

Consumer Complaint Portal: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, Slamming Complaints, RDAs and Communications Accessibility Complaints

SUPPORTING STATEMENT

1. The Commission is submitting this revised information collection to transfer certain information collection burdens associated with OMB Control Number 3060-1203 to this OMB Control Number. This change is being made to enable consumers to file complaints relating to the FCC's disability accessibility requirements for video programming digital apparatus and navigation device user interfaces (e.g., TV and set-top box controls, menus, and program guides) through the Commission's Consumer Complaint Portal.

The Commission's Consumer Complaint Portal is used for the electronic filing of informal complaints¹ alleging violations of the Communications Act of 1934, as amended (the Act), and the Commission's rules. All information collection burdens associated with submission of a complaint using the online Consumer Complaint Portal are contained herein.

Pursuant to Section 208 of the Act and 47 CFR §§ 1.711 and 1.716, consumers may file complaints against common carriers with the Commission. Section 208(a) of the Act authorizes complaints by any person "complaining of anything done or omitted to be done by any common carrier" subject to the provisions of the Act.² Section 208(a) specifically states that "it shall be the duty of the Commission to investigate the matters complained of in such a manner and by such means as it shall deem proper."³

Pursuant to Section 208(a) and the Commission's rules, informal complaints against common carriers filed by consumers with the Commission are forwarded to the carrier(s) involved, which must satisfy or answer the complaints within the time and in the manner prescribed by the Commission.

Although the Act does not discuss how the Commission should treat complaints against non-common carriers for violations of the Act or the Commission's rules, the Commission investigates such complaints in a manner similar to the way in which it treats those against common carriers.

The information provided by consumers in their complaints not only assists carriers in resolving or responding to the issues raised by consumers, it also provides the Commission with baseline data that may be used to monitor common carrier marketplace practices and support appropriate enforcement activities where systemic problems with carriers are identified. Complaint information also helps inform Commission decision makers about whether new or modified rules are needed to protect the interests of consumers.

¹ Informal complaints consist of informal consumer complaints, inquiries, requests for dispute assistance, and comments.

² 47 U.S.C. § 208(a).

³ *Id.*

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The Consumer Complaint Portal collects information on the following subject matter areas:

- Billing, Privacy, or Service Quality
- Emergency or Public Safety
- Slamming
- Media
- Other Communications
- Loud Commercial
- Communications Accessibility
- Disability Access
- Junk Fax
- Telemarketing Calls
- Obscene, Profane, and/or Indecent Material

Synopsis of Online Consumer Complaint Portal:

The Consumer Complaint Portal is used by consumers to file detailed complaint information with the Commission. The portal provides a tree branch format that allows consumers to choose the product or service they are inquiring/complaining about, the method by which the product/service is provided and the specific issue that they wish to discuss. Consumers are allowed, and in some instances required, to upload attachments with their submission. The Consumer Complaint Portal provides consumers with status updates on their complaint and allows consumers to amend their complaint as necessary.

The branching strategies are designed to assist the on-line users in providing the relevant information and to facilitate the submission of the necessary data to the Commission to allow for resolution of the complaint, referral of the complaint or some other solution.

2. The information received via the Consumer Complaint Portal is used by Commission staff to: (a) assist in the resolution of complaints as a part of investigative work performed by federal and state law enforcement agencies to monitor industry practices and to promote compliance with federal and state requirements; (b) provide redress to consumers; (c) act against companies engaged in illegal practices as soon as possible; (d) determine advertisers' compliance with the Telephone Consumer Protection Act and Junk Fax Prevention Act; and (e) to process and respond to complaints against advertisers. Such information is also used by advertisers to comply with the rules (when they must remove certain numbers from their databases).

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This information collection includes personally identifiable information (PII).

