

This submission is being made pursuant to 44 U.S.C. § 3507 of the Paperwork Reduction Act of 1995. The Commission is seeking to **revise** this currently-approved information collection from the Office of Management and Budget (OMB).

SUPPORTING STATEMENT

A. Justification:

On February 7, 2013, the Commission released a *Notice of Proposed Rulemaking (Rural Call Completion NPRM)*, Rural Call Completion, WC-Docket 13-39, FCC 13-18. The information collection requirements in the NPRM received OMB pre-approval on June 18, 2013.

On November 8, 2013, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking (2013 RCC Order)*, WC Docket No. 13-39, FCC 13-135. The information collection requirements in the *2013 RCC Order* received OMB approval on June 3, 2014.

On November 13, 2014, the Commission released the *Rural Call Completion Reconsideration Order (Reconsideration Order)*, WC Docket No. 13-39, FCC 14-175, which made minor modifications to this information collection. The information collection requirements in the *Reconsideration Order* received OMB approval on January 29, 2015.

On June 22, 2017, the Wireline Competition Bureau released a *Report (Data Report)*, WC Docket No. 13-39, DA 17-595, analyzing the data collected in the first eight sets of quarterly reports (covering the period from April 2015 to March 2017) filed by providers pursuant to this information collection. The Bureau cautioned that its confidence in the reliability of the data collected is fairly low due to several issues which limit the utility and effectiveness of the data collection.¹ The *Data Report* found that, as a result of these data quality issues, the Commission is generally unable to use the data to reliably identify rural areas potentially experiencing call completion problems.² The data quality issues have also hindered the Commission's ability to use the data as the sole basis for initiating enforcement actions against covered providers.³

On July 14, 2017, the Commission released a *Second Further Notice of Proposed Rulemaking (2017 RCC FNPRM)* seeking comment on proposals to revise the rural call completion rules to better address ongoing problems with the completion of long-distance telephone calls to rural areas.

Based on the record developed in response to the *2017 RCC FNPRM*, on April 17, 2018, the Commission adopted and released a *Second Report and Order and Third Further Notice of Proposed Rulemaking (2018 RCC Order)*, which revised its rural call completion rules to better reflect strategies that have worked to reduce rural call completion problems while at the same time reducing the overall burden of its rules on providers. The Commission found that rural call completion is a continuing problem and that continued Commission focus on the issue is warranted. The Commission therefore adopted rules requiring covered providers to monitor their intermediate providers' performance, and, based on the results of such monitoring, take steps to correct identified performance problems with the intermediate provider.

¹ See *Data Report* at 15-16, paras. 33-35.

² See *id.* at 16-17, para. 38.

³ See *id.*

As part of this monitoring requirement, the Commission required covered providers to make publicly available contact information for the receipt and handling of rural call completion issues. Covered providers must ensure that any staff reachable through this contact information has the technical capability to promptly respond to and address rural call completion issues, and covered providers must respond to communications regarding rural call completion issues via the contact information required under this rule as soon as reasonably practicable. Additionally, the Commission concluded that the call completion reporting rules imposed by the *2013 RCC Order* are burdensome on covered providers, while the resulting Form 480 reports are of limited utility in discovering the source of rural call completion problems. The *2018 RCC Order* therefore eliminated the call completion reporting requirements for covered providers.

We request OMB approval for the requirement adopted in the *2018 RCC Order* that covered providers publish and maintain on their websites contact information for a point of contact for rural call completion issues.

1. **Existing Information Collection Requirements:**

In the *2013 RCC Order*, the following information collection requirements were adopted as follows:

