

## SUPPORTING STATEMENT

### A. Justification:

#### 1. Existing Information Collection Requirements:

- (a) This information collection consists of the FCC's series of remittance advice forms:
  - (1) FCC Form 159 Remittance Advice,
  - (2) FCC Form 159-C, Continuation Sheet for FCC Form 159,
  - (3) FCC Form 159-B, Remittance Advice Bill For Collection,
  - (4) FCC Form 159-E, Remittance Voucher, and
  - (5) FCC Form 159-W Interstate Telephone Service Provider Worksheet/blank Form 159-W Worksheet
- (b) The FCC's remittance advice forms are used by entities and individuals when making payment(s) to the Commission, including payment(s) for: regulatory fees, application processing fees, auctions, fines, forfeitures, Freedom of Information Act (FOIA) billings, and/or any other debt due to the Commission.
- (c) Information is collected by the Commission on these remittance forms to insure:
  - (1) entities/individuals receive credit for making their full payment;
  - (2) entities/individuals receive any refunds due to them;
  - (3) public inquiries about payments can be easily serviced; and
  - (4) compliance with the Debt Collection Improvement Act of 1996.
- (d) The FCC Form 159 is the Commission's general remittance advice form. Payers may access the form via the Commission's Internet webpage at [www.fcc.gov](http://www.fcc.gov). The FCC Form 159 is the remittance form that payers should use unless a specific FCC remittance process is required.
- (e) The FCC Form 159-C, Continuation Sheet is completed only when payers who are using the FCC's general remittance advice form (FCC Form 159) are attempting to make three or more payment transactions on a single remittance.
- (f) The Commission issues the FCC Form 159-B, "Remittance Advice Bill for Collection," to bill applicants/licensees and all other parties for specific financial obligations that are owed to the Commission for the following:
  - (1) Regulatory Fees,
  - (2) Application Processing Fees,

- (3) Auctions,
  - (4) Fines,
  - (5) Forfeitures,
  - (6) Freedom of Information Act (FOIA) Billings, and/or
  - (7) Any other debt due to the Commission.
- (g) Applicants/licenses may file FCC Form 159/159-C using a paper copy or via the Commission's Internet webpage at [www.fcc.gov](http://www.fcc.gov). The Commission collects the information on the form(s) to insure that:
- (1) Applicants/licenses receive full credit for making their payment(s);
  - (2) Applicants/licenses receive any refunds due to them;
  - (3) Applicants/licenses can submit comments and/or complaints easily; and
  - (4) The Commission's fee filing processes comply with the *Communications Act of 1934*.
- (h) Provisions in the *Debt Collection Improvement Act of 1996* (DCIA) have encouraged the Commission to continue to improve its collection of receivables and to track the financial obligations owed to the Commission.
- (1) The Commission developed FCC Form 159-E, which it believes is a simpler, more flexible, and more accurate form for remitting fee payments.
  - (2) This form streamlines our collection of receivables, and creates ways that will not burden the public with unnecessary paperwork.
  - (3) The FCC Form 159-E reduces the number of keying errors for Commission staff transferring data from FCC Form 159/159-C into the Commission's financial processing system.
  - (4) It allows the Commission's internal data processing system to interface with the Commission's internal billing systems to produce a document with accurate and relevant information for the applicant/licensee's payment obligation(s).

The FCC Form 159-E is a remittance voucher that would link a mailed, a faxed, or wire transfer payment with fee attributes that have been filed on-line.

- (1) After the applicant/licensee keys the data into the Commission's electronic filing and payment system, the applicant/licensee has the option to pay the fee online or to generate a hardcopy FCC Form 159-E, a voucher summarizing the data keyed in by the applicant/licensee, and mail the voucher in with the payment.

- (2) The Form 159-E remittance voucher, containing a summary of date/information, links the payment that is received with the specific fees that the applicant/licensee is trying to pay. By simply typing in the voucher number, the Commission is able to identify all of the data elements that were keyed in by the applicant/licensee.
- (i) Interstate Telephone Service Providers, which includes Interconnected Voice over Internet Protocol (IVoIP), can view their pre-completed FCC Form 159-W online before paying their annual regulatory fees.
  - (1) If the provider does not agree with the Commission's assessment of the fee amount due that is shown on the pre-completed Form 159-W, the provider may amend the form online and submit it along with their online payment. For regulatory fees, both the form and payment must be submitted online.
  - (2) If the provider agrees with the Commission's assessment of the fee amount due that is shown on the pre-completed Form 159-W, the provider only needs to certify the Form 159-W and then submit the payment online.

