

A. Justification

1. The Federal Communications Commission seeks to establish a new information collection associated with the *Advanced Methods to Target and Eliminate Unlawful Robocalls Fourth Report and Order* (“*Call Blocking Fourth Report and Order*”).¹

Unwanted and illegal robocalls have long been the Federal Communication Commission’s (“Commission”) top source of consumer complaints and one of the Commission’s top consumer protection priorities. In 2019, Congress passed the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act. In addition to directing the Commission to mandate adoption of caller ID authentication technology and encourage voice service providers to block calls by establishing safe harbors, the TRACED Act directs the Commission to ensure that both consumers and callers are provided with transparency and effective redress when calls are blocked in error.

In the *Call Blocking Fourth Report and Order*, the Commission took several steps to better protect consumers from unwanted and illegal robocalls, and implement the TRACED Act. The Commission expanded the existing safe harbor for blocking of calls,² established affirmative requirements to ensure that voice service providers better police their networks against illegal calls,³ and adopted several transparency and redress requirements to ensure that erroneous blocking can be quickly identified and remedied.⁴

New Information Collection Requirements:

While most of the requirements the Commission adopted in the *Call Blocking Fourth Report and Order* do not include an information collection, two of the requirements require approval prior to implementation.

Call Blocking Fourth Report and Order, FCC 20-187, paras. 22-31, 47 CFR § 64.1200(n) (2).

A voice service provider must: . . . Take steps to effectively mitigate illegal traffic when it receives actual written notice of such traffic from the Commission through its Enforcement Bureau. In providing notice, the Enforcement Bureau shall identify with as much particularity as possible the suspected traffic; provide the basis for the Enforcement Bureau’s reasonable belief that the identified traffic is unlawful; cite the statutory or regulatory provisions the suspected traffic appears to violate; and direct the voice service provider receiving the notice that it must comply with this section. Each notified provider must promptly investigate the identified traffic. Each notified provider must then promptly report the results of its investigation to the Enforcement Bureau, including any steps the provider has taken to effectively mitigate the identified traffic or an explanation as to why the provider has reasonably concluded that the identified calls were not illegal and what steps it took to reach that conclusion. Should the notified provider find that the traffic comes from an upstream provider with direct access to the U.S. Public Switched Telephone Network, that

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, FCC 20-187, Fourth Report and Order, 35 FCC Rcd 15221 (Dec. 2020) (*Call Blocking Fourth Report and Order*).

² *Id.* at 15234-38, paras. 39-47.

³ *Id.* at 15227-34, paras. 14-38.

⁴ *Id.* at 15328-47, paras. 48-78.

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provider must promptly inform the Enforcement Bureau of the source of the traffic and, if possible, take steps to mitigate this traffic.

The first portion of the new information collection for which OMB approval is sought comes from the affirmative obligation adopted in the *Call Blocking Fourth Report and Order* that voice service providers effectively mitigate illegal traffic when notified of such traffic by the Commission's Enforcement Bureau.⁵ In adopting this requirement as well as the other affirmative obligations, the Commission made clear that, while most blocking is done by terminating voice service providers, originating and intermediate voice service providers are integral to stopping illegal calls. This requirement in particular gives the Commission an important tool in the fight to stop illegal calls.

In order to comply with this requirement, voice service providers that receive such notice must report back to the Commission with the following information:

1. the results of the investigation, including any steps the voice service provider has taken to effectively mitigate the identified traffic; or
2. an explanation as to why the voice service provider reasonably concluded that the identified calls were not illegal, and what steps it took to reach that conclusion; or
3. if the voice service provider determines that the traffic was received from another voice service provider with direct access to the U.S. public switched telephone network, the source of such traffic.

Call Blocking Fourth Report and Order, FCC 20-187, paras. 62-70, 47 CFR § 64.1200(k)(10).

