

SUPPORTING STATEMENT

A. Justification

1. On October 25, 2017, the Federal Communications Commission (Commission) adopted *Rules and Policies Regarding Calling Number Identification Service – Caller ID; Waiver of Federal Communications Commission Regulations at 47 C.F.R. § 64.1601(b) on Behalf of Jewish Community Centers*, Report and Order, published at 82 FR 56909, December 1, 2017 (*Caller ID Report and Order*). The purpose of this Paperwork Reduction Act (PRA) submission is to obtain approval for this new information collection.

History:

In 1994, the Commission adopted rules that require common carriers using Signaling System 7 (SS7) to transmit the Calling Party Number (CPN)¹ on interstate calls to interconnecting carriers.² The Commission, recognizing that unrestricted CPN transmission could intrude upon the privacy interests of calling parties wishing to remain anonymous,³ established privacy options to allow callers to restrict the transmission of their telephone numbers.⁴ For example, the Commission's rules require carriers using SS7 to recognize the dialing of *67 as a request that the carrier not pass the calling party's number.⁵ Section 64.1601(b) of the Commission's rules provides that "[n]o common carrier subscribing to or offering any service that delivers CPN may override the privacy indicator associated with an interstate call."⁶

Previously, the former Common Carrier Bureau and the Consumer and Governmental Affairs Bureau (CGB or the Bureau) granted limited waivers of the CPN privacy options in specific instances where requesting parties have demonstrated that such waivers serve the public interest.⁷ For example, the

¹ The Commission's rules define CPN as "the subscriber line number or the directory number contained in the calling party number parameter of the call set-up message associated with an interstate call on a Signaling System 7 network." 47 CFR § 64.1600(e). Associated with the CPN is a Privacy Indicator "that indicates whether the calling party authorizes presentation of the calling party number to the called party." 47 CFR § 64.1600(j).

² See *Rules and Policies Regarding Calling Number Identification Service – Caller ID*, CC Docket No. 91-281, Report and Order and Further Notice of Proposed Rulemaking, 9 FCC Rcd 1764 (1994) (*Caller ID Order*); see also 47 CFR § 64.1601(a).

³ *Id.* at 1769, para. 34.

⁴ See 47 CFR § 64.1601(b); see also *Rules and Policies Regarding Calling Number Identification Service – Caller ID*, Memorandum Opinion and Order on Reconsideration, Second Report and Order and Third Notice of Proposed Rulemaking, CC Docket No. 91-281, 10 FCC Rcd 11700, 11728-29, paras. 81-84 (1995) (*Caller ID Reconsideration Order*).

⁵ 47 CFR § 64.1601(b). In addition, carriers providing privacy on all calls dialed from a particular line will recognize dialing *82 as a caller's request that the CPN be passed through on an interstate call. See *Caller ID Reconsideration Order*, 10 FCC Rcd at 11728-29, paras. 81-84; see also 47 CFR § 64.1601(b).

⁶ Section 64.1601(b) also provides that, "[c]arriers must arrange their CPN-based services, and billing practices, in such a manner that when a caller requests that the CPN not be passed, a carrier may not reveal that caller's number or name, nor may the carrier use the number or name to allow the called party to contact the calling party." 47 CFR § 64.1601(b).

⁷ See *INSIGHT 100 Petition for Waiver of § 64.1601(b) Regarding the Transmission of Calling Party Number*, CC Docket No. 91-281, Memorandum Opinion and Order, 17 FCC Rcd 223 (CCB 2002) (*INSIGHT Order*) (waiving section 64.1601(b) on behalf of certain universities and hospitals); *Rules and Policies Regarding Calling Number*

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Bureau waived the rule in response to requests from school districts that had received bomb threats, while at the same time ensuring that access to CPNs would be very limited.⁸ In addition, the Commission found that in certain limited circumstances, the privacy requirements for CPN-based services should not apply to delivery of the CPN to a public agency's emergency line, a poison control line, or in conjunction with 911 emergency services.⁹

On February 28, 2017, Senator Charles E. Schumer submitted a letter to the Commission expressing concern regarding recent bomb threats made via telephone against various Jewish Community Centers (JCCs) in New York and across the nation.¹⁰ Senator Schumer suggested consideration of the grant of a waiver.¹¹ On March 3, 2017, CGB granted to JCCs, and any carriers that serve JCCs, a temporary, emergency waiver of section 64.1601(b) of the Commission's rules.¹² In so doing, CGB indicated that this temporary waiver would remain in effect until the Commission determined whether the waiver should be made permanent.¹³ CGB also sought comment on whether to make this waiver permanent.¹⁴

Following the grant of the temporary emergency waiver for the JCCs, the Commission determined to streamline the process, and help security and law enforcement personnel obtain quick access to blocked Caller ID information needed to identify and thwart threatening callers.¹⁵ The Commission amended rule 47 C.F.R. § 64.1601(f) to state that Section 64.1601(b) shall not apply when CPN delivery is made in connection with a threatening call.¹⁶ Upon report of such a threatening call by law enforcement on behalf of the threatened party, the carrier will provide any CPN of the calling party to law enforcement and, as directed by law enforcement, to security personnel for the called party for the purpose of identifying the party responsible for the threatening call. Carriers now have a reporting requirement to quickly provide law enforcement with information relating to threatening calls.

