

Non-substantive Change Justification for Collection 3060-1303

We would like to request approval of modifications to 47 CFR 64.1200(n)(1) as a non-substantive change. The current rule is approved under OMB Control Number 3060-1303 and requires gateway providers to respond to traceback requests from the Commission, civil and criminal law enforcement, and the industry traceback consortium within 24 hours and requires all other voice service providers to respond “fully and timely.” The new rule does not vary by provider-type: all providers must respond within 24 hours.

We believe that this is a non-substantive change because:

- 1) The number of respondents does not change. The old rule covers all provider-types. The new rule does not add additional provider-types, nor does it remove any provider types.
- 2) The number of requests does not change. We do not anticipate this change impacting the number of requests.
- 3) For most respondents, the timing will not change. The order adopting the requirement to respond “fully and timely” made clear that the Commission generally expected responses within 24 hours, and most providers that receive traceback requests respond in under 24 hours currently. Many providers that are terminating, originating, or intermediate providers for some of their traffic are also gateway providers for other segments of their traffic, and therefore will have already implemented systems to allow them to respond more quickly. Our understanding is that those that do not respond in that timeframe are either unfamiliar with the process or are using that as a delaying tactic.
- 4) The amount of time required to respond will not change. The steps a provider must take to respond is the same regardless of how much time they are allotted to respond, so while this revised requirement may change how providers prioritize requests, it does not change the steps a provider must take or how much time is required to complete them. A provider must access the call detail records, locate the information, and respond through the appropriate channel with that information. Our burden estimates under the currently approved collection do not distinguish between provider type, despite the fact that the rule for gateway providers had a set time to respond, and other providers only had to respond “timely.”