Any terminating provider that blocks calls on an opt-out or opt-in basis, either itself or through a third-party blocking service, must provide, at the request of the subscriber to a number, at no additional charge and within 3 business days of such a request, a list of calls to that number, including the date and time of the call and the calling number, that the terminating provider or its designee blocked within the 28 days prior to the request.

The second portion of the new information collection for which OMB approval is sought comes from the requirement in the *Call Blocking Fourth Report and Order* that any terminating voice service provider that blocks calls on an opt-in or opt-out basis must provide, on the request of the subscriber to a particular number, a list of all calls intended for that number that the voice service provider or its designee has blocked.⁶ The list must include the prior 28 days of blocked calls and must be provided to the subscriber within 3 business days.⁷

The TRACED Act expressly directs the Commission to ensure that both consumers and callers are provided with transparency. In the *Call Blocking Fourth Report and Order*, the

⁵ *Id.* at 15229-32, paras. 22-31.

⁶ *Id.* at 15242-45, paras. 62-70.

⁷ *Id.* at 15244-45, paras. 68-69.

Commission determined that, while opt-in or opt-out blocking must already be disclosed to consumers, a consumer may be unaware that particular calls are blocked absent such a list. Consumers can use the list to determine whether to opt out of blocking services or reach out to callers whose calls may have been blocked.

This collection does not affect individuals or households; thus there is no impact under the Privacy Act because it does not require the collection of personally identifiable information (“PII”) from individuals.

The statutory authority for the information collection requirements is contained in sections 4(i), 201, 202, 217, 227, 227b, 251(e), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 201, 202, 217, 227, 227b, 251(e), 303(r), 403.

2. The requirement to respond to Commission notification of illegal traffic on a voice service provider’s network enables the Commission to assess whether a voice service provider is complying with its obligation to effectively mitigate illegal traffic upon notification by the Commission of such traffic. This information will help the Commission better protect consumers from illegal calls and identify bad actors that profit off of these calls.

The blocked calls list is to be used by consumers of voice service to identify whether opt-in or opt-out blocking programs are blocking calls that the consumer wants to receive. Consumers who are concerned about over blocking generally or believe they are missing wanted calls may request this list to determine whether they have specific problems with how a voice service provider’s blocking programs operate. A consumer who finds that wanted calls are being blocked then has the opportunity to work with their voice service provider, opt-out of blocking, or contact the caller.

3. The required disclosures may be provided using electronic means. Voice service providers may respond to the Commission electronically in writing and may provide the blocked calls list to consumers through email, phone application, web portal, or other reasonable means. Voice service providers are free to use information technology to reduce the burden of the blocked calls list further by implementing a database that stores this information and fully automates the required disclosure without requiring staff involvement on individual requests.
4. There are no existing Commission requirements mandating these disclosures. Some voice service providers that offer opt-in or opt-out blocking may, on their own initiative, already provide blocked calls lists to consumers through a phone application or other means. These disclosure requirements are not duplicative within the meaning of the Paperwork Reduction Act (“PRA”) and Office of Management and Budget (“OMB”) regulations.⁸
5. The impact of these requirements on small businesses or other small entities is not expected to be significant. Voice service providers are only required to report to the Commission when the Commission’s Enforcement Bureau has notified that particular voice service provider of illegal traffic on its network, and need only report regarding its investigation into the specifically identified traffic and steps taken to effectively mitigate the traffic. Voice service providers can reduce the risk of such a notification by exercising due diligence and complying with the Commission’s other requirements. With regard to the blocked calls list,

⁸ OMB PRA Guide at 42.

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voice service providers that block on an opt-out or opt-in basis may determine the best method for furnishing this list to consumers.

6. There are no statutory consequences if such information is not disclosed by voice service providers. All voice service providers, however, are potentially subject to enforcement action by the Commission's Enforcement Bureau if they do not meet the applicable requirements. In addition, members of the public may file informal or formal complaints against providers.
7. There is a possibility that a voice service provider may need to report more often than quarterly. Both the blocked calls list and the report regarding mitigation of illegal traffic are triggered by a specific action: either a request of the consumer or a notification by the Commission. This is necessary to ensure that consumers receive timely information regarding calls that have been blocked and to ensure that illegal traffic is quickly addressed. In the case of the blocked calls list, a quarterly requirement would not allow consumers to become aware of and address erroneously blocked calls in a timely manner, which could lead to important calls being missed. Similarly, the required reporting of investigation and mitigation steps upon Commission notification of illegal traffic ensures that a voice service provider cannot shield its customers that use the network to originate illegal traffic.