The Commission also amended rules to allow non-public emergency services to receive the CPN of all incoming calls from blocked numbers requesting assistance. The Commission believes amending its rules to allow non-public emergency services access to blocked Caller ID promotes the public interest by

Identification Service – Caller ID; Petition of Chevrah Hatzalah Volunteer Ambulance Corps Inc. for Waiver of Section 1601(b) of the Commission's Rules – Blocked Telephone Numbers, CC Docket No. 91-281, Order, 28 FCC Rcd 1253 (CGB 2013) (*Hatzalah Order*); *Petition of Liberty Public School District for Waiver of Federal Communications Commission Regulations at 47 CFR § 64.1601(b)*, CC Docket No. 91-281, Memorandum Opinion and Order, 28 FCC Rcd 6412 (CGB 2013) (*Liberty School Order*); *Middletown Order*, 31 FCC Rcd at 3565.

⁸ See, e.g., *id.*, 31 FCC Rcd at 3567-58, paras. 5-8; *Liberty School Order*, 28 FCC Rcd at 6414-15, paras. 5-6.

⁹ *Caller ID Order*, 9 FCC Rcd at 1770, para. 37; see also 47 CFR § 64.1601(d)(4)(ii). Our rules also exempt "legally authorized call tracing or trapping procedures specifically requested by a law enforcement agency." 47 CFR § 64.1601(d)(4)(iii).

¹⁰ See Letter from Senator Charles E. Schumer to Chairman Ajit Pai, FCC, dated Feb. 28, 2017 (Schumer Letter).

¹¹ *Id.*

¹² See *JCC Temporary Waiver Order*, 32 FCC Rcd at 1559, para. 1.

¹³ *Id.* at 1564, para. 12.

¹⁴ See *Consumer and Governmental Affairs Bureau Seeks Comment on Waiver Regarding Access to Calling Party Numbers Associated with Threatening Phone Calls Made to Jewish Community Centers*, CC Docket No. 91-281, Public Notice, 32 FCC Rcd 1556, para. 1 (CGB 2017).

¹⁵ See *Rules and Policies Regarding Calling Number Identification Service – Caller ID*, CC Docket No. 91-281, Report and Order) 2017 WL4863850, para. 1 (2017) (*Caller ID Order* 2017)

¹⁶ 47 C.F.R. § 64.1601(f)

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ensuring timely provision of emergency services without undermining any countervailing privacy interests.¹⁷ Carriers now have a reporting requirement to provide emergency service providers with the information they need to assist callers.

New Information Collection Requirements Which Require OMB Review and Approval:

The Commission adopted the following rules, which now contain new information collection requirements:

- a) 47 C.F.R. § 64.1601(d)(4)(ii) – [Section 64.1601 (a) and (b) shall not apply when CPN delivery] [i]s used on a public agency’s emergency telephone line or in conjunction with 911 emergency services, on a telephone line to contact non-public emergency services licensed by the state or municipality, or on any entity’s emergency assistance poison control telephone line; or
- b) 47 C.F.R. § 64.1601(f) – Section 64.1601(b) shall not apply when CPN delivery is made in connection with a threatening call. Upon report of such a threatening call by law enforcement on behalf of the threatened party, the carrier will provide any CPN of the calling party to law enforcement and, as directed by law enforcement, to security personnel for the called party for the purpose of identifying the party responsible for the threatening call.

The statutory authority for the information collection requirements is found at section 201(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 201(b), and section 222, 47 U.S.C. § 222. The Commission’s implementing rules are codified at 47 C.F.R. §§ 64.1600-01.

2. The information collections primarily apply to voice service providers. The information will be used by law enforcement personnel to protect recipients of threatening calls. The information collections, which require voice service providers to reveal blocked Caller ID relating to a threatening call as directed by law enforcement, are necessary to provide for the rapid investigation of threatening calls in order to thwart potential attacks. To ensure the exemption is not abused, a request for blocked Caller ID information associated with a threatening call must be made by law enforcement on behalf of the threatened party. Voice service providers will only provide the information to law enforcement personnel and, as directed by law enforcement, others directly responsible for the safety and security of the threatened party.

