

SUPPORTING STATEMENT

This new information collection is being submitted to obtain approval from the Office of Management and Budget (OMB) for new information collection requirements due to a recent Federal Communications Commission (Commission or FCC) Order, as explained below.

A. Justification

1. *Circumstances that make the collection necessary.* On December 30, 2019, Congress enacted the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act. The TRACED Act directs the Commission to establish regulations to create a process that “streamlines the ways in which a private entity may voluntarily share with the Commission information relating to” a call or text message that violates prohibitions regarding robocalls or spoofing set forth section 227(b) and 227(e) of the Communications Act of 1934, as amended. To implement this TRACED Act provision, the Commission adopted a Report and Order on June 17, 2021. See *Implementing Section 10(a) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, EB Docket No 20-374, Report and Order, FCC 21-75 (adopted June 17, 2021) (*Report and Order*).

The *Report and Order* directed the Commission’s Enforcement Bureau (Bureau) to create an online portal located on the Commission’s website where private entities may submit information about robocall and spoofing violations. The Commission defined private entity as any entity other than (1) an individual natural person or (2) a public entity. A public entity is any governmental organization at the federal, state, or local level. The portal will request private entities to submit certain minimum information including, but not necessarily limited to, the name of the reporting private entity, contact information, including at least one individual name and means of contacting the entity (e.g., a phone number), the caller ID information displayed, the phone number(s) called, the date(s) and time(s) of the relevant calls or texts, the name of the reporting private entity’s service provider, and a description of the problematic calls or texts. Thus, the portal will meet the statutory requirement of the TRACED Act by creating a mechanism for private entities to easily submit timely information about robocall or spoofing incidents directly to the Bureau.

New requirements for which we are seeking OMB approval:

There is one new information collection requirement created under the newly adopted rules of the *Report and Order*. The *Report and Order* created a voluntary mechanism for private entities to submit information about robocalling and spoofing violations. This mechanism will be an online portal located on the Commission’s website. Private entities will be asked to submit information about the robocall or spoofed call along with contact information for a person associated with the private entity. The portal will be made publicly available at a later date.

Statutory authority for this information collection is contained in the TRACED Act section 10(a).

This information collection does not affect individuals or households; thus; there is no impact under the Privacy Act.

2. *Use of information.* The Commission will use the information to assist private entities experiencing robocalling and/or spoofing incidents and as part of the Bureau’s robocall enforcement efforts. The Bureau may share submitted information with the Department of Justice, Federal Trade Commission, other federal agencies combatting robocalls, state attorney general offices, other law enforcement

entities with which the Commission has information sharing agreements, and the registered traceback consortium.

3. *Technology collection techniques.* Private entities will electronically submit information via an online portal located on the Commission's website once the portal is created. The portal will use an online form to collect information.
4. *Efforts to identify duplication.* Private entities have the opportunity to submit similar information through the informal consumer complaint process managed by the Consumer and Governmental Affairs Bureau. This new portal and the existing informal consumer complaint process are voluntary, and a private entity can decide which process best suits their needs.
5. *Impact on small entities.* The Commission worked to minimize the amount of information each certification will require.
6. *Consequences if information is not collected.* If this information is not collected, the Commission will be unable to meet its statutory obligations under the TRACED Act.
7. *Special circumstances.* We do not foresee any special circumstances with this information collection.
8. *Federal Register notice; efforts to consult with persons outside the Commission.* A 60-day notice was published in the Federal Register as required by 5 CFR 1320.8(d) on July 19, 2021 (86 FR 38079). No PRA comments were received as a result of this notice.
9. *Payments or gifts to respondents.* The Commission does not anticipate providing any payment or gifts to respondents.
10. *Assurances of confidentiality.* Assurances of confidentiality will be provided to the respondents; however, respondents will be made aware that their submissions may be shared with the Department of Justice, Federal Trade Commission, other federal agencies combatting robocalls, state attorney general offices, other law enforcement entities with which the Commission has information sharing agreements, and the registered traceback consortium.
11. *Questions of a sensitive nature.* There are no questions of a sensitive nature with respect to the information collection described herein.
12. *Estimates of the hour burden of the collection to respondents.* The following represents the hour burden on the collection of information:

(a) Voluntary Submission to the Robocall and Spoofing Portal

- (1) Number of Respondents: Approximately 50 respondents.
- (2) Frequency of Response: Once.
- (3) Total number of responses per respondent: A private entity may submit a response for every new robocalling or spoofing incident. We estimate that a private entity will submit one response per year.
- (4) Estimated time per response: 1 hour.

(5) Total hour burden: 50 hours.

1 hour per response for per respondent for 50 private entities. Total annual hour burden is calculated as follows:

50 respondents x 1 response per respondent = 50 responses x 1 hours = **50 total hours**.

(6) Total estimate of in-house cost to respondents: \$1,632.50 (50 hours x \$32.65/hr.).

(7) Explanation of calculation: We estimate that each private entity will take, on average, 1 hour per response. We estimate that respondents use mid-level personnel to comply with the requirements comparable in pay to the Federal Government, approximately \$32.65 per hour (equivalent to a GS-9, step 5 federal employee).

50 (number of responses) x 1 (hour to prepare response) x 1 (responses per respondent) x \$32.65/hr. = \$1,632.50.

Total Number of Respondents: 50

Total Number of Responses: 50

Total Hourly Burden: 50 burden hours

Total In-House Costs to Respondents: \$1,632.50

13. *Estimates for the cost burden of the collection to respondents.* The Commission believes that voice service providers have sufficient “in-house” staff to address all the information collection requirements using their “in-house” personnel rather than having to contract out this requirement. Thus:

(a) Total annualized capital/startup costs: \$0.00

(b) Total annualized costs (O&M): \$0.00

(c) Total annualized cost requested: \$0.00

14. *Estimates of the cost burden to the Commission.*

Compliance with requirement under section 10(a) of the TRACED Act

Costs to the Commission will potentially be \$47.35/hr. (GS-12, step 5 federal employee) x 1 hr. (to review responses) x 50 voice service providers = \$2,367.50.

Total Cost to the Federal Government: \$2,367.50

15. *Program changes or adjustments.* The Commission is reporting program changes/increases to this new information collection. These increases to the total number of respondents of +50, total annual responses of +50 and total annual burden hours of +50 will be added to OMB’s Active Inventory.

16. *Collections of information whose results will be published.* Submitted information will not be published.

17. *Display of expiration date for OMB approval of information collection.* There is no paper form associated with this information collection; it will be collected electronically through the online portal

located on the Commission's website. The Commission publishes a list of all OMB-approved information collections including their titles, OMB Control Numbers and OMB expiration dates in 47 CFR 0.408 of the Commission's rules.

18. *Exceptions to certification for Paperwork Reduction Act submissions.* There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.