

Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program; Misuse of Internet Protocol (IP) Captioned Telephone Service, CG Docket Nos. 03-123, 10-51, and 13-24

SUPPORTING STATEMENT

A. Justification

Background:

1. The Commission is submitting this revised information collection to the Office of Management and Budget (OMB) to update the estimates of existing burdens that were included in the August 2020 Paperwork Reduction Act (PRA) submission to the Office of Management and Budget (OMB).

This supporting statement also includes the most recent versions of two information collection forms.

- (1) The “TRS Fund State TRS Administrator Form” collects intrastate rate and minutes of use data from state TRS administrators;¹ and
- (2) The “TRS Fund Provider Form” collects (i) intrastate rate and minutes of use data from state TRS providers,² and (ii) cost and demand data from Internet-based TRS providers.³

Section 225 of the Communications Act of 1934, as amended, requires that:

- (1) the Commission ensures that TRS is available, to the extent possible and in the most efficient manner, to persons with hearing or speech disabilities in the United States;⁴
- (2) the Commission promulgates regulations governing the provision of TRS by common carriers offering telephone voice transmission service;⁵ and
- (3) TRS offers persons with hearing and speech disabilities telephone transmission services that are “functionally equivalent” to voice telephone services.⁶

The Commission’s regulations governing the provision of TRS are codified in 47 CFR Part 64, Subpart F. These rules include operational, technical, and functional standards required of all TRS providers and procedures for the certification of state relay programs.

In 2000, the Commission released the *2000 Improved TRS Order*,⁷ which, among other things, amended the TRS rules by recognizing Speech-to-Speech (STS)⁸ and Video Relay Service (VRS)⁹ as new forms of TRS, and directed the Interstate TRS Fund administrator (TRS Fund administrator) and

¹ The burden hours associated with this form are included in 12.C, *infra*.

² The burden hours associated with this form are included in 12.B, *infra*.

³ The burden hours associated with this form are included in 12.D, *infra*.

⁴ 47 U.S.C. § 225(b)(1).

⁵ 47 U.S.C. § 225(c), (d).

⁶ 47 U.S.C. § 225(a)(3).

⁷ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140 (2000) (*2000 Improved TRS Order*).

⁸ STS is a form of TRS “that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.” 47 CFR § 64.601(a)(37).

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Interstate TRS Advisory Council to develop recommendations on how the new forms of TRS should be compensated.

In 2001, the Commission released the *2001 TRS Cost Recovery Order*,¹⁰ in which the Commission:

- (1) directed the TRS Fund administrator to continue to use the average-cost-per-minute compensation methodology for the traditional TRS compensation rate;
- (2) Required Internet-based TRS providers to submit certain projected TRS-related cost and demand data to the TRS Fund administrator to be used to calculate the rate;¹¹ and
- (3) directed the TRS Fund administrator to expand its data collection forms accordingly.

In 2003, the Commission released the *2003 Second Improved TRS Order*,¹² which required that TRS providers offer certain local exchange carrier-based improved services and features where technologically feasible, several additional types of TRS calls, and other services and features through which consumers with varying needs, abilities, and preferences may access and use TRS. These mandatory minimum requirements included a speed dialing requirement which may entail voluntary recordkeeping for TRS providers to maintain a list of telephone numbers. 47 CFR § 64.604(a)(3)(vi)(B).

In 2007, the Commission released the *Section 225/255 VoIP Report and Order*¹³ extending the disability access requirements that apply to telecommunications service providers and equipment manufacturers under sections 225 and 255 of the Act to interconnected voice over Internet protocol (VoIP) service providers and equipment manufacturers. As a result, under rules implementing section 225 of the Act, interconnected VoIP service providers are

⁹ VRS is a form of TRS “that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party’s signed conversation and relay the conversation back and forth with a voice caller.” 47 CFR § 64.601(a)(47).

¹⁰ See *Telecommunications Services for Individuals with Hearing and Speech Disabilities; Recommended TRS Cost Recovery Guidelines; Request by Hamilton Telephone Company for Clarification and Temporary Waivers*, CC Docket No. 98-67, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 22948 (2001) (*2001 TRS Cost Recovery Order*).

¹¹ These costs and demand data are “total TRS minutes of use, total interstate TRS minutes of use, [and] total TRS investment [as well as] other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.” 47 CFR § 64.604(c)(5)(iii)(D)(1).

¹² *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Americans with Disabilities Act of 1990*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, CC Docket No. 98-67, CG Docket No. 03-123, 18 FCC Rcd 12379 (2003) (*2003 Second Improved TRS Order*).

¹³ *IP-Enabled Services; Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by The Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; and the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Report and Order, WC Docket No. 04-36, WT Docket No. 96-198, CG Docket No. 03-123, and CC Docket No. 92-105, 22 FCC Rcd 11275 (2007) (*Sections 225/255 VoIP Report and Order*).

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required to publicize information about TRS and 711 abbreviated dialing access to TRS (“public access to information”).¹⁴

On November 19, 2007, the Commission released the *2007 TRS Cost Recovery Order*,¹⁵ in which the Commission:

- (1) adopted a new cost recovery methodology for interstate traditional TRS¹⁶ and interstate STS based on the Multi-state Average Rate Structure (MARS) plan, under which interstate TRS compensation rates are determined by the weighted average of the states’ intrastate compensation rates, and which includes for STS additional compensation approved by the Commission for STS outreach;
- (2) adopted a new cost recovery methodology for interstate captioned telephone service (CTS),¹⁷ and interstate and intrastate Internet Protocol captioned telephone service (IP CTS)¹⁸ based on the MARS plan;
- (3) adopted a cost recovery methodology for IP Relay¹⁹ based on a price cap like methodology;
- (4) adopted a cost recovery methodology for VRS that adopted tiered rates based on call volume;
- (5) clarified the nature and extent that certain categories of costs are compensable from the TRS Fund; and
- (6) addressed certain issues concerning the management and oversight of the TRS Fund, including prohibiting financial incentives offered to consumers to make relay calls and clarifying the role of the Interstate TRS Fund Advisory Council.

The *2007 TRS Cost Recovery Order* requires that state relay administrators and TRS providers submit to the TRS Fund administrator the following information annually, for intrastate traditional TRS, STS, and CTS:

- (1) the per-minute compensation rate(s) and other compensation received for the provision of TRS;

¹⁴ See 47 CFR § 64.604(c)(3).

¹⁵ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Declaratory Ruling, CG Docket No. 03-123, 22 FCC Rcd 20140 (2007), Erratum, 22 FCC Rcd 21842 (CGB 2007) (*2007 TRS Cost Recovery Order*).

¹⁶ References to traditional TRS include Spanish-to-Spanish traditional TRS.

¹⁷ CTS is a form of TRS generally used by someone who has the ability to speak and some residual hearing. It uses a special telephone that has a text display, so that on a standard telephone line, the user can both listen to what is said over the telephone (to the extent possible) and simultaneously read captions of what the other person is saying.

¹⁸ IP CTS is a form of TRS” that permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an internet Protocol-enabled device via the internet to simultaneously listen to the other party and read captions of what the other party is saying. With IP CTS, the connection carrying the captions between the relay service provider and the relay service user is via the internet, rather than the public switched telephone network.” 47 CFR § 64.601(a)(19).

¹⁹ IP (Internet Protocol) Relay is a form of TRS “that permits an individual with a hearing or a speech disability to communicate in text using an internet Protocol-enabled device via the internet, rather than using a text telephone (TTY) and the public switched telephone network.” 47 CFR § 64.601(a)(20).

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- (2) whether the rate applies to session minutes or conversation minutes;²⁰
- (3) the number of intrastate session minutes; and
- (4) the number of intrastate conversation minutes.

Also, STS providers must file a report annually with the TRS Fund administrator and the Commission on their specific outreach efforts directly attributable to the additional compensation approved by the Commission for STS outreach.

