

**Supporting Statement for
the Paperwork Reduction Act Submission**

A. Justification

1. In the *Communications Act of 1934, as amended by the Telecommunications Act of 1996*, the Federal Communications Commission (Commission) was given “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States.” Pursuant to that authority, the Commission conducted a rulemaking that, among other things, addressed regular reporting on numbering use by United States carriers.¹

In the *First Report and Order*,² the Commission established mandatory utilization and forecast data reporting requirement for all carriers that use numbering resources.

In the *Second Report and Order and Second Further Notice*,³ the Commission concluded that further information collections were necessary to efficiently and effectively monitor and manage numbering use.

In the *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, the Commission, among other things, lifts the ban on service and technology-specific overlays, allowing state commissions to seeking to implement them to request delegated authority to do so on a case-by-case basis.

Revised Information Collection Requirements—(a):

- a. *Reporting Requirements for Federal Cost Recovery*. This information collection requirement has expired.⁴

Currently Approved Information Collection Requirements— (b) and (c):

- b. *Request for Safety Valve Mechanism by State Commission*. In this *Report and Order*, we established a safety valve to ensure that carriers experiencing rapid growth in a given market will be able to meet customer demand. States may use this safety valve to grant requests from carriers that demonstrate the following:

¹ *Numbering Resource Optimization*, Notice of Proposed Rulemaking, 14 FCC Rcd 10322 (rel. June 2, 1999).

² *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (rel. Mar. 31, 2000) (First Report and Order).

³ *Numbering Resource Optimization*, Second Report and Order, Order on Reconsideration in CC Docket 96-98 and CC Docket 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 (rel. Dec. 29, 2000) *Second Report and Order*).

⁴ The previous Reporting Requirements for Federal Cost Recovery have expired. Because the extraordinary federal recovery mechanism was intended to recover only the initial implementation costs of thousands-block number pooling, we concluded that recovery should be spread over a two-year period. This was appropriate given the two-year national rollout period that the Commission proposed. After that implementation period, thousands-block number pooling became a normal network function and recovery of ongoing costs is through existing means.

- 1) the carrier will exhaust its numbering resources in a market or rate area within three months (in lieu of 6 months-to-exhaust requirement); and
- 2) projected growth is based on the carrier's actual growth in the market or rate area, or in the carrier's actual growth in a reasonably comparable market, but only if that projected growth varies no more than 15 percent from historical growth in the relevant market.

We also clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center.

States may not accommodate requests for specific numbers (*i.e.*, vanity numbers), but may grant requests for customer seeking contiguous blocks of numbers. Any numbering resources granted for this reason may be initially activated only to serve the requesting customer for whom the application was made. If the customer request is withdrawn or declined, the requesting carrier must return the numbering resources to the NANPA or Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements.

- c. *Request for Delegated Authority to Implement Service-Specific and Technology-Specific Area Code Overlays.* In this *Order*, we lift the ban on service-specific and technology-specific overlays (collectively, specialized overlays or SOs) and will allow state commissions seeking to implement SOs to request delegated authority to do so on a case-by-case basis. To provide further guidance to state commissions, we set forth the criteria that each request for delegated authority to implement a SO should address. This will enable us to examine the feasibility of SOs in a particular area, and determine whether the Commission's stated goals are likely to be met if the SO is implemented.

As an initial matter, a state commission seeking to implement a SO should discuss why the numbering resource optimization benefits of the proposed SO would be superior to implementation of an all-services overlay. State commissions should also specifically address the following:

- (1) the technologies or services to be included in the SO;
- (2) the geographic area to be covered;
- (3) whether the SO will be transitional;
- (4) when the SO will be implemented and, if a transitional SO is proposed, when the SO will become an all-services overlay;

- (5) whether the SO will include take-backs:
- (6) whether there will be 10-digit dialing in the SO and the underlying area code(s);
- (7) whether the SO and underlying area code(s) will be subject to rationing; and
- (8) whether the SO will cover an area in which pooling is taking place.

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.

The statutory authority for this collection is authorized under Sections 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. § 151, 152, 154, 155 unless otherwise noted. Interpret or apply sections 3, 4, 201-05, 207-09, 218, 225-7, 251-2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201-205, 207-09, 218, 225-7, 251-2, 271 and 332 unless otherwise noted. *See also* 47 C.F.R. §§ 52.15(g)(4) and 52.19(c)(4).

2. The Commission uses the information it collects to assist the state commissions in carrying out their delegated authority over numbering resources.
3. When a state commission requests delegated authority to implement specialized overlays, it does so pursuant to the Commission's rules which require service by mail.
4. The collection of this information will not duplicate any other Commission effort.
5. The burden of requesting delegated authority for specialized overlays does not apply to large or small carriers, but rather falls on the state commissions.
6. As previously mentioned, state commissions seeking to implement specialized overlays must request delegated authority to do so. If information requesting delegated authority for specialized overlays is not collected, the Commission's ability to improve number efficiency would be seriously undermined. The Commission believes that, in some areas, specialized overlays may offer a viable alternative to traditional forms of area code relief. Recognizing the frustration of carriers unable to obtain numbers due to delays in area code relief, and the frustration of consumers who must bear the cost and inconvenience of area code relief, the Commission will review on a case-by-case basis each request to determine whether a proposed specialized overlay would likely result in numbering resource optimization in a given area.
7. The Commission does not foresee any special circumstances that would cause the collections to be conducted under extraordinary circumstances.
8. Pursuant to 5 C.F.R. §1320.8, the Commission placed a Notice in the *Federal Register* on February 4, 2008. *See* 73 FR 6503. The Commission received no comments following publication of the notice, a copy of which is attached.
9. No payments or gifts are being provided.