On August 12, 2013 the Commission released a *Report and Order (R&O)*, In the Matter Assessment and Collection of Regulatory Fee for Fiscal Year 2013 and Procedures for Assessment and Collection of Regulatory Fees (MD Docket Nos. 13-140 and 12-201, FCC 13-110). In this *R&O*, the Commission required that beginning in FY 2014, all regulatory fee payments be made electronically and that the Commission will no longer mail out initial regulatory fee assessments to CMRS providers.

***History:***

- (1) In June 2000, the Commission made various revisions to the FCC Form(s) 159/159-C:
  - (a) The Commission added the Federal Registration Number (FRN)<sup>1</sup> to these forms.
    - (i) The FRN is issued to applicants/licensees to be a unique business account number for identification purposes only ("unique identifier").
    - (ii) The FCC Registration Number (FRN) has become the official registration number for anyone doing business with the Commission.
  - (b) The Commission removed the current fee information on page one of all OMB-approved applications forms and made FCC Form 159/159-C the primary fee collection instrument. FCC Form(s) 159/159-C (along with certain application forms) is submitted to a lockbox bank for processing:
    - (i) These forms were initially made available to the public in both paper and electronic formats.

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<sup>1</sup> Because the *Debt Collection Improvement Act of 1996* requires the Commission to obtain the TIN, the Commission developed its registration process to store the TIN in a secure environment when the applicant/licensee registered online and received the FRN.

- (ii) Additionally, the applicant can download and complete the FCC Form 159/ 159-C electronically as an alternative to paper submissions.
  - (iii) The forms are also available through the Commission's Fax on Demand system.
- (2) In February 2003, the Commission made several changes:
- (a) It removed the Taxpayer Information Number (TIN)<sup>2</sup> from the forms. The TIN was no longer needed because the FRN collected the same information, and its use was now sufficiently entrenched.
  - (b) It expanded its credit card service to include Discover and American Express credit cards. These credit cards are in addition to Master Card and Visa that are presently being used for credit card payments.
- (3) On August 6, 2007 the Commission released a *Report and Order and Further Notice of Proposed Rulemaking (R&O and FNPRM)*, In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 2007, MD Docket No. 07-81, FCC 07-140.
- (a) This *R&O* and *FNPRM* applied regulatory fee obligations to Interconnected Voice over Internet Protocol (VoIP) providers.
  - (b) With that submission of the OMB collection 3060-0589, the Commission also took the opportunity to consolidate OMB collection 3060-0949 (FCC Form 159-W Interstate Telephone Service Worksheet) into 3060-0589 so that the Form 159 Remittance Advice constituted a family of forms under a single OMB control number.

The statutory authorities for this collection of information are the *Communications Act of 1934*; Section 8 (47 U.S.C. 158) for Application Fees; Section 9 (47 U.S.C. 159) for Regulatory Fees; Section 309(j) for Auction Fees, and the *Debt Collection Improvement Act of 1996*, Public Law 104-134, Chapter 10, Section 31001.

This information collection affects individuals or households; however, the Commission has taken these measures to minimize any potential privacy impacts:

- (a) In February 2003, the Commission eliminated the applicant/licensee's SSN and TIN information from FCC Forms 159/159-C, 159-B, and 159-E.
- (b) Filers were instead issued an FRN as their unique identifier, which distinguishes filers from each other.

While these two measures have greatly minimized the likelihood of any privacy impacts, the Commission has:

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<sup>2</sup> The Commission, in accordance with the *Debt Collection Improvement Act of 1996*, is required to obtain the Taxpayer Identification Number (TIN) from any applicant who does business or requests service(s) from the Commission.

