

Telecommunications Carriers' Use of Customer Proprietary Network Information (CPNI) and Other Customer Information, CC Docket No. 96-115

SUPPORTING STATEMENT

A. Justification:

1. This modified information collection implements the statutory obligations of section 222 of the Communications Act of 1934, as amended.

Section 222 provided: "Every telecommunications carrier has a duty to protect the confidentiality of proprietary information of, and relating to, other telecommunications carriers, equipment manufacturers, and customers, including telecommunications carriers reselling telecommunications services provided by a telecommunications carrier."

By definition, Customer Propriety Network Information (CPNI) means:

"(A) Information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and

(B) Information contained in the bills relating to telephone exchange service or telephone toll service received by a customer of a carrier; except that such term does not include subscriber list information." 47 U.S.C. § 222(h)(1).

By definition, Subscriber List Information means any information:

"(A) Identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications, and

(B) That the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format." 47 U.S.C. § 222(h)(3).¹

Information collection requirements were previously approved by OMB in a Notice of Action on May 11, 2005.

On April 2, 2007, the FCC released a *Report and Order and Further Notice of Proposed Rulemaking*, in Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services, CC Docket No. 96-115, WC Docket No. 04-36, FCC 07-22, which:

- (1) modifies the recordkeeping and/or reporting requirements in paragraphs (a) through (i) of this supporting statement to include providers of interconnected VoIP service,

¹ The original CPNI rules were adopted on August 23, 1999 and released on September 9, 1999 in Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; and Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended, *Third Report and Order* in CC Docket No. 96-115, *Second Order on Reconsideration of the Second Report and Order* in CC Docket No. 96-98, and *Notice of Proposed Rulemaking* in CC Docket No. 99-273, FCC 99-227.

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- (2) adds new information collection requirements in paragraphs (o) through (r) of this supporting statement, and
- (3) makes other modifications as specifically noted.

Otherwise, these requirements are identical to those approved by the Office of Management and Budget (OMB) in the May 11, 2005 Notice of Action.

Revised Information Collection Requirements—paragraphs (a) through (i):

- (a) Customer Approval (47 USC Section 222(c)(1)): If carriers or providers of interconnected VoIP service choose to use CPNI to market service offerings outside the customer's existing service, they must obtain customer approval.

Carriers and providers of interconnected VoIP service are permitted to obtain such approval through written, oral, or electronic means. Carriers and providers of interconnected VoIP service are permitted to use advanced technologies of their networks, including 800 numbers, 888 numbers, and e-mail, to obtain customer approval, in addition to using various types of written approval, such as billing inserts. All carriers and providers of interconnected VoIP service are permitted to use CPNI to engage in win back marketing campaigns to target valued former customers that have switched to other carriers.

47 CFR Section 64.2005 permits the use of CPNI for fraud prevention programs.

Where carriers or providers of interconnected VoIP service are required to obtain customer approval, they may still do so through written, oral, or electronic means. See 47 CFR Sections 64.2003(k), 64.2005 and 64.2007 and paragraphs 54-59 of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).

- (b) Customer Approval Documentation and Recordkeeping: Telecommunications carriers and providers of interconnected VoIP service must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

By way of example:

- (1) carriers or providers of interconnected VoIP service that do not presently keep computerized records need not implement an electronic method of verifying approval status;
- (2) carriers or providers of interconnected VoIP service that already have computerized records could implement flags or adopt procedures whereby they access a separate database to verify approval status; or
- (3) carriers or providers of interconnected VoIP service could develop a combination of computerized and non-computerized systems as they see fit.

Telecommunications carriers and providers of interconnected VoIP service must train their personnel as to when they are and are not authorized to use CPNI, and carriers and providers of interconnected VoIP service must have an express disciplinary process in place.

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Carriers and providers of interconnected VoIP service must maintain records of approval—whether written, oral, or electronic—for a period of at least one year, and be capable of producing them if the sufficiency of a customer's approval is challenged. See 47 CFR Sections 64.2003(k), 64.2007(e) and 64.2009 and paragraphs 54-59 of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).

- (c) Notification of CPNI Rights: All telecommunications carriers and providers of interconnected VoIP service that choose to solicit customer approval must provide their customers a one-time notification of their CPNI rights prior to any such solicitation.

Carriers and providers of interconnected VoIP service are required to give customers explicit notice of their CPNI rights prior to any solicitation for approval. A carrier or a provider of interconnected VoIP service is permitted to provide either written or oral notification.

Such notification may take the form of a bill insert, an individual letter or an oral presentation that advises the customer of his/her right to restrict carrier access to CPNI. At a minimum, customer notification, whether oral or written, must provide sufficient information to enable the customer to make an informed decision as to whether to permit a carrier or provider of interconnected VoIP service to use, disclose, or permit access to CPNI.

The notice must:

- specify the types of information that constitute CPNI,
- specify the specific entities that will receive the CPNI,
- describe the purpose for which the CPNI will be used, and
- inform the customer of his or her right to disapprove those uses, and to deny or withdraw access to CPNI at any time.

The notification also must:

- advise customers of the precise steps they must take in order to grant or deny access to CPNI,
- clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes, and
- be reasonably comprehensible and non-misleading.

If any portion of a notification is translated into another language, then all portions of the notification must be translated into the language. See 47 CFR Sections 64.2003(k) and 64.2007(f) and paragraphs 54-59 of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).

- (d) Notification Recordkeeping: Pursuant to this one-time notification requirement, these carriers and providers of interconnected VoIP service must maintain a record of such notifications.

Carriers and providers of interconnected VoIP service must maintain such records for a period of at least one year. See 47 CFR Sections 64.2003(k) and 64.2007(e) paragraphs 54-59 of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).

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- (e) Event Histories Recordkeeping: Telecommunications carriers and providers of interconnected VoIP service must establish a supervisory review process regarding carrier or provider compliance with the rules in Part 64 for outbound marketing situations.

To assure compliance with CPNI protections, sales personnel must obtain supervisory review of any proposed request to use CPNI for outbound marketing purposes. Carriers or providers of interconnected VoIP service are required to maintain a record of these event histories for at least one year from the date of the marketing campaign. See 47 CFR Section 64.2009(d).

Carriers or providers of interconnected VoIP service using CPNI for sales and marketing campaigns must record the date and purpose of the campaign, and what products and services were offered to customers. Carriers and providers of interconnected VoIP service are required to maintain these records for a period of at least one year. See 47 CFR Sections 64.2003(k), and 64.2009(c) and (d), and paragraphs 54-59 of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).

- (f) Compliance Certification: All telecommunications carriers and providers of interconnected VoIP service must file on an annual basis a certification signed by a current corporate officer attesting that he or she has personal knowledge that the carrier/provider is in compliance with the Commission's Part 64 rules, and create an accompanying statement explaining how the carrier/provider is implementing our rules and safeguards.

In addition, the carrier/provider must include an explanation of any actions taken against data brokers and a summary of all consumer complaints received in the past year concerning the unauthorized release of CPNI. This filing must be made annually with the Enforcement Bureau on or before March 1 in EB Docket No. 06-36, for data pertaining to the previous calendar year. See 47 CFR Section 64.2009(e) and paragraphs 51-53 of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).