10. The Commission is not requesting respondents to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules.
11. There are no questions of a sensitive nature with respect to the information collected, nor are there any privacy impacts, as noted above.
12. Hour Burden Estimates for the Collection of Information.
 - a. Reporting Requirements for Federal Thousands-Block Pooling Cost Recovery: **(expired —program change)**
 - b. Requests for Safety Valve Mechanism by State Commissions: **(unchanged)**
 - (1) Number of Respondents: 15
 - (2) Frequency of Response: On occasion reporting and third disclosure requirements.
 - (3) Total Number of Responses Annually: 30
 - 15 respondents x 1 response/annum = 15 responses
 - 15 respondents x 1 3rd party response/annum = 15 responses
 - Total: 15 + 15 = 30 responses/annum
 - (4) Annual Hour Burden per Respondent: 50 hours.
 - (5) Total annual hour burden: 750 hours.
 - 15 respondents x 1 response/annum x 49 hours/response = 735 hours
 - 15 respondents x 1 response/annum x 1 hour/3rd party response = 15 hours
 - Total: 735 + 15 = 750 hours
 - (6) Total annualized estimate of the total office cost: \$44,070.00
 - (7) Explanation of calculation: It is difficult to provide a sound estimate of respondent's cost without conducting a survey. However, assuming that respondents use mid to senior level personnel to comply with the requirements comparable in pay to a GS-13, Step 5 Federal employee, approximately \$45.20 per hour, plus 30% for overhead. Thus,

Numbering Resource Optimization – Phase 3

$$\begin{aligned}
 15 \text{ respondents} \times 50 \text{ hours per response} \times \$45.20 \text{ per hour} &= \$33,900.00. \\
 30\% \text{ overhead} &= \underline{\$10,170.00} \\
 \text{Total} &= \$44,070.00
 \end{aligned}$$

- c. Request for Delegated Authority to Implement Service – Specific and Technology-Specific Area Code Overlays (SOs): **(changed—adjustment)**

(1) Number of Respondents: 2

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

(3) Total Number of Responses Annually: 2

$$2 \text{ respondents} \times 1 \text{ response/annum} = 2 \text{ responses}$$

(4) Annual Hour Burden per Respondent: 55 hours.

(5) Total annual hour burden: 110 hours.

$$2 \text{ respondents} \times 1 \text{ response/annum} \times 55 \text{ hours/response} = 110 \text{ hours}$$

(6) Total annualized estimate of the total office cost: \$6,463.60

(7) Explanation of calculation: It is difficult to provide a sound estimate of respondent's cost without conducting a survey. However, assuming that respondents use mid to senior level personnel to comply with the requirements comparable in pay to the Federal Government, approximately \$40.00 per hour, plus 30% overhead. Thus,

$$\begin{aligned}
 2 \text{ respondents} \times 55 \text{ hours per response} \times \$45.20 \text{ per hour} &= \$4,972.00 \\
 30\% \text{ overhead} &= \underline{\$1,491.60} \\
 \text{Total} &= \$6,463.60
 \end{aligned}$$

Total Number of Respondents: 17

Total Number of Responses Annually: 32

Total Annual Hourly Burden for the Collections: 750 + 110 = 860 hours

Total Annual Office Cost to Repondents: \$44,070.00 + \$6,463.60 = \$50,533.60

13. Estimate of the Total annual Cost Burden to Respondents or Recordkeepers Resulting from Collection of Information.

- a. Total Capital and Start-up Cost (annualized over its expected useful life): \$0.

The requirements will not require the purchase of additional equipment.

b. Total Operation and Maintenance and Purchase of Service Comments: \$0.

c. Total annualized cost requested: \$0.

14. The following represent the Commission's estimate of the annual costs to the federal government as a result of the requirements:

For the safety valve mechanism- No cost to federal government since requirements will be reviewed by a third party, the numbering administrator.

For the delegated authority for Specialized Area Code Overlays-

40 hours/review and response to application x 2 applications x \$40 (represents average pay for mid to senior level federal employee) = \$3,200.

15. The Commission notes the following changes and adjustments since the previous submission:

(a) The previous Reporting Requirements for Federal Cost Recovery have expired. Because the extraordinary federal recovery mechanism was intended to recover only the initial implementation costs of thousands-block number pooling, we concluded that recovery should be spread over a two-year period. This was appropriate given the two-year national rollout period that the Commission proposed. After that implementation period, thousands-block number pooling became a normal network function and recovery of ongoing costs is through existing means.

(b) The total number of respondents has decreased from 53 to 17, as a result of the expiration of the Reporting Requirements for Federal Cost Recovery information collection requirement;

(c) The total number of responses annually has increased from 17 to 32, as a result of our recalculation to comply with the ROCIS calculation matrix; and

(d) The total annual hourly burden has decreased by 2,520 hours, from 3,380 hours to 860 hours, as a result of the expiration of this requirement.

(e) There are no total annual costs—the \$665.00 filing fee was eliminated when the Reporting Requirements for Federal Cost Recovery information collection requirement expired.

16. The Commission anticipates publishing the information collected from state commissions requesting delegated authority to implement specialized overlays in its electronic comment filing system.

17. The Commission does not intend to seek approval not to display the expiration date.

Numbering Resource Optimization – Phase 3

18. The Commission notes that it is submitting this information collection as a “revision” due to the expiration of the *Reporting Requirements for Federal Cost Recovery*, as explained above. The other differences between what was reported in the Notice and what the FCC will submit to OMB are as follows:

- (a) Total estimated time per response is now estimated at 1 to 55 hours per respondent, not 55 to 85 as report in the Noticel and
- (b) Total number of responses annually is now estimated at 32 responses, not 17 as reported in the Notice.

There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ any statistical methods.