In 2011, to help prevent waste, fraud, and abuse, the Commission adopted three VRS orders to curtail these harmful practices. Each of these orders (collectively, the *2011 VRS Orders*) included information collection requirements.

On April 6, 2011, the Commission released the *2011 VRS Fraud Prevention Order*, which included several measures designed to substantially reduce and ultimately eliminate waste, fraud, and abuse, while ensuring that VRS remains a viable and a valuable communication tool for Americans who use it on a daily basis.²¹

On July 28, 2011, the Commission released the *VRS Certification Order*, amending its rules for certifying Internet-based TRS providers as eligible for payment from the Interstate TRS Fund (Fund) for their provision of iTRS.²²

On October 17, 2011, the Commission released the *Second VRS Certification Order*, addressing three petitions related to the *VRS Certification Order* by revising the burdens contained in the requirements for the submission of documentation of a provider's VRS equipment and technologies and the submission of documentation regarding sponsorship arrangements.²³

The following are the final information collection requirements contained in the *2011 VRS Orders*:

- (1) The Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other senior executive of a TRS provider shall certify, under penalty of perjury, that: (1) minutes submitted to the Interstate TRS Fund (Fund) administrator for compensation were handled in compliance with the Commission's rules and are not the result of impermissible financial incentives to generate calls, and (2) cost and demand data submitted to the Fund administrator related to the determination of compensation rates are true and correct.²⁴
- (2) VRS providers shall submit a call center report to the Commission and the TRS Fund administrator twice a year.²⁵

²⁰ Conversation minutes are a subset of session minutes.

²¹ *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 10-51, 26 FCC Rcd 5545 (2011) (*2011 VRS Fraud Prevention Order*).

²² *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Order, 26 FCC Rcd 10898 (2011) (*VRS Certification Order*).

²³ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14895 (2011) (*Second VRS Certification Order*).

²⁴ 47 CFR § 64.604(c)(5)(iii)(D)(5).

²⁵ 47 CFR § 64.604(c)(5)(iii)(N)(2).

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- (3) VRS providers shall notify the Commission and the TRS Fund administrator at least 30 days prior to any change to their call centers' locations.²⁶
- (4) TRS providers shall provide detailed call data information for each TRS call for which a TRS provider seeks compensation in its filing with the Fund administrator.²⁷
- (5) VRS and IP Relay providers shall submit speed of answer compliance data to the Fund administrator.²⁸
- (6) TRS providers shall use an automated record keeping system to capture the call data and shall submit such data electronically in standardized format to the Fund administrator.²⁹
- (7) Internet-based TRS providers shall retain the call data records that are used to support payment claims submitted to the Fund administrator for a minimum of five years.³⁰
- (8) VRS providers shall maintain copies of all third-party contracts or agreements so that copies of these agreements will be available to the Commission and the TRS Fund administrator upon request. Such contracts or agreements shall provide detailed information about the nature of the services to be provided by the subcontractor.³¹
- (9) VRS providers shall describe all agreements in connection with marketing and outreach activities in the providers' annual submissions to the TRS Fund administrator.³²
- (10) TRS providers shall provide information about their TRS whistleblower protections to all employees and contractors, in writing. Providers that already disseminate their internal business policies to their employees in writing must also explicitly include these TRS whistleblower protections in those written materials.³³

On June 8, 2018, the Commission released the *IP CTS Modernization Order*, in which the Commission added two cost reporting requirements for IP CTS providers—one to be part of the annual cost data filings, and the other to be part of any audit or other requests for data.³⁴

- (1) In annual cost data filings and supplementary information provided to the TRS Fund administrator, IP CTS providers that contract for the supply of services used in the provision of TRS shall include information about payments under such contracts, classified according to the substantive cost categories specified by the administrator. To the extent that a third

²⁶ 47 CFR § 64.604(c)(5)(iii)(N)(2)(iii).

²⁷ 47 CFR § 64.604(c)(5)(iii)(D)(2).

²⁸ 47 CFR § 64.604(c)(5)(iii)(D)(3); *VRS Fraud Prevention Order*, 26 FCC Rcd at 5580, para. 74.

²⁹ 47 CFR § 64.604(c)(5)(iii)(D)(4).

³⁰ 47 CFR § 64.604(c)(5)(iii)(D)(7).

³¹ 47 CFR § 64.604(c)(5)(iii)(N)(1)(v).

³² 47 CFR § 64.606(a)(2)(ii)(E).

³³ 47 CFR § 64.604(c)(5)(iii)(M).

³⁴ *Misuse of Internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800 (2018) (*IP CTS Modernization Order*).

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party's provision of services covers more than one cost category, the resubmitted cost reports must provide an explanation of how the provider determined or calculated the portion of contractual payments attributable to each cost category. To the extent that the TRS Fund administrator reasonably deems necessary, providers shall submit additional details on such contractor expenses, including but not limited to complete copies of such contracts and related correspondence or other records and information relevant to determining the nature of the services provided and the allocation of the costs of such services to cost categories. 47 CFR § 64.604(c)(5)(iii)(D)(1).

- (2) In the course of an audit or otherwise upon demand, an IP CTS provider must make available any relevant documentation, including contracts with entities providing services or equipment directly related to the provision of IP CTS, to the Commission, the TRS Fund administrator, or any person authorized by the Commission or TRS Fund administrator to conduct an audit. 47 CFR § 64.604(c)(5)(iii)(D)(6).

The statutory authority can be found at section 225 of the Act, 47 U.S.C. § 225. The law was enacted on July 26, 1990, in Title IV of the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327, 366-69.

2. The Commission requires that providers of IP Relay, VRS, and IP CTS offer the speed dialing feature so that users are able to use TRS that is functionally equivalent to a telephone service as mandated under Section 225 of the Act. To this end, providers of IP Relay, VRS, and IP CTS are required to maintain a list of telephone numbers in order to fulfill the speed dialing requirement. The Commission does not anticipate receiving this information from providers for its internal purposes.

The information collection requirements were promulgated pursuant to section 225 of the Act. This data assists the Commission and TRS Fund administrator in determining compensation rates for the various forms of TRS, and covers relay-related cost and demand data, including data related to minutes of use. Other aspects of this information collection make it possible for the Commission to address consumer complaints and assist the Commission and the TRS Fund administrator to monitor TRS provider compliance with the Commission's rules to protect the TRS Fund from waste, fraud, and abuse. In particular, some of the reporting, recordkeeping, and certification requirements assist the Commission and Fund administrator in detecting and deterring the misuse of TRS and the billing of illegitimate minutes to the Fund as one part of the Commission's goals of ensuring that TRS is available to, and used by, the full spectrum of eligible users, encourages innovation, and is provided efficiently so as to be less susceptible to the waste, fraud, and abuse that threaten the TRS Fund's long-term viability.

This information collection includes personally identifiable information (PII).

- (1) As required by OMB Memorandum M-03-22 (September 26, 2003), 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 PIA may be reviewed at: <https://www.fcc.gov/general/privacy-act-information#pia>.
- (2) Furthermore, as required by the Privacy Act, 5 U.S.C. § 552a, the FCC also published a system of records notice (SORN), FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance" in the *Federal Register* on August 15, 2014 (79 FR 48152), which became effective

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on September 24, 2014.³⁵ The SORN may be reviewed at <https://www.fcc.gov/general/privacy-act-information#systems>.