- (g) Aggregate Customer Information Disclosure Requirements (47 USC 222(c)(3)): LECs and providers of interconnected VoIP service must disclose aggregate customer information to others upon request, when they use or disclose the aggregate customer information for the purposes of marketing service to which the customer does not subscribe. See Section 64.2003(k) and paragraph 150 in text of Order, and paragraphs 54-59 of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).
- (h) CPNI Disclosure to Third Parties: Section 222(c)(2) requires carriers, when presented with a customer's affirmative written request, to provide that customer's CPNI to any person designated in the written authorization.

Section 222(c)(2) also imposes a disclosure requirement on carriers to ensure that any party with customer authorization, including unaffiliated third party competitors, can obtain access to individually identifiable CPNI.

As such, carriers and providers of interconnected VoIP service must provide a customer's CPNI to any party that has obtained an affirmative written authorization from the customer. See 47 CFR Section 64.2003(k) and paragraphs 54-59 of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).

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- (i) Safeguards Required for Use of CPNI: In instances where carriers or providers of interconnected VoIP service use the carriers opt-out mechanism, they must provide written notice within five business days to the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

The notice shall be in the form of a letter, and include the following:

- carrier's or provider's name,
- a description of the opt-out mechanism(s) used,
- the problem(s) experienced,
- the remedy proposed and when it will be/was implemented,
- whether the relevant state commission(s) has been notified, and whether it has taken any action,
- a copy of the notice provided to customers, and
- contact information.

Such notice must be submitted even if the carrier or provider offers other methods by which consumers may opt-out. See 47 CFR Sections 64.2003(k) and 64.2009(f), paragraphs 114-117 in the *Third Report and Order and Third Further Notice of Proposed Rulemaking* (FCC 02-214), and paragraphs 54-59 of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).

Currently Approved Information Collection Requirements—paragraphs (j) through (n):²

Subscriber List Information Requirements

- (j) Provision of Subscriber List Information: A telecommunications carrier that provides telephone exchange service must provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format. See 47 CFR Section 64.2309.

Carriers are obligated to provide updated subscriber list information to requesting directory publishers. For subscribers that have multiple telephone numbers, a carrier must provide requesting directory publishers with each telephone number that it has published, caused to be published, or accepted for publication in a directory. See *Third R&O* (FCC 99-227), paragraph 49.³

² These information collection requirements were approved by OMB in a Notice of Action on May 11, 2005.

³ Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; and Provisions of Directory Listing Information under the Telecommunications Act of 1934, as amended, *Third Report and Order*, CC Docket Nos. 96-115, 96-98, and 99-273, FCC 99-227, released on September 9, 1999.

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Upon request, a carrier that has received at least thirty days advance notice also must provide subscriber list information on any periodic basis that the carrier's internal systems can accommodate.

- (k) Notifications: A carrier must provide subscriber list information at the time requested by the directory publisher, provided that the directory publisher has given at least thirty days advance notice and the carrier's internal systems permit the request to be filled within that timeframe. If a carrier's internal systems do not permit the carrier to provide subscriber list information within the requested timeframe, the carrier must inform the directory publisher that the requested schedule cannot be accommodated and tell the directory publisher which schedules can be accommodated. *See* 47 CFR Section 64.2313.

A directory publisher may request that a carrier unbundle subscriber list information on any basis for the purpose of publishing one or more directories. If the carrier's internal systems do not permit it to unbundle subscriber list information on the basis a directory publisher requests, the carrier must inform the directory publisher that it cannot unbundle subscriber list information on the requested basis and tell the directory publisher the basis on which the carrier can unbundle subscriber list information; and provide subscriber list information to the directory publisher on the basis the directory publisher chooses from among the available bases. *See* 47 CFR Section 64.2317.

A carrier shall provide subscriber list information obtained in its capacity as a provider of telephone exchange service to a requesting directory publisher in the format the publisher specifies, if the carrier's internal systems can accommodate that format.

If a carrier's internal systems do not permit the carrier to provide subscriber list information in the format the directory publisher specifies, the carrier shall within thirty days of receiving the publisher's request:

- inform the directory publisher that the requested format cannot be accommodated,
- tell the directory publisher which formats can be accommodated, and
- provide the requested subscriber list information in the format the directory publisher chooses from among the available formats. *See* 47 CFR Section 64.2329.

If a carrier finds that it cannot accommodate all of a group of multiple or conflicting requests for subscriber list information within the specified timeframes, the carrier shall respond to those requests on a nondiscriminatory basis.

The carrier shall inform each affected directory publisher of such requests within thirty days of when it receives the publisher's request. *See Third R&O (FCC 99-227)*, paragraph 68.

- (l) Cost Study: In the event a directory publisher files a complaint regarding a carrier's subscriber list information rates, the carrier must present a cost study providing credible and verifiable cost data to justify each challenged rate. This cost study must clearly and specifically identify and justify:

- incremental costs,
- common costs,

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- overheads, and
- other information.

The carrier should provide this information separately for both base file and updated subscriber list information if the complainant challenges both types of rates. *See Third R&O* (FCC 99-227), paragraph 106.

- (m) Certification: A telecommunications carrier may require persons requesting subscriber list information pursuant to section 222(e) of the Communications Act or section 64.2309 to certify that the publisher will use the information only for purposes of publishing a directory. The certification may be either oral or written, at the carrier's option. *See* 47 CFR Section 64.2337.
- (n) Disclosure of Contracts, Rates, Terms and Conditions and Recordkeeping:⁴ A telecommunications carrier must retain, for at least one year after its expiration, each written contract that it has executed for the provision of subscriber list information for directory publishing purposes to itself, an affiliate, or an entity that publishes directories on the carrier's behalf.

A telecommunications carrier must maintain, for at least one year after the carrier provides subscriber list information for directory publishing purposes to itself, an affiliate, or an entity that publishes directories on the carrier's behalf, records of any of its rates, terms, and conditions for providing that subscriber list information which are not set forth in a written contract.

These records and contracts shall be made available to Commission and to any directory publisher upon request. Carriers, however, may withhold from disclosure those portions of their subscriber list contracts that are wholly unrelated to the provision of subscriber list information. Carrier also may subject disclosure to confidentiality agreements. *See* 47 CFR Section 64.2341.

New Information Collection Requirements—paragraphs (o) through (r):

The Report and Order and Further Notice of Proposed Rulemaking (FCC 07-22) adds paragraphs (o)-(r) described below.

Safeguards on the Disclosure of CPNI:

- (o) Password and Back-up Authentication Methods for Lost or Forgotten Passwords for Call Detail Telephone Access and Online Access: If a telecommunications carrier or provider of interconnected VoIP service decides to provide call detail CPNI to the customer over the telephone during a customer-initiated telephone call, then it would be required to collect and maintain a database of any customer chosen passwords or response(s) to a back-up authentication methods. *See* 47 CFR Section 64.2010(a) – (e) and paragraphs 13-22 in the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).
- (p) Notification of Account Changes: A telecommunications carrier or provider of interconnected VoIP service must notify its customers immediately whenever a password, customer response to a back-up

⁴ On September 13, 2004, the FCC released the Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, *Memorandum Opinion and Order on Reconsideration*, CC Docket No. 96-115, FCC 04-206, which modified the information collection requirement described in paragraph (n).

