the following clarifications:

- The filing window for the form opens on the first business day in January each year and closes on January 31, unless January 31 is not a business day. In this case, the filing window closes on the first business day after January 31. This change conforms the form’s instructions concerning the filing window with the information on the Commission’s wireless hearing aid compatibility website concerning the filing window.
- The instruction which states that service providers should provide the percentage of handset models that they offered for the reporting period that were hearing aid-compatible will be modified by changing the word “should” to “must,” and “must” will be bolded for emphasis. This instruction will also reference the information icon discussed above that will be added to this question for clarification purposes only.
- The instruction which states that service providers must post on their publicly accessible websites certain hearing aid compatibility information required by the Commission’s rules will be modified by bolding the existing word “must” for emphasis. This instruction will also reference the information icon discussed above that will be added to this question for clarification purposes only.
- The instruction which states that service providers who are not in full compliance with the Commission’s hearing aid compatibility rules must provide an attachment explaining their non-compliance will be modified by bolding the existing word “must” for emphasis.

The Commission is not seeking approval of any changes to FCC Form 655 used by handset manufacturers to show compliance with the Commission’s hearing aid compatibility requirements. The Commission is proposing to modify the form’s instructions to provide the following clarifications:

- The filing window for the form opens on the first business day in July each year and closes on July 31, unless July 31 is not a business day. In this case, the filing window closes on the first business day after July 31. This change conforms the form’s instructions concerning the filing window with the information on the Commission’s wireless hearing aid compatibility website concerning the filing window.
- The instruction which states that handset manufacturers must post on their publicly accessible websites certain hearing aid compatibility information required by the Commission’s rules will be modified by bolding the existing word “must” for emphasis.

These minor, non-substantive modifications the Commission is proposing to the existing information collection will provide clarity and promote efficiency. These changes will not affect

the burden estimate or compliance cost that OMB has previously approved for this information collection.

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

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

This hearing aid compatibility information collection has practical utility and aids the Commission in fulfilling its statutory requirements under the Hearing Aid Compatibility Act. The information collection allows the Commission to verify handset manufacturers and service provider compliance with the hearing aid compatibility rules and that handset manufacturers and service providers meet hearing aid-compatible handset model deployment requirements. In addition to allowing the Commission to monitor compliance, this information collection ensures that consumers with hearing loss have easy to access up-to-date information about hearing aid-compatible handset models available for purchase. This information allows consumers to purchasing handsets that will best meet their listening needs. OMB approval of the requested three year extension for this information collection will allow the Commission to continue to meet its statutory obligations under the Hearing Aid Compatibility Act.

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

FCC Forms 655 and 855 are electronic forms that handset manufacturers and service providers can access from the Commission's website at <https://www.fcc.gov/wireless/systems-utilities/universal-licensing-system/hearing-aid-compatibility-status-reporting-3>. Filers fill the forms out online and then file the forms electronically. Returning filers can have the information they filed the previous year self-fill their next reports or certifications. After Commission staff reviews the filings, the Commission posts the filings to the hearing aid compatibility part of the Commission's website for the general public to access and review.

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

4. Describe efforts to identify duplication

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

5. Describe methods used to minimize burden on small businesses

OMB reauthorization of this information collection will not have a significant economic impact on small businesses, organizations, or other small entities. Consistent with the Paperwork Reduction Act of 1995, the Commission strives to minimize the regulatory burden on all respondents regardless of size. The Commission's hearing aid compatibility information collect reduces regulatory burden by streamlining and simplifying handset manufacturer and service provider labeling and disclosure requirements, website posting and record retention obligations,

and annual reporting requirements. OMB's reauthorization of this information collection will not affect existing compliance burdens with respect to small entities. All handset manufacturers and service providers, including small businesses, will continue to be allowed to choose how to design and display the information that the Commission requires to be placed on handset package labels, included in package inserts and user manuals, and posted on websites. The Commission's reporting requirements have been tailored to ensure succinctness and to minimize cost to the filer.

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

In order for the Commission to fulfill its statutory obligations under the Hearing Aid Compatibility Act, it must maintain the information collection contained in its hearing aid compatibility rules. The labeling and disclosure requirements and website posting and record retention provisions are necessary to ensure that consumers have easy access to up-to-date compatibility information. The Commission's yearly status reporting and certification requirements are necessary for the Commission to fulfill its statutory obligation to monitor the availability of hearing aid-compatible handset models. If this information collection was to be eliminated or undertaken in a less frequent manner, the Commission could not fulfill its statutory obligations to the fullest extent possible and consumers would not have the compatibility information necessary to make informed purchasing decisions.

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

This information collection is consistent with OMB's guidelines as set forth at 5 CFR §1320.5(d)(2). The Commission is not proposing any special circumstance that requires deviation from OMB established information collection requirements.

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

Pursuant to 5 CFR §1320.8(d), the Commission initiated a 60-day public comment period on June 10, 2024, 89 FR 48895, seeking comment from the public on extending OMB authorization for the information collection referenced in this filing for an additional three years and outlining the minor, non-substantive changes the Commission is proposing for FCC Form 855 and the related instructions and to the instructions for FCC Form 655. The Commission did not receive any Paperwork Reduction Act comments from the public in response to the 60-day notice.

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

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

10. Describe any assurance of confidentiality provided to respondents

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

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

This information collection does not include any questions of a private or sensitive nature and does not require individuals or households to answer any questions. As a result, in terms of this information collection, there are no impacts under the Privacy Act.

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

The hour burden estimates for this information collection remain unchanged from the estimates that OMB has previously approved. The Commission is not proposing any changes to the information collection that requires the Commission to adjust these previously approved burden hours estimates.