- (a) The *2013 RCC Order* required facilities-based originating long distance providers to retain certain records detailing call completion performance to rural and nonrural areas for a period encompassing the most recent six months.
- (b) The *2013 RCC Order* permits the Commission to monitor compliance with sections 201 and 202, and with the longstanding prohibition against carriers blocking, choking, reducing, or restricting particular types of calls,⁴ which required facilities-based originating long distance providers to collect and file certain call-completion data with the Commission.
- (c) The *2013 RCC Order* required only those originating long-distance providers and other covered providers with more than 100,000 retail long-distance subscribers (business or residential) to retain, collect and file basic information on call attempts and to periodically report the summary analysis of that information to the Commission.
- (d) The information collection requirement reduced a covered provider's record retention obligations to three months and eliminated its reporting obligations if it certifies annually that for each of the preceding 12 months: (1) its average call answer rate for all rural carriers to which the provider attempted more than 100 calls in a month was no more than 2 percent less than the average call answer rate for all calls it placed to non-rural carriers in the same month; (2) the call answer rates for 95 percent of those rural carriers to which it attempted more than 100 calls were no more than 3 percent below the average rural call answer rate; and (3) it has a process in place to investigate its performance in completing calls to individual rural telephone companies for which the call answer rate is more than 3

⁴ See, e.g., *Developing a Unified Inter-carrier Compensation Regime, Establishing Just and Reasonable Rates for Local Exchange Carriers*, CC Docket No. 01-92, WC Docket No. 07-135, Declaratory Ruling, 27 FCC Rcd 1351 (2012); *Access Charge Reform*, CC Docket No. 96-262, FCC 01-146, Seventeenth Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 9923, 9932-33, para. 24 (2001); *Blocking Interstate Traffic in Iowa*, FCC 87-51, Memorandum Opinion and Order, 2 FCC Rcd 2692 (1987).

percent below the average of the rural call answer rate for all rural telephone companies to which it attempted more than 100 calls.

- (e) The *2013 RCC Order* also required carriers to file the data in a Microsoft Excel workbook file containing a worksheet designed to minimize the burden on the carriers.

Current Information Collection Requirements:

In the *2013 RCC Order*, the Commission required “covered providers” to record, retain and report call completion data.⁵ Covered providers are providers of long-distance service that make the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines (in the previous submission covered providers were defined as “facilities based” providers, and “subscribers” were used instead of “subscriber lines”). These providers generally must collect call completion data, and retain such data for six months. Prior to the adoption of the *2018 RCC Order*, covered providers were also required to file quarterly reports with the Commission; however, this requirement has been eliminated.⁶ A “safe harbor” is provided for certain providers, which limits data retention for those providers to three months. The *2013 RCC Order* promulgated rules that require VoIP providers servicing calls from the Internet to the PSTN to comply with rules as revised on reconsideration in the *2013 RCC Order*.⁷ The *2013 RCC Order* also required covered providers to use lists of rural and nonrural Operating Company Numbers (OCNs) published by the National Exchange Carrier Association (NECA).

The *2013 RCC Order* required certain providers to file a one-time letter in the docket explaining that they do not make the initial long-distance call path choice and to identify the long-distance provider or providers to which they hand off their end-user customers’ calls. A provider with over 100,000 subscriber lines that is not recording, retaining and reporting because it is not making the initial long-distance call path choice but rather is reselling another providers long-distance service must file the name of the provider whose service is being resold.

Reconsideration Order

The Commission subsequently made minor modifications to this information collection on November 13, 2014, in the *Reconsideration Order*. In the *Reconsideration Order*, the Commission granted USTelecom/ITTA’s request that the reporting requirements exclude on-net intraLATA toll calls that are not handed off to unrelated carriers and are delivered directly to the terminating local exchange carrier or to the tandem that it subtends. The Commission found that this traffic comprises a small portion of on-net traffic (traffic that is not handed off to unrelated carriers) in general, that other on-net traffic will provide an adequate benchmark for off-net performance, and that the cost of applying the rules to this particular subset of traffic outweigh the benefits.

Specifically, the *Reconsideration Order* decreased the reporting burden on providers by excluding IntraLATA phone calls from the retention of call attempt records in §§ 64.2103 and 64.2105:

Amended § 64.2103 Retention of Call Attempt Records

- (e) IntraLATA toll calls carried entirely over the covered provider’s network or handed

⁵ *Rural Call Completion*, WC Docket No. 13-39, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154 (2013) (*2013 RCC Order*).

⁶ *Rural Call Completion*, WC Docket No. 13-39, Second Report and Order and Third Further Notice of Proposed Rulemaking, FCC 18-45, paras. 59-63 (Apr. 17, 2018) (*2018 RCC Order*).

