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This submission is being made pursuant to 44 U.S.C. 3507 of the Paperwork Reduction Act of 1995 to extend existing collection 3060-1005.

### Supporting Statement

#### 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.<sup>1</sup>

In the *First Report and Order*,<sup>2</sup> the Commission established mandatory utilization and forecast data reporting requirements for all carriers that use numbering resources. In the *Second Report and Order and Second Further Notice*,<sup>3</sup> 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*,<sup>4</sup> the Commission, among other things, delegates authority to state commissions to hear claims that the safety valve should be applied when one of the numbering administrators denies a numbering resource request and lifts the ban on service and technology-specific overlays, allowing state commissions seeking to implement them to request delegated authority to do so on a case-by-case basis.

#### ***Currently Approved Information Collection Requirements:***

- a. *Request for Safety Valve Mechanism by State Commission.* In the *Third Report and Order*, the Commission 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) 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

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<sup>1</sup> *Numbering Resource Optimization*, Notice of Proposed Rulemaking, 14 FCC Rcd 10322 (1999).

<sup>2</sup> *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000) (First Report and Order).

<sup>3</sup> *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, 16 FCC Rcd 306 (2000) (Second Report and Order).

<sup>4</sup> *Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration in CC Docket 96-98 and CC Docket No. 99-200, 17 FCC Rcd 252 (2001) (Third Report and Order).

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projected growth varies no more than 15 percent from historical growth in the relevant market.

The Commission also clarifies that states may 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 North American Numbering Plan Administrator (NANPA) or Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements.

- b. *Request for Delegated Authority to Implement Service-Specific and Technology-Specific Area Code Overlays.* In the *Third Report and Order*, the Commission lifted the ban on service-specific and technology-specific overlays (collectively, “specialized overlays” or SOs), allowing 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, the Commission set forth the criteria that each request for delegated authority to implement a SO should address. This would enable us to examine the feasibility of SOs in a particular area, and determine whether the Commission’s stated goals were 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);

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(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.

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 47 U.S.C. 153, 154, 201-205, 207-209, 218, 225-227, 251-252, 271, and 332 *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 January 26, 2017. *See* 82 FR 8251. The Commission received no comments following the publication of this notice.
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.

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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. Requests for Safety Valve Mechanism by State Commissions:

(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 3<sup>rd</sup> 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/3<sup>rd</sup> party response = 15 hours

Total: 735 + 15 = 750 hours

(6) Total In-House cost to respondents: \$69,771.00

(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 Federal employee, approximately \$71.5669.56 (equivalent to a GS 15, step 5 federal employee) per hour, plus 30% for overhead. Thus,

15 respondents x 50 hours per response x \$71.56 per hour = \$53,670.00.

30% overhead = \$16,101.00

Total = \$69,771.00

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- b. Request for Delegated Authority to Implement Service – Specific and Technology-Specific Area Code Overlays (SOs):

- (1) Number of Respondents: 2

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

- (3) Total Number of Responses Annually: 2

2 respondent x 1 response/annum = 2 responses

- (4) Annual Hour Burden per Respondent: 40 hours.

- (5) Total annual hour burden: 80 hours.

2 respondents x 1 response/annum x 40 hours/response = 80 hours

- (6) Total In-house costs to respondents: \$6,326.32

- (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 \$60.83 (equivalent to a GS 14, step 5 federal employee) per hour, plus 30% overhead. Thus,

2 respondents x 40 hours per response x \$60.83 per hour = \$4,866.40  
 30% overhead = \$1,459.92  
 Total = \$6,326.32

**Total Number of Respondents: 17**

**Total Number of Responses Annually: 30 + 2 = 32 responses**

**Total Annual Hourly Burden for the Collections: 750 + 80 = 830 hours**

**Total In-House Cost to Respondents: \$69,771.00 + \$6,326.32 = \$76,097.32**

- 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.

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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 \$56.54 (represents average pay for mid-to-senior level federal employee) = \$4,523.20.

**Total Cost to the Federal Government: \$4,523.20**

15. There are no program changes or adjustments with this information collection

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.

18. When 60 Day Notice was published in the Federal Register on January 26, 2017 (82 FR 8251), the Commission inadvertently stated the total annual responses as 17. The Commission is making a correction to the total annual responses as 32 which is now reflected in this submission to OMB.

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.