Estimated Number of Respondents and Responses: There are two groups of entities that this information collection applies to—handset manufacturers and service providers. Consistent with the previously approved information collection, the Commission continues to estimate that there are approximately 25 handset manufacturers and approximately 909 operating service providers. Therefore, consistent with the Commission’s last information collection submission, the Commission continues to estimate that the total number of estimated respondents for this collection is 934. Further, each handset manufacturer is only required to file one annual status report and each service provider is only required to file one annual certification. Therefore, the Commission continues to estimate that the total number of estimated responses is 934. Thus, the number of estimated respondents and responses is the same number of estimated respondents and responses that OMB previously approved for this collection.

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

Estimated Total Number of Responses: 934 responses (25 handset manufacturer status reports and 909 service provider certifications).¹

Labeling and Disclosure Requirements: The Commission is not proposing any changes to the information collection in terms of labeling and disclosure requirements. The Commission believes that the labeling and disclosure rules are consistent with the information that handset manufacturers and service providers would otherwise provide to consumers in the normal manufacturing and marketing processes. Therefore, the Commission continues to estimate the annual burden hours related to the labeling and disclosure rules to be zero hours. This estimate is the same estimate that OMB previous approved for the hearing aid compatibility label and disclosure requirements.

Total Annual Label and Disclosure Burden Hours: 0 hours.

Website Posting and Record Retention Requirements: The Commission is not proposing any changes to the information collection in terms of website posting and the related record retention requirements. As a result, the Commission does not estimate any change in the currently approved burden hours associated with the website posting and the related record retention requirements.

The Commission requires that websites be updated within 30 days of any changes to the handset manufacturer’s or service provider’s hearing aid compatibility handset model information. The Commission continues to expect that each handset manufacturer will spend no more than one hour updating their website postings and will need to update their website postings at most six times per year and that service providers will spend no more than one and half hours updating their website postings and will need to update their website postings at most six times per year. As a result, the Commission estimates that the website posting and related record retention burden for handset manufacturers and service providers will continue to be the same as OMB previously approved. The Commission continues to calculate this burden as follows:

¹ Since some of the requirements are calculated in terms of the burden to the respondent pool instead of the actual responses, it is difficult for the Commission to quantify the total number of responses.

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

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

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

Annual Reporting Requirement: The Commission is not proposing any substantive changes to handset manufacturer and service providers reporting requirements. As a result, the Commission does not estimate any change in the currently approved burden hours associated with the annual filings requirements. As under the currently approved information collection, the Commission estimates the burden for completing and filing an individual handset manufacturer status report through the Commission's electronic filing system will continue to be two and a half hours and an individual service provider certification through the Commission's electronic filing system will continue to be a half hour. Thus, the Commission estimates that the annual status reporting and certification burdens for handset manufacturers and service providers will continue to be the same as OMB previously approved. The Commission calculates this burden as follows:

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

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

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

Technical Standards Development: The Commission is not proposing any changes to the standards development process that is used to establish technical standards that handset models must meet in order to be considered hearing aid-compatible. As a result, the Commission does not estimate any change in the currently approved burden hours associated with the standards development process. The Commission continues to expect that a subset of approximately 50 of the 934 respondents will meet and make modifications to the technical standards for determining hearing aid compatibility in the coming years. The Commission calculates the total estimated annual burden hours for the standard development process as follows: The Commission anticipates that 12 principal representatives will meet for 160 hours for a total of 1,920 hours and 38 representatives will meet for 60 hours for a total of 2,280 hours.

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

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

Total Annual In-House Cost: The Commission estimates that the respondents' in-house staff attorneys will be paid an hourly rate of \$150 per hour. Therefore, the in-house cost for this information collection is 13,049 hours (rounded up) x \$150 per hour = \$1,957,350.00.

13. Provide an estimate for the total annual cost burden to respondents

The Commission expects that handset manufacturer and service provider employees will continue to be responsible for complying with this information collection. The Commission does not require that handset manufacturers and service providers use outside consultants or contractors to comply with this information collection. Therefore, there will not be any required

external or contracting costs incurred by handset manufactures and service providers in complying with this information collection.

14. Provide estimates of annualized costs to the Federal government

As part of the currently approved information collection, the Commission indicated that it would likely assign a staff engineer, GS-13, Step 5, at \$64.06 per hour to review FCC Forms 655 and 855 submissions. The Commission continues to estimate that it will take the staff engineer about 3 hours to review each of the 25 FCC Form 655 status reports filed annually by handset manufacturers and that it will take the staff engineer about a half-hour to review each of the 909 FCC Form 855 certifications filed annually by service providers. This results in a potential cost to the Federal Government of about \$4,804.50 per year to review the FCC Form 655 status reports (25 respondents x 3 hours x \$64.06 = \$4,804.50) and about \$29,115.27 per year to review the FCC Form 855 certifications (909 respondents x 0.5 hours x \$64.06 = \$29,115.27). Therefore, the total likely annual cost to the Federal government for this information collection is \$33,919.77 per year (\$4,804.50 + \$29,115.27 = \$33,919.77).

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

There are no program changes or adjustments related to this information collection. The Commission is not proposing changes or adjustments to the currently approved information collection and, therefore, the Commission is not proposing changes to the presently approved number of respondents, responses, burden hours, or costs. All of the paperwork burden requirements previously approved by OMB for this information collection remain unchanged.

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

The Commission will not publish any results from the information collected and the data will not be published for statistical use. The handset manufacturer status reports and service provider certifications will be available on the Commission's website for the public to view and analysis.

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

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

18. Explain each exception to the certification statement

Consistent with past approved submissions, the Commission does not have any exceptions to the certification statement contained at 5 CFR § 1320.9.

B. Collections of Information Employing Statistical Methods

Consistent with past approved submissions, this information collection does not employ any statistical methods.