⁷ See *2013 RCC Order*, 28 FCC Rcd at 16164, para. 19.

off by the covered provider directly to the terminating local exchange carrier or directly to the tandem switch serving the terminating local exchange carrier's end office (terminating tandem), are excluded from these requirements.

Amended § 64.2105 Reporting Requirements:

(e) IntraLATA toll calls carried entirely over the covered provider's network or handed off by the covered provider directly to the terminating local exchange carrier or directly to the tandem switch that the terminating local exchange carrier's end office subtends (terminating tandem), are excluded from these requirements.

2018 RCC Report and Order

In the *2018 RCC Order*, the Commission modified its rural call completion information collection requirements by eliminating the requirement that covered providers file quarterly reports with the Commission.⁸ The Wireline Competition Bureau also released a subsequent Order granting a temporary waiver of the reporting requirements until the effective date of the *2018 RCC Order*, thereby relieving covered providers of the burden of compiling and filing reports that would otherwise have been due to the Commission on May 1, 2018.⁹ The *2018 RCC Order* left in place the *2013 RCC Order*'s requirements that covered providers record and retain call completion information, as well as the safe harbor for covered providers.

The *2018 RCC Order* also promulgated new rules requiring covered providers to make publicly available contact information for the receipt and handling of rural call completion issues. Covered providers must designate a telephone number and email address for the express purpose of receiving and responding to any rural call completion issues, which must be published in an easy to find manner on covered providers' websites.

Statutory authority for this collection of information is contained in sections 201, 202, 217, 218, 220(a), 251(a), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 201, 202, 217, 218, 220(a), 251(a), 403.

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

2. The information collected through these data collections will be used by the Commission to determine whether long distance providers are complying with their sections 201 and 202 obligations to provide telephone service to both rural and nonrural customers on a just, reasonable, and nondiscriminatory basis. The rural call completion contact information will be used to facilitate industry collaboration to address call completion issues.
3. Long-distance providers covered by the rules may retain the call information data using automated, electronic, or other technological collection techniques. Contact information will be provided by long-distance providers covered by the rules on their websites.
4. The requested data is not intended to duplicate data in other reports, and this data is not currently available in any other reports submitted to the Commission.

⁸ *Second Report and Order*, FCC 18-45, paras. 59-63.

⁹ *See Rural Call Completion*, WC Docket No. 13-39, Order, DA 18-411 (WCB Apr. 24, 2018).

5. This collection of information impacts small businesses or other small entities. In addition to the previously noted application of some requirements only to providers with more than 100,000 retail long-distance subscribers, the Commission has taken the following steps to minimize the burden of compliance with these rules.

- a) The *2013 RCC Order* provided a safe harbor which reduces retention obligations of covered providers certifying electronically on the WC Docket 13-39 that: by contract, they restrict directly connected intermediate providers to no more than one additional intermediate provider in the call path before the call reaches the terminating provider; any nondisclosure agreement with an intermediate provider permits the originating provider to reveal the intermediate provider's identity to the Commission and to any rural carrier whose incoming long-distance traffic is affected by the intermediate provider's performance; and they have a process in place to monitor the performance of their intermediate providers in completing calls to individual rural telephone companies.¹⁰
- b) The *2018 RCC Order* eliminated the reporting requirement associated with the call completion information collection, finding that this rule was burdensome on covered providers, while the resulting Form 480 reports were of limited utility in discovering the source of rural call completion problems. This will relieve all covered providers, including small entities, from the need to expend time and resources filing quarterly Form 480 reports. We estimate that removal of the reporting requirement will reduce the compliance costs associated with this information collection by approximately 50 percent.
- c) The *2018 RCC Order* required covered providers to make available point of contact information for rural call completion issues. To minimize the burden of this requirement, the Commission only mandates publication of this information on a provider's website, rather than more burdensome alternatives, such as submission of this information to the Commission or NECA.

7. There are no special circumstances that are associated with this information collection.

8. The Commission published a 60 Day Notice in the Federal Register on May 22, 2018 (83 FR 23681) as required by 5 CFR 1320.8(d).