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means of authentication for lost or forgotten passwords, online account, or address of record is created or changed. This notification is not required when the customer initiates service, including the selection of a password at service initiation. This notification may be through a carrier-originated voicemail or text message to the telephone number of record, or by mail to the address of record, and must not reveal the changed information or be sent to the new account information. See 47 CFR Section 64.2010(f) and paragraph 24 in the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).

- (q) Notification of CPNI Security Breaches: Telecommunications carriers and providers of interconnected VoIP service shall notify law enforcement of a breach of their customers' CPNI through a central reporting facility located at <http://www.fcc.gov/eb/cpni> within seven business days after a reasonable determination of a breach. The carrier or provider shall notify its customers of the security breach after it has completed the process of notifying law enforcement. See 47 CFR Section 64.2011 and paragraphs 26-32 in the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).
- (r) Breach Notification Recordkeeping: Telecommunications carriers and providers of interconnected VoIP service must maintain a record, electronically or in some other manner, for a minimum period of two years, of any breaches discovered, notifications made to the United States Secret Service and the FBI, and notifications made to customers. This record must include, if available, dates of discovery and notification, a detailed description of the CPNI that was subject of the breach, and the circumstances of the breach. See 47 CFR Section 64.2011(c) and paragraph 29 in the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22).

Statutory authority for this collection of information is contained in sections 1, 4(i), 4(j), 201-205, 208, 222, 251, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201-205, 208, 222, 303(r), and 403.

As noted on the OMB Form 83i, this information collection does affect individuals or households; thus, there are impacts under the Privacy Act. However, the information that is related to individuals or households is collected by third parties; and as a consequence, the Commission is not required to complete a privacy impact assessment.⁵

2. All of the information collection requirements, including the revised, existing, and new requirements, are used to ensure that telecommunications carriers and providers of interconnected VoIP service comply with the requirements the Commission promulgates in its orders and to implement 47 U.S.C. Section 222 of the statute.
3. While the Commission anticipates that carriers and providers may choose to record CPNI using electronic or other technological collection techniques, the means of compliance is at the discretion of the carrier. We expect that information technology, including the use of voice menu systems and automated response recognition systems will be used by carriers, as they have in the past, to comply with the requirements.

⁵ The FCC has no direct involvement in the collection of the information on individuals or households, *i.e.*, the information collection requirements affect the telecommunications carriers and providers of interconnected VoIP service, although the Commission does require these telecommunications carriers and providers of interconnected VoIP service to abide by the requirements of 47 U.S.C. § 222 of the Communications Act of 1934, as amended. The Commission believes, therefore, that 47 U.S.C. § 222 provides sufficient safeguards to protect the information on individuals or households that these respondent carriers and interconnected VoIP service providers collect or use.

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4. This information collection does not duplicate any other information collection—the information that is being sought is unique to each carrier.
5. The collection of information will affect all telecommunications carriers and providers of interconnected VoIP service, some of which may be "small entities" within the meaning of the Small Business Act, 5 U.S.C. § 601(6). Because small entities may need additional time to implement the online carrier authentication requirements of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22), the Commission provides an additional six month implementation period for these entities.
6. Failing to collect the information, or collecting it less frequently, would violate the language and/or intent of the 1996 Act.
7. The only special circumstance that would require a carrier or provider to report information more than quarterly is the requirement that carriers and providers notify law enforcement and customers in the event of a CPNI breach.
8. Pursuant to 5 CFR §§ 1320.5 and 1320.8(d), and 1320.13 of the PRA, the Commission is submitting this information collection under the "emergency processing" provisions to the Office of Management and Budget. We are requesting that OMB waive the public notice and comment period as required under 5 CFR §§ 1320.5(a)(iv) and 1320.8(d) and approve this collection by December 7, 2007. As such, the FCC intends to do the following to comply with these PRA requirements:
 - (a) Publish a notice in the *Federal Register* announcing that the Commission is seeking approval under the "emergency processing" provisions of the PRA as required by 5 CFR § 1320.8(d) to notify the public that it has sought emergency approval for this collection.
 - (b) Publish a notice in the *Federal Register* following OMB's approval of this information collection announcing OMB approval of the information collection requirements, under the emergency processing provisions of the PRA, and the date on which these requirements become effective;
 - (c) Publish a notice in the *Federal Register* to begin the 60 day public comment period as part of the regular PRA approval process; and
 - (d) At the end of this 60 day comment period, the FCC will submit the requisite PRA documents to OMB via the ROCIS electronic submission portal and publish the 30 day notice in the *Federal Register*, providing the public with a second opportunity to comment on the information collection requirements while they are being reviewed by OMB.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. The Commission is not requesting that respondents submit confidential information. Any respondent who submits information to the Commission, which the respondent believes is confidential, may request confidential treatment of such information under section 0.459 of the Commission's rules. See 47 CFR Section 0.459.
11. There are no questions of a sensitive nature with respect to the information collected.
12. The following represents the Commission's estimate of the annual hour burden of the collections of information:

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The Commission makes several assumptions:

- (1) The number of respondents is 6,017.⁶
- (2) The Commission believes that as respondents have adopted information technology, office automation techniques, and standardized business practices and routines to increase efficiency in most areas of their businesses functions, including collection and protection of CPNI, and that the respondents will adopt similar information technology, office automation techniques, and standardized business practices and routines to reduce the hourly burden requirements, "in house" costs, and annual costs that are required to collect the information.
- (3) The Commission believes that most of these respondents will use their "in house" staff to comply with these requirements, since, as noted above, we believe that technology allows them to adjust their business and office practices and functions to meet these requirements with only minimal changes, *i.e.*, IT software has evolved to provide businesses with functional flexibility and adaptability.

Revised Information Collection Requirements (a – i): The Commission has revised its estimates for the various information collection burdens.

a. Customer approval:

- (1) Number of Respondents: 6,017
- (2) Frequency of Response: On occasion reporting requirement.
- (3) Total Number of Responses Annually: 6,017

6,017 respondents x 1 response/notification designed and sent to customers = 6,017 responses

- (4) Total Annual Hour Burden: 16,546.75 hours

The Commission estimates that the respondents will require approximately two hours to design the notification, giving the respondents permission from their customers to use CPNI to market service offerings outside a customer's existing service relationship.

6,017 respondents x 2 hours/notification design = 12,034 hours

Once the customer grants the respondent permission to use his/her CPNI to market services outside the existing service relationship, the respondent does not have to seek approval again for the purpose for which it informed the customer.

However, if the respondent uses the opt-out approval mechanism, it must send a notice of customers' rights to each customer biennially.

The Commission estimates that a respondent will require approximately 45 minutes (0.75 hours) to transmit this notice to its customers. The Commission believes that respondents can comply

⁶ There are approximately 6,017 telecommunications carriers and providers of interconnected VoIP service that might be subject to our notification requirement; however, to the extent carriers or providers do not choose to use CPNI or do not want to market new service categories using CPNI, the information collection requirements would not apply to them.