3. The Commission requires automated, electronic processes to be employed by respondents to collect and submit to the TRS Fund Administrator cost and demand information, call data records, and speed of answer data in furtherance of this collection.³⁶ At this time, the Commission is not considering the use of improved information technology for other aspects of this collection. Providers may continue to submit all other required documentation, including certification, electronically as well as in hard copies. Providers are free to set up their own systems, which may include improved information technology for a seamless electronic delivery.
4. The information collection requirements do not duplicate any currently existing federal regulatory obligation.
5. The Commission believes that this information collection will not have a significant economic impact on a substantial number of small entities or small businesses. In the *VRS Certification Order*, the Commission attached a Final Regulatory Flexibility Certification (FRFC), which provided an analysis of the economic impact of each of the existing rules on small entities and certified that the requirements of the *VRS Certification Order* will not have a significant economic impact on a substantial number of small entities.
6. Providers may choose to maintain a list of telephone numbers in order to fulfill the speed dialing requirement. Eliminating the voluntary collection associated with that requirement would diminish the alternatives available to providers for meeting the requirement and may lead to greater costs to the TRS program. In addition, to the extent that providers satisfy the requirement in part through maintaining a list of telephone numbers, they are free to pursue other methods of satisfying the requirement that do not involve such recordkeeping.

Data collections are made from TRS providers, state relay program administrators, and Internet-based TRS providers; and STS providers file annual reports on their outreach efforts. If these information collections were not conducted, or conducted less frequently, the Commission's and the TRS Fund administrator's efforts to reevaluate compensation rates for TRS would be thwarted, the Commission would be unable to address consumer complaints, and the ability of the Commission and the TRS Fund administrator to monitor TRS provider compliance with the Commission's rules to protect the TRS Fund from waste, fraud and abuse would be diminished, thus undermining the efficacy of those programs. For example, in the *IP CTS Modernization Order*, the Commission expressed concern that some of the expenses incurred by IP CTS providers have not been reported in sufficient detail to enable the Fund administrator to confirm their allowability and reasonableness; so the Commission adopted the additional data submission requirements discussed herein. The Commission believes that the burdens associated with all of these collections are minimal. Furthermore, without the collection, the providers may not be eligible for reimbursement from the TRS Fund, which could lead them to suspend operation of their important services.

In addition, if this information collection is not conducted, the Commission and Fund administrator would have less of a basis to detect and prevent fraud and misuse in the provision of relay. The collections of information and the recordkeeping requirements are necessary for the Commission to

³⁵ The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

³⁶ 47 CFR § 64.604(c)(5)(iii)(D)(4).

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strengthen its ability to oversee the TRS program, which has been vulnerable to waste, fraud, and abuse.

7. This collection requires respondents to report information to the agency more often than quarterly. This is pursuant to established procedures whereby providers submit data on a monthly basis in support of requests for payment from the Fund. If the reporting occurred only quarterly or less frequently, providers would not get reimbursed from the Fund on the monthly basis as they do now.
8. Pursuant to 5 CFR § 1320.8, the Commission placed a notice in the *Federal Register* on September 30, 2021, published at 86 FR 54190, and a second notice on December 2, 2021, published at 86 FR 68493, seeking comments from the public on the information collection requirements contained in this supporting statement. On December 22, 2021, Sorenson Communications, LLC (Sorenson) submitted comments contending that the Commission's 10-hour estimate to complete the annual Relay Services Data Request (RSDR) form for provider cost and demand data is too short. Sorenson argues that it spends 200 to 300 hours annually on the RSDR and that most of its time is spent gathering the required data. However, the Commission's estimate of 10 hours on average to complete the RSDR is only for the time spent on completing the form itself. In section 12.D of this Supporting Statement, the Commission estimates that each TRS provider will spend, on average, 70 hours annually, including 60 hours to complete the gathering and calculating of the information and 10 hours to submit the RSDR to the TRS Fund administrator. Although Sorenson estimates 200 to 300 hours annually, Sorenson and its subsidiary each submit separate RSDRs, resulting in 100 to 150 hours annually for each RSDR. Because Sorenson is by far the largest and most complex of the providers, and its two RSDRs are among the most complicated of the RSDRs, it is not surprising that Sorenson would be spending an above-average amount of time for each RSDR. As a result, an estimate of 70 hours, with 60 hours to compile the data and 10 hours to complete the form is a reasonable estimate of the average amount of time per response.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. For many years, the Commission and the TRS Fund administrator have been receiving projected cost and demand data submitted by the TRS providers, in order to help set annual interstate relay compensation rates. This data may be confidential proprietary information protected from disclosure under the Freedom of Information Act (FOIA) and the Commission's rules implementing FOIA. The Commission is not requesting the TRS provider respondents to submit any other confidential information. Thus, the Commission and the TRS Fund administrator have experience in protecting the confidentiality of such information, as appropriate.

In addition, if the Commission requests information from any respondents which the respondents believe is confidential, respondents may request confidential treatment of such information pursuant to 47 CFR § 0.459. Moreover, the Commission requires the TRS Fund administrator to keep all data and information received from contributors, TRS providers, and state TRS administrators confidential.³⁷ The *2007 TRS Cost Recovery Order* also states that the Commission or TRS Fund administrator will ask each state and TRS provider to indicate what information should be considered confidential, and that the specifics of such information will not be released.³⁸

³⁷ See 47 CFR § 64.604(c)(5)(iii)(I).

³⁸ *2007 TRS Cost Recovery Order*, 22 FCC Rcd at 20154, para. 28.

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Furthermore, assurances of confidentiality are being provided to respondents that are likely to file informal complaints against TRS providers. These assurances include the safeguards used in the SORN for OMB Control Number 3060-0874, which states that respondents are made aware of the fact that their complaint information may be released to law enforcement officials and other parties as mandated by law (i.e., court-ordered subpoenas).³⁹ Such information is contained in Commission databases, which are covered under the Commission's SORN, FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance." The PII covered by this system of records notice is used by Commission personnel to handle and to process informal complaints from individuals and groups. The Commission will not share this information with other federal agencies except under the routine uses listed in the SORN.

The PIA, which the FCC completed on June 28, 2007, gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys PII, as required by OMB regulations and the Privacy Act, 5 U.S.C. § 552a.⁴⁰ The PIA may be viewed at: <https://www.fcc.gov/general/privacy-act-information#pia>.

11. There are no questions of a sensitive nature with respect to the information collected.
12. Estimates of the burden hours to comply with the collection of information are as follows:

A. Section 64.604(a)(3) – Speed Dialing Requirement

Annual Number of Respondents: 15 respondents

The Commission estimates approximately 15 TRS providers (respondents) voluntarily will maintain a list of telephone numbers for this feature, and further that this process will require each such provider approximately 5 hours per year to complete. The 15 TRS providers are as follows:

- 1 provider of IP CTS, IP Relay, traditional TRS, STS, and CTS;
- 1 provider of IP CTS, traditional TRS, STS, and CTS;
- 4 providers of VRS;
- 5 providers of IP CTS only;⁴¹ and
- 3 potential IP CTS providers which would be new market entrants; and
- 1 potential VRS provider which would be a new market entrant.

Annual Number of Responses: 15 responses

15 respondents x 1 list/respondent/year = 15 lists (responses)

Annual Number of Burden Hours: 75 hours

15 responses x 5 hours/response to maintain lists = 75 hours

³⁹ See OMB Control Number 3060-0874 (Consumer Complaint Portal: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, Slamming Complaints, RDAs and Communications Accessibility Complaints) (May 2017).

⁴⁰ As stated above, the Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

⁴¹ One of these 5 IP CTS providers is a wholly-owned subsidiary of one of the 4 providers of VRS

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Annual In-House Costs: \$3,551.25

The Commission assumes that respondents use in-house personnel whose pay is comparable to a GS-12/5 (\$47.35) to maintain a list of telephone numbers.

15 responses x 5 hours/response x \$47.35/hour = \$3,551.25

B. Section 64.604(c)(5)(iii)(D) – Data Collection from State TRS Providers

Annual Number of Respondents: 2⁴²

In the *2007 TRS Cost Recovery Order*, the Commission established reporting requirements associated with TRS cost recovery methodologies for compensation from the TRS Fund.

TRS providers must submit to the TRS Fund administrator the following information annually, for intrastate traditional TRS, STS, and CTS:

- (1) the per-minute compensation rate(s);
- (2) whether the rate applies to session minutes or conversation minutes;
- (3) the number of intrastate session minutes; and
- (4) the number of intrastate conversation minutes.