9. The Commission does not anticipate providing any payment or gift to respondents with this collection of information.

10. The Commission is not requesting confidential information with this information collection.

11. This collection of information does not address any matters of a sensitive nature.

12. The following represents the estimated number of burden hours for (a) the preexisting rural call completion recordkeeping requirement and (b) the new requirement that covered providers publish and maintain on their websites contact information for a point of contact for rural call completion issues. As to (a), the burden hours for preexisting requirements are reduced due to the Commission's elimination of the reporting requirement adopted in the *2013 RCC Order*.

Preexisting rural call completion recordkeeping requirement

¹⁰ See *2013 RCC Order*, 28 FCC Rcd at 16191, para. 86.

Number of respondents: 56.

The recordkeeping requirements apply to long-distance service providers and other covered providers that make the initial long distance call path choice for more than 100,000 retail long-distance subscribers lines. Based on past filings, we estimate that approximately 54 such wireline, wireless and wholesale providers will be affected. Additionally, two providers have adopted the safe harbor provision with reduced retention burdens. However, for purposes of this estimate, we conservatively assume that all 56 providers will incur the full retention requirements. We note that this is an adjustment from our previous estimate of 60 respondents.

Frequency of response: Ongoing recordkeeping requirement. Covered providers must record and retain information about rural call attempts in a readily retrievable form for a period that includes the six most recent complete calendar months. In the *2018 RCC Order*, the Commission eliminated the quarterly reporting requirement.

Total number of responses annually: 56.

The number of responses equals the number of recordkeepers.

Estimated time per response: 48 hours per year.

We note that the hourly burden on respondents may vary widely because of differences in size and organizational complexity of operating subsidiaries. The previous collection estimated an average response time of 24 hours per quarter (96 hours annually) for the recordkeeping and reporting requirements combined.¹¹ The Commission has eliminated the reporting requirements from this information collection, and we estimate that the reporting requirement constituted approximately 50 percent of the total burden. Therefore, we estimate approximately 48 hours per year per covered provider, on average, to comply with the recordkeeping requirements.

Total Annual Hourly Burden: (1 response/yr x 56 respondents x 48 hours) = **2,688 hours**

Total estimate of “in-house” cost to respondents: \$142,464.

It is difficult to provide a sound estimate of respondents’ costs without conducting a survey. However, assuming that respondents use mid-level personnel comparable in pay to the Federal government, we estimate respondent’s cost to be \$53 per hour:¹² (2,688 hours x \$53/hr = \$142,464).

New point of contact requirement

¹¹ The Commission previously estimated that at most 10 of the then-estimated 60 covered providers would select to voluntarily report separately on autodialer traffic, incurring an additional burden of 12 man-hours per response. Because no covered providers chose this option, and the Commission eliminated the reporting requirements, we do not include these additional burden-hours in our calculation.

¹² Assuming the respondents use personnel comparable in pay to mid-level Federal Government employees, GS-13/5, \$52.66/hr., we rounded the hourly salary rate up to a whole number, which is \$53/hr.

The point of contact requirement applies to long-distance service providers and other covered providers that make the initial long-distance call path choice for more than 100,000 retail long-distance subscribers lines. We estimate that approximately 56 such wireline, wireless, and wholesale providers will be affected.

The estimated total number of respondents is 56.

Frequency of response: As required. Covered providers must keep the contact information current on their websites, updating with any changes within ten business days.

Total number of responses annually: **56.**

To generate a conservative estimate, we assume point of contact information will need to be updated annually.

Estimated time per response: **1 hour.**

We estimate that minimal time will be required to furnish and maintain basic contact information on a provider's website. For the sake of generating a conservative estimate, we assume 1 hour per year will be sufficient to comply with this requirement.

Total Annual Hourly Burden: (1 response/yr x 56 respondents x 1hr) = **56 hours**

Total estimate of "in-house" cost to respondents: **\$2,968.**

It is difficult to provide a sound estimate of respondents' costs without conducting a survey. However, assuming that respondents use mid-level personnel comparable in pay to the Federal government, we estimate respondent's cost to be \$53 per hour.¹³ (56 hours x \$53/hr = \$2,968).

