

December 2019

SUPPORTING STATEMENT

This submission is being made pursuant to 44 U.S.C. 3507 of the Paperwork Reduction Act of 1995 to obtain the Office of Management and Budget (OMB) approval for an extension of the currently approved information collection 3060-1264.

A. Justification:

1. *Circumstances that make the collection necessary.* In September 2018, the Commission released a *Report and Order* (FCC 18-137) in which it, among other things, established competitive bidding as a toll free number assignment method. In August 2019, the Commission adopted the *833 Auction Procedures Public Notice* (FCC 19-75), which established application and bidding procedures for the 833 Toll Free Number Auction, including the use of FCC Form 833 as the application to participate in the auction.

In September 2019, the Commission received OMB approval on an emergency basis for this information collection for a period of six months. The Commission published a Post Approval Notice in the Federal Register on September 17, 2019, 84 FR 48927, on the information collection requirements of this collection. The Commission is now seeking an extension from OMB of the currently approved information collection.

Statutory authority for this information collection is contained in 47 U.S.C. §§ 151, 154(i), 201(b), and 251(e)(1).

The Commission is publishing a system of records notice (SORN) in the Federal Register. We will determine if a privacy impact assessment (PIA) is also required to cover the personally identifiable information that may be collected, used, and stored as part of the information collection requirements.

Extension of a currently approved information collection requirements for this collection:

The information required of an applicant applying to participate in a toll free number auction is as follows:

- a. *Applicant Details:* All applicants must provide the name, address, and legal classification of the applicant; if the applicant is an entity, the name and title of the party responsible for the applicant must also be provided.
- b. *Ownership Information:* An applicant must disclose the ownership information required by section 1.2112(a) of the Commission's rules, 47 C.F.R. §1.2112(a):
 - i. the real party or parties in interest of the applicant or in the application;
 - ii. any direct interest holder of 10% or greater;
 - iii. any indirect interest holder of 10% or greater; and
 - iv. any FCC-regulated entity or applicant for an FCC license in which the applicant, any

December 2019

real party in interest, or any direct interest holder of 10% or greater, owns 10% or more stock, whether voting or non-voting.

- c. *Authorized Bidders:* All applicants must provide the name, email address, and mobile number of up to three authorized bidders.
 - d. *Bidding on Behalf of Other Entities:* If the applicant is a RespOrg¹ that is bidding on behalf of a potential subscriber, the RespOrg applicant must provide the name of any entity on whose behalf it is bidding, and a letter of authorization granting the RespOrg authority to bid on behalf of the potential subscriber.
 - e. *Agreements with Other Parties / Bidding Arrangements:* An applicant must disclose, and provide the names of the parties to, any partnerships, joint ventures, consortia, or other agreements, arrangements, or understanding of any kind relating to the toll free numbers being auctioned, including any agreements that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including specific toll free numbers on which to bid or not bid), or post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant is a party.
 - f. *Toll Free Number Selection:* An applicant must upload a .CSV file of the toll free numbers on which it wishes to bid.
 - g. *Application Attachments:* The applicant may need to submit an attachment related to its indirect ownership and/or other attachments as applicable in support of its application.
 - h. *Certifications:* All applicants must make various certifications in their FCC Form 833 application.
2. *Use of information.* The Commission's rules and related requirements are designed to ensure that the competitive bidding process for assigning toll free numbers is limited to qualified applicants, deter possible abuse of the bidding process, and enhance the use of competitive bidding to assign toll free numbers in furtherance of the public interest. Applicants will use FCC Form 833 to submit the required disclosures and certifications, and the information collected on FCC Form 833 will then be reviewed to determine if an applicant is qualified to bid in a toll free number auction.
3. *Technological collection techniques.* Applicants will file FCC Form 833 electronically via a website portal administered by the Auctioneer on behalf of the Commission. This collection mechanism is being used to reduce the technological burden on the public, Auctioneer, and the Commission.
4. *Efforts to identify duplication.* There will be no duplicative information collected. The information sought is unique to each respondent and is not already available because the Commission does not impose a separate similar information collection on the respondents. Thus, there is no similar data available under another information collection.

¹ 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).