Additionally, voice service providers will need to respond in fewer than 30 days. As noted above, it is essential that this information be received in a timely manner. Both reporting requirements are time sensitive; any delay significantly decreases the usefulness of the information. As a result, the blocked calls list must be provided within 3 business days of the request. The report to the Commission is not required within a set time but must be made in a timely manner.

Otherwise, the collections are not being conducted in any manner inconsistent with the guideline of 5 CFR Section 1320.

8. The Commission published a notice in the *Federal Register* seeking public comment on the information collections contained in this supporting statement, *see* 86 FR 27431, published May 20, 2021. The Commission did not receive any comments from the public.
9. The Commission does not anticipate providing any payment or gift to respondents.
10. The Commission is not requesting that respondents submit confidential information to the Commission.
11. There are no questions of a sensitive nature with respect to the information collected.
12. Estimates of hour burden for the collection of information are as follows:

Information Collection Requirements:

The rules adopted in the *Call Blocking Fourth Report and Order* require all voice service providers to provide a response to the Commission when notified of illegal traffic on the voice service provider's network. Additionally, they require voice service providers that block calls on an opt-in or opt-out basis to provide, at the request of the subscriber to a

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particular telephone number, a list of all calls intended for that number that were blocked on an opt-in or opt-out basis.

Response to the Commission:

We anticipate that the average voice service provider will need to respond to notification by the Commission a maximum of once per year. Some voice service providers with a high percentage of illegal traffic may need to respond more often, but this is offset by the many voice service providers that will never be required to respond to a request.

Number of Respondents: 6,493

The number of respondents is based on the total number of telecommunications service providers, as indicated in the *2010 Trends in Telephone Service Report*.⁹ The Commission is using this number to avoid the possibility that some categories of voice service providers covered in the *Final Regulatory Flexibility Analysis* included with the *Call Blocking Fourth Report and Order* may be counted multiple times across multiple categories.¹⁰ The data in the *2010 Trends in Telephone Service Report* is based on the number of FCC Form 499-A filers.

Annual Number of Responses: 6,493

6,493 respondents x 1 response = 6,493

Annual Number of Burden Hours: 6,493 respondents x 1 response x 4 hours/response = **25,972 hours**

The information necessary to make the required disclosure will be based on the voice service provider's investigation of the alleged illegal traffic and any mitigation steps taken. As a result, the Commission believes that voice service providers will have this information readily available to provide the required response. The Commission therefore bases the burden on the time needed to consolidate this information and draft the required response.

Annual "In House" Cost: 6,493 respondents x 1 response x 4 hours/response x 56.31/hour = **\$1,462,483.32**

The Commission believes that the respondents will generally use "in-house" personnel whose pay is comparable to mid-level federal employees (GS 13/5), such as a junior attorney or fraud specialist. Therefore, the Commission estimates respondents' hourly costs to be about \$56.31 to consolidate this data and draft the required response.

Blocked Calls List:

We anticipate that small voice service providers will manually respond to requests for the blocked calls list, while large voice service providers will develop phone applications or web portals that automate the process. We have therefore estimated the hourly burden to small voice service providers, with fewer than 1,500 employees, and large voice service providers separately, and then provided the average burden across all voice service providers.

⁹ Industry Analysis and Technology Division, Wireline Competition Bureau, Trends in Telephone Service at 5-5 (2010), <https://www.fcc.gov/general/trends-telephone-service> (2010 Trends in Telephone Service Report).

¹⁰ *Call Blocking Fourth Report and Order*, 35 FCC Rcd at 15257-69.

