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**SUPPLEMENTARY INFORMATION:** This is a summary of the Bureau's Order, document DA 08-303 (*Order*), adopted and released February 6, 2008, adopting a revised TRS Fund size and carrier contribution factor for the July 2007 to June 2008 Fund year. The full text of document DA 08-303 will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. Document DA 08-303 also may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at its Web site <http://www.bcpweb.com> or by calling 1-800-378-3160. 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). Document DA 08-303 also can be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/trs.html#orders>.

### Synopsis

1. On June 29, 2007, the Bureau released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 22 FCC Rcd 11706 (CGB 2007) (*2007 Bureau TRS Rate Order*), which adopted for the 2007-2008 Fund year, compensation rates for the various forms of TRS, a Fund size of \$553,378,363.18, and a carrier contribution factor of 0.0072. Subsequently, on November 19, 2007, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140 (2007) (*2007 TRS Rate Methodology Order*), published at 73 FR 3197, January 17, 2008, which, *inter alia*, adopted revised compensation rates.

2. On November 30, 2007, the Fund administrator (the National Exchange Carrier Association (NECA)) filed with the Commission a revised Fund size and carrier contribution factor for the 2007-2008 Fund year. NECA proposed

increasing the Fund size approximately \$83 million (to \$636,736,491.75), and increasing the carrier contribution factor from 0.0072 to 0.00819. NECA explained that increasing the Fund size is necessary because demand for certain interstate relay services, particularly Video Relay Service (VRS), has outpaced its initial projections, and the revised compensation rates are generally higher than those adopted at the beginning of the Fund year in the *2007 Bureau TRS Rate Order*. NECA asserted that, as a result, increasing the Fund size is necessary to ensure that it does not run out of money before the end of the Fund year.

3. In addition, as a result of the increase in the Fund size, as well as the Commission's recent order requiring interconnected VoIP service providers to contribute to the Fund, NECA noted that it also must revise the carrier contribution factor. The carrier contribution factor is calculated by dividing the Fund size by total interstate common carrier end-user revenues. The revised Fund size is \$636,736,491.75, and NECA proposed using a revised revenue base of \$77.7 billion. As a result, the proposed revised carrier contribution factor is 0.00819.

4. The Bureau agrees that because of the continued significant growth in VRS minutes, together with the revised compensation rates, the present Fund size may be inadequate to compensate providers for the remainder of the present 2007-2008 Fund year. Therefore, the Bureau finds it necessary to increase the Fund size and adjust the carrier contribution factor for the July 2007 through June 2008 funding period. Because the TRS regulations provide that the carrier contribution factor shall be determined annually, the Bureau applies the established standards for waiver of Commission rules.

5. Generally, the Commission's rules may be waived for good cause shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

6. Applying this standard, the Bureau concludes that good cause exists to waive the Commission's rules to the extent they require that the carrier contribution factor be determined on an

annual basis. The increase in demand usage in TRS was not anticipated, and the Commission must ensure that the Interstate TRS Fund has adequate funds to compensate eligible TRS providers for the provision of eligible TRS services and ensure the continued availability of relay services to persons with hearing and speech disabilities. Therefore, as a result of the significant growth of demand usage in TRS, as well as the new compensation rates, the Bureau adjusts the annual carrier contribution factor for the July 2007 through June 2008 funding period from 0.0072 to 0.00819 in order to collect the additional monies needed over the remaining months of the fund year. The revised Fund size shall be \$636,736,491.75.

### Ordering Clauses

Pursuant to the authority contained in section 225 of the Communications Act of 1934, as amended, 47 U.S.C. 225, and sections 0.141, 0.361 and 1.3 of the Commission's rules, 47 CFR 0.141, 0.361 and 1.3, document DA 08-303 is adopted.

The Interstate TRS Fund size for the July 2007 through June 2008 funding period will increase from \$553,378,363.18 to \$636,736,491.75 and, as a result, the annual contribution factor shall be modified from 0.0072 to 0.00819.

Document DA 08-303 became effective on February 6, 2008.

Federal Communications Commission.