- (1) As required by OMB Memorandum M-03-22 (September 26, 2003), the FCC completed a Privacy Impact Assessment (PIA)⁴ on June 28, 2007, that gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII covered by these information collection requirements. The PIA may be reviewed at:
http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.
- (2) Furthermore, as required by the Privacy Act, 5 U.S.C. § 552a, the FCC also published a system of records notice (SORN), FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance" in the *Federal Register* on August 15, 2014, (79 FR 48152), which became effective on September 24, 2014.
3. The Commission expects that most complainants will access and submit their complaint information electronically. The Consumer Complaint Portal will be accessible from the Commission's website. The Commission will also make paper copies of the Consumer Complaint Portal question tree available by calling the FCC at: 1-CALL-FCC (1-888-225-5322), TTY: 1-888-TELL-FCC (1-888-835-5322), or by writing to:

Federal Communications Commission or FCC
445 12th Street, SW
Washington, DC 20554
4. Since the data collection is specific to the consumer filing the information, there is limited duplication.
 - (i) Duplication may exist where a consumer files a complaint directly with the Commission and then files the same complaint with a Congressional office, which subsequently forwards it to the Commission.
 - (ii) The Consumer Inquiries and Complaints Division shares responsibility with the Commission's Enforcement Bureau on processing programming complaints and will work closely with the Enforcement Bureau in order to identify duplicate complaint submissions.
5. The Commission is committed to reducing the regulatory burdens on small businesses whenever possible, consistent with the Commission's other public interest responsibilities. The Commission believes that few, if any small businesses and other small entities will be impacted by this collection. If some small entities are impacted, the Commission believes that by having access to the Internet, filing a complaint becomes less costly and time consuming.
6. The Consumer Complaint Portal information collection will provide consumers with a more efficient method of filing and tracking consumer complaints and afford the Commission an opportunity to expedite the processing of consumer complaints by minimizing the potential of the Commission

⁴ The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

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being inundated with consumer complaints requiring manual processing of information received in a non-electronic environment.

7. There are no special circumstances that would cause this collection of information to be collected in a manner that is inconsistent with the guidelines in 5 CFR 1320.
8. Pursuant to 5 CFR § 1320.8(d), the Commission placed a notice soliciting public comment on the information collection requirements contained in this supporting statement in the *Federal Register*. See 82 FR 4877, January 17, 2017. Joint comments were submitted on March 20, 2017, by deaf and hard of hearing advocacy and academic research organizations that support modifying the Commission's online Consumer Complaint Portal to include the collection of complaint information related to accessibility requirements for video programming digital apparatus and navigation device user interfaces (e.g., TV and set-top box controls, menus, and program guides).⁵
9. The Commission does not anticipate providing any payment or gift to any respondents.
10. Assurances of confidentiality are being provided to the respondents.
 - (a) The Commission is requesting that individuals (consumers/respondents) submit their names, addresses, telephone numbers, and email addresses, which the Commission's staff needs to process the complaints. A privacy statement will be included on the Consumer Complaint Portal
 - (b) In addition, respondents are made aware of the fact that their complaint information may be released to law enforcement officials and other parties as mandated by law (i.e., court-ordered subpoenas). Such information is contained in Commission databases, which are covered under the Commission's system of records notice (SORN), FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance." The PII covered by this system of records notice is used by Commission personnel to handle and to process informal complaints from individuals and groups. The Commission will not share this information with other federal agencies except under the routine uses listed in the SORN.

The PIA⁶ that the FCC completed on June 28, 2007 gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII, as required by OMB regulations and the Privacy Act, 5 U.S.C. 552a. The PIA may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

11. This information collection does not raise any questions or issues of a sensitive nature.
12. Estimates of the hour burden for the collection of information are as follows:

⁵ These joint comments were filed by Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Association of Late-Deafened Adults (ALDA), Cerebral Palsy and Deaf Organization (CPADO), Deaf Seniors of America, California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), National Association of State Agencies of the Deaf and Hard of Hearing (NASADHH), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), and Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing, Gallaudet University (DHH-RERC).

⁶ As stated in note 4 above, the Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

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Burden for Obscene, Profane, and/or Indecent Material Complaint

Total Number of Annual Respondents: 5,564 consumers

Total Number of Annual Responses:

5,564 consumers x 1 obscenity or indecency complaint/yr = **5,564 responses**

Total Annual Number of Burden Hours:

5,564 consumers x 1 obscenity or indecency complaint/yr x .25 hours/response = **1,391 hours**

Total Annual “In-House” Cost: \$0

Because this complaint is used solely by consumers (respondent), there will be no “in-house” personnel to comply with the requirement nor cost to respondents since all information is available based on personal experiences.