The Commission estimates that for the 2 respondents, collectively up to three reports will be necessary, per state or territory, to reflect rate data and information for respondents' traditional TRS, STS, and CTS services. This process will be done annually.

Annual Number of Responses: 168 responses

56 states and territories x 3 reports (traditional TRS/STS/CTS) = 168 responses⁴³

Annual Number of Burden Hours: 1,680 hours

The Commission estimates that each state or territory will spend, on average, 10 hours, including 9 hours to complete the gathering and calculating of information and 1 hour to submit annually to the TRS Fund administrator historical and projected cost and demand data on the TRS Fund Annual State Rate Data Request Form.

168 responses x 10 hours/response = 1,680 hours

Annual In-House Costs: \$94,600.80

The Commission assumes that respondents will use in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5), therefore, the Commission estimates respondents' costs to be about \$56.31 per hour to comply with the requirement:

168 responses x 10 hours/response x \$56.31/hour = \$94,600.80

C. Section 64.604(c)(5)(iii)(D) – Data Collection from State Relay Program Administrators

⁴² These 2 respondents, affected by the reporting requirements for TRS providers, are already included in the total number of 15 respondents under A. Because each state or territory has assigned the TRS contract to one of the two respondents, each respondent files reports for multiple states and territories.

⁴³ Because each state and territory contracts with only 1 provider, each respondent is responsible for only some of the states. Between the 2 respondents, there are 3 reports for each of 56 states and territories, for a total of 168 responses.

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Annual Number of Respondents: 56

In the *2007 TRS Cost Recovery Order*, the Commission established reporting requirements associated with TRS cost recovery methodologies for compensation from the TRS Fund.

State relay program administrators must submit to the TRS Fund administrator the following information annually on the TRS Fund State TRS Administrator Form, for intrastate traditional TRS, STS, and CTS:

- (1) the per-minute compensation rate(s);
- (2) whether the rate applies to session minutes or conversation minutes;
- (3) the number of intrastate session minutes; and
- (4) the number of intrastate conversation minutes.

The Commission estimates that there will be 56 respondents (i.e., the states and territories with TRS programs). The Commission estimates that for each of the 56 respondents, three reports will be submitted to reflect rate data and information for the respondent's traditional TRS, STS, and CTS programs. This process is done annually.

Annual Number of Responses: 168 responses

56 states and territories x 3 reports (traditional TRS/STS/CTS) = 168 responses

Annual Number of Burden Hours: 1,680 hours

The Commission estimates that the respondents will require approximately 10 hours to submit the data and information for each response.

168 responses x 10 hours/response = 1,680 hours

Annual In-House Costs: \$94,600.80

The Commission assumes that respondents will use in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5); therefore, the Commission estimates respondents' costs to be about \$56.31 per hour to comply with the requirement:

168 responses x 10 hours/response x \$56.31/hour = \$94,600.80

D. Section 64.604(c)(5)(iii)(D) – Data Collection from Internet-Based TRS Providers

Annual Number of Respondents: 15⁴⁴

In the *2007 TRS Cost Recovery Order*, the Commission established reporting requirements associated with TRS cost recovery methodologies for compensation from the TRS Fund. Internet-based TRS providers must gather and calculate information and submit to the TRS Fund administrator historical and projected cost and demand data annually on the TRS Fund Provider Form. In the *IP CTS Modernization Order*, the Commission expanded the annual cost data filings for IP CTS providers to include information about payments under contracts, in situations where the providers contract for the supply of services used in the provision of TRS.

Annual Number of Responses: 16

⁴⁴ These are the same 15 respondents reported in A, *supra*.

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The Commission estimates that one respondent will provide 2 responses, and that the other respondents will provide one response each.

Annual Number of Burden Hours: 1,120

The Commission estimates that each TRS provider will spend, on average, 70 hours, including 60 hours to complete the gathering and calculating of information and 10 hours to submit annually to the TRS Fund administrator historical and projected cost and demand data on the TRS Fund Annual Provider Information Form.

16 responses x 70 hours/response = 1,120 hours

Annual In-House Costs: \$63,067.20

The Commission assumes that respondents will use in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5); therefore, the Commission estimates respondents' costs to be about \$56.31 per hour to comply with these requirements:

16 responses x 70 hours/response x \$56.31/hour = \$63,067.20

E. Section 64.604(c)(5)(iii)(D)(1) – Audit of Internet-Based TRS Providers

Annual Number of Respondents: 15⁴⁵

In the *2007 TRS Cost Recovery Order*, the Commission established that TRS providers must submit to audits by the TRS Fund administrator annually, or as deemed appropriate. In the *IP CTS Modernization Order*, the Commission expanded the information to be included in audits to include documentation, such as copies of contracts with entities providing services or equipment used for the provision of IP CTS.

Annual Number of Responses: 15

The Commission estimates that the TRS Fund administrator will audit all 15 Internet-based TRS providers each year.

Annual Number of Burden Hours: 1,200

The Commission estimates that each TRS provider will spend on average 80 hours per service responding to auditor requests for information.

15 responses x 80 hours/response = 1,200 hours

Annual In-House Costs: \$67,572

The Commission assumes that respondents will use in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5); therefore, the Commission estimates respondents' costs to be about \$56.31 per hour to comply with these requirements:

15 responses x 80 hours/response x \$56.31/hour = \$67,572

F. STS Annual Reports on Outreach Efforts

In the *2007 TRS Cost Recovery Order*, the Commission also established reporting requirements for STS providers (respondents). Respondents must file a report annually with the TRS Fund administrator and the Commission on their specific outreach efforts directly attributable to the additional compensation approved by the Commission for STS outreach.

⁴⁵ These are the same 15 respondents reported in A, *supra*.

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Annual Number of Respondents: 2⁴⁶

Currently, there are 2 STS providers. Therefore, the Commission estimates that 2 respondents will be required to submit a report annually on specific outreach efforts.

Annual Number of Responses: 2 responses

2 respondents x 1 report/year = 2 responses

Annual Number of Burden Hours: 30 hours

The Commission estimates that each respondent will require approximately 15 hours to submit the report:

2 responses x 15 hours/response = 30 hours

Annual In-House Costs: \$1,689.30

The Commission assumes that respondents will use in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5). Therefore, the Commission estimates respondents' costs to be about \$56.31 per hour to comply with the requirement:

2 responses x 15 hours/response x \$56.31/hour = \$1,689.30

G. Section 64.604(c)(3) – Public Information on Availability of TRS

Annual Number of Respondents: 3,500

The Commission estimates 3,500 telecommunications service and VoIP providers and equipment manufacturers are subject to sections 225 and 255 of the Act.

Respondents, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS and the availability of 711 abbreviated dialing access to TRS.

The Commission estimates that the required actions will take place on an occasional basis, and respondents will each expend approximately 1 hour in the aggregate per year in planning and complying with these requirements.

Annual Number of Responses: 3,500 responses

3,500 respondents x 1 response/respondent = 3,500 responses

Annual Number of Burden Hours: 3,500 hours

3,500 responses x 1 hour/response = 3,500 hours

Annual In-House Costs: \$197,085

The Commission assumes that respondents will use in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5), therefore, the Commission estimates respondents' costs to be about \$56.31 per hour to comply with the requirement:

3,500 responses x 1 hour/response x \$56.31/hour = \$197,085

⁴⁶ These 2 respondents are already included in the total number of 15 respondents reported in A, *supra*.

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H. Section 64.604(a)(7) – Registration of VRS Users for Calling from International Points to the U.S.

Annual Number of Respondents: 1,505⁴⁷

Section 64.604(a)(7) of the Commission’s rules requires that in order for VRS providers to be compensated from the TRS Fund for U.S. residents making VRS calls from international points to the U.S., the providers must preregister the users before they leave the country. This preregistration permits the user to make VRS calls from international points to the U.S. for up to a maximum of 4 weeks. Providers must collect information from the users in order to preregister them. The Commission estimates that each of 4 VRS providers will preregister an average of 375 users annually for this purpose, and that each registration will take approximately one-half (0.5) hour.