Sum of all requirements

Total Number of Respondents: 56

Total Annual Responses: 56 + 56 = 112

Total Annual Hourly Burden: 2,688 + 56 = 2,744 hours

Total Estimated "In-House Cost: \$142,464 + \$2,968 = \$145,432

13. The following represents the estimated number of annual cost burden to respondents resulting from the proposed collection of information.

Total capital and start-up cost component (annualized): **\$350,000/yr.**

As a customary business practice, most long-distance service providers collect call data records with the specified information in a central repository to support business and network operations systems. It is also a customary practice to archive this information in a readily retrievable electronic form. However, we have found that some long-distance providers do not collect and retain information on failed call attempts that is necessary for segregating the percentage of calls failing to complete to rural areas from all calls being carried to all

¹³ Assuming the respondents use personnel comparable in pay to mid-level Federal Government employees, GS-13/5, \$52.66/hr., we rounded the hourly salary rate up to a whole number, which is \$53/hr.

destinations. These providers may be required to add additional information to the call data records that they already collect. We estimate that one in four providers is likely to incur this start-up cost.

We note that the cost to add additional information to a call data record will vary widely among those providers that need to do so, based on the size of their networks and age of their equipment. We estimate that on average a provider that needs to add information to their existing call data record format will incur a one-time software development cost of \$200,000, and we estimate that one quarter of covered providers will be in this category. ($\frac{1}{4} \times 56 \times \$200,000 = \$2,800,000$). Our previous estimate annualized this cost over 8 years, assuming that the reporting and retention rules would end at the end of the transition for reforming intercarrier compensation, which we estimated would take approximately 8 years. Although we believe covered providers have already expended the initial startup costs and are uncertain whether there are any additional startup costs, because the startup costs were annualized for this collection, we will continue to calculate these costs by annualizing over 8 years for consistency.

We also note that, as a customary business practice, most long-distance providers maintain a website to advertise their services. We do not anticipate any additional capital costs relating to our proposed requirement that covered providers publish on their websites point of contact information for rural call completion issues.

The total start-up cost is estimated to be \$2,800,000. Hence, we calculate the annualized startup cost to be \$350,000; ($\$2,800,000 / 8\text{yr} = \$350,000/\text{yr}$).

Total operations and maintenance and purchase of services component: **None.**

Providers that may be required to add additional information to the call data records they already collect are in any case effectively required to do so to achieve regulatory compliance not associated with this information collection; providers were reminded of these regulatory compliance obligations in the Commission's Declaratory Ruling DA 12-154 dated February 6, 2012.¹⁴

Total annualized cost requested: **\$350,000.**

14. The following represents the Commission's estimate of the annual cost burden for the Federal Government under the proposed collection.

Estimated time per response: **N/A.**

We do not anticipate any expense to the Commission associated with this proposal.

Total number of responses annually: **N/A.**

Total estimate of cost to Federal Government: **\$0.**

¹⁴ *In the Matter of Developing a Unified Intercarrier Compensation Regime, Establishing Just and Reasonable Rates for Local Exchange Carriers*, CC Docket No. 01-92, WC Docket No. 07-135, Declaratory Ruling, 27 FCC Rcd 1351 (2012).

15. The Commission is requesting OMB approval of a revision to this collection—specifically, the requirement to disclose contact information on covered providers’ websites. The change to the Commission’s previous burden estimates is a result of the Commission’s elimination of the reporting requirements in the *2018 RCC Order*, and the addition of a rule requiring covered providers to publish and maintain on their websites point of contact information for rural call completion issues. We also reduce our estimate of the number of respondents, from 60 to 56 based on past covered provider reporting. We previously estimated that respondents would require 96 hours per quarter to respond to both the recordkeeping and reporting requirements. In eliminating the reporting requirement, we estimate that the burden hours will be reduced by approximately half. In contrast, we estimate that the point of contact publication requirement will require one hour of response time annually per covered provider, for a total annual burden of 56 hours.
16. The Commission does not anticipate that it will publish any of the information collected.
17. The Commission will not display the expiration date for OMB approval of the information collection.
18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ any statistical methods.