

TITLE: DO NOT ORIGINATE REQUIREMENTS FOR GATEWAY PROVIDER REPORT AND ORDER**A. Justification****Background**

1. The Federal Communications Commission seeks to establish a new information collection associated with the *Advanced Methods to Target and Eliminate Unlawful Robocalls Sixth Report and Order and Call Authentication Trust Anchor Fifth Report and Order* (“*Gateway Provider 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. Foreign-originated robocalls represent a significant portion of illegal robocalls, and gateway providers serve as a critical choke-point for reducing the number of illegal robocalls received by American consumers.

In the *Gateway Provider Report and Order*, the Commission took steps to prevent these foreign-originated illegal robocalls from reaching consumers and to help track these calls back to the source. Along with further extension of the Commission’s caller ID authentication requirements² and Robocall Mitigation Database filing requirements,³ the Commission adopted several robocall mitigation requirements, including a requirement for gateway providers to respond to traceback within 24 hours,⁴ mandatory blocking requirements,⁵ a “know your upstream provider” requirement,⁶ and a general mitigation requirement.⁷

New Information Collection Requirements:

The requirement for all gateway providers to block based on a reasonable do not originate (DNO) list requires approval prior to implementation requires an information collection. Other requirements adopted in the *Gateway Provider Order* do not include information collections or are part of other information collections for which the Commission will request separate approval.

Gateway Provider Report and Order, FCC 22-37, paras. 87-91, 47 CFR § 64.1200(o).

A provider that serves as a gateway provider for particular calls must, with respect to those calls, block any calls purporting to originate from a number on a reasonable do-not-originate list. A list so limited in scope that it leaves out obvious numbers that could be included with little effort may be deemed unreasonable. The do-not-originate list may include only:

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Sixth Report and Order and Seventh Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fifth Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 22-37 (rel. May 20, 2022) (*Gateway Provider Order*).

² *Id.* at paras. 51-63.

³ *Id.* at paras. 34-50.

⁴ *Id.* at paras. 65-71.

⁵ *Id.* at paras. 72-95.

⁶ *Id.* at paras. 96-101.

⁷ *Id.* at paras. 102-108.

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- (i) Numbers for which the subscriber to which the number is assigned has requested that calls purporting to originate from that number be blocked because the number is used for inbound calls only;*
- (ii) North American Numbering Plan numbers that are not valid;*
- (iii) Valid North American Numbering Plan Numbers that are not allocated to a provider by the North American Numbering Plan Administrator; and*
- (iv) Valid North American Numbering Plan numbers that are allocated to a provider by the North American Numbering Plan Administrator, but are unused, so long as the provider blocking the calls is the allocatee of the number and confirms that the number is unused or has obtained verification from the allocatee that the number is unused at the time of blocking.*

The new information collection for which OMB approval is sought comes from the requirement in the *Gateway Provider Report and Order* that all gateway providers must block calls using a reasonable DNO list.⁸ The categories of numbers that may be included on the reasonable DNO list are the same categories of numbers for which the Commission first authorized blocking in 2017.⁹ There is no valid reason for a caller to originate a call from these numbers calls purporting to originate from these numbers are highly likely to be illegal.

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), 4(j), 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), 154(j), 201, 202, 217, 227, 227b, 251(e), 303(r), and 403.

2. The information, which includes the list of numbers from which a gateway provider will block calls, will be primarily used by the gateway provider in order to comply with the requirement to block based on a reasonable DNO list. It may also be used by the Commission in the event of a question about the provider’s compliance with this rule. Gateway providers are not required to submit the list to the Commission absent an enforcement investigation.
3. The required disclosures may be provided using electronic means. Gateway providers may create and maintain the list in any format that is convenient for their use. In the case of an enforcement action, they will be required to submit the list to the Commission in an appropriate format.
4. The Commission previously permitted, but did not require, all voice service providers, including gateway providers, to block based on a similar list. This disclosure requirement is not duplicative within the meaning of the Paperwork Reduction Act (“PRA”) and Office of Management and Budget (“OMB”) regulations.¹⁰

⁸ *Id.* at paras. 87-91.

⁹ *Id.* at paras. 87-88.

¹⁰ OMB PRA Guide at 42.

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5. The impact of these requirements on small businesses or other small entities is expected to be limited. The rule does not require a provider to develop and maintain its own list. There are existing lists that these providers can make use of or multiple providers can come together to maintain a joint list, so long as that list meets the basic requirements set forth in the rule.
6. There are no statutory consequences if such information is not disclosed by gateway providers. All gateway 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. The collection is not being conducted in any manner inconsistent with the guideline of 5 CFR Section 1320. The collection does not require reporting, and gateway providers would only be required to provide the DNO list or policies explaining how numbers are added or removed as part of a specific investigation.
8. Pursuant to 5 CFR 1320.8(d), the Commission published a notice in the *Federal Register* on July 14, 2022 (see 87 42176), seeking comments from the public on the information collection requirements contained in this supporting statement. The Commission did not receive any comments in response to the notice.
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 reasonable DNO list requirement adopted in the *Gateway Provider Report and Order* requires all gateway providers to block based on a reasonable DNO list, but does not mandate the use of a specific list.

DNO List:

We anticipate that gateway providers will review, update, or modify their DNO list to ensure it remains in compliance on average monthly. Some providers may limit their lists to inbound-only numbers that are or have been used part of imposter scams, which are unlikely to change often, while others may choose to include more numbers, such as unused numbers, and will need to make more frequent updates.

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*.¹¹ The Commission is using this number to avoid the possibility that some

¹¹ 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).

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categories of voice service providers covered in the *Final Regulatory Flexibility Analysis* included with the *Gateway Provider Report and Order* may be counted multiple times across multiple categories.¹² The data in the *2010 Trends in Telephone Service Report* is based on the number of FCC Form 499-A filers. This number likely overestimates the number of providers required to respond, as not all telecommunications service providers are gateway providers.

Annual Number of Responses: 77,916

6,493 respondents x 12 response = 77,916

Annual Number of Burden Hours: 6,493 respondents x 12 response x 1 hour/response = **77,916 hours**

Some gateway providers may be able to automate most updates to the list, making the amount of time needed for updates minimal. Others may want to take investigative steps before adding numbers, such as confirming that the number is never used to originate calls or that it is being used in a spoofing campaign. On average, we expect gateway providers to take 1 hour to make these updates.

Annual “In House” Cost Per Respondent: \$3,171,181.20

The Commission believes that the respondents will generally use “in-house” personnel whose pay is comparable to mid-level federal employees (GS 11/5), such as a junior attorney or fraud specialist. Therefore, the Commission estimates respondents’ hourly costs to be about \$40.70 to review, manage, and update the DNO list.

13. The Commission has determined that there is no annual cost burden not captured under question 12.
14. The Commission has determined there are no costs to the Federal Government for requiring respondents to comply with these requirements.
15. The Commission has the following program changes as the result of the information collection requirements adopted in FCC 22-37: 6,493 to the number of respondents, 77,916 to the annual number of responses and 77,916 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.

B. Collections of Information Employing Statistical Methods

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

¹² *Call Blocking Fourth Report and Order*, 35 FCC Rcd at 15257-69.