Annual Number of Responses: 3,000

The responses will be provided by: (a) the VRS providers preregistering their users, and (b) the users participating in the preregistration.

$(300 \text{ responses/provider (on average)} \times (4 \text{ providers} + 1 \text{ applicant})) + (1 \text{ response/user} \times 1,500 \text{ users}) = 3,000 \text{ responses}$

Annual Number of Burden Hours: 1,500

$(300 \text{ responses/provider} \times (4 \text{ providers} + 1 \text{ applicant}) \times 0.5 \text{ hour}) + (1 \text{ response/user} \times 1,500 \text{ users} \times 0.5 \text{ hour}) = 1,500 \text{ hours}$

Annual In-House Costs: \$24,487.50

The Commission estimates that provider respondents will utilize in-house personnel whose pay is comparable to mid-level federal employee (GS-9/5) to register users. The Commission estimates the respondents’ costs to be about \$32.65 per hour to complete. There will be no cost to users to register.

$(300 \text{ responses/provider} \times (4 \text{ providers} + 1 \text{ applicant}) \times 0.5 \text{ hour} \times \$32.65/\text{hour}) + (1 \text{ response/user} \times 1,500 \text{ users} \times 0.5 \text{ hour} \times \$0/\text{hour}) = \$24,487.50$

I. Section 64.604(c)(1) – Complaint Log Summaries

Annual Number of Respondents: 7⁴⁸

Section 64.604(c)(1) of the Commission’s rules requires each state and interstate TRS provider to maintain a log of consumer complaints and file a summary of the complaint log with the Commission. This process will be done annually and will require approximately 12 hours on average to complete.

Annual Number of Responses: 7

$7 \text{ respondents} \times 1 \text{ response} = 7 \text{ responses}$

⁴⁷ The estimated 1,505 respondents include 1,500 VRS users, plus the five respondents that are certified to or have applied for certification to provide VRS that are included in the 15 respondents reported in A, *supra*.

⁴⁸ The seven respondents that provide traditional TRS, STS, IP Relay, and VRS are included in the 15 respondents reported in A, *supra*. OMB Control Number 3060-1053 covers the collection of this information from one-line and two-line CTS providers and IP CTS providers.

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Annual Number of Burden Hours: 84

7 responses x 12 hours/consumer complaint log = 84 hours

Annual In-House Costs: \$6,574.68

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a senior level federal employee (GS-15/5) to maintain consumer complaint log submissions. The Commission estimates the respondents' costs to be about \$78.27 per hour to complete.

84 hours x \$78.27/hour = \$6,574.68

J. Section 64.604(c)(2) – Contact Information

Annual Number of Respondents: 5⁴⁹

Section 64.604(c)(2) of the Commission's rules requires each state and interstate TRS provider to submit contact information to the Commission. This process will be done once when the provider commences operations and each time there is a change in contact information. The Commission estimates that an average of 5 providers will be submitting new or revised contact information annually, and it will require approximately 1 hour to complete.

Annual Number of Responses: 5

5 respondents x 1 response/respondent = 5 responses

Annual Number of Burden Hours: 5

5 responses x 1 hour/response = 5 hours

Annual In-House Costs: \$391.35

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a senior level federal employee (GS-15/5) to submit contact information. The Commission estimates the respondents' costs to be about \$78.27 per hour to complete.

5 responses x 1 hour/response x \$78.27/hour = \$391.35

K. Section 64.604(c)(5)(iii)(D)(3) – Submission of Speed-of-Answer Compliance Data

Annual Number of Respondents: 15⁵⁰

Section 64.604(c)(5)(iii)(D)(3) of the rules requires providers to electronically submit speed-of-answer data for VRS, IP Relay, and IP CTS. The Commission estimates that 15 providers will each require approximately 5 hours per form of TRS to complete the compilation and electronic submission of speed-of-answer data on a monthly basis.

Annual Number of Responses: 192

(14 respondents x 1 response/month + 1 respondent x 2 responses/month)⁵¹ x 12 months = 192 responses

⁴⁹ These are a subset of the 15 respondents reported in A, *supra*.

⁵⁰ These are the same 15 respondents reported in A, *supra*.

⁵¹ One provider offers both IP CTS and IP Relay.

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Annual Burden Hours: 960

(14 respondents x 1 response/month + 1 respondent x 2 responses/month) x 12 months x 5 hours/month = 960 hours

Annual In-House Costs: \$75,139.20

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a senior level federal employee (GS-15/5) to prepare speed-of-answer compliance reports. The Commission estimates the respondents' costs to be about \$78.27 per hour to complete. 960 hours x \$78.27/hour = \$75,139.20

L. Section 64.604(c)(5)(iii)(G) – Notification to the TRS Fund Administrator

Section 64.604(c)(5)(iii)(G) of the rules requires each TRS provider to submit to the TRS Fund administrator a notification of its intent to participate in the TRS Fund 30 days prior to submitting reports of TRS interstate minutes of use. This is a one-time requirement for new TRS providers. The Commission estimates that up to 3 new IP CTS providers and 1 new VRS provider will each require approximately 1 hour to complete this notification.

Annualized Number of Respondents: 1⁵²

4 new IP CTS and VRS providers/3 years = 1.33 (1 respondent rounded)

Annualized Number of Responses: 1

4 new IP CTS and VRS providers x 1 response/3 years = 1.33 (1 response rounded)

Annualized Burden Hours: 1 (rounded)

4 new IP CTS and VRS providers x 1 response/3 years x 1 hour/response = 1 hours

Annualized In-House Costs: \$56.31

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5) to prepare the notification. The Commission estimates the respondents' costs to be about \$56.31 per hour to complete.

4 new IP CTS and VRS providers x 1 response/3 years x 1 hour/response x \$56.31/hour = \$56.31

M. Section 64.604(c)(6)(i)-(iv) – Referral of Complaints Concerning Intrastate TRS to the States

Section 64.604(c)(6)(i)-(iv) of the rules provides procedures for the Commission to refer informal complaints concerning intrastate TRS to the states. OMB Control Number 3060-0874 already covers the burdens placed on consumers who file complaints with the Commission. As a result, this supporting statement for OMB Control Number 3060-0463 covers only the burdens placed on the states to address these complaints.

Annual Number of Respondents: 10⁵³

The Commission estimates that, for present and future purposes, approximately 10 complaints concerning intrastate TRS will be referred to the states annually and that each complaint will be

⁵² These are a subset of the 15 respondents reported in A, *supra*.

⁵³ These are a subset of the 56 respondents reported in C, *supra*.

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referred to a different state. The Commission further estimates that each state will require approximately 5 hours to address the complaint.⁵⁴

Annual Number of Responses: 10

10 respondents x 1 response = 10 responses

Annual Burden Hours: 50

10 respondents x 1 response x 5 hours = 50 hours

Annual In-House Costs: \$2,815.50

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-13/5) to address the complaint. The Commission estimates the respondents' costs to be about \$56.31 per hour to complete.

10 respondents x 1 response x 5 hours x \$56.31/hour = \$2,815.50

N. Section 64.604(c)(6)(v)(A)-(B) – Informal Complaints Alleging Violations of the TRS Rules

Section 64.604(c)(6)(v)(A)-(B) of the rules provides procedures for consumers to file informal complaints alleging violations of the TRS rules and for TRS providers to respond to these complaints. OMB Control Number 3060-0874 already covers the burdens placed on consumers who file complaints with the Commission. As a result, this supporting statement for OMB Control Number 3060-0463 covers only the burdens placed on the TRS providers to respond to these complaints.

Annual Number of Respondents: 15⁵⁵

The Commission estimates that approximately 260 informal complaints are filed with the Commission each year, and that each TRS provider uses in-house staff to respond to these complaints.