The information collections, which require voice service providers to reveal blocked Caller ID to private ambulance companies when calls requesting assistance come from a number with a blocked Caller ID, are necessary to ensure the provision of emergency services. Allowing non-public emergency services access to blocked Caller ID promotes the public interest by ensuring timely provision of emergency services without undermining any countervailing privacy interests. The Commission previously concluded that “[t]o the extent that CPN-based services are used to deliver emergency services, we find that privacy requirements for CPN-based services should not apply to delivery of the CPN to a public agency’s emergency line, a poison control line, or in conjunction with 911 emergency services”¹⁸ and has noted that “in an emergency, a caller is not likely to remember to dial or even know to dial an unblocking code.”¹⁹

¹⁷ See *Hatzalah Order*.

¹⁸ *Caller ID Order*, 9 FCC Rcd at 1770, para. 37; see also 47 CFR § 64.1601(d)(4)(ii). In addition, our rules exempt “legally authorized call tracing or trapping procedures specifically requested by a law enforcement agency.” 47 CFR § 64.1601(d)(4)(iii).

¹⁹ *Caller ID Order*, 9 FCC Rcd at 1771, para. 43.

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Here we take the Commission's previous conclusions a logical step further by amending the rules to allow non-public emergency services to retrieve from carriers the blocked Caller ID of callers seeking assistance.

3. The Commission has determined that most records will be kept electronically. As stated above, the information will be collected by carriers and conveyed to law enforcement, who will use the information to investigate threatening calls, and private ambulance companies who will use the information to provide emergency services. Previously, these parties generally collected and reported the information in the same manner under with the Electronic Communications Privacy Act (ECPA)²⁰; they will do so now under the Commission's new rules necessitating the information collection. Consequently, there is no additional burden on the parties' subject to the information collection.

4. The current information collection requirements are not duplicative of any currently existing federal regulatory obligation. The FCC rules, with some exceptions, are generally consistent with the ECPA.²¹

5. This information collection does not have a significant economic impact on small businesses. Common carriers already have a disclosure requirement under ECPA,²² and no commenter mentioned an increased economic impact on small businesses.²³ The Commission has attempted to minimize the burden on these entities by aligning the rules as much as possible with existing federal law.

6. The information collection is necessary to protect recipients of threatening calls. There is no implication for federal programs.

7. The collection is not conducted in any manner that is inconsistent with the guidelines in 5 C.F.R. § 1320.5(d)(2).

8. Pursuant to 5 CFR 1320.8(d), the Commission published a notice in the *Federal Register* on March 7, 2018, at 83 FR 9742, seeking comment from the public on the information collection requirements contained in this supporting statement. The Commission did not receive any comments in the response to the notice.

9. The Commission does not anticipate providing any payment or gift to respondents.

10. The information collection requirements do not raise any questions or issues of a sensitive nature.

- (a) The information collected pertains to blocked caller ID, and does not include personal information such as Social Security numbers, credit card numbers, *etc.*, however, voice service providers will provide non-public emergency services with blocked Caller ID pertaining to requests for emergency assistance and law enforcement with blocked caller ID pertaining to threatening calls. Voice service providers should have a system in place to protect customer information under Commission rules in Section 222(a).²⁴

²⁰ 18 U.S.C. § 2702(c)(4).

²¹ 18 U.S.C. § 2702(c)(4).

²² 18 U.S.C. § 2703

²³ *In the Matter of Rules and Policies Regarding Calling Number Identification Service – Caller ID; Waiver of Federal Communications Commission Regulations at 47 C.F.R. § 64.1601(b) on Behalf of Jewish Community Centers*, CC Docket No. 91-281, Report and Order, FCC 17-132, Appendix C, para. 10 (2017).

²⁴ 47 U.S.C. § 222(a)/

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- (b) The information is only to be received by non-public emergency services with blocked Caller ID pertaining to requests for emergency assistance and law enforcement with blocked caller ID pertaining to threatening calls.

11. The information collection requirements do not raise any questions or issues of a sensitive nature.

12. Estimates of the burden hours for the collection of information are as follows:

New Information Collection Requirements

1. Section 64.1601(d)(4)(ii) Requirement that the carriers report the blocked Caller ID when it is used on a public agency's emergency telephone line or in conjunction with 911 emergency services, on a telephone line to contact non-public emergency services licensed by the state or municipality, or on any entity's emergency assistance poison control telephone line.

The Commission estimates that approximately 46,291 voice service providers (respondents) will report calls from blocked numbers to non-public emergency services.²⁵ The Commission assumes that out of the 46,291, potentially 1 respondent will receive no more than 1 request per month of a record of call from blocked numbers from non-public emergency services,²⁶ requiring fewer than 5 minutes per request to process.

