

SUPPORTING STATEMENT**A. Justification:**

The Commission is requesting the Office of Management and Budget (OMB)’s approval of this new information collection in order to obtain the full three-year clearance.

1. *Circumstances that make the collection necessary.* The Commission released a Report and Order,¹ where it established competitive bidding as a toll free number assignment method and called for an auction for select numbers in the toll free code 833 as an experiment in assigning numbers via competitive bidding (the 833 Auction). The resulting information collection will be outlined in two parts, explained below—one for a Letter of Authorization (LOA), and the other for the post-auction secondary market information collection, to be submitted via form FCC-5633.

LOA collection. Potential subscribers may participate directly in the 833 Auction; however, any potential subscribers who are assigned a number via the 833 Auction must work with a Responsible Organization (RespOrg)² after the auction to register and administer the toll free number, pursuant to our rules.³ We require a RespOrg to acquire an LOA from the subscriber on whose behalf it manages records in the Toll Free Database. The information collection is a minimal collection and provides Somos practical utility in its verification process.

Secondary market collection. A key component to the effectiveness of the auction is the adoption of a post-auction secondary market for the sale of the rights to use numbers assigned in the 833 Auction. This was made possible in the *Report and Order* by the Commission adopting an exception to the rules prohibiting the brokering, hoarding, and warehousing of toll free numbers.⁴ As stated in the *Report and Order*, to evaluate the operation of this secondary market, the Commission has directed Somos to collect and maintain data concerning post-auction secondary market transactions, which will be made available to the Commission. RespOrgs will promote the collection of data through a required submission of subscriber information to Somos after they have received knowledge that a transaction has occurred. The information collection has been designed to be minimal while still providing the Commission practical utility in evaluating the auction process.

New Information Collection Requirements:

¹ *Toll Free Assignment Modernization; Toll Free Service Access Codes*, Report and Order, 33 FCC Rcd 9274 (2018) (*Report and Order*).

² A RespOrg 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).

³ 47 CFR § 52.101; *Report and Order*, 33 FCC Rcd at 9288-89, para 39; *Auction of Toll Free Numbers in the 833 Code Notice and Filing Requirements, Upfront Payments, and Other Procedures for the 833 Auction*, Public Notice, 2019 WL 3605126 (F.C.C.) at *33, para. 132 (2019) (*Procedures PN*).

⁴ *Report and Order*, 33 FCC Rcd at 9277, 9302, paras. 10, 80 (defining “brokering” as “the selling of a toll free number by a private entity for a fee”; “hoarding” as the “acquisition by a toll free subscriber . . . of more toll free numbers than the toll free subscriber intends to use for the provision of toll free service”; and “warehousing” as when a RespOrg sets aside toll free numbers “without having an actual toll free subscriber for whom the numbers are being reserved”). See also 47 CFR §§ 52.107(a) and 52.105(a).

(1) LOA

- (a) Authorization that the subscriber has selected the RespOrg to manage the toll free number assigned in the auction.
- (b) The 833 toll free number to be bid upon.
- (c) Name of the RespOrg.
- (d) Contact person for the RespOrg
- (e) Telephone number for the RespOrg contact.
- (f) Electronic mail (e-mail) address for the RespOrg contact.
- (g) Name of the subscriber.
- (h) Address for the subscriber.
- (i) Authorized contact person for the subscriber.
- (j) Title for contact person.
- (k) Telephone number for the contact person.

(2) Secondary Market

- (a) The names of parties.
- (b) The addresses of parties.
- (c) The e-mail addresses of parties.
- (d) The telephone numbers of parties.

The Commission will determine if a system of records notice (SORN) and a privacy impact assessment (PIA) to cover the personally identifiable information that may be collected, used, and stored as part of the information collection requirements, are necessary.

Statutory authority for this information collection is contained in 47 U.S.C. § 251(e)(1).