Annual Number of Responses: 260

The Commission estimates, for present and future purposes, that the average burden for TRS providers to prepare and submit a response to each informal complaint is 3 hours.

Annual Burden Hours: 780

260 responses x 3 hours = 780 hours

Annual In-House Costs: \$51,901.20

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-14/5) to prepare the response. The Commission estimates the respondents' costs to be about \$66.54 per hour to complete.

260 responses x 3 hours x \$66.54/hour = \$51,901.20

O. Section 64.604(c)(6)(v)(C)-(I) – Formal Complaints Alleging Violations of the TRS Rules

⁵⁴ The burden hours associated with TRS provider responses to the complaints referred to the states are included in N, *infra*.

⁵⁵ These are the same 15 respondents reported in A, *supra*.

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Section 64.604(c)(6)(v)(C)-(I) of the rules provides procedures for filing formal complaints alleging violations of the TRS rules and for TRS providers to respond to these complaints. The Commission estimates that 1 complaint, 1 answer, and 1 reply to answer will be filed involving 1 complainant and 1 defendant annually, and that both parties will be represented by outside counsel.⁵⁶

Annual Number of Respondents: 2

1 complainant + 1 defendant⁵⁷ = 2 respondents

Annual Number of Responses: 3

1 formal complaint (complainant) + 1 answer (defendant) + 1 reply to answer (complainant) = 3 responses

The Commission estimates that the complainant will require 10 hours for each response (20 hours total) to consult with outside counsel, who will prepare the complaint and reply to answer, and that the defendant will require 10 hours to consult with outside counsel, who will prepare the answer.

Annual Burden Hours: 30

Complainant's 20 hours + defendant's 10 hours = 30 hours

Annual In-House Costs: \$782.70

The complainant will consult directly with outside counsel and thus will have no in-house costs. The Commission estimates that defendants will utilize in-house personnel whose pay is comparable to a senior level federal employee (GS-15/5), to consult with outside counsel. The Commission estimates the respondents' costs to be about \$78.27 per hour.

1 response (defendant) x 10 hours x \$78.27/hour = \$782.70

P. Section 64.604(c)(7) – Contract Provisions for Transfer of TRS Customer Information

Section 64.604(c)(7) of the rules requires that contracts between state TRS administrators and the TRS vendor provide for the transfer of TRS customer profile data from the outgoing TRS vendor to the incoming TRS vendor. The Commission estimates that no more than an average of 10 TRS contracts between state TRS administrators and state TRS providers will be written or renewed each year. The Commission further estimates that the state relay administrators and state TRS providers will each require approximately 1 hour to complete this provision within the contract.

Annual Number of Respondents: 12⁵⁸

10 state relay administrators + 2 state relay providers = 12 respondents

Annual Number of Responses: 20

(10 state relay administrators x 1 response/respondent) + (2 state relay providers x 5 responses/respondent) = 20 responses

⁵⁶ The cumulative number of respondents for this requirement is 2.

⁵⁷ The defendant is already included in the 15 respondents reported in A, *supra*.

⁵⁸ The 10 state relay administrators are a subset of the 56 state relay administrators reported in C, *supra*. The 2 state relay providers are a subset of the 15 providers reported in A, *supra*.

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Annual Burden Hours: 20

20 responses x 1 hour = 20 hours

Annual In-House Costs: \$1,565.40

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a senior level federal employee (GS-15/5) to prepare the contract provision. The Commission estimates the respondents' costs to be about \$78.27 per hour to complete.

20 responses x 1 hour x \$78.27/hour = \$1,565.40

Q. Provider Certification Under Penalty of Perjury

Each TRS provider is required to certify to the accuracy of its (1) call data records (CDRs) report submitted monthly to the TRS Fund administrator for compensation; (2) cost and demand data submitted to the TRS Fund administrator annually; (3) data submitted in response to the reasonable requests of the TRS Fund administrator or the Commission.

Annual Number of Respondents: 15⁵⁹

Annual Number of Responses: 255

The Commission estimates that in addition to the 12 monthly CDR reports and the annual cost and demand data, each provider will respond to the reasonable request of the TRS Fund administrator or the Commission approximately 4 times a year on average.

(15 respondents x 12 responses) + (15 respondents x 1 response) + (15 respondents x 4 responses) = 255 responses

Annual Burden Hours: 25.5 (26 rounded)

The Commission estimates that each respondent will require approximately 0.1 hours (6 minutes) to certify to each submission under penalty of perjury.

255 responses x 0.1 hour = 25.5 hours (26 rounded)

Annual In-House Costs: \$2,035.02

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a senior level federal employee (GS-15/5) to prepare the contract provision. The Commission estimates the respondents' costs to be about \$78.27 per hour to complete.

26 hours x \$78.27/hour = \$2,035.02

R. Requiring Providers to Submit Information about New and Existing Call Centers

Annual Number of Respondents: 5 VRS providers⁶⁰

Each VRS provider is required to file with the TRS Fund administrator and the Commission a call center report twice a year and to notify the TRS Fund administrator and the Commission of any changes in call center locations at least 30 days prior to any change. The Commission estimates

⁵⁹ These are the same 15 respondents reported in A, *supra*.

⁶⁰ These four VRS providers and one applicant for certification are a subset of the 15 respondents reported in A, *supra*.

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that each VRS provider respondent may file notifications of changes in call center locations approximately 8 times a year, on average.

Annual Number of Responses: 50

$(5 \text{ respondents} \times 2 \text{ responses/year}) + (5 \text{ respondents} \times 8 \text{ responses/year}) = 50 \text{ responses/year}$

The Commission estimates that each respondent will require (1) approximately 16 hours to complete the compilation and submission of a statement detailing the street address of each call center the provider owns, the number of CAs and CA managers employed at each call center, and the name and contact information for the call center (phone number and email address), and the managers of each call center twice a year; and (2) 1 hour to file a letter of notification to the Commission and the TRS Fund administrator of any change to their call centers' locations, including the opening, closing, or relocation of any center approximately 8 times a year, on average.

Annual Number of Burden Hours: 200

$(5 \text{ respondents} \times 16 \text{ hours} \times 2 \text{ times/year}) + (5 \text{ respondents} \times 1 \text{ hour} \times 8 \text{ times/year}) = 200 \text{ hours/year}$

Annual "In-House" Cost: \$15,654.00

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a senior level federal employee (GS-15/5) to prepare the reports and notifications. The Commission estimates the respondents' costs to be about \$78.27 per hour to complete.

$200 \text{ hours/year} \times \$78.27 = \$15,654.00$

S. Data Filed with the Fund Administrator to Support Payment Claims

Annual Number of Respondents: 15⁶¹

Each respondent is required to electronically submit specified call data records in order to be compensated from the Fund. Each respondent is required to submit one response for each form of TRS that it provides on a monthly basis.

Annual Number of Responses: 264

$5 \text{ forms of TRS (1 provider)} + 4 \text{ forms of TRS (1 provider)} + 1 \text{ form of TRS (13 providers)}$

$(5 + 4 + 13 \text{ responses}) \times 12 \text{ months} = 264 \text{ responses/year}$

The Commission estimates that each respondent will require approximately 5 hours per response per form of TRS to complete the compilation and submission of call data on a monthly basis.

Annual Number of Burden Hours: 1,320

$(5 + 4 + 13 \text{ responses}) \times 12 \text{ months} \times 5 \text{ hours/response} = 1,320 \text{ hours}$

Annual "In-House" Cost: \$103,316.40

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a senior level federal employee (GS-15/5) to prepare the contract provision. The Commission estimates the respondents' costs to be about \$78.27 per hour to complete.

⁶¹ These are the same 15 respondents reported in A, *supra*.

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$$1,320 \text{ hours} \times \$78.27/\text{hour} = \$103,316.40$$

T. Automated Call Data Collection

Each TRS provider is required to implement an automated call data collection system. The implementation will be performed on a one-time basis. The Commission concludes that all incumbent providers who are currently electronically submitting call data records to the TRS Fund administrator have already implemented an automated system to meet this one-time requirement. It therefore applies only to new potential providers.

