



**6712-01**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

**[WC Docket No. 17-141; CC Docket No. 96-128; WC Docket No. 16-132; FCC 18-21]**

**Modernization of Payphone Compensation Rules; Implementation of the Pay Telephone  
Reclassification and Compensation Provisions of the Telecommunications Act of 1996; 2016  
Biennial Review of Telecommunications Regulations**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's payphone compensation rules. This document is consistent with the Modernization of Payphone Compensation Rules Report and Order, FCC 18-21, which stated that the Commission would publish a document in the Federal Register announcing the effective date of those rules.

**DATES:** The amendment to 47 CFR 64.1310(a)(3) published at 83 FR 11422, March 15, 2018, is effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Michele Levy Berlove, Attorney Advisor, Wireline Competition Bureau, at (202) 418-1477, or by email at [Michele.Berlove@fcc.gov](mailto:Michele.Berlove@fcc.gov). For additional information concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418-2991 or [nicole.ongele@fcc.gov](mailto:nicole.ongele@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This document announces that, on July 2, 2018, OMB approved, for a period of three years, the information collection requirements relating to certain payphone compensation rules contained in the Commission's Modernization of Payphone Compensation Rules Report and Order, FCC 18-21, published at 83 FR 11422, March 15, 2018, as specified above.

The OMB Control Number is 3060-1046. The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1-A620, 445 12<sup>th</sup> Street, SW, Washington, DC 20554. Please include the OMB Control Number, 3060-1046, in your correspondence. The Commission will also accept your comments via email at [PRA@fcc.gov](mailto:PRA@fcc.gov).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

### **Synopsis**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on July 2, 2018, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 64. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-1046.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Pub. L. 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

**OMB Control Number:** 3060-1046.

**OMB Approval Date:** July 2, 2018.

**OMB Expiration Date:** July 31, 2021.

**Title:** Part 64, Modernization of Payphone Compensation Rules et al., WC Docket No. 17-141 et al., FCC 18-21.

**Form Number:** N/A.

**Respondents:** Business or other for-profit entities.

**Number of Respondents and Responses:** 329 respondents; 2,257 responses.

**Estimated Time per Response:** 0.50 hours - 122 hours.

**Frequency of Response:** On occasion, one-time, and quarterly reporting requirements; third party disclosure requirements; and recordkeeping requirement.

**Obligation to Respond:** Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. sections 151, 154 and 276 of the Communications Act of 1934, as amended.

**Total Annual Burden:** 34,720 hours.

**Total Annual Cost:** No cost(s).

**Privacy Act Impact Assessment:** No impact(s).

**Nature and Extent of Confidentiality:** The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

**Needs and Uses:** Section 276 of the Communications Act, as amended (the Act), requires that the Federal Communications Commission (Commission or FCC) establish rules ensuring that payphone service providers or PSPs are "fairly compensated" for each and every completed payphone-originated call. The Commission's Payphone Compensation Rules satisfy section 276 by identifying the party liable for compensation and establishing a mechanism for PSPs to be paid. A 2003 Report and Order (FCC 03-235) established detailed rules (Payphone Compensation Rules) ensuring that payphone service providers or PSPs are "fairly compensated" for each and every completed payphone-originated call pursuant to section 276 of the Communications Act, as amended (the Act). The Payphone Compensation Rules satisfy section 276 by identifying the party liable for compensation and establishing a mechanism for PSPs to be paid. The Payphone Compensation Rules: (1) place liability to compensate PSPs for payphone-originated calls on the facilities-based long distance carriers or switch-based resellers (SBRs) from whose switches such calls are completed; (2) define these responsible carriers as "Completing Carriers" and require them to develop their own system of tracking calls to completion; (3) require Completing Carriers to file with PSPs a quarterly report and also submit an attestation by the chief financial officer (CFO) that the payment amount for that quarter is accurate and is based on 100% of all completed calls; (4) require quarterly reporting obligations for other facilities-based long distance carriers in the call path, if any, and define these carriers as

“Intermediate Carriers;” and (5) give parties flexibility to agree to alternative compensation arrangements (ACA) so that small Completing Carriers may avoid the expense of instituting a tracking system and undergoing an audit. On February 22, 2018, the Commission adopted a Report and Order, FCC 18-21 (*2018 Payphone Order*), that: (1) eliminated the payphone call tracking system audit and associated reporting requirements; (2) permitted a company official, including but no longer limited to, the chief financial officer (CFO), to certify that a Completing Carrier’s quarterly compensation payments to PSPs are accurate and complete; and (3) eliminated expired interim and intermediate per-payphone compensation rules that no longer apply to any entity. We believe that the revisions adopted in the *2018 Payphone Order* significantly decrease the paperwork burden on carriers.

**FEDERAL COMMUNICATIONS COMMISSION.**

**Marlene Dortch,**  
Secretary,  
Office of the Secretary.

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