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with this requirement by using sophisticated IT software, which poses only a minimal, incremental hourly burden on the respondents.

$$6,017 \times 0.75 \text{ hours/transmit notification} = 4,512.75 \text{ hours}$$

$$\text{Total Annual Hourly Burden: } 12,034 + 4,512.75 = 16,546.75 \text{ hours}$$

(5) Total "In House" Costs: \$920,060.41

We assume that respondents will use personnel comparable in pay to a GS-14/Step 5 (\$51.12/hour) Federal employee, plus 30% overhead, to design the customer approval solicitation device:

$$6,017 \text{ respondents} \times 2 \text{ hours/notification} \times \$51.12/\text{hour} = \$615,186.18$$

We also assume that respondents use personnel comparable in pay to a GS-7/Step 5 Federal employee, plus 30% overhead, to transmit the solicitation.

$$6,017 \text{ respondents} \times 0.75 \text{ hours/notification transmission} \times \$20.51/\text{hour} = \$92,552.60$$

$$\$615,186.18 + \$92,552.60 = \$707,738.78$$

$$30\% \text{ overhead} = \underline{\$212,321.63}$$

$$\text{Total: } \$920,060.41$$

b. Customer Approval Documentation and Recordkeeping.

(1) Number of Respondents: 6,017

(2) Frequency of Response: Recordkeeping requirement

(3) Total Number of Responses Annually: 6,017

$$6,017 \text{ respondents} \times 1 \text{ recordkeeping requirement/annum} = 6,017 \text{ responses}$$

(4) Total Annual Hourly Burden: 3,008.5 hours

The Commission estimates that a respondent will require approximately 30 minutes (0.5 hours) annually to maintain records of approval, whether written, oral, or electronic for a period of at least one year, and be capable of producing them if the sufficiency of a customer's approval is challenged.

$$6,017 \text{ respondents} \times 0.50 \text{ hours/recordkeeping for customer's CPNI status} = 3,008.5 \text{ hours}$$

(5) Total "In House" Cost: \$80,212.25

The Commission assumes that the respondents use personnel comparable in pay to a GS-7/Step 5 (\$20.51/hour) Federal employee, plus 30% for overhead, to comply with the recordkeeping requirement:

$$6,017 \text{ respondents} \times 0.5 \text{ hours/recordkeeping for CPNI status} \times \$20.51/\text{hour} = \$61,701.73$$

$$30\% \text{ overhead} = \underline{\$18,510.52}$$

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Total: \$80,212.25

c. Notification of CPNI Rights Requirement.

(1) Number of Respondents: 6,017

(2) Frequency of Response: One time notification requirement.

The timing of this notification is at the discretion of the carrier or provider.

(3) Total Number of Responses Annually: 6,017

6,017 respondents x 1 response/notification design and sent to customers = 6,017 responses

(4) Total Annual Hourly Burden: 16,546.75 hours

The Commission estimates that all the respondents that choose to solicit customer approval will require approximately 2 hours to create the one-time notification that they must provide to their customers informing them of their CPNI rights prior to any such solicitation.

6,017 x 2 hours/notification design = 12,034 hours

The Commission estimates that a respondent will require approximately 45 minutes (0.75 hours) to transmit this notification to their customers. The Commission believes that respondents can comply with this requirement by using sophisticated IT software, which poses only a minimal, incremental hourly burden on the respondents.

6,017 respondents x 0.75 hours/notification transmission = 4,512.75 hours

Total Annual Hourly Burden: 12,034 + 4,512.75 = 16,546.75 hours

(5) Total "In House" Costs: \$920,060.41

We assume that respondents use personnel comparable in pay to a GS-14/Step 5 (\$51.12/hour) Federal employee, plus 30% overhead, to design the notification statement:

6,017 respondents x 2 hours/notification x \$51.12/hour = \$615,186.18

We also assume that respondents use personnel comparable in pay to a GS-7/Step 5 Federal employee, plus 30% overhead, to transmit the solicitation.

6,017 respondents x 0.75 hours/notification transmission x \$20.51/hour = \$92,552.60

\$615,186.18 + \$92,552.60 = \$707,738.78

30% overhead = \$212,321.63

Total: \$920,060.41

d. Notification Recordkeeping.

(1) Number of Respondents: 6,017.

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(2) Frequency of Response: Recordkeeping requirement

(3) Total Number of Responses Annually: 6,017

6,017 respondents x 1 recordkeeping requirement = 6,017 recordkeeping requirements

(3) Total Annual Hourly Burden: 3,008.5 hours

The Commission estimates that a respondent will require approximately 30 minutes (0.5 hours) to maintain records of their one-time notification to customers of each customer's CPNI rights prior to any solicitations.

6,017 respondents x 0.50 hours/recordkeeping for customer's CPNI status = 3,008.5 hours

(4) Total "In House" Cost: \$80,212.25

The Commission assumes that respondents use personnel comparable in pay to a GS-7/Step 5 (\$20.51) Federal employee, plus 30% for overhead, to comply with the recordkeeping requirement.

6,017 respondents x 0.5 hours x \$15.21/hour = \$61,701.73
 30% overhead = \$18,510.52
 Total: \$80,212.25

e. Event Histories Recordkeeping.

(1) Number of Respondents: 6,017

(2) Frequency of Response: Recordkeeping requirement

(3) Total Number of Responses Annually: 6,017

6,017 respondents x 1 recordkeeping requirement = 6,017 recordkeeping responses

(4) Total Annual Hourly Burden: 3,008.5 hours

The Commission estimates that respondents will require approximately 30 minutes (0.5 hours) annually to comply with the recordkeeping requirement that they record the date and purpose of the campaign, and what products and services were offered to customers, when they use customer CPNI for sales and marketing campaigns.

6,017 respondents x 0.5 hours/annual recordkeeping requirement = 3,008.5 hours

(5) Total "In House" Cost: \$80,212.25

The Commission estimates that respondents will use personnel comparable in pay to a GS-7/Step 5 (\$20.51/hour) Federal employee, plus 30% for overhead, to comply with the recordkeeping requirement:

6,017 respondents x 0.5 hours/recordkeeping x \$20.51/hour = \$61,701.73
 30% overhead = \$18,510.52

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Total: \$80,212.25

f. Compliance Certificate.

(1) Number of Respondents: 6,017.

(2) Frequency of Response: Annual reporting requirement.

(3) Total Number of Responses Annually: 6,017

6,017 respondents x 1 response/annum = 6,017 responses

(4) Total Annual Hourly Burden: 18,051.0 hours

The Commission estimates that respondents will take approximately 3 hours annually to comply with the requirement that they file their compliance certificate.

6,017 respondents x 3 hour/certification certificate = 18,051.0 hours

(5) Total "In House" Cost: \$1,411,114.36

The Commission estimates that respondents will use personnel comparable in pay to a GS-15/Step 5 (\$60.13/hour) Federal employee, plus 30% overhead, to prepare this compliance report.

6,017 respondents x 3 hours/compliance report x \$60.13/ hour = \$1,085,742.59
 30% overhead = \$325,641.78
 Total: \$1,411,114.36

g. Aggregate Customer Information Disclosure Requirements.