Annualized Number of Respondents: 1 (rounded)⁶²

The Commission estimates that there may be up to 3 new IP CTS providers and 1 new VRS provider over the three-year period of this collection.

$$(3 \text{ new IP CTS providers} + 1 \text{ new VRS provider})/3 \text{ years} = 1.33 \text{ respondents (1 rounded)}$$

Annualized Number of Responses: 1 (rounded)

$$(3 \text{ new IP CTS providers} + 1 \text{ new VRS provider}) \times 1 \text{ response}/3 \text{ years} = 1.33 \text{ responses (1 rounded)}$$

Annualized Burden Hours: 33 (rounded)

The Commission estimates that respondents will require approximately 25 hours per form of TRS offered to complete the implementation of technology that allows automatic capture of the session and conversation times, to the nearest second, and all other data required by the *VRS Fraud Prevention Order* for each call.

$$(3 \text{ new IP CTS providers} + 1 \text{ new VRS provider}) \times 1 \text{ response}/3 \text{ years} \times 25 \text{ hours/response} = 33.33 \text{ hours (33 hours rounded)}$$

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-15/5) to prepare the notification. The Commission estimates the respondents' costs to be about \$78.27 per hour to complete.

Annualized In-House Costs: \$2,609.00

$$(3 \text{ new IP CTS providers} + 1 \text{ new VRS provider}) \times 1 \text{ response}/3 \text{ years} \times 25 \text{ hours/response} \times \$78.27/\text{hour} = \$2,609.00$$

U. Record Retention

Each Internet-based TRS provider is required to maintain call data records used to support payment claims submitted to the TRS Fund administrator for a minimum of five years.

Annual Number of Respondents: 15⁶³

Of the 15 respondents, one provides 2 forms of Internet-based TRS and the other 14 provide one form of TRS.

Annual Number of Responses: 16

$$(1 \text{ provider} \times 2 \text{ responses}) + (14 \text{ providers} \times 1 \text{ response}) = 16 \text{ responses/year}$$

⁶² These are a subset of the 15 respondents reported in A, *supra*.

⁶³ These are the same 15 respondents reported in A, *supra*.

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The Commission estimates that each respondent will require approximately 5 hours per form of Internet-based TRS to retain for five years its call detail records. The burden is incurred once per year as new records are added and those older than five years are purged.

Annual Number of Burden Hours: 80

(1 respondent x 2 forms of TRS x 5 hours) + (14 respondents x 1 form of TRS x 5 hours) = 80 hours/year

Annual “In-House” Cost: \$6,261.60

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-15/5) to maintain the records. The Commission estimates the respondents’ costs to be about \$78.27 per hour to complete.

80 hours/year x \$78.27 = \$6,261.60

V. Third-party Agreements

Annual Number of Respondents: 5 VRS providers⁶⁴

Each VRS provider is required to (1) maintain copies of all third-party contracts or agreements so that copies of these agreements containing detailed information will be available to the Commission or the TRS Fund administrator upon request, and (2) describe all agreements in connection with marketing and outreach activities, including those involving sponsorships, financial endorsements, awards, and gifts made by the provider to any individual or entity, in the provider’s annual submissions to the TRS Fund administrator.

Annual Number of Responses: 5

5 respondents x 1 response x 1/yr = 5 responses/yr

Annual Number of Burden Hours: 75

The Commission estimates that each respondent will require (1) approximately 5 hours per year to maintain copies of all third-party contracts or agreements, and (2) approximately 10 hours per year to describe all agreements in connection with marketing and outreach activities in the provider’s annual submissions to the TRS Fund administrator, for a total of 15 hours per year.

5 respondents x 15 hours x 1/year = 75 hours/year

Annual “In-House” Cost: \$5,870.25

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-15/5) to prepare the notification. The Commission estimates the respondents’ costs to be about \$78.27 per hour to complete.

75 hours/year x \$78.27 = \$5,870.25

W. Whistleblower Protection

Annual Number of Respondents: 15⁶⁵

Annual Number of Responses: 15

⁶⁴ These are a subset of the 15 respondents reported in A, *supra*.

⁶⁵ These are the same 15 respondents reported in A, *supra*.

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15 respondents x 1 response/respondent = 15 responses

The Commission estimates that each respondent will require on average 5 hours to distribute information about whistleblower protections, including the right to notify the Commission's Office of Inspector General or its Enforcement Bureau, to all TRS employees and contractors, in writing. Such notification can be distributed in employee handbooks, policies and procedures manuals, or bulletin board postings – either online or in hard copy.

Annual Number of Burden Hours:

15 respondents x 1 response/respondent x 5 hours = 75 hours/year

Annual "In-House" Cost: \$5,870.25

The Commission estimates that respondents will utilize in-house personnel whose pay is comparable to a mid-to-senior level federal employee (GS-15/5) to prepare the notification. The Commission estimates the respondents' costs to be about \$78.27 per hour to complete.

75 hours x \$78.27/hour = \$5,870.25

CUMULATIVE TOTAL FOR INFORMATION COLLECTION REQUIREMENTS

	Collection	Number of Respondents	Number of Responses	Burden Hours	In-House Costs
A	Speed Dialing Requirement	15	15	75	\$3,551.25
B	Data Collection from State TRS Providers	Included in A	168	1,680	\$94,600.80
C	Data Collection from State Relay Program Administrators	56	168	1,680	\$94,600.80
D	Data Collection from Internet-Based TRS Providers	Included in A	16	1,120	\$63,067.20
E	Audit of Internet-Based TRS Providers	Included in A	15	1,200	\$67,572
F	STS Annual Reports on Outreach Efforts	Included in A	2	30	\$1,689.30
G	Public Information on Availability of TRS	3,500	3,500	3,500	\$197,085
H	Registration of VRS Users for Calling from International Points to the U.S.	1,500 (plus 5 included in A)	3,000	1,500	\$24,487.50
I	Complaint Log Summaries	Included in A	7	84	\$6,574.68
J	Contact Information	Included in A	5	5	\$391.35
K	Submission of Speed-of-Answer Compliance Data	Included in A	192	960	\$75,139.20
L	Notification to the TRS Fund Administrator	Included in A	1	1	\$56.31
M	Referral of Complaints	Included in C	10	50	\$2,815.20

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	Concerning Intrastate TRS to the States				
N	Informal Complaints Alleging Violations of the TRS Rules	Included in A	260	780	\$51,901.20
O	Formal Complaints Alleging Violations of the TRS Rules	1 (plus 1 included in A)	3	30	\$782.70
P	Contract Provisions for Transfer of TRS Customer Information	Included in A and C	20	20	\$1,565.40
Q	Provider Certification Under Penalty of Perjury	Included in A	255	26	\$2,035.02
R	Requiring Providers to Submit Information about New and Existing Call Centers	Included in A	50	200	\$15,654
S	Data Filed with Administrator to Support Payment Claims	Included in A	264	1,320	\$103,316.40
T	Automated Call Data Collection	Included in A	1	33	\$2,609.00
U	Record Retention	Included in A	16	80	\$6,261.60
V	Third Party Agreements	Included in A	5	75	\$5,870.25
W	Whistleblower Protection	Included in A	15	75	\$5,870.25
	CUMULATIVE TOTALS	5,072	7,988	14,524	\$827,496.41

13. The Commission estimates that TRS providers will incur costs for the following:

Capital/start-up costs:

- (i) In regard to speed dialing, respondents could incur costs for software related to the maintaining of telephone number lists. The Commission believes, however, that such software either would be a standard component of office computer “suites,” or should be readily available off the shelf. Therefore, the Commission estimates that up to 15 TRS providers will purchase such software at up to \$2,000 per provider, for an aggregate cost of \$30,000. Because the Commission expects that such software would be capitalized and estimates that it will have a useful life of 3 years and be purchased every 3 years, the Commission estimates the annualized cost to be:

$$(15 \text{ providers} \times \$2,000 / \text{provider}) / 3 = \$10,000$$

- (ii) In regard to software to record call data and prepare and submit call data reports, the Commission estimates that up to 15 TRS providers will purchase such software at up to \$5,000 per provider. The Commission further estimates that such software would be capitalized and estimates that it will have a useful life of 10 years and be purchased every 10 years. The annualized costs are estimated to be:

$$(15 \text{ providers} \times \$5,000 / \text{provider}) / 10 = \$7,500$$

Annual costs:

- (i) Internet-based TRS providers will incur annual costs to prepare for and participate in audits. The Commission estimates that outside accounting costs of preparing for and responding to the audit will average approximately \$15,000 per provider

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15 providers x \$15,000 / annual audit = \$225,000

- (ii) With regard to the STS outreach annual report, each of the two STS providers may utilize the assistance of outside counsel. The Commission estimates that outside legal counsel will require 2 hours to prepare and submit the report and will charge \$300.00 per hour for legal services.