**Nicole McGinnis,**

*Deputy Chief, Consumer and Governmental Affairs Bureau.*

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## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank

indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 16, 2008.

**A. Federal Reserve Bank of Atlanta** (David Smith, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. *Commerce Union Bancshares, Inc.*; to become a bank holding company by acquiring 100 percent of the voting shares of Commerce Union Bank, both of Springfield, Tennessee.

**B. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Algodon de Calidad Bancshares, Inc.*; to become a bank holding company by acquiring 100 percent of the voting shares of The First State Bank, both of Abernathy, Texas.

Board of Governors of the Federal Reserve System, April 16, 2008.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) allow information

collection related to implementation of the Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b-21 to 299b-26, in: "Patient Safety Organization Certification and Related Forms and a Patient Safety Confidentiality Complaint Form." In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on February 20th, 2008 and allowed 60 days for public comment. The purpose of this notice is to allow an additional 30 days for public comment.

**DATES:** Comments on this notice must be received by May 21, 2008.

**ADDRESSES:** Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395-6974 (attention: AHRQ's desk officer) or by e-mail at [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) (attention: AHRQ's desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from AHRQ's Reports Clearance Officer.

**FOR FURTHER INFORMATION CONTACT:** Doris Lefkowitz, AHRQ, Reports Clearance Officer, (301) 427-1477.

**SUPPLEMENTARY INFORMATION:** "Patient Safety Organization Certification and Related Forms and a Patient Safety Confidentiality Complaint Form."

The Department of Health and Human Services (HHS) Agency for Healthcare Research and Quality (AHRQ) has been delegated the authority to implement the provisions of the Patient Safety and Quality Improvement Act of 2005 (for brevity referenced here as the Patient Safety Act) that call for submission to the Secretary of certifications by entities seeking to become listed by the Secretary as Patient Safety Organizations (PSOs). These entities must certify that they meet or will meet specified statutory criteria and requirements for PSOs.

The HHS Office for Civil Rights (OCR) has been delegated the authority to enforce the provisions of the Patient Safety Act that mandate confidentiality of "patient safety work product." This term is defined in the statute, at 42 U.S.C. 299b-21(7), and further explained in the related Notice of Proposed Rulemaking published in the **Federal Register** on February 12, 2008, 73 FR 8112-8183. Individuals may voluntarily submit complaints to OCR if they believe that an individual or organization in possession of patient

safety work product unlawfully disclosed it.

#### Methods of Collection

While there are a number of information collection forms described below, they will be implemented at different times, some near the end of the three year approval period for these standard forms. The forms for certifications of information will collect only the minimum amount of information from entities necessary for the Secretary to determine compliance with statutory requirements for PSOs, i.e., each of the required certification forms will consist of short attestations followed by "yes" and "no" checkboxes to be checked and initialed.

#### *Initial PSO Certification and PSO Recertification Forms*

The Patient Safety Act, in 42 U.S.C. 299b-24(a) and the proposed rule in 45 CFR 3.102 provide that an entity may seek an initial three-year listing as a PSO by submitting an initial certification that it has policies and procedures in place to perform eight patient safety activities (enumerated in the statute and the proposed regulation), and that it will comply, upon listing, with seven other statutory criteria. The draft initial certification form also includes four questions related to other requirements for listing related to eligibility and pertinent organizational history. Similarly, the proposed certification form for continued listing as a PSO (for each successive three-year period after the initial listing period) would require certifications that the PSO is performing, and will continue to perform, the eight patient safety activities, and is complying with, and will continue to comply with, the seven statutory criteria. The average annual burden in the first three years of 17 hours per year for the collection of information requested by the certification forms for initial and continued listing is based upon a total average estimate of 33 respondents per year and an estimated time of 30 minutes per response. Information collection, i.e., collection of initial certification forms, will begin as soon as the forms are approved for use. Collection of forms for continued listing will not begin until several months before a date that is three years after the first PSOs are listed by the Secretary. (See *Note* after Exhibit 1.)

#### *Two-Contract Certification*

To implement 42 U.S.C. 299b-24(b)(1)(C), AHRQ plans to adopt the following procedure, published in the proposed regulation: In order to