- (a) a system of records notice (SORN), FCC/OMD25, Financial Operations Information System (FOIS), posted on the FCC Privacy webpage at: <https://www.fcc.gov/general/privacy-act-information#systems>; and
  - (b) a Privacy Impact Assessment (PIA), is being drafted and when completed posted at: <https://www.fcc.gov/general/privacy-act-information#systems> to cover any possible collection, storage, and uses of personally identifiable information (PII) associated with one or more of the FCC Form 159 series.
2. This information collection may affect some individuals or households; however, the Commission has in place a registration process that issues a Federal Registration Number (FRN) to each applicant/licensee, etc., for use in filing any of the Remittance Advice forms. As part of the registration process, the applicant/licensee's SSN or TIN is stored in a secure environment, e.g., CORES registration process, which minimizes any potential privacy risk.
3. Applicants/licenses filing applications may file the paper version or use the on-line (electronic) version of FCC Form 159/159-C at [www.fcc.gov](http://www.fcc.gov), or a combination of both. Applicants/licenses complete FCC Form(s) 159/159-C manually by following the filing guide for the type of fee being paid, including fees for applications, or other requests for service that cannot be filed electronically at present. As noted in Question 1, with the release of the R&O, MD Docket No. 07-81, FCC 07-140, on August 12, 2013, the Commission requires that all regulatory fees must be filed and paid electronically beginning in FY 2014.

For all applications and payments that can be accepted by the Commission electronically, the Commission directs its applicants/licenses to use its online electronic filing system known as Fee Filer. Fee Filer can be accessed via the Commission's Internet webpage at [www.fcc.gov/feefiler](http://www.fcc.gov/feefiler).

- (1) Information collected via Fee Filer is limited to the data elements contained on the Commission's Remittance Advice forms.
  - (2) If a filer pays online, the data elements are collected electronically and transferred to the FCC's internal accounting system, thereby eliminating the need for paper submissions.
  - (3) However, if filers of application fees choose a payment option such as by check, money order, or wire, then they are required to print an FCC Form 159-E, "Remittance Voucher," and mail it to the lockbox bank.
  - (4) In such cases, all information that had been collected electronically will be summarized on the form by the FCC's online system; fee details will not be collected on paper.
  - (5) For applicants/licenses submitting application fees, the hardcopy FCC Form 159-E must accompany the payment because the information on this form will help identify the payment with the electronically-collected fee details, which are then transferred to the FCC's internal accounting system.
4. The Commission has developed a family of FCC Form 159 Remittance Advice forms to reduce duplications, as follows:

- (a) The introduction of FCC Form 159/159-C streamlined the payment process by providing a standardized and efficient format for applicants/licensees to make payments and to submit comments/inquiries.
  - (b) The Commission has further reduced duplication by developing the ability to pre-fill some of its Remittance Advice forms for licensees when paying their annual regulatory fees, thereby eliminating the need for the licensee to key in these data elements. Specifically, FCC Form 159-B and the FCC Form 159-W are generated by the FCC with billing information pre-printed on them to reduce the burden on the licensee and to provide for more efficient processing of payments.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission created its Remittance Advice form to enable applicants and licensees to pay their regulatory fees, application processing fees, auctions, fines, forfeitures, FOIA billings, and other debts due to the Commission in a clear and standardized fashion so as to reduce the paperwork and recordkeeping burdens for applicants/licensees.
  6. Applicants/licensees use the appropriate Remittance Advice forms to pay their debts (appropriate fees, auction assessments, fines, *etc.*) to the Commission. Congress requires the Commission to collect regulatory fees from regulatees to pay for the Commission's operating costs. Creating standardized Remittance Advice forms, either in hardcopy or in electronic form, was designed to reduce the public burden while enabling the Commission to carry out its Congressional mandates.
  7. Applicants/licensees file a Remittance Advice form, as necessary, to pay the appropriate application fee, regulatory fee (must be paid electronically), auction assessment, fine, *etc.*, whenever they choose to do business with the Commission. These levies are based on the Commission's regulatory fee schedule, auction schedules, licensing, application, or tariff requirements, *etc.*, as specified by Congress. The Commission has not established any additional or special requirements that will burden the public.
  8. On March 20, 2020, the Commission published a 60-day PRA notice in the *Federal Register* (85 FR 16097).

The Commission received no comments in response to the publication of the PRA notice pertaining to the information collection requirements contained in 3060-0589.