Burden for Slamming Complaint

Total Annual Number of Respondents:

273 consumers + 142 businesses = 415 **respondents**

Total Annual Number of Responses:

273 consumers + 142 business slamming complaints = **415 responses**

Total Annual Number of Burden Hours:

273 consumer + 142 business slamming complaints x .25 hours = **104 hours**

Total Annual In-House Cost:

The Commission believes that businesses would use “in-house” personnel to complete this process whose pay is comparable to mid-level federal employee (GS-9/5 (\$29.85/hour), to comply with the requirement. The consumers do not have in-house costs.

142 businesses x .25/hr. x \$29.85 = \$1,059.68

Burden for Complaints under the Telephone Consumer Protection Act

Total Annual Number of Respondents: 176,431 respondents⁷

⁷ This estimate is based on the total current volume of complaints received by the Commission.

Consumer Complaint Portal: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, Slamming Complaints, RDAs and Communications Accessibility Complaints**Total Annual Number of Responses: 176,431 responses****Total Annual Number of Burden Hours:**

The Commission estimates that 176,431 consumers will file a complaint annually with the FCC to address his/her complaint on various TCPA issues, which may require approximately 15 minutes (.25 hours) to resolve:

176,431 consumers x .25 hours/complaint = **44,108 hours**

Total Annual “In-House” Cost: \$0

The Commission estimates that there are no specific “in house” or other annual costs for those who file these complaints with the facsimile sender.

Burden for General Complaints

The Commission estimates that there will be approximately 153,527 consumers who will file general complaints annually utilizing the combined methods available (i.e., fax, telephone, website, writing). The process of filing this complaint will be done “on-occasion” when the consumer has a complaint concerning a common carrier entity. It will require approximately 15 minutes to complete this process.

Total Annual Number of Respondents: 153,527 consumers**Total Annual Number of Responses:**

153,527 consumers x 1 general complaint/year = **153,527 responses**

Annual Number of Burden Hours:

153,527 consumer x 1 general complaint/year x .25 hrs/response = **38,382 hours**

Total Annual “In-House” Cost: \$0

Because this complaint is filed solely by consumers (respondent), there will be no “in-house” personnel to comply with the requirement nor cost to respondents since all information is available based on personal experiences.

Burden for Request for Dispute Assistance

The Commission estimates that there will be approximately 40 consumers (individuals with disabilities or their representatives) filing RDAs annually alleging a lack of accessibility of telecommunications services or equipment, advanced communications services or equipment, or Internet browsers on mobile phones. The Commission estimates that the consumer will complete the RDA questions in approximately 30 minutes. This estimate is based on Commission staff’s knowledge and familiarity with the availability of the data required.

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Total Annual Number of Respondents: 40 consumers

Total Annual Number of Responses:

40 consumers x 1 RDA/year = **40 responses**

Annual Number of Burden Hours:

40 consumers x 1 RDA/year x .50 hrs/response = **20 hours**

Total Annual “In-House” Cost: \$0

Because the RDA is used by consumers (respondents) and all information is available based on personal experiences, there will be no “in-house” personnel to comply with the requirement nor cost to respondents.⁸

Burden for Communications Accessibility Informal Complaints

The Commission estimates that approximately 2 consumers (individuals with disabilities or their representatives) will file complaints annually alleging a violation of Section 255 (telecommunications services and equipment), Section 716 (advanced communications services or equipment), or Section 718 (Internet browsers on mobile phones) of the Act. This estimate is based on Commission staff’s knowledge and familiarity with the subject matter.

The Commission estimates that the consumer will complete the complaint on this issue in approximately 30 minutes. This estimate is based on Commission staff’s knowledge and familiarity with the availability of the data required.

Total Annual Number of Respondents: 2 consumers

Total Annual Number of Responses:

2 consumers x 1 Communications Accessibility Complaint/year = **2 responses**

Annual Number of Burden Hours:

2 consumers x 1 Communications Accessibility Complaint /year x .50 hrs/response = **1 hour**

Total Annual “In-House” Cost: \$0

Because this complaint is filed by consumers (respondents) and all information is available based on personal experiences, there will be no “in-house” personnel to comply with the requirement nor cost to respondents.

