

Part 42, Preservation of Records of Communications Common Carriers

Note: This submission is made pursuant to 44 USC 3507.

SUPPORTING STATEMENT**A. Justification:**

1. Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. § 220, makes it unlawful for carriers to willfully destroy information retained for the Commission.

47 C.F.R. Part 42 of the Commission's rules prescribes guidelines to ensure that carriers maintain the necessary records needed by the FCC for its regulatory obligations.

47 C.F.R. Section 42.4 requires a carrier:

- (a) to maintain at its operating company headquarters a master index of records which identifies the records retained, the related retention period, and the locations where the records are maintained; and
- (b) to explain the premature loss or destruction of any records by adding a certified statement to the index listing the lost records and describing the circumstances of the loss.

Section 42.5 requires that records kept in a machine-readable medium be accompanied by a statement indicating the type of data included in the record and certifying that the information contained in it has been accurately duplicated.

Section 42.6 requires a carrier to retain telephone toll records for 18 months that are necessary to provide the following billing information about telephone toll calls: the name, address, and telephone number of the caller, telephone number called, date, time and length of the call.

Section 42.7 allows a carrier to establish its own retention periods for all of its records, except records of telephone toll calls and records relevant to complaint proceedings.

Section 42.10 requires a nondominant interexchange carrier (IXC) to make available to the public, in at least one location, during normal business hours, information on the current rates, terms, and conditions for all of its interstate, domestic interexchange services. The information also must be made available on the carrier's Internet website.

Section 42.11 requires that a nondominant IXC maintain, for submission to the Commission and to state regulatory commissions upon request, price and service information regarding all of the carrier's international and interstate, domestic, interexchange service offerings. (Both 47 C.F.R. §§ 42.10 and 42.11 are approved under OMB control number 3060-0704. See OMB control number 3060-0704).

We are extending this collection and are adjusting the number of carriers filing this report to 56 from 54 to reflect two new carriers that file ARMIS data.

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As noted on the OMB Form 83i, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. Documentation of premature records destruction is necessary so that the Commission can be aware of the frequency and consequences of such destruction. If carriers were allowed to destroy records at will, the Commission could lose historical information, thus making it impossible to regulate the industry properly. A specific retention period for telephone toll records is imposed to assist Department of Justice in law enforcement.
3. Section 42.5 permits carriers to use improved information technologies by allowing them to choose the most efficient storage media to reduce their record storage and retrieval costs.
4. No duplication of the required data exists outside the agency. The Commission knows of no other existing information that would serve our regulatory purpose.
5. The collection of information does not involve small businesses or other small entities. The burden has been minimized for all respondents subject to the collection.
6. Carriers are allowed to establish retention periods for records, with the Commission reserving the right to extend retention periods, if necessary. The Commission does require that records pertaining to complaint proceedings, and proceedings and inquiries initiated by the Commission, be retained until resolved. Telephone toll records must be retained for a period of 18 months.
7. No special circumstances are noted. The collection is not conducted in any manner inconsistent with the general paperwork reduction requirements contained in 5 C.F.R. § 1320.5.
8. Pursuant to 5 C.F.R. §1320.8(d), the Commission published a 60 day notice in the Federal Register on September 20, 2007 (72 FR 53772), as a copy of the notice is attached. The Commission has not received any comments.
9. There will be no payments or gifts to respondents.
10. Ordinarily, questions of a sensitive nature are not involved in the preservation of records of communications common carriers. The Commission contends that areas in which detailed information is required are fully subject to regulation and the issue of data being regarded as sensitive will arise in special circumstances only. In such circumstances, the respondent is instructed on the appropriate procedures to follow to safeguard sensitive data. 47 C.F.R. Part 0.459 contains the procedures for requesting confidential treatment of data.
11. There are no questions of a sensitive nature with respect to the information collected.

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12. The following represents the estimate of the annual burden hours and the annual cost burden for the collection of information. We note that the burden hours imposed by the requirement is very difficult to quantify. The following represents our best estimate.

(1) Number of Respondents: 56

The Commission has adjusted the estimated number of carriers filing this report to 56 from 54 to reflect two new carriers that file ARMIS data.

(2) Frequency of Response: On occasion reporting requirements; recordkeeping requirement; and third party disclosure requirement.

(3) Total Number of Responses Annually: 56 responses

56 carriers x 1 response/annum = 56 responses

(4) Total Annual Hourly Burden: 112 hours.

The Commission estimates that each carrier takes approximately two hours to comply with the requirement.

56 carriers x 2 hours per filing = 112 hours

(5) Total Estimated Industry Costs:

The Commission estimates that it will take each carrier uses staff equivalent to a GS-7/Step 5 (\$20.51/hour) Federal employee, plus 30% overhead, to comply with the requirement.

112 hours x \$20.51 per hour = \$2,297.02
 30% overhead = \$ 689.11
 Total: \$2,986.13

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

(a) Total capital and start-up cost component (annualized over its useful life): \$0.00.

(b) Total operations and maintenance and purchase of services component: \$0.00.

(c) Total annualized cost requested: \$0.00

14. There is no annual cost to the Federal government.

15. The Commission notes the following changes:

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The total annual hourly burden for this collection is 112 hours—this burden has been adjusted to reflect an increase of four burden hours. The increase is attributed to two new companies filing ARMIS data on April 1, 2006, for the year 2005.

16. The Commission does not anticipate that it will publish any of the information collected.
17. The Commission seeks approval not to display the expiration date of OMB approval. Display of the expiration date would not be in the public interest because we would have to destroy all of the unused reports previously printed. This would constitute waste and would not be cost effective.
18. Carriers are required by section 42.4 of the Commission's rules to maintain a master index of records; to identify the retention period for each type of record listed in the master file; and, to keep the records for the time periods specified by the carrier in the master index.

There are no exceptions to item 19 of the Certification Statement.

B. Collection of Information Employing Statistical Methods:

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