

Note: This submission is being made pursuant to 44 U.S.C. § 3507 to extend an existing collection for another three-year period. We note that on May 17, 2013, the Commission granted forbearance from certain legacy telecommunications regulations, including the recordkeeping and storage requirements in 47 C.F.R. §§ 42.4, 42.5, 42.7, and granted conditional forbearance for 42.10(a) for all carriers, *Petition for Forbearance of the United States Telecom Association*, Memorandum Opinion and Order and Report and Order and Further Notice of Proposed Rulemaking and Second Further Notice of Proposed Rulemaking, 28 FCC Rcd 7627, 7671-74, paras. 93-100 (2013) (USTelecom Long Order). (Both 47 C.F.R. §§ 42.10 and 42.11 are filed under OMB Control Number 3060-0704.) The Commission seeks OMB approval for the extension to cover the § 42.6 information collection, which requires carriers to retain telephone toll records for 18 months.

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 willfully to 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.

Section 42.4 required each carrier to maintain at its operating company headquarters a master list of records. [47 C.F.R § 42.4] Section 42.5 set forth requirements about how a carrier may use a retention medium of its choice to preserve records in lieu of original records. The rule set forth options for how carriers may reproduce records [47 C.F.R. 42.5]. Section 42.7 specified how long records listed in the master index must be retained and when records must be added to the index [47 C.F.R. §42.7]. In 2013, the Commission determined that forbearance from these recordkeeping and storage requirements were in the public interest.

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. Each carrier shall retain this information for toll calls that it bills whether it is billing its own toll service customers for toll calls or billing customers for another carrier.

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.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The Commission determined that Section 42.4, the master index requirement, met the requirements for regulatory forbearance.
3. The Commission stated that advances in technology have made the Section 42.5 requirements outmoded and that this rule does not reflect current practice and thus granted forbearance. There are no FCC information technology requirements for section 42.6 for all entities covered by that rule. The Commission developed this requirement for the FBI and that organization will advise any entity how to provide the desired data. Section 42.7 specified how long records listed in the master index must be retained. The Commission stated that since a master index was no longer necessary, forbearance was also appropriate for this retention requirement. The Commission noted that forbearance from these requirements does not relieve the carriers of obligations to retain records as required by other sections of its rules.
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. Although the Commission granted forbearance from certain recordkeeping and storage requirements, the Commission has various means of obtaining information and records from carriers. 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 an eighteen-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 April 18, 2016 (81 FR 22953). 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. 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.

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 on the requirement is very difficult to quantify. The following represents our best estimate.

(1) Number of Respondents: **50**.

The Commission has estimated the number of subject carriers at 50.

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

(3) Total Number of Responses Annually: **50 responses**

50 carriers x 1 response/annum = 50 responses

(4) Total Annual Hourly Burden: **100 hours**.

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

50 carriers x 2 hours per filing = 100 hours.

(5) Total Estimated Industry Costs: **\$3,670**

The Commission estimates that it will take each carrier uses staff equivalent to a GS-11/Step 5 for a Federal employee, plus 30% overhead¹, to comply with the requirement.

100 hours x \$28.23 per hour = \$2,823
30% overhead = \$847
Total: **\$3,670**

¹ The Commission normally uses the 2016 General Schedule Pay Table with locality payment for the Washington, DC., Maryland, Virginia and Pennsylvania areas with its submissions; however, the Commission used the 2016 General Schedule (Base) Pay Table with this submission because the respondent pool performing the work is outside of the Metropolitan area. Therefore, the hourly salary for a GS-11/5 employee is \$28.23 per hour. This hourly rate more accurately reflects our estimate of entity staff time preparing the report. The 30% cost of overhead of \$8.47 is added to the hourly salary cost that total \$36.70 [\$28.23 +8.47.]

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 are adjustments/decreases to this information collection. The total number of respondents and responses decreased from 56 to 50 (-6) and the total annual burden hours from 112 to 100 (-12). These adjustments/decreases are based on the Commission reevaluating its previous burden estimates.
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 the Certification Statement.

B. Collection of Information Employing Statistical Methods:

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