9. Respondents will not receive any payments or gifts with this information collection.
10. Parties filing information may request that it be withheld from disclosure. If confidentiality is requested, such requests will be processed in accordance with the Commission's rules, 47 CFR § 0.459. Consistent with the provision of the Privacy Act, the Social Security Number and FRN will not be made available to the public.

As noted in Question 1, while these two measures have greatly minimized the likelihood of any privacy impacts, the Commission does both have a system of records notice, FCC/OMD-25, Financial Operations Information System (FOIS), and a Privacy Impact Assessment (being drafted) to cover any possible collection, storage, and uses of personally identifiable information (PII) associated with one or more of the FCC Form 159 series.

11. This collection does not address any private matters of a sensitive nature, and the potential privacy impacts are also minimal.

In June 2000, as part of the various revisions to its registration process, the Commission created an online registration process at [www.fcc.gov](http://www.fcc.gov), whereby applicants/licensees registered with the Commission and provided their SSN or Taxpayer Information Number (TIN).<sup>3</sup> The registration system stored the SSN and TIN information in a secure environment and issued the registrant (applicant/licensee) a Federal Registration Number (FRN) as their “unique identifier” for his/her future use when filing a Remittance Advice form with the Commission.

In February 2003, the Commission eliminated the requirement that each filer provide his/her Social Security Number on all of our Remittance Advice forms, since the FRN served the same purposes as SSNs and TINs, and its use had become entrenched by this point.

Nonetheless, as noted in Questions 1 and 10, there is a system of records, FCC/OMD-25, Financial Operations Information System (FOIS), and a PIA (being drafted) to cover any PII that may be associated with one or more of the FCC 159 series forms. In addition, the Commission will redact any personal information before it becomes available for public inspection.

12. The Commission estimates that respondents file approximately 102,405 Remittance Advice forms annually.

The number of responses annually is 102,405.

We believe that the average burden on a respondent is approximately 15 minutes (0.25 hours) to complete a form based on Commission staff's knowledge and familiarity with the availability of the data required:

- Nearly 99% of filings involve collections of information that are automatically populated from various electronic filing systems or internal Commission systems. As such, little effort is needed by the public.
- Approximately 1% of filings originate from paper forms or are entered manually online.
- Less than 1% of filings are large regulatory fee filings, containing between ten and tens of thousands of fees in a single submission.

The change in burden is due to a more accurate estimate. The Commission verified the number of FCC Forms 159 that it receives on an annual basis and determined that approximately 99% should involve electronic filing:

**Total Annual Hourly Burden: 102,405 x 0.25 hours (15 minutes) = 25,601 hours**

There is no additional cost to the applicant in providing this information to the Commission with their application, or otherwise.

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<sup>3</sup> The Commission, in accordance with the *Debt Collection Improvement Act of 1996*, is required to obtain the Taxpayer Identification Number (TIN) from any applicant who does business or requests service(s) from the Commission.

13. The Commission believes that its regulatees do not require any additional outside professional skills when completing any of the Commission’s Remittance Advice forms. These forms can be completed by the employees responsible for each entity’s business records.<sup>4</sup> Therefore:

(a) Total annualized capital/startup costs: None

(b) Total annual costs (O&M): None

(c) Total annualized cost requested: None

14. Because payment transaction processes are being increasingly automated, the Commission estimates that it will require only minimal Commission staff to process the various regular fee, fines, forfeitures, billings, and all other miscellaneous monies it receives from applicants/licensees and others that use FCC Forms 159/159-C, 159-B, and 159-E. Thus:

2 FTE staff @ \$32.33/hour (GS-9/Step 5) x 2,087 hours x 10%	=	\$13,494.42
1 FTE staff @ \$46.88/hour x (GS 12/Step 5) x 2,087 hours x 10%	=	\$9,783.56
2 Contract staff based on \$26.43 (GS 7/Step 5) x 2,087 hours x 10%	=	<u>\$11,031.88</u>
		\$34,309.86
30% Overhead =		\$10,292.95

**Total Cost to Federal Government: \$44,602.81**

15. There are no program changes or adjustments to this information collection.

16. The data will not be published for statistical use.

17. We are seeking OMB approval not to display the expiration date of OMB approval on all of our Remittance Advice forms.

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.

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<sup>4</sup> *R&O and FNPRM* at ¶153.