(1) Number of Respondents:

1,307 incumbent LECs + 859 competitive LECs + 385 interconnected VoIP providers = 2,551 respondents

(2) Frequency of Response: On occasion reporting requirements.

(3) Total Number of Responses Annually: 2,551 responses

2,551 respondents x 1 response/annum = 2,551 responses

(4) Total Annual Hourly Burden: 5,102.0 hours

The Commission estimates that respondents will require approximately 2 hour to comply with the requirement.

We believe that a respondent will have this information readily available in their electronic database(s) and use sophisticated IT software, which poses only a minimal, incremental burden on the respondents.

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2,551 respondents x 2 hours/disclosure requirements = 5,102.0 hours

(5) Total "In House" Costs: \$136,028.89

The Commission assumes that a respondent will use personnel comparable in pay to a GS-7/Step 5 (\$20.51/hour) Federal employee, plus 30% overhead, to comply with this disclosure requirement.

2,551 respondents x 2 hour/disclosure requirement x \$20.51/hour = \$104,637.60
 30% overhead = \$31,391.28
 Total: \$136,028.89

h. CPNI Disclosure to Third Parties (47 U.S.C. Section 222(c)(2))

(1) Number of respondents: 500.

(2) Frequency of Response: On occasion reporting requirement; Third party disclosure.

This obligation will arise when third parties that have obtained affirmative written customer authorization request access to CPNI. We believe that although all telecommunications carriers and providers of interconnected VoIP service are subject to Section 222(c)(2), on average, carriers will be required to respond to 500 or fewer requests for access to CPNI from third parties.

(3) Total Number of Responses Annually: 500 responses

500 respondents x 1 CPNI disclosure/annum = 500 responses

(4) Total Annual Hourly Burden: 1,000 hours

The Commission estimates that the respondents will require approximately two hours (2.0 hours) to respond annually to approximately 500 requests for access to CPNI from third parties, pursuant to affirmative written customer authorization.

This obligation will arise when these third parties that have obtained affirmative written customer authorization request access to CPNI.

The Commission estimates that the respondents will use sophisticated IT software, automation, and office standardization procedures, which make it possible for respondents to provide this information quickly to those third parties who request the information with the customer's written authorization.

500 respondents x 2 hours/CPNI disclosures annually = 1,000 hours

(5) Total "In House" Cost: \$26,661.88

The Commission assumes that respondents will use personnel comparable in pay to a GS-7/Step 5 Federal employee (\$20.51/hour), plus 30% overhead, to provide this CPNI information to these third party requesters:

500 respondents x 2 hours/CPNI disclosure x \$20.51/hour = \$20,509.13

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30% overhead = \$6,152.74
Total: \$26,661.88

i. Safeguards Required for Use of CPNI.

(1) Number of Respondents: 5.

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

(3) Total Number of Responses Annually: 5

5 respondents x 1 response/annum = 5 responses

(4) Total Annual Hour Burden: 25 hours

The Commission believes that the instances where the respondents must report to the Commission any instances when the opt-out mechanisms did not work will require approximately five hours (5.0 hours) annually.

5 respondents x 5 hours/opt-out notification safeguard/annum = 25 hours

(5) Total "In House" Costs: \$1,278.02

The Commission assumes that respondents will use personnel comparable in pay to a GS-14/Step 5 Federal employee (\$51.12), plus 30% for overhead, to comply with this notification requirement.

5 respondents x 5 hours/annum x \$51.12/hour = \$1,278.02

30% overhead = \$383.41

Total: \$1,661.42

Currently Approved Information Collection Requirements—paragraphs (j) through (n):⁷

j. Subscriber List Information Disclosure:

(1) Number of Respondents: 2,000.

The Commission believes that there are approximately 2,000 telecommunications carriers providing telephone exchange service.

(2) Frequency of Response: On occasion reporting requirements (periodic responses/annum)

(3) Total Number of Responses Annually: 12,000

2,000 respondents x 6 responses/annum = 12,000 responses

(4) Total Annual Hourly Burden: 24,000 hours

⁷ These information collection requirements were initially approved by OMB in a Notice of Action on May 11, 2005. However, the Commission has adjusted these estimates due to the belief that the respondents will be using sophisticated IT software and modern business practices that automate and streamline response times.

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The Commission estimates that, on average, most respondents will be required to provide subscriber list information to directory publishers six times a year, including requests for updated subscriber list information and that the respondents will require approximately two hours annually to comply with this requirement.

The Commission also believes that because these requests are likely to be routine requests, the respondents will use advanced IT software, automation, and standardized business procedures to assemble the information quickly and to e-mail it to the directory publisher.

2,000 respondents x 2.0 hours/response x 6 times/annum = 24,000 hours.

- (5) Total "In House" Costs: \$1,135,065.00.

The Commission estimates that the respondents will use staff comparable in pay to a GS-12/Step 5 (\$36.38/hour) Federal employee, plus 30% overhead, to comply with this requirement that they provide updated subscriber list information to requesting directory publishers.

24,000 hours/subscriber list requests x \$36.38/hour = \$873,126.92
 30% overhead = \$261,938.08
 Total: \$1,135,065.00

k. Notifications.

- (1) Number of Respondents: 1,000.
 (2) Frequency of Response: On occasion reporting requirement; third party response.
 (3) Total Number of Responses Annually: 1,000

The Commission estimates that the respondents may receive approximately 1,000 requests from directory publishers annually for information on the carriers' subscriber list information.

1,000 requests x 1 subscriber list request/annum = 1,000 responses

- (4) Total Annual Hourly Burden: 2,000 hours

The Commission estimates that respondents will take approximately two hours to fulfill each directory publisher's subscriber list information requests, which the carrier must do at the time it is requested by the directory publisher, provided that the directory publisher has given advance notice, and the carrier's internal systems permit the request to be filled within that time frame.

The Commission believes that respondents are likely to use sophisticated IT software to create an automated and standardized process to assemble the subscriber list information requests quickly and expeditiously so that the information can be sent via e-mail to the directory publisher.

1,000 requests for subscriber list information x 2.0 hours/request = 2,000 hours

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- (5) Total "In House" Cost: \$94,588.75

The Commission estimates that the respondents will use personnel comparable in pay to a GS-12/Step 5 (\$36.38/hour) Federal employee, plus 30% overhead, to comply with this requirement to provide the subscriber list information whenever directory publishers make such requests.

$$\begin{aligned}
 2,000 \text{ hours/subscriber list information request} \times \$36.38/\text{hour} &= \$72,760.58 \\
 30\% \text{ overhead} &= \underline{\$21,828.17} \\
 \text{Total:} &= \$94,588.75
 \end{aligned}$$

1. Cost Study.

- (1) Number of Respondents: 100.

The Commission estimates that approximately 100 carriers may receive complaints from directory publishers annually regarding the carrier's subscriber list information rates.

- (2) Frequency of response: On occasion reporting requirements
 (3) Total Number of Responses Annually: 100

$$100 \text{ respondent carriers} \times 1 \text{ complaint/directory publisher} = 100 \text{ complaint responses}$$

- (4) Total Annual Hourly Burden: 2,550 hours

The Commission estimates that respondents who receive a complaint regarding their subscriber list information rates will require approximately 50 hours to compile a "cost study" that provides credible and verifiable cost data to justify the challenge to their subscriber list information rates.