The *2010 Trends in Telephone Service Report* indicates that there are 5,752 voice service providers with fewer than 1,500 employees.¹¹ We anticipate that these are the voice service providers that will manually provide the blocked calls list to subscribers. There is currently no publicly available data regarding the average number of subscriber lines per small voice service provider. We do not anticipate that all subscribers will request a blocked calls list. The list will likely be requested when a subscriber is concerned that they may not be receiving particular calls they expect rather than when blocking services appear to be working well. We therefore estimate that the average small voice service provider will need to respond to 100 requests for this list. Some small voice service providers may receive fewer requests, while others may receive more requests.

The *2010 Trends in Telephone Service Report* indicates that there are 741 voice service providers with more than 1,500 employees.¹² We anticipate that these are the voice service providers that will develop phone applications or web portals in-house to automate responses to these requests. We anticipate that these voice service providers will receive significantly more requests than small voice service providers, due to their larger number of subscribers. Developing such an application is a one-time cost each year, either to develop the application or to update it to ensure continued function. We estimate that it will take, on average, 40 hours to complete this work, which will ensure that all subscribers can access the blocked calls list without the voice service provider needing to spend additional time responding to individual requests.

Burdens for Small Voice Service Providers

Number of Respondents: 5,752

Annual Number of Responses: 575,200

5,752 respondents x 100 responses = 575,200

Annual Number of Burden Hours: 5,752 respondents x 100 responses x .25 hours/response = 143,800 hours

In order to provide the blocked calls list, small voice service providers will need to query the switch or a database and send the results to the subscriber. The voice service provider does not need to take any specific steps to format the information, so long as it is readable to the subscriber; it can provide this information to the subscriber by email, regular mail, or any other reasonable means. As a result, the Commission estimates that it will take approximately 15 minutes per request to respond.

Annual “In House” Cost: 5,752 respondents x 100 responses x .25 hours/response x \$24.02 = \$3,454,076

The Commission believes that the respondents will generally use “in-house” personnel whose pay is comparable to lower level federal employees (GS 6/5). Therefore, the Commission estimates respondents’ hourly costs to be \$24.02 to collect and send this information to subscribers.

Burdens for Large Voice Service Providers

Number of Respondents: 741

¹¹ 2010 Trends in Telephone Service Report at 5-5.

¹² *Id.*

Annual Number of Responses: 741

741 respondents x 1 response = 741

Annual Number of Burden Hours: 741 respondents x 1 response x 40 hour/response = **29,640 hours**

Annual “In House” Cost: 741 respondents x 1 response x 40 hour/response x \$66.54 = **\$1,972,245.60**

The Commission believes that the respondents will generally use “in-house” personnel whose pay is comparable to high level federal employees (GS 14/5). Therefore, the Commission estimates respondents’ hourly costs to be \$66.54 to develop, implement, and update a phone application or web portal to automate this process.

Cumulative Totals for the Information Collection Requirements:

Total Number of Respondents: 6,493

Total Number of Responses:

6,493 + 575,200 + 741 = **582,434 responses**

Total Annual Burden Hours:

25,972 + 143,800 + 29,640 = **199,412 hours**

Total Annual “In-House” Costs:

\$1,462,483.32 + \$3,454,076 + \$1,972,245.60 = **\$6,888,804.92**

13. The Commission has determined that there is no annual cost.
14. The Commission has determined there are no costs to the Federal Government for requiring respondents to comply with these requirements.
15. This is a new information collection. Once OMB approves the collection, the following figures will be added into OMB’s inventory: 6,493 to the number of respondents, 582,434 to the annual number of responses, and 199,412 to the annual burden hours.
16. There are no plans to publish the result of the collection of information.
17. The Commission is not seeking approval to not display the expiration date for OMB approval of the information collection because the collection does not include a form number.
18. There are no exceptions to the Certification Statement for this collection.

B. Collections of Information Employing Statistical Methods

OMB Control Number: 3060-XXXX

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