

This Commission is seeking the three-year approval from Office of Management and Budget (OMB) to revise this existing information collection and extend the recordkeeping requirement contained in C.F.R. § 42.6 information collection, which requires carriers to retain telephone toll records for 18 months.

Note: We note that the Memorandum Opinion and Order and Report and Order and Further Notice of Proposed Rulemaking and Second Further Notice of Proposed Rulemaking, FCC 13-69¹, released on May 17, 2013, the Commission granted forbearance from certain legacy telecommunications regulations, including the recordkeeping requirements in 47 C.F.R. §§ 42.4, 42.5, and 42.7, and granted conditional forbearance for all carriers.

In the Report and Order, FCC 17-112, released on September 8, 2017, the Commission eliminated the recordkeeping requirements in 47 C.F.R. §§ 42.4, 42.5, and 42.7 contained in this information collection.

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.

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

Statutory authority for this information collection is contained in Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. 220.

2. 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.

¹ FCC 13-69 also granted conditional forbearance for section 42.10(a) for all carriers. This rule section is approved under OMB Control Number 3060-0704.

3. 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.
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 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 March 13, 2019 (84 FR 9121). The Commission received one comment, from the Electronic Privacy Information Center, in response to the notice. That comment does not address the burden associated with the method of the collection; rather, it asks the Commission to initiate a rulemaking to repeal the regulation because of “expanding threats to consumer privacy and U.S failure to keep step with regional and international privacy developments.” These issues are beyond the scope of the PRA process and are not relevant to the PRA collection rules.
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: **49**.

The Commission has estimated the number of subject carriers at 49.

(2) Frequency of Response: Recordkeeping requirement.

(3) Total Number of Responses Annually: **49 responses**.

49 carriers x 1 response/annum = 49 responses.

(4) Total Annual Hourly Burden: **98 hours**.

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

49 carriers x 2 hours per filing = 98 hours.

(5) Total Estimated Industry Costs: **\$4,306**.

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

49 (number of respondents) x 1 (number of filings) x 2 (hours per filing) x \$43.94 per hour = \$4,306.²

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.

² The Commission normally uses the 2019 General Schedule Pay Table with locality payment for the Washington, DC., Maryland, Virginia and Pennsylvania areas with its submissions; however, the Commission used the 2019 General Schedule RUS for Locality Pay Area Rest of U.S. 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 \$33.80 per hour. This hourly rate more accurately reflects our estimate of entity staff time preparing the report. The 30% cost of overhead of \$10.14 is added to the hourly salary cost that total \$43.94 [\$33.80 + \$10.14.]

15. FCC 17-112 eliminated the recordkeeping requirements contained in sections 42.4, 42.5, and 42.7. This elimination resulted in program changes/decreases of -1 to the total respondents, -1 to the annual responses, and -2 to the annual burden hours.

There are no adjustments to this collection.

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 exceptions to the Certification Statement. The Commission published the 60-Day notice as an "extension of a delegated collection" in the Federal Register on March 13, 2019 (84 FR 9121). However, the Commission has determined that this collection is instead a "revision of an existing collection" due to the information collection requirements being eliminated as a result of the adoption of FCC 17-112.

There are no other 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.