The Commission believes that respondents will have this information readily available because of the sophisticated IT software recordkeeping, automated accounting, and office management systems that they use in their business practices, making it easy to assemble the requisite data for the cost study as necessary to refute the publisher's complaint.

Furthermore, the Commission believes that approximately 50% of the respondents will contract out this requirement.

$$100 \text{ respondents} \times 0.50/\text{contracting out this requirement} = 50 \text{ respondents}$$

$$50 \text{ respondents} \times 50 \text{ hours/cost study "in house"} = 2,500 \text{ hours.}$$

The Commission believes that the 50 respondents that contract out this requirement will spend approximately one hour in consultation with the contractors who prepared the cost studies.

$$50 \text{ respondents} \times 1.0 \text{ hour/consultation} = 50 \text{ hours}$$

$$\text{Total: } 2,500 \text{ hours} + 50 \text{ hours} = 2,550 \text{ hours}$$

- (4) Total "In House" Costs: \$199,343.06

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The Commission estimates that the respondents will use personnel comparable in pay to a GS-15/Step 5 Federal employee (\$60.13), plus 30% for overhead, to prepare the cost study or to consult with their consultants:

2,500 hours/cost study preparation x \$60.13/hour =	\$150,334.13
50 hours/consultants conference x \$60.13/hour =	<u>\$3,006.68</u>
	\$153,340.82
30% overhead =	<u>\$46,002.25</u>
Total:	\$199,343.06

m. Certification.

(1) Number of Respondents: 2,000.

(2) Frequency of Response: On occasion reporting requirements; third party disclosure

(3) Total Number of Responses Annually: 2,000

2,000 respondents x 1 response/annum = 2,000 responses

(4) Total Annual Hourly Burden: 1,000 hours

The Commission estimates that publishers who request subscriber lists from the respondents are required to certify that the publisher will use the information only for the purposes of publishing a directory. The Commission estimates that the directory publishers will require approximately 30 minutes (0.5 hours) to comply with this third party requirement.

2,000 directory publishers (third parties) x 0.5 hours/certification = 1,000 hours.

(5) Total "In House" Cost: \$78,173.75

The Commission estimates that the third party directory publishers who are required to provide this certification to the telecommunications carriers will use staff comparable in pay to a GS-15/Step 5 (\$60.13/hour) Federal employee, plus 30% for overhead, to prepare the certification to send to the third party carriers certifying that they will use the subscriber information only for publishing their directory.

1,000 hours/certifications x \$60.13/hour =	\$60,133.65
30% overhead =	<u>\$18,040.10</u>
Total:	\$78,173.75

n. Disclosure of Contract Rates, Terms, and Conditions and Recordkeeping.

(1) Number of Respondents: 2,000

(2) Frequency of response: Recordkeeping requirements; third party disclosure

(3) Total Number of Responses Annually: 8,000

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The Commission estimates that these are two recordkeeping requirements and one disclosure requirement for respondents:

- (a) they maintain records on their contract rates, terms, and conditions for at least one year,
- (b) they maintain records for at least one year after the carrier provides subscriber list information to directory publishers, and
- (c) they make these records available to the FCC and to any directory publisher upon request.

2,000 telecommunications carriers x 2 recordkeeping requirements = 4,000 responses

The Commission also estimates that respondents will receive approximately two requests annually to provide these records and the contract disclosure information to third party directory publishers.

2,000 respondents x 2 record and contract request disclosures/annum = 4,000 responses

4,000 recordkeeping requirements + 4,000 third party disclosures = 8,000 responses

(4) Total Annual Hour Burden: 8,000 hours

The Commission estimates that respondents will require approximately 30 minutes (0.5 hours) annually to comply with each of these two recordkeeping requirements:

- (a) that they retain, for at least one year after its expiration, each written contract executed for the provision of subscriber list information; and
- (b) that they maintain, for at least one year, records after these respondent carriers and providers furnish subscriber list information to directory publishers.

The Commission also estimates that respondents will require approximately one hour to furnish directory publishers with these records on the contracts and subscriber lists. We estimate that the respondents will receive two such requests annually:

2,000 respondents x 2 recordkeeping requirement/annum x 0.5 hours/response = 2,000 hours

2,000 respondents x 2 recordkeeping requirement/annum x 0.5 hours/response = 2,000 hours

2,000 respondents x 2 responses/annum x 1.0 hours/response = 4,000 hours

Total: 2,000 hours + 2,000 hours + 4,000 hours = 8,000 hours

(5) Total "In House" Costs: \$295,825.00.

The Commission estimates that respondents will use staff comparable in pay to a GS-12/Step 5 (\$36.38/hour) Federal employee, plus 30% overhead, to maintain these records and to disclose the contract and subscriber list information to publishers and the FCC, upon request, *e.g.*, third party disclosure requirement.

8,000 hours/recordkeeping and disclosure requirements x \$36.38/hour = \$227,557.69

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30% over head = \$68,267.31

Total: \$295,825.00

New Information Collection Requirements:

o. Password and Back-up Authentication Methods for Lost or Forgotten Passwords for Call Detail Telephone Access and Online Access.

(1) Number of Respondents: 6,017.

(2) Frequency of response: Recordkeeping requirement; third party disclosure.

(3) Total Number of Responses Annually: 34,296,900 reporting and recordkeeping responses

6,017 respondents x 1.0 recordkeeping requirement = 6,017 recordkeeping responses

The Commission believes that all customers will request a password at least once:

68,593,800 customers x 1.0 responses/customer = 68,593,800 responses⁸

6,017 responses + 68,593,800 responses = 68,599,817 responses

(4) Total Annual Hourly Burden: 126,357.0 hours

The Commission estimates that respondents that provide call detail CPNI to their customers over the telephone will require approximately one hour to design the password and back-up authentication mechanism for customers who lose or forget their passwords and need access to their call detail telephone access and on-line access.

The Commission also estimates that these same respondents will require approximately one hour to maintain the records of the customer chosen passwords or responses to back-up authentication methods.

The Commission estimates that respondents will use advanced IT software to design the recordkeeping mechanism for the password and back-up authentication that can virtually automate this process, and therefore, minimize both the response time and the cost for the carriers and VoIP providers.

We also note that this cost burden will be lessened considerably once respondents design a reporting statement and have their customers establish passwords.

6,017 respondents x 1.0 hour/password and back-up authentication mechanism = 6,017 hours

⁸ It is difficult to estimate the time involved because respondents will utilize various methods to establish and record keep their customers' passwords and back-up authentication passwords. Also, it is difficult to determine the number of customers each respondent has. We averaged the number of customers per carrier by dividing the total number of customers industry-wide by the total number of respondents. There are approximately 109.9 million households with telephones and 213 million mobile telephone subscribers totaling 322.9 million customers. Thus, in estimating the burden, some respondents actually may have a greater or lesser burden depending upon whether they have more or fewer than 45,602 customers.

