

Note: This submission is being made pursuant to 44 U.S.C. 3507 to extend an existing collection that is expiring. The Commission has not changed the reporting requirement for this information collection. We note that on February 16, 2012, USTelecom filed a petition pursuant to section 10 of the Act requesting that the Commission forbear from enforcing certain “legacy telecommunications regulations,” including the recordkeeping requirements in 47 C.F.R. §§ 42.4, 42.5, 42.7 and 42.10(c). Petition for Forbearance of the United States Telecom Association, WC Docket No. 12-61 (filed Feb. 16, 2012) (USTelecom Petition). (Both 47 C.F.R. §§ 42.10 and 42.11 are approved under OMB number 3060-0704) The Commission released an Order extending by 90 days the time in which the Commission must act on the USTelecom Petition. *Petition of USTelecom For Forbearance Under 47 U.S.C. § 160(c) From Enforcement Of Certain Legacy Telecommunications Regulations, Order*, WC Docket No. 12-61, DA 13-172 (rel. Feb. 7, 2013). Although the USTelecom Petition is pending, the Commission seeks OMB approval for the extension of this information collection because the date on which the petition seeking forbearance filed by USTelecom shall be deemed granted, in the absence of Commission grant or denial, will be May 17, 2013. The information collection approval for this collection number will expire September 30, 2013.

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.

The information collection rules in 47 C.F.R. Section 42.4 require 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.

Additional information collection requirements approved under the Paperwork Reduction Act are as follows:

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).

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 of eighteen months is imposed to assist Department of Justice in law enforcement. [See Section 42.6.]
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 18 month period.

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. A 60 day notice was published in the Federal Register pursuant to 5 C.F.R. §1320.8(d) on May 14, 2013 (78 FR 28215). The Commission did not receive any PRA comments.
9. There will be no payments or gifts to respondents.
10. Ordinarily, questions of a confidential 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 CFR § 0.459 contains the procedures for requesting confidential treatment of data.
11. The respondents are instructed on the appropriate procedures to follow to safeguard information deemed sensitive data. Section 0.459 of the Commission's rules contains procedures for requesting confidential treatment of such data. See 47 C.F.R. §.0459 of the rules
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 estimated the number of subject carriers at 56.

(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-11/Step 5 for a Federal employee, plus 30% overhead, to comply with the requirement.

112 hours x \$35.62 per hour = \$3,989
30% overhead = 1,197.
Total: **\$5,186**

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. There is no change to the Commission's burden estimate.
16. The Commission does not anticipate that it will publish any of the collected information.
17. The Commission does not seek approval not to display the expiration date of OMB approval based on the Commission's rules. The Commission publishes a list of all OMB-approved information collections with their associated OMB control numbers, titles and OMB expiration dates under 47 CFR 0.408 of the Commission's rules.
18. There are no exceptions to Item 19 in the Certification Statement.

It is noted that 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.

B. Collection of Information Employing Statistical Methods:

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