⁸ The burdens associated with administering RDAs are maintained in this collection. See question 14, below. The burdens associated with processing RDAs remain with the collection found under OMB Control No. 3060-1167.

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Cumulative Totals for Obscenity and Indecency complaints, Slamming complaints, TCPA complaints, General complaints, Communications Accessibility complaints and RDA via the Online Consumer Complaint Portal:

Total Cumulative Number of Annual Respondents:

5,564 + 415 + 176,431 + 153,527 + 40 + 2 = **335, 979 respondents**

Total Cumulative Number of Annual Responses:

5,564 + 415 + 176,431 + 153,527 + 40 + 2 = **335,979 responses**

Total Cumulative Annual Burden Hours:

1,391 + 104 + 44,108 + 38,382 + 20 + 1 = **84,006 hours**

Total Cumulative Annual “In-House” Cost: \$1,059.68

13. There are no annual costs to respondents.

All complaints submitted by respondents to the Commission are voluntary. The information required to complete the forms is available based on respondents’ memory, notes, telephone bills or other documents. The consumer already has access to the Internet, and no additional costs are incurred to submit the complaint.

(a) Total annualized capital/startup costs: **None**

(b) Total annual cost (O&M): **None**

(c) Total annualized cost requested: **None**

14. The FCC will continue to administer the complaint filings using Commission staff.

To address complaints, the Commission will use paraprofessional staff at the GS-12/5 (\$43.29/hour) level to process and/or review the data sent to the Commission. The Commission makes the following estimates:

176,431 TCPA complaints x 15 minutes (.25 hours) of staff processing time/complaint x \$43.29/hour = **\$1,909,424.50**

153,527 General complaints x 15 minutes (.25 hours) of staff processing time/complaint x \$43.29/hour = **\$1,661,545.96**

40 RDAs s x 30 minutes (.50 hours) of staff processing time/complaint x \$43.29/hour = **\$865.80**

5,564 Obscenity and Indecency complaint x 15 minutes (.25 hours) of staff processing time/complaint x \$43.29/hour = **\$60,216.39**

415 slamming complaints x 30 minutes (.50 hours) of staff processing time/complaint x \$43.29/hour = **\$8,982.68**

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The Commission will also use professional staff at the GS-14/5 (\$60.83/hour) level to conduct enforcement efforts for Communications Accessibility complaints. The Commission estimates the time associated with investigating each complaint to be on average 3 hours.

$$2 \text{ Communication Accessibility complaints} \times 3 \text{ hours of staff investigating time/complaint} \times \$60.83 = \$364.98$$

Total Cost to the Federal Government:

$$\$1,909,424.50 + \$1,661,545.96 + \$865.80 + \$60,216.39 + \$8,982.68 + \$364.98 = \$3,641,400.31$$

15. The transfer of information collection burdens contained in (OMB Control Number 3060-1203) results in a net decrease in the annual burden hours associated with these two information collections (OMB Control Numbers 3060-1203 and 3060-0874) because filing a complaint online under this information collection (OMB Control Number 3060-0874) is estimated to require 0.25 hour (15 minutes) per complaint, and filing a complaint offline (burdens reflected in OMB Control Number 3060-1203) is estimated to require 0.5 hour (30 minutes) per complaint. Also, as stated in question one of this information collection, revisions are being made to the online Consumer Complaint Portal to enable consumers to file complaints alleging violations of the FCC's disability accessibility requirements for video programming digital apparatus and navigation device user interfaces (e.g., TV and set-top box controls, menus, and program guides). Therefore, there are adjustments to this information collection, which are as follows:

- (a) The total number of respondents has increased by **+70** respondents, from 335,909 respondents to 335,979;
- (b) The total number of responses has increased by **+70** responses, from 335,909 responses to 335,979 responses; and
- (c) The total annual burden hours has increased by **+18** annual hours, from 83,988 annual hours to 84,006 annual burden hours.

There are no program changes to this information collection.

- 16. The Commission does not intend to seek approval not to display the expiration date for OMB approval of this information.
- 17. Consumers will file informal complaints via an Online Consumer Complaint Portal, which is designed for consumers to file their detailed complaint information alleging violations of the Act and the Commission's rules. There are no program changes or adjustments to this information collection. There are no exceptions to the Certification Statement.
- 18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

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