

## SUPPORTING STATEMENT

This collection is being submitted to the Office of Management and Budget (OMB) as an extension of a currently approved collection in order to obtain the three year approval.

### A. Justification:

1. In April 1996, the Commission issued an NPRM, concerning certain provisions of the Telecommunications Act of 1996 (the Act), including Section 251. Section 251 is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition. In order to foster competition in the local telephone market, the Act requires incumbent local exchange carriers (incumbent LECs) to share certain elements of their local telephone networks, providing them to other carriers at reasonable prices on an unbundled basis. These “unbundled network elements” (UNEs) are necessary for competition because the only alternative, building entire new telephone networks, would be prohibitively expensive for new entrants. In *Order FCC 03-36*, the Commission adopted rules and regulations designed to eliminate operational barriers to competition in the telecommunications services market and implement certain provisions of Section 251, including the UNE obligations of incumbent LECs. In the *Order on Remand FCC 04-290 (Order)*, the Commission responded to a decision by the United States Court of Appeals for the District of Columbia that vacated the “sub-delegation” of authority to state commissions and vacated and remanded certain nationwide impairment findings, including mass market switching and dedicated transport.

a. Service Eligibility for Obtaining Enhanced Extended Links (EELs): Prior to the issuance of the Order, the Commission sought comment on issues relating to combinations of UNEs, called “enhanced extended links” (EELs), in order to effectively tailor access to EELs to those carriers seeking to provide significant local usage to end users. In the Order, the Commission adopted three specific service eligibility criteria for access to EELs, which are important to assure that requesting carriers may not obtain EELs if they do not provide services that qualify for UNEs under the Commission’s rules.

First, the Order required carriers to collect certain data regarding usage of local telephone networks, and includes the possibility of audits by the incumbent carrier. Under the first of the three EELs eligibility criteria, each carrier must have a state certification of authority to provide local voice service.

Second, each carrier must have at least one local number assigned to each circuit and must provide 911 or E911 capability to each circuit, in order to demonstrate actual provision of local voice service.

Third, each carrier must satisfy circuit-specific architectural safeguards. Carriers requesting EELs also must certify that they satisfy each criterion, subject to an incumbent LEC's limited right to obtain an annual independent audit of the requesting carrier.

In a series of orders adopted in 2019 and 2020, the Commission granted forbearance from the majority of its then-existing UNE loop and transport requirements.<sup>1</sup> This forbearance significantly reduced the availability of EELs, though it did not completely eliminate them. EELs are technically still available in those limited areas where both transport and DSOs are available, but given that limited availability, we believe that very few providers continue to rely on or use EELs at this point in time. Although we cannot entirely eliminate this collection, as some of the information subject to it is still being collected, we are significantly reducing the burden estimate for the collection, as outlined below.

Statutory authority for this collection of information is contained in section 251 of the Telecommunications Act of 1996.

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

2. All of the collections implement the requirements of section 251 of the Act.
3. Respondents are free to determine the appropriate means for transmitting the data. The Commission places no restrictions on how respondents file their information.
4. The information collections contained in the Order do not duplicate information gathered pursuant to any other information collection.
5. The collections of information may affect small entities as well as large entities. However, in each instance these requirements were instituted to aid new entrants to the telecommunications market and allow them equal access to the resources available to previously established entities. As some new entrants will be small entities these requirements will benefit such businesses. In addition, for small entities, the Act

---

<sup>1</sup> See *Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services*, WC Docket No. 19-308, Report and Order, 35 FCC Rcd 12425 (2020) (*UNE Modernization Order*); *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, WC Docket No. 18-141 et al., Report and Order on Remand and Memorandum Opinion and Order, 34 FCC Rcd 5767 (2019) (*UNE Transport Forbearance Order*); *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, WC Docket No. 18-141, Memorandum Opinion and Order, 34 FCC Rcd 6503 (2019) (*UNE Analog Loop and Avoided-Cost Resale Forbearance Order*).

provides for the exemption, suspension, or modification of certain requirements. (See 47 C.F.R. § 251(f)).

6. Failing to impose the Order's information collections would prevent the Commission from implementing section 251 of the Act and fostering opportunities for new entrants in the local telephone market. The Order replaced previous rules which were vacated by the U.S. Court of Appeals.

The rules provide necessary guidance and are critical to competitive carriers' ability to continue to provide local telephone service, without disruption to customers. These rules bring regulatory stability among carriers. The *Order* provides a role for state regulatory commissions to initiate proceedings to determine whether certain elements should be available as UNEs. This role is vitally important to the Commission's approach for determining the competitive availability of network elements, which takes into consideration whether competitive conditions differ in various regions of the country. State regulatory commissions are well equipped to make these determinations within their respective states. The Commission's EELs criteria are important to preserve the ready availability of these important elements while ensuring that carriers use EELs to provide local service, as required by the Act.

7. Not applicable. The collections of information do not have any known special circumstances that would cause them to be conducted in a manner specified in item 7.

8. Pursuant to 5 CFR 1320.8(d), the Commission published a notice in the Federal Register to solicit comment on September 13, 2024 [89 FR 74948]. No PRA comments were received.

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

10. The Commission is not requesting respondents to submit or disclose confidential information. However, in certain circumstances, respondents may voluntarily choose to submit confidential information pursuant to applicable confidentiality rules.

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

12. The following represents the burden estimates (in hours) for the information collections:

a. Eligibility Criteria for EELs:

(1) Number of respondents and responses: Approximately **161 respondents and responses.**

(2) Frequency of response: On occasion reporting requirement.

(3) Annual burden per respondent: 8 hours. **Total annual hour burden hours: 1,288 hours.**

(4) Total estimate of annualized in-house cost to respondents for the hour burdens for collection of information: \$39,117.

(5) Explanation of calculation: We estimate that approximately 161 respondents will be subject to the requirement. We estimate that it would take each respondent approximately 8 hours to comply with the requirements.  $161$  (number of respondents)  $\times$   $1$  (number of submissions)  $\times$   $8$  (hours to comply)  $\times$   $\$30.37$  (GS 7, Step 5) per hour =  $\$39,117$  (rounded).

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

We estimate that there will be no capital or start-up costs for any of these requirements. We do not anticipate that these requirements will necessitate any additional equipment. Therefore, respondents will not incur any external or contracting cost.

14. There will be few, if any, costs to the Commission because notice and enforcement requirements are already part of Commission duties.

15. The Commission is reporting adjustments/decreases to this information collection. The total number of respondents/total annual responses decreased from 645 to 161 (-484), and the total annual burden hours for this collection have been reduced significantly from 5,160 to 1,288 (-3,872) due to forbearance granted from the majority of the rules that formed the basis for the collection of information. As noted above, EELs are technically still available in limited areas, but we do not believe that many providers continue to rely on or use them anymore. Given the limited availability of EELs, carriers have far less EELs eligibility criteria to collect and report than we had previously estimated. Based on the now limited availability of EELs, we believe it is reasonable to reduce the total annual burden estimate for this collection by seventy-five percent from the last estimate.

There are no program changes.

16. The Commission does not anticipate that the results of these information collections will be published.

17. The Commission does not intend to seek approval not to display the expiration date for OMB approval of the information collections.

18. There are no exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods:**

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

**Review of the Section 251 Unbundling Obligations of Incumbent  
Local Exchange Carriers CC Docket No. 01-338 &  
WC Docket No. 04-313, Order on Remand**

**3060-1044  
November 2024**