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6,017 respondents x 1.0 hrs/recordkeeping = 6,017 hours

Finally, the Commission estimates that using similar sophisticated IT software and automation systems, these respondents can provide their 68,593,800 customers who may request passwords using the back-up authentication process quickly and expeditiously in as little as 6 seconds (0.002 hours).

68,593,800 customers x 0.002 hours/password authentication = 114,323.0 hours

Total: 6,017 hours + 114,323.0 hours = 126,357 hours

(5) Total "In House" Costs: \$6,091,276.10

The Commission assumes the respondent carriers and providers use these comparable staff:

- (a) a GS-14/Step 5 (\$51.12/hour) Federal employee, plus 30% overhead, to design the password and back-up authentication recordkeeping process;
- (b) a GS-12/Step 5 (\$36.38/hour) Federal employee, plus 30% overhead, to manage the password and back-up authentication processes; and
- (c) a GS-12/Step 5 (\$36.38/hour) Federal employee, plus 30% overhead, to perform the recordkeeping requirement.

6,017 hours x \$51.12/hour/password and back-up authentication design =	\$307,593.09
6,017 hours x \$36.38/hour/recordkeeping =	\$218,900.20
228,646 hours x \$36.38/hour/customer password and back-up authentications =	<u>\$4,159,103.72</u>
	\$4,685,597.00
30% overhead =	<u>\$1,405,679.10</u>
Total:	\$6,091,276.10

p. Notification of Account Changes.

- (1) Number of Respondents: 6,017.
- (2) Frequency of Response: On occasion reporting requirement; recordkeeping; third party disclosure.
- (3) Total Number of Responses Annually: 68,593,800 responses

68,593,800 customers x 1.0 response/customer = 68,593,800 responses⁹
- (4) Total Annual Hourly Burden: 120,340.0 hours

⁹ It is difficult to estimate the time involved because respondents will utilize various methods to establish and record keep their customers' passwords and back-up authentication passwords. Also, it is difficult to determine the number of customers each respondent has. We averaged the number of customers per carrier by dividing the total number of customers industry-wide by the total number of respondents. There are approximately 109.9 million households with telephones and 213 million mobile telephone subscribers totaling 322.9 million customers. Thus, in estimating the burden, some respondents actually may have a greater or lesser burden depending upon whether they have more or fewer than 45,602 customers.

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The Commission estimates that respondents will require approximately one hour to design the notification:

$$6,017 \text{ respondents} \times 1.0 \text{ hour/notification design} = 6,017 \text{ hours}$$

It is difficult to estimate the time involved because the Commission does not know how many of the respondents' customers change their account information annually. We estimate that the respondents' 68,593,800 customers may change their account information once annually, which will require approximately 6 seconds (0.002 hours) for the respondents to transmit this notification to these customers:

$$68,593,800 \text{ customers} \times 0.002 \text{ hours/notification transmission} = 114,323 \text{ hours}$$

$$\text{Total: } 6,017 \text{ hours} + 114,323 \text{ hours} = 120,340 \text{ hours}$$

- (5) Total "In House" Costs: \$3,447,936.55

The Commission believes that respondents will use personnel comparable in pay to a GS-14/ Step 5 (\$51.12) Federal employee, plus 30% overhead, to design the recordkeeping device and a GS-7, Step 5 (\$20.51) Federal employee, plus 30% for overhead, to do the recordkeeping.

(The cost burden will be lessened considerably once respondents design a notification statement.)

6,017 hours x \$51.12/hour =	\$307,593.09
114,323 hours x \$20.51/hour =	<u>\$2,344,665.80</u>
	\$2,652,258.89
30% overhead =	<u>\$795,677.67</u>
Total:	\$3,447,936.55

q. Notification of CPNI Security Breaches.

- (1) Number of respondents: 100.
- (2) Frequency of response: On occasion reporting requirements.
- (3) Total Number of Responses Annually: 200

$$100 \text{ respondents} \times 1 \text{ law enforcement notification} = 100 \text{ responses}$$

$$100 \text{ respondents} \times 1 \text{ customer notification} = 100 \text{ responses}$$

$$100 \text{ responses} + 100 \text{ responses} = 200 \text{ responses}$$

- (4) Total Annual Hourly Burden: 60 hours

It is difficult to estimate the time involved because this reporting requirement only exists in the event of a CPNI security breach.

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The Commission estimates that the respondents will require approximately 30 minutes (0.5 hours) to notify law enforcement officials of a breach of their customers' CPNI via a central reporting facility located at <http://www.fcc.gov/eb/cpni> within seven business days.

The Commission estimates that these same respondents will also require approximately 6 minutes (0.10 hours) to notify a customer whose CPNI has been breached, once the FCC has been notified.

100 respondents x 0.5 hours/CPNI breach notification ("triggering event") = 50.0 hours

100 respondents x 0.10 hours/customer CPNI breach notification = 10.0 hours

Total: 50.0 hours + 10.0 hours = 60 hours

(5) Total "In House" Costs: \$3,987.41

The Commission believes that respondents will use personnel comparable in pay to a GS-14/ Step 5 (\$51.12) Federal employee plus 30% for overhead, to comply with the two notification requirements: (1) to law enforcement officials and (2) to the customers of the carrier or provider:

100 respondents x 0.5 hours/notification x \$51.12/hour = \$2,556.03

100 respondents x 0.10 hours/notification x \$51.12/hour = \$511.21

\$3,067.24

30% Overhead = \$920.17

Total: \$3,987.41

r. Breach Notification Recordkeeping.

(1) Total Number of Respondents: 100.

(2) Frequency of response: Recordkeeping requirement.

(3) Total Number of Responses Annually: 100 recordkeeping responses

The Commission estimates that approximately 100 respondents may experience a CPNI breach annually, for which respondents are required to maintain records.

100 respondents x 1 recordkeeping requirement per breach = 100 responses/annum

(4) Total Annual Hour Burden: 100 hours

Because of the seriousness of such breaches, the Commission believes that the respondents will have a rapid response plan in place.

We believe that us a plan will identify such CPNI breaches and respond quickly and efficiently to remedy these situations using advanced IT software to maintain a record of any breach situations—including discovery of the breach and subsequent notifications to the United States Secret Service and the FBI and to customers; and if available, the dates of discovery and notification, a detailed description of the CPNI that was subject of the breach, and the circumstances of the breach.

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The Commission believes that it will take respondents approximately one hour to maintain the records for any breach emergencies using advanced IT software and office automation systems as part of a “breach emergency” plan.

100 breaches/annum x 1.0 hours/recordkeeping = 100 hours

(5) Total “In House” Costs: \$4,729.44

The Commission assumes that the respondents will use personnel comparable in pay to a GS-12/ Step 5 (\$36.38/hour) Federal employee, plus 30% overhead, to maintain this recordkeeping requirement for CPNI breaches.

