



Federal Communications Commission  
Washington, D.C. 20554

August 1, 2019

Mr. Alexander Hunt  
Chief, Information Policy Branch  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
725 17th Street, NW  
Washington, D.C. 20503

Dear Mr. Hunt:

The Federal Communications Commission (Commission) requests Office of Management and Budget (OMB) approval to submit the information collection described herein under the “emergency processing” provisions of the Paperwork Reduction Act (PRA) of 1995, 5 CFR § 1320.13. The Commission is requesting clearance for a new information collection entitled: 3060-XXXX, Application to Participate in a Toll Free Number Assignment Auction, FCC Form 833. We respectfully request OMB approval for this new information collection no later than 35 days after it is received at OMB.

***Background***

The information collection requirements to be reported under this new collection are the result of various Commission actions to implement an auction mechanism for assigning the rights to use the more than 17,000 mutually exclusive toll free numbers in the 833 code.

On April 21, 2017, in its *833 Order*,<sup>1</sup> the Commission’s Wireline Competition Bureau (Bureau) directed the Toll Free Numbering Administrator, Somos, Inc. (Somos), to open a new 833 toll free code and to identify in the pre-code opening process numbers that could be part of an experiment on using an alternative, more market-driven and efficient, toll free number assignment process that is consistent with the Commission’s statutory mandate to make “numbers available on an equitable basis.”<sup>2</sup> Somos identified over 17,000 toll free numbers for which multiple requests had been made, also called mutually exclusive numbers.<sup>3</sup> While toll free codes were previously assigned via a first-come, first-served method, the Commission released its *Toll Free Assignment Modernization Notice of Proposed Rulemaking* on September 28, 2017, proposing that other assignment methods, such as an auction, be utilized to

---

<sup>1</sup> *Toll Free Service Access Codes*, Order, 32 FCC Rcd 3153 (WCB 2017) (*833 Order*).

<sup>2</sup> See 47 U.S.C. § 251(e)(1) (giving the Commission “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States” and providing that numbers must be made “available on an equitable basis”).

<sup>3</sup> *Toll Free Assignment Modernization*, Report and Order, 33 FCC Rcd 9274, 9277, para. 10 (2018) (*Toll Free Assignment R&O*).

modernize the way the Commission assigns toll free numbers with a more market-based and equitable approach.<sup>4</sup>

On September 27, 2018, the Commission released its *Toll Free Assignment Modernization Report and Order (Toll Free Assignment R&O)*, in which it established the initial framework for an auction of the rights to use these mutually exclusive toll free numbers in the 833 code and directed Somos to serve as the auctioneer for the 833 code toll free number auction (833 Auction). There are over 17,000 mutually exclusive numbers in the new 833 toll free code have remained unassigned since Somos identified them in April 2017, and those that participated in the 833 pre-code opening process have been waiting to learn if and how they may obtain the numbers they requested.

Following the release of the *Toll Free Assignment R&O*, the Commission initiated the pre-auction process for the 833 Auction, has been working to establish procedures for the auction and develop a new electronic auction application form (FCC Form 833), and has been working with Somos to integrate the FCC Form 833 into the Somos auction platform, which will accept applications to participate in the auction and auction bidding information. The Commission is seeking approval for the collection on FCC Form 833 of the disclosures and certifications that must be made by individuals and Responsible Organizations<sup>5</sup> to establish their ability to participate in the 833 Auction. Somos, as the auctioneer, will review the information submitted on FCC Form 833 to determine which applicants are qualified to bid in the 833 Auction.

#### ***Request for Emergency Processing***

Since this is the first auction of its kind, the Commission sought comment on proposed procedures for conducting the 833 Auction, including applications, payments, and other auction policies and procedures. The final procedures for the 833 Auction were adopted by the Commission on August 1, 2019.<sup>6</sup> The 833 Auction is scheduled for December 17, 2019. The Commission's pre-auction process for evaluating auction applications and identifying qualified bidders in a typical auction—which Somos will draw upon for the 833 Auction—requires a substantial amount of staff review time. Due to the novelty of using an auction in the toll free context, we anticipate the amount of time needed to evaluate applications and identify qualified bidders for the 833 Auction is likely to be even more substantial. Therefore, in order to conduct the 833 Auction according to the schedule, Somos will need to receive applications to participate in the auction at least three months prior to the scheduled auction date. Given the timing for the auction, Somos will begin accepting FCC Form 833 applications in October 2019. Emergency processing is required because of the limited time between when the 833 Auction procedures were adopted by the Commission and when applicants must begin submitting their FCC Form 833 applications.

There is good cause to grant emergency processing of this collection. First, relevant parties have already received notice of the collection. The *833 Order* and the *Toll Free Assignment R&O* provided notice to interested parties about the auction and the general framework for the application and bidding.

---

<sup>4</sup> See *Toll Free Assignment Modernization*, Notice of Proposed Rulemaking, 32 FCC Rcd 7885, para. 1 (2017) (*Toll Free Assignment NPRM*).

<sup>5</sup> A Responsible Organization is the “entity chosen by a toll free subscriber to manage and administer the appropriate records in the toll free Service Management System for the toll free subscriber.” 47 CFR § 52.101(b).

<sup>6</sup> See generally *Auction of Toll Free Numbers in the 833 Code, Notice and Filing Requirements, Upfront Payments, and Other Procedures for the 833 Auction, Bidding Scheduled to Occur on December 17, 2019*, Public Notice, FCC 19-75 (August 2, 2019).

Requiring the Commission to seek OMB's approval for this new collection under the regular PRA processing procedures would significantly delay the 833 Auction and, in turn, the assignment of toll free numbers in the 833 code to parties that participated in the 833 pre-code opening process and have been waiting for a significant amount of time (to their possible detriment) to obtain the numbers they requested. Moreover, if the Commission were to wait 120 days to formally notify the public and potential interested parties of its intent to collect this information on FCC Form 833, the Commission's ability to begin accepting applications to participate in the 833 Auction may be substantially delayed. Emergency approval avoids a delay in assigning the mutually exclusive 833 code toll free numbers to subscribers who rely on these numbers for their businesses and non-profit organizations, as well as a delay in facilitating the ability of callers/customers trying to reach those businesses and organizations.

Due to the emergency nature of this request, the Commission is requesting a waiver of the requirement to publish a 60-day notice in the Federal Register. However, the Commission will publish a 30-day notice in the Federal Register concerning this new information collection under the emergency processing procedures to give the public an opportunity to comment on this emergency submission. The Commission will conduct all the necessary regular submission requirements under the PRA after approval of this emergency request.

The Commission's staff is ready to work with your PRA Desk Officer to immediately provide any additional information needed to facilitate OMB's approval of this emergency request to this new information collection no later than 35 days after it is received at OMB. Please have your PRA desk officer contact Nicole Ongele at (202) 418-2991, or [nicole.ongele@fcc.gov](mailto:nicole.ongele@fcc.gov), if there are any questions or any additional information that may be needed.

Sincerely,



Mindy J. Ginsburg,  
Deputy Managing Director  
Office of Managing Director  
Federal Communications Commission