- 2. *Use of Information.* The Commission will use the LOA information collection to verify the relationship between a RespOrg and a subscriber as required by Commission rules. The secondary market information collection will be used to evaluate the efficiency of its operation for current and future toll free number assignment.
- 3. *Technological collection techniques.* To reduce any burden created by this information collection, the Commission will use electronic means of data collection, via a website portal maintained by a third party. The information will either be directly input into the third parties' website or uploaded via digitized document.
- 4. *Efforts to identify duplication.* 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.
- 5. *Impact on small entities.* The collection of information may affect small entities as well as large entities. The LOA and post-auction secondary market transactions may impact small entities; however, the impact will not be substantial; nor will it affect a significant number of small entities. The process has been designed to limit the burden as much as possible on small entities.
- 6. *Consequences if information is not collected or conducted less frequently.* The information collection for the LOA is necessary to properly evaluate the relationship between a RespOrg and a subscriber. Without this data, the Commission would be unable to determine if the subscriber to a toll free number assigned in the auction has selected a RespOrg to reserve that number in the

Toll Free Database, as required by Commission rules. The information collection for the post-auction secondary market is necessary to properly evaluate the operation of the secondary market for toll free numbers assigned in the auction. Without this data, the Commission cannot evaluate the secondary market's viability for the toll free numbers assigned in the auction. Because both information collections will occur one time (or one time per transaction), the consequences if the information is collected less frequently are the same as if the information is not collected at all.

7. *Special Circumstances.* There are no special circumstances associated with the information collection.
8. *Federal Register notice; efforts to consult with persons outside the Commission.* The Commission published a 60 Day Notice in the Federal Register on August 7, 2019 [84 FR 38629] as required by 5 CFR § 1320.8(d).
9. *Payments or gifts to respondents.* The Commission does not anticipate providing any payment or gift to respondents with the collection of information.
10. *Assurances of confidentiality.* There is no assurance of confidentiality provided to non-individual respondents concerning the collection of information. For individuals, the Privacy Act, 5 U.S.C. § 552a is the statutory authority for confidentiality and applies to this information collection. Moreover, all respondents—individuals and non-individuals—may request materials or information submitted to the Commission via a third party be withheld from public inspection under 47 CFR § 0.459 of the Commission's rules.

Additionally, as noted in question 1, the Commission will determine if a SORN and PIA to cover the personally identifiable information that may be collected, used, and stored as part of the information collection requirements, are necessary.

11. *Questions of a sensitive nature.* The collection of information does not address any matters of a sensitive nature. As noted in question 1, the Commission will determine if a SORN and a PIA to cover the personally identifiable information that may be collected, used, and stored as part of the information collection requirements, are necessary.
12. *Estimates of the hour burden of the collection to respondents.*

- a. The following represents the estimated number of burden hours for the LOA information collection:

Number of respondents: 20

The LOA requirements only apply to RespOrgs acting on behalf of subscribers and the subscribers that have authorized those RespOrgs to act on their behalves.

Based upon information the Commission received from Somos concerning interest in the approximately 17,000 mutually exclusive numbers up for auction, Somos expects some 200 potential bidders in the auction, and estimates that 20 LOAs will be necessary for continued administration.

Frequency of response: One-time reporting requirement. Parties to LOAs must complete a one-time reporting requirement.

Total number of responses annually: 20

The number of responses equals the number of respondents.

Estimated time per response: 10 minutes / 0.166 hour per year.

We note that the hourly burden on respondents may vary widely, due to differences in size and organizational complexity of operating subsidiaries, as well as the amount of information that must be updated and how frequently (as explained above, information must only be provided if it changes after the initial filing). Therefore, we estimate approximately 10 minutes or 0.166 hour per year per respondent.

Total Annual Hourly Burden: 3.5 hours (1 response/year x 20 respondents x 10 minutes or 0.166 hour).

Total estimate of “in-house” cost to respondents: \$189

It is difficult to provide a sound estimate of respondents’ costs without conducting a survey. However, assuming respondents use mid-level personnel comparable in pay to the Federal government, we estimate an average respondent’s cost to be \$54 per hour:⁵ (3.5 hours x \$54/hour = \$189).