December 2019

5. *Impact on small entities.* FCC Form 833 application submissions are voluntary, as submissions rest exclusively with respondents. In conformance with the Paperwork Reduction Act of 1995, the Commission has made an effort to minimize the burden on all respondents regardless of size by limiting the information collected on FCC Form 833 to that which is necessary to evaluate and process the application, deter possible abuse of the processes, and confirm applicants' compliance with various applicable toll free number auction requirements. In addition, the Commission will make available tutorials and related information to assist respondents, including small entities, in understanding what information should be submitted on FCC Form 833.
6. *Consequences if information is not collected.* A toll free number auction cannot occur without the collection of information on FCC Form 833. Without the information collected on FCC Form 833, a determination of whether the applicant is qualified to bid in a toll free number auction cannot be made.
7. *Special circumstances.* This extension of a currently approved information collection does not have any of the characteristics that would require separate justification under 5 C.F.R. § 1320.5(d)(2).
8. *Federal Register notice; efforts to consult with persons outside the Commission.* The Commission has published a 60 Day Notice in the Federal Register on October 25, 2019 [84 FR 57426] 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 this collection of information.
10. *Assurances of confidentiality.* Information collected on FCC Form 833 is made available for public inspection, and the Commission is not requesting that respondents submit confidential information as part of the pre-auction application process. For individuals, the Privacy Act, 5 U.S.C. § 552a is the statutory authority for confidentiality and applies to this information collection. To the extent the information submitted pursuant to this information collection is determined to be confidential, it will be protected by the Commission. If a respondent seeks to have certain information collected on FCC Form 833 withheld from public inspection, the respondent may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules. See 47 C.F.R. § 0.459. Additionally, as noted in question 1 above, the Commission is publishing a SORN in the Federal Register and will determine if a PIA is also required to cover the personally identifiable information that may be collected, used, and stored as part of the information collection requirements.
11. *Questions of a sensitive nature.* This collection of information does not ask questions of a sensitive nature.
12. *Estimates of the hour burden of the collection to respondents.* The following represents the hour burden for the new information collection:
 - a. Number of estimated annual respondents: 200. Any individual or entity seeking to become qualified to bid in a toll free auction must file an FCC Form 833.

December 2019

- b. Total number of annual responses: 200.
- c. Frequency of response: One-time. An applicant/respondent will file an FCC Form 833 only once to participate in a toll free number auction.
- d. Total estimated annual burden: 1.5 hours per respondent for 200 respondents filing once. Total estimated annual hours burden is calculated as follows:

200 estimated responses x 1.5 hours per response = 300 total estimated burden hours.

- e. Total estimate of annual in-house cost to respondents for the hours burden: \$16,155.
- f. Explanation of calculation: The Commission expects that FCC Form 833 will typically be prepared by the respondent using existing in-house staff (e.g., paralegal or other legal staff member) at a rate equivalent to the hourly rate of a GS-13, Step 5 government staff member (\$53.85/hour). Therefore, the in-house cost is as follows:

200 estimated responses x 1.5 hours per response x \$53.85/hour = \$16,155.

13. *Estimates of the annual cost burden of the collection to respondents.* There is no external cost to respondents. Also, respondents should not incur capital and start-up costs or operation and maintenance for purchase of services in connection with responding to this new information collection. The information collected should be available and maintained as part of the customary and usual business or private practice of the respondent. Therefore, the Commission does not anticipate that respondents will need to hire contracting personnel to fulfill the requirements on behalf of respondents.

Total Cost: \$0.

Total Capital and Start-up Costs or Operation and Maintenance (O&M): \$0.

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—under which toll free number auctions fall—are already part of Commission duties. The program does not envision other costs, e.g., personnel or other resources from other government agencies or from the private sector because the Auctioneer, an outside party, will administer this program.
15. *Program changes or adjustments.* There are no program changes or adjustments to this information collection.
16. *Collections of information whose results will be published.* The collected information will not be published for statistical use.
17. *Display of expiration date for OMB approval of information collection.* The Commission seeks an exemption from the requirement to display the OMB expiration date on FCC Form 833 for this information collection. The Commission will use an edition date on FCC Form 833 in lieu of the OMB expiration date. Approval to not display the OMB expiration date on FCC Form 833 will

December 2019

prevent the Commission from having to update the OMB expiration date on the electronic FCC Form 833 in the event of a revision or extension of this collection. The Commission publishes a list of all OMB-approved information collections and their corresponding expiration dates in 47 C.F.R. 0.408 of the Commission's rules, 47 C.F.R. § 0.408, and will publish the OMB control number and OMB expiration date for this collection in the list contained in section 0.408 of its rules.

18. *Exceptions to certification statement for Paperwork Reduction Act submissions.*

There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ any statistical methods, and the use of such methods would not reduce the burden or improve accuracy of results.