Annual Number of Respondents: 46,291

Annual Number of Responses: 1 request to reveal blocked number from non-public emergency services/month x 12 months = **12 responses/year**

Annual Burden Hours: 12 requests to reveal blocked number (responses)/year x .083 hours (5 minutes) = 0.996 hours (**1 hour rounded**)

Annual "In-House" Cost: The Commission assumes that respondents use "in-house" personnel to record do-not-call requests, whose pay is comparable to a federal employee GS-4/5. Thus, the Commission estimates respondents' cost to be about \$18.01 an hour to comply with the requirement:

1 hour /year x \$18.01/per hour = **\$18.01**

2. Section 64.1601(f) Requirement that the carrier reveals the blocked Caller ID when CPN delivery is made in connection with a threatening call. Upon report of such a threatening call by law enforcement on behalf of the threatened party, the carrier will provide any CPN of the calling party to law enforcement and, as directed by law enforcement, to security personnel for the called party for the purpose of identifying the party responsible for the threatening call.

The Commission has amended a rule to require that voice service providers reveal blocked Caller ID made in connection with a threatening call to law enforcement and, as directed by law enforcement, to security personnel for the called party for the purpose of identifying the party responsible for the threatening call. The third-party disclosure to law enforcement and, as directed by law enforcement, security personnel is the reporting requirement. Only law enforcement, on behalf of the threatened party

²⁵ FCC, Voice Telephone Services: Status as of June 30, 2016 at 10-11 (2017) <https://www.fcc.gov/voice-telephone-services-report>.

²⁶ See Chevrah Hatzalah Volunteer Ambulance Corps Inc. Aug. 21, 2017 Comments at 3.

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may request the blocked Caller ID. The Commission estimates that all voice service providers could potentially receive a request to reveal blocked Caller ID associated with a threatening call. On average, it has been reported there were 1,693 reported bomb threat incidents.²⁷ The Commission estimates that 46,291 voice service providers (respondents) will provide, if requested by law enforcement, an estimate of 1,693 blocked Caller IDs associated with threatening calls demonstrating their compliance with the Caller ID rules on an on-going basis.

We estimate that the providers' compliance with this recordkeeping requirement will account for 5 minutes of reporting burden per caller.

Annual Number of Respondents: 46,291

Annual Number of Responses: 1,693 responses

Annual Burden Hours: 1,693 reports x .083 hour (5 minutes) = 140.519 (**141 hours rounded**)

Annual "In-House" Cost: The Commission assumes that respondents would use "in-house" personnel to ensure responses to requests for blocked Caller ID reports. The pay of such personnel is comparable to a federal employee GS-4/5. Thus, the Commission estimates respondents' cost to be about \$18.01 per hour to comply with the requirement:

141 hours report record x \$18.01 = **\$2,539.41**

Cumulative Totals for Information Collection Requirements:

Total Number of Respondents: 46,291

Total Number of Responses:

12 + 1,693 = **1,705 responses**

Total Burden Hours:

1 + 141 = **142**

Total Annual "In-House" Costs: \$18.01+ \$2,539.41 = \$2,557.42

13. The following represents the Commission's estimate of cumulative annual cost burden to respondents resulting from the collections of information:

The Commission estimates that carriers will not have to purchase or upgrade software or other capital equipment to comply with the Commission's rules. Carriers should already have equipment and personnel in place to comply with ECPA. Therefore:

²⁷ United States Bomb Data Center, Bomb Threats across the U.S. (May 24, 2016), <https://www.atf.gov/resource-center/docs/bomb-threats-across-us/download> (finding an 84% increase in bomb threats to schools from 2010-2016 and an increase in bomb threats to residences) (ATF Report)

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- (a) Total annualized capital/start-up costs: \$0
- (b) Total annual costs (operations and maintenance): \$0
- (c) Total annualized costs requested: \$0

14. Estimates of annualized cost to the Federal Government are as follows:

The Commission estimates that since carriers must only reveal blocked Caller ID information to law enforcement and security personnel, as directed by law enforcement, or private ambulance companies the Federal Government will have no direct costs to bear. Thus, there are no costs to the federal government.

15. This is a new collection. The program changes/increases added to OMB's inventory as a result of the information collection requirements contained in the *Caller ID Report and Order*, FCC 17-1132, are as follows: **46,291** respondents; **1,705** responses; **142** annual burden hours; and **\$0** annual costs.

16. The Commission does not plan to publish the results of the information collection requirements.

17. The Commission does not intend to seek approval not to display the expiration date for OMB approval of the information collection.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employ Statistical Methods

The information collection does not employ any statistical methods.