

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 and extend this existing collection.

SUPPORTING STATEMENT

A. Justification:

1. Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. § 220, makes it unlawful for carriers willfully to destroy information retained for the Commission. 47 C.F.R. Part 42 of the Commission's rules prescribes guidelines to ensure that carriers maintain the necessary records needed by the FCC for its regulatory obligations.

In the Memorandum Opinion and Order and Report and Order and Further Notice of Proposed Rulemaking and Second Further Notice of Proposed Rulemaking, FCC 13-69,¹ released on May 17, 2013, the Commission granted forbearance from certain legacy telecommunications regulations, including the recordkeeping requirements in 47 C.F.R. §§ 42.4, 42.5, and 42.7, and granted conditional forbearance for all carriers. In the Report and Order, FCC 17-112, released on September 8, 2017, the Commission eliminated the recordkeeping requirements in 47 C.F.R. §§ 42.4, 42.5, and 42.7.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

Statutory authority for this information collection is contained in Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. 220.

2. Section 42.6 requires a carrier to retain telephone toll records for 18 months that are necessary to provide the following billing information about telephone toll calls: the name, address, and telephone number of the caller, telephone number called, date, time and length of the call. Each carrier shall retain this information for toll calls that it bills whether it is billing its own toll service customers for toll calls or billing customers for another carrier.
3. There are no FCC information technology requirements for section 42.6 for all entities covered by that rule. The Commission developed this requirement for the FBI and that organization will advise any entity how to provide the desired data.
4. No duplication of the required data exists outside the agency. The Commission knows of no other existing information that would serve our regulatory purpose.

¹ FCC 13-69 also granted conditional forbearance for section 42.10 (a) for all carriers. This rule section is approved under OMB Control Number 3060-0704.

5. The collection of information does not involve small businesses or other small entities. The burden has been minimized for all respondents subject to the collection.
6. Although the Commission granted forbearance from certain recordkeeping requirements, the Commission has various means of obtaining information and records from carriers. The Commission does require that records pertaining to complaint proceedings, and proceedings and inquiries initiated by the Commission, be retained until resolved. Telephone toll records must be retained for an eighteen-month period.
7. No special circumstances are noted. The collection is not conducted in any manner inconsistent with the general paperwork reduction requirements contained in 5 C.F.R. § 1320.5.
8. A 60-day Notice was published in the Federal Register pursuant to 5 C.F.R. §1320.8(d) on January 24, 2022, (87 FR 3536). No comments were filed in response to the Notice.
9. There will be no payments or gifts to respondents.
10. Ordinarily, questions of a confidential nature are not involved in the preservation of records of communications common carriers. The Commission contends that areas in which detailed information is required are fully subject to regulation and the issue of data being regarded as sensitive will arise in special circumstances only. In such circumstances, the respondent is instructed on the appropriate procedures to follow to safeguard sensitive data. Section 0.459 of the Commission's rules contains procedures for requesting confidential treatment of such data. *See* 47 C.F.R. §.0459 of the rules.
11. The respondents are instructed on the appropriate procedures to follow to safeguard information deemed sensitive data. Section 0.459 of the Commission's rules contains procedures for requesting confidential treatment of such data. *See* 47 C.F.R. §.0459 of the rules
12. The following represents the estimate of the annual burden hours and the annual cost burden for the collection of information. We note that the burden hours imposed on the requirement is very difficult to quantify. The following represents our best estimate.

(1) Number of Respondents: **49**.

The Commission has estimated the number of subject carriers at 49.

(2) Frequency of Response: Recordkeeping requirement.

(3) Total Number of Responses Annually: **49 responses**.

49 carriers x 1 response/annum = 49 responses.

(4) Total Annual Hourly Burden: **98 hours**.

The Commission estimates that each carrier takes approximately two hours to comply with the requirement.

49 carriers x 2 hours per filing = 98 hours.

(5) Total Estimated Industry Costs: \$4,780.44.

The Commission estimates that it will take each carrier uses staff equivalent to a GS-12/Step 5 (\$48.78) to comply with the requirement.

49 (number of respondents) x 1 (number of filings) x 2 (hours per filing) x \$48.78 per hour = \$4,780.44.

13. The following represents the Commission's estimate of the annual cost burden to respondents or recordkeepers resulting from the collections of information:
 - (a) Total capital and start-up cost component (annualized over its useful life): \$0.00.
 - (b) Total operations and maintenance and purchase of services component: \$0.00.
 - (c) Total annualized cost requested: \$0.00.
14. There is no annual cost to the Federal government.
15. There are no program changes or adjustments to this collection.
16. The Commission does not anticipate that it will publish any of the collected information.
17. The Commission does not seek approval not to display the expiration date of OMB approval based on the Commission's rules. The Commission publishes a list of all OMB-approved information collections with their associated OMB control numbers, titles, and OMB expiration dates under 47 CFR 0.408 of the Commission's rules.
18. There are no exceptions to the Certification Statement.

B. Collection of Information Employing Statistical Methods:

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