2 reports x 2 hours x \$300.00/hour outside legal fee = \$1,200.00

- (iii) For formal complaints, the Commission estimates that one complainant will retain outside counsel each year to file one formal complaint and a reply to answer, and that one defendant will retain outside counsel each year to file one answer to the complaint.

((1 complaint x 10 hours) + (1 reply x 5 hours)) x \$300/hour) +
(1 answer x 15 hours x \$300/hour) = \$9,000

- (iv) For record storage, the Commission estimates that the 15 respondents will need to spend \$2,600 per year for additional server space, memory, communications, and backup and recovery service, including maintenance, associated with a requirement to retain records for five years.

15 providers x \$2,600 = \$39,000

TOTAL ANNUALIZED COSTS: \$291,700

(a) Total Annualized Capital/Start-Up Costs: \$17,500

\$10,000 + \$7,500

(b) Total Annual Costs (Operation and Maintenance): \$274,200

\$225,000 + \$1,200 + \$9,000 + \$39,000

14. The Commission believes that the following costs to the Federal Government will be due to the collecting, processing, and analysis of the following:

(i) Audit of Internet-Based TRS Providers:

- (a) The Commission will use employees at the GS-15/Step 5 level to review and analyze each audit report.
- (b) The Commission estimates the time to review and analyze each audit report to be approximately 20 hours.
- (c) On average, the Commission estimates that it will receive approximately 15 audit reports annually:⁶⁶

15 submission x 10 hours/submission x \$78.27/hour = **\$11,740.50**

(ii) Reports on outreach efforts submitted by STS providers:

- (1) The Commission will use staff attorneys at the GS-15/Step 5 level to collect, process and analyze the reports on outreach efforts submitted by STS providers.
- (2) The Commission estimates the time to process each submission to be approximately 2 hours.

⁶⁶ See *supra* item 12.E.

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(3) On average, the Commission estimates that it will receive approximately 2 submissions⁶⁷ annually:

2 submissions x 2 hours/submission x \$78.27/hour = **\$313.08**

(iii) TRS provider submission of complaint log summaries:

(a) The Commission will use mid-to-senior level employees at the GS-14/Step 5 level to collect, process and analyze the complaint log summaries.

(b) The Commission estimates the time to process each submission to be approximately 1 hour.

(c) On average, the Commission estimates that it will receive approximately 6 submissions annually:⁶⁸

6 submissions x 1 hour/submission x \$66.54/hour = **\$399.24**

(iv) TRS provider submission of contact information updates:

(a) The Commission will use mid-to-senior level employees at the GS-14/Step 5 level to collect and process the contact information.

(b) The Commission estimates the time to process each submission to be approximately 30 minutes (0.5 hour).

(c) On average, the Commission estimates that it will receive approximately 5 submissions annually:⁶⁹

5 submissions x 0.5 hour/submission x \$66.54/hour = **\$166.35**

(v) Review of Speed-of-Answer Compliance Data:

(a) The Commission will use mid-to-senior level employees at the GS-15/Step 5 level to analyze speed-of-answer compliance data reports generated by the TRS Fund administrator.

(b) The Commission estimates the time to review each report to be approximately 1 hour.

(c) The Commission estimates that it will receive 12 reports monthly:⁷⁰

12 submissions x 1 hour/submission x \$78.27/hour = **\$939.24**

(vi) Referral of complaints concerning intrastate TRS to the states:

(a) The Commission will use mid-to-senior level employees at the GS-13/Step 5 level to analyze the complaints and refer them to the states.

(b) The Commission estimates the time to process and refer each complaint to be approximately 2 hours.

⁶⁷ See *supra* item 12.F.

⁶⁸ See *supra* item 12.I.

⁶⁹ See *supra* item 12.J.

⁷⁰ See *supra* item 12.K. These monthly reports generated by the TRS Fund administrator will show the speed-of-answer data for each of the TRS providers.

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- (c) On average, the Commission estimates that it will receive approximately 10 complaints requiring referral annually:⁷¹

10 submissions x 2 hours/submission x \$56.31/hour = **\$1,126.20**

(vii) Processing of informal complaints:

- (a) The Commission will use mid-to-senior level employees at the GS-13/Step 5 level to process and analyze informal complaints.
- (b) The Commission estimates the time to process and analyze each complaint to be approximately 3 hours.
- (c) On average, the Commission estimates that it will receive approximately 260 informal complaints requiring processing annually:⁷²

260 submissions x 3 hours/submission x \$56.31/hour = **\$43,921.80**

(viii) Processing of formal complaints:

- (a) The Commission will use attorneys at the GS-15/Step 5 level to process and analyze formal complaints.
- (b) The Commission estimates the time to process and analyze each formal complaint to be approximately 30 hours.
- (c) On average, the Commission estimates that it will receive approximately 1 formal complaint requiring processing annually:⁷³

1 submission x 30 hours/submission x \$78.27/hour = **\$2,348.10**

(ix) Review of Call Center Reports and Updates:

- (a) The Commission will use attorneys at the GS-15/Step 5 to review call center reports and updates.
- (b) The Commission estimates the time to review each call center report to be approximately 1 hour and the time to review each update to be about 0.2 hour (12 minutes)
- (c) The Commission estimates that it will receive approximately 8 call center reports and approximately 32 call center updates annually:⁷⁴

(8 submissions x 1 hour/submission x \$78.27/hour) + (32 submissions x 0.2 hour/submission x \$78.27) = **\$1,127.09**

(x) Review of Call Data Record Reports:

- (a) The Commission will use senior level staff at the GS-15/Step 5 level to review reports from the TRS Fund administrator compiling call data reports.
- (b) The Commission estimates the time to review each report to be approximately 10 hours.

⁷¹ See *supra* item 12.M.

⁷² See *supra* item 12.N.

⁷³ See *supra* item 12.O.

⁷⁴ See *supra* item 12.R.

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(c) The Commission estimates that it will receive approximately 12 reports annually:⁷⁵

1 submission x 30 hours/submission x \$78.27/hour = **\$2,348.10**

Total cost to the Federal Government: \$64,429.70

15. Due to the re-evaluation of the existing burdens for this information collection, the Commission makes the following adjustments:

A decrease in the number of responses of **-1**, from 7,989 to 7,988; and an increase in the annual burden hours of **+69**, from 14,455 to 14,524.

There are no program changes.

16. There are no plans to publish the result of the collection of information.

17. The Commission is not seeking approval not to display the expiration date for OMB approval of this information. The rate and minutes of use data and the cost and demand data is being collected through use of the TRS Fund State TRS Administrator Form and the TRS Fund Provider Form. Each of these forms will display the expiration date for OMB approval. The remainder of the information collection does not include the use of forms or 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 collections of information will employ statistical methods.

⁷⁵ See *supra* item 12.S. These monthly reports generated by the TRS Fund administrator will contain information about the call data from each of the TRS providers.