100 recordkeeping hours/annum x \$36.38/hour = \$3,638.03
 30% overhead = \$1,091.41
 Total: \$4,729.44

INFORMATION COLLECTION BURDEN ESTIMATES

Revised Information Collection Requirements		Number of Respondents	Time per Response (Hours)	Total Hourly Burden	Total “In House” Cost
a. Customer Approval	Notification Design	6,017	2.0	12,034.0	\$799,742.03

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	Transmission	6,017	0.75	4,512.75	\$120,318.38
b. Customer Approval Documentation and Recordkeeping	Recordkeeping	6,017	0.5	3,008.5	\$80,212.25
c. Notification of CPNI Rights Requirement	Notification Design	6,017	2.0	12,034.0	\$799,742.03
	Transmission	6,017	0.75	4,512.75	\$120,318.38
d. Notification Recordkeeping	Recordkeeping	6,017	0.5	3,008.5	\$80,212.25
e. Event Histories Recordkeeping	Recordkeeping	6,017	0.5	3,008.5	\$80,212.25
f. Compliance Guidance	Certificate	6,017	3.0	18,051.0	\$1,411,114.36
g. Aggregate Customer Information Disclosure Requirements for LECs	Disclosure	1,307	2.0	2,614.0	\$69,694.14
	Disclosure	859	2.0	1,718.0	\$45,805.10
	Disclosures	385	2.0	770.0	\$20,529.64
h. CPNI Disclosure to Third Parties	Disclosure	500	2.0	1,000.0	\$26,661.88
i. Safeguards Required for Use of CPNI	Safeguards	5	5.0	25	\$1,661.42
Total Revised Information Collection Burdens		6,017		66,297.0	\$3,656,224.12
Currently Approved Information Collection Burden					
j. Subscriber List Information Disclosure Requirement for Providers of Telephone Exchange Service	Disclosure	2,000	2.0	24,000.0	\$1,135,065.00
k. Notifications	Notifications	1,000	2.0	2,000.0	\$94,588.75
l. Cost Study	Cost Study	50	50.0	2,500.0	\$195,434.38
	Cost Study	50	1.0	50.0	\$3,908.69
m. Certifications	Certifications	2,000	0.5	1,000.0	\$78,173.75
n. Disclosure of Contract Rules, Terms, and Conditions and Recordkeeping	Recordkeeping	2,000	0.5	2,000.0	\$94,588.75
	Records and Contracts	2,000	0.5	2,000.0	\$94,588.75
	Disclosures to Publishers	2,000	1.0	4,000	\$106,647.50
Total Currently Approved Burden [adjusted]		6,017		37,550.0	\$1,802,995.56
New Information Collection Requirements					
o. Password and Back-up Authentication Methods for Lost or Forgotten Passwords for Call Detail Telephone Access and Online Access	Password and Back-up Authentication	6,017	1.0	6,017.0	\$399,871.02
	Recordkeeping	6,107	1.0	6,017.0	\$284,570.25
	Customers	68,593,800	0.002	114,323.0	\$5,406,834.83
p. Notification of Account Changes	Notification Design	6,017	1.0	6,017.0	\$399,871.02
	Transmission	6,017	0.002	114,323.0	\$3,048,065.54
q. Notification of CPNI Security Breaches	Disclosure	100	0.5	50.0	\$3,322.84
	Disclosure	100	0.002	10.0	\$664.57
r. Breach Notification and Recordkeeping	Recordkeeping	100	1.0	100.0	\$4,729.44
Total New Information Collection Burdens		6,017		246,857.0	\$9,547,929.51
CUMULATIVE TOTALS		6,017		350,704	\$15,007,149.19

Total Number of Respondents: 6,017

Total Annual Hourly Burden [Cumulative]: 350,704 hours

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Total Annual "In House" Costs [Cumulative]: \$15,007,149.19

13. This is the Commission's estimate of the annual cost burden to respondents for the information collection requirements:

- (a) Total annualized capital/startup costs: \$0.00
- (b) Total annualized costs (O&M): \$3,000,000.00
- (c) Total annualized cost requested: **\$3,000,000.00**

The Commission believes that while the 5,567 largest respondents will have sufficient "in house" staff to perform l. cost studies, the 50 smallest respondents will need to contract out this requirement.

The Commission estimates that each consultant will employ the following staff:

l. Cost Studies:

Two accountants at a cost of \$150.00/hour = \$300.00
 Two economists at a cost of \$200.00/hour = \$400.00
 Two attorneys at a cost of \$250.00/hour = \$500.00
 Total: \$1,200.00/hour

50 respondents x \$1,200.00 hour/consultant staff x 50 hour/cost study = \$3,000,000.00

Total Cost: \$3,000,000.00

14. There will be few if any costs to the Commission because the information collection requirements affect the respondents and third parties, *e.g.*, subscriber list publishers, *etc.*, and the Commission is not required to review these actions and activities, in most instances.

15. The Commission notes the following changes since the previous OMB approval:

- (a) The total number of respondents has increased from 4,832 to 6,017 as a result of the release of the *Report and Order and Further Notice of Proposed Rulemaking* (FCC 07-22), which increased the scope of the rules to include interconnected VoIP providers.
- (b) The total annual hourly burden has been reduced from 669,808 hour to 350,704, hours, which the Commission attributes to a re-evaluation of the amount of time that it will take respondents to perform these information collection and recordkeeping requirements, *i.e.*, the increased use of sophisticated/advanced IT software, automation and standardized business management practices to minimize the hourly burden that respondents will need comply with these requirements;
- (c) The total annual hourly cost has also been reduced from \$229,520,000.00 to \$3,000,000.00, which the Commission attributes to its belief that only the 50 smallest respondents will contract out the work necessary to comply with the information collection requirements in paragraph l. Cost Study.

16. The Commission does not anticipate publishing any of the information collected.

17. This information collection does not include any FCC forms, thus the Commission does not intend to seek approval not to display the expiration date of the information collections from the Office of Management and Budget (OMB).

Telecommunications Carriers' Use of Customer Proprietary Network Information (CPNI) and Other Customer Information, CC Docket No. 96-115

18. The Commission is submitting this information collection under the “emergency processing” provisions of the Paperwork Reduction Act, 5 CFR § 1320. We have requested that OMB waive the public notice and comment periods as required under 5 CFR §§ 1320.5(a)(iv) and 1320.8(d).

This information collection results from the FCC’s release of the *Report and Order and Further Notice of Proposed Rulemaking*, Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services, CC Docket No. 96-115, WC Docket No. 04-36, FCC 07-22, which:

- (a) modified the recordkeeping and/or reporting requirements in paragraphs (a) through (i) to include providers of interconnected VoIP service, and made other modifications as specifically noted;
- (b) retained the existing information collection requirements but adjusted the burden estimates in paragraphs (j) through (n), as explained in Question 15 above; and
- (c) added new information collection requirements in paragraphs (o) through (r).

The Commission is making its request to OMB for emergency approval in light of its desire to implement the rules to protect the public interest from the practice of “pretexting” within an aggressive amount of time, which the Commission identified as the six months following adoption of these rules. The Commission believes that the carriers and providers of interconnected VoIP service will have had sufficient time to implement the internal systems changes, practices, and policies necessary to effectuate the new rules by December 8, 2007.

The Commission cannot comply with the normal clearance procedures set forth in 5 CFR § 1320 because the use of the normal clearance procedure is likely to prevent the timely implementation of these critical safeguards to protect against loss of CPNI through the unlawful pretexting activity.

There are no other exceptions to the certification statement in Item 19 of the OMB Form 83-I.

B. Collections of Information Employing Statistical Methods:

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