- b. The following represents the estimated number of burden hours for the post-auction secondary market transactions information collection:

Number of respondents: 1,200

The registration requirements apply to the parties to a post-auction secondary market transaction (i.e., the toll free subscriber who was assigned a number in the auction and the party purchasing the 833 toll free number on the post-auction secondary market). RespOrgs are required to submit the information to Somos, on the parties’ behalf, within 60 days of their knowledge of the transaction.

Based upon information the Commission received from Somos concerning interest in the approximately 17,000 mutually exclusive numbers up for auction, Somos estimates that 1,200 post-auction secondary market transactions may occur in the 12 months after the 833 Auction.

Frequency of response: On occasion reporting requirement. The RespOrgs that represent the parties to post-auction secondary market transactions (as described above) must complete a reporting requirement within 60 days of their knowledge of any secondary market transactions.

Total number of responses annually: 1,200

The number of responses equals the number of respondents.

⁵ Assuming the respondents use personnel comparable in pay to mid-level Federal Government employees, GS-13/5, \$53.85/hr., we rounded the hourly salary rate up to a whole number, which is \$54/hr.

Estimated time per response: 5 minutes / 0.084 hour per year.

We note that the hourly burden on respondents may vary widely, due to differences in size and organizational complexity of operating subsidiaries, as well as the amount of information that must be updated and how frequently (as explained above, information must only be provided if it changes after the initial filing). Therefore, we estimate approximately 10 minutes or 0.166 hour per year per respondent.

Total Annual Hourly Burden: 101 hours (1 response/year x 1,200 respondents x 5 minutes or 0.084 hour).

Total estimate of “in-house” cost to respondents: \$5,454

It is difficult to provide a sound estimate of respondents’ costs without conducting a survey. However, assuming respondents use mid-level personnel comparable in pay to the Federal government, we estimate an average respondent’s cost to be \$54 per hour:⁶ (101 hours x \$54/hour = \$5,454).

INFORMATION COLLECTION TOTALS BY BREAKOUT

	Number of Respondents	Total Number of Annual Responses	Estimated Time per Response	Total Annual Burden Hours	Total Estimate of “In-house” Cost to Respondents
LOA	20	20	10 minutes/ 0.166 hours	3.5 hours	\$189
Secondary Market	1,200	1,200	5 minutes/ 0.084 hours	101 hours	\$5,454

CUMULATIVE INFORMATION COLLECTION TOTALS

Number of Respondents: 1,220

Total Number of Annual Responses: 1,220

Estimated time per response: 0.084 hours (5 minutes) – 0.166 hours (10 minutes)

Total Annual Burden Hours: 105 hours (rounded up)

Total Estimate of “In-house” Cost to Respondents: \$5,643

13. *Estimates of the total annual cost burden to respondents.* There are no outside contracting costs for this information collection. See No. 12 for “in-house” costs for the costs to respondents.
14. *Estimates of the cost burden to the Commission.* There will be few, if any, costs to the Commission because notice, enforcement, and policy analysis associated with toll free numbering administration are already part of Commission duties. Moreover, there will be minimal cost to the federal government since an outside party will administer this program.

⁶ *Id.*

15. *Program changes or adjustments.* This is a new information collection resulting in a program change/increases to the total number of respondents and total annual responses of +1,220 and total annual burden hours of +105 hours due to the adoption of FCC 18-137.
16. *Collections of information whose results will be published.* The Commission will not publish the collected information for statistical purposes.
17. *Display of expiration date for OMB approval of information collection.* The Commission does not seek waiver for the requirement to display the OMB approval expiration date the information collection.
18. *Exceptions to certification statement for Paperwork Reduction Act submissions.* There are no exceptions to the Certification Statement for the information collection.

B. Collections of Information Employing Statistical Methods:

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