3060-1183 **October 2024**
Establishment of a Public Safety Answering Point Do-Not-Call Registry, CG Docket No. 12-129

SUPPORTING STATEMENT

A. Justification

1. Section 6507(a) of the Middle Class Tax Relief and Job Creation Act of 2012 requires the Commission to create a specialized Do-Not-Call registry for Public Safety Answering Points (PSAPs), to issue regulations related to operation of the registry, to implement the statute's prohibition on the use of autodialers to contact or disclose registered PSAP numbers, and to establish monetary penalties for violations of those regulations.[1] Section 6507 of the Tax Relief Act is designed to address concerns about the use of "automatic dialing or 'robocall' equipment," which can generate large numbers of phone calls in a short period of time to PSAPs. Automatic dialing equipment can tie up public safety lines, divert critical responder resources from emergency services, and impede the public's access to emergency lines. The rules are necessary to implement the statutory mandate and include regulations relating to the creation and ongoing management of the registry, requirements for adding PSAP telephone numbers, granting and tracking access by operators of automatic dialing equipment (OADEs), prohibiting the use of autodialers to contact registered numbers and protecting the registry from unauthorized disclosure or dissemination of registered PSAP numbers.

Background:

On February 22, 2012, the President signed into law the "Middle Class Tax Relief and Job Creation Act of 2012."[2] In relevant part, the Tax Relief Act required the Commission to create a specialized Do-Not-Call registry for PSAPs.[3] In addition, the Tax Relief Act requires the Commission to: 1) permit PSAPs to register the telephone numbers of all "9-1-1 trunks and other lines used for the provision of emergency services to the public or for communications between public safety entities"; 2) provide a process for verifying that registered numbers should remain on the registry; 3) provide a process for granting and tracking access to the registry by operators or automatic dialing equipment; 4) protect the list of registered numbers from disclosure or dissemination; and 5) prohibit the use of automatic dialing or "robocall" equipment to establish contact with registered numbers. In addition, section 6507(c) of the Tax Relief Act contains specific monetary penalties for contacting or disclosing the number contained on the PSAP Do-Not-Call registry.

In 2012, the Commission released a Report and Order adopting rules to implement the statutory provisions of section 6507 of the Tax Relief Act. Specifically, the Commission adopted rules that establish a specialized PSAP Do-Not-Call registry and prohibit the use of autodialers to contact those registered numbers for non-emergency purposes. These include requirements for adding PSAP telephone numbers to the registry, granting and tracking access by operators of automatic dialing equipment (OADEs), and protecting the registry from unauthorized disclosure or dissemination of registered PSAP numbers. In addition, the Commission adopted the specific monetary penalties contained in section 6507(c) of the Tax Relief Act for violations of the rules prohibiting contact and disclosure of the numbers on the registry.

[1] Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 (2012) (Tax Relief Act) at § 6507(a).

[2] *See generally* Tax Relief Act.

[3] *Id.* at § 6507(a).

Information Collection Requirements

As part of *Implementation of the Middle Class Tax Relief and Job Creation Act of 2012; Establishment of a Public Safety Answering Point Do-Not-Call Registry*, Report and Order adopted by the Commission on October 17, 2012, the Commission adopted rules which allow PSAPs to upload telephone numbers onto a Do-Not-Call registry, prohibit the use of autodialers to contact those numbers other than for an emergency purpose, require operators of automatic dialing equipment to access and employ of a version of the PSAP registry no more than 31 days prior to making any such call and document that process, and prohibit the disclosure or dissemination of the numbers on the registry. Specifically, the rules require:

a) 47 CFR § 64.1202(b) - Each PSAP may designate a representative who shall be required to file a certification with the administrator of the PSAP registry, under penalty of law, that they are authorized and eligible to place numbers onto the PSAP Do-Not-Call registry on behalf of that PSAP. The designated PSAP representative shall provide contact information, including the PSAP represented, contact name, title, address, telephone number, and email address. Verified PSAPs shall be permitted to upload to the registry any PSAP telephone numbers associated with the provision of emergency services or communications with other public safety agencies. On an annual basis, designated PSAP representatives shall access the registry, review their numbers placed on the registry to ensure that they remain eligible for inclusion on the registry, and remove ineligible numbers.

b) 47 CFR § 64.1202(d) - An operator of automatic dialing or robocall equipment may not obtain access to or use the PSAP Do-Not-Call registry until it provides to the designated registry administrator contact information that includes the operator's name and all alternative names under which the registrant operates, a business address, a contact person, the contact person's telephone number, the operator's email address, and all outbound telephone numbers used to place autodialed calls, including both actual originating numbers and numbers that are displayed on caller identification services, and thereafter obtains a unique identification number or password from the designated registry administrator. All such contact information provided to the designated registry administrator must be updated within 30 days of any change to such information. In addition, an operator of automatic dialing equipment must certify when it accesses the registry, under penalty of law, that it is accessing the registry solely to prevent autodialed calls to numbers on the registry.

c) 47 CFR § 64.1202(e) - An operator of automatic dialing equipment or robocall equipment shall, to prevent such calls to any telephone number on the registry, access and employ a version of the PSAP Do-Not-Call registry obtained from the registry administrator no more than 31 days prior to the date any call is made, and shall maintain records documenting this process.

d) 47 CFR § 64.1202(f) –No person or entity, including an operator of automatic dialing equipment or robocall equipment, may sell, rent, lease, purchase, share, or use the PSAP Do-Not-Call registry, or any part thereof, for any purpose except to comply with this section and any such state or Federal law enacted to prevent autodialed calls to telephone numbers in the PSAP registry.

The statutory authority for these information collection requirements is found in the Middle Class Tax Relief and Job Creation Act of 2012, Pub. Law 112-96, February 22, 2012.

2. The data generated by the new information collections will be used to create and operate a specialized Do-Not-Call registry for PSAP telephone numbers to ensure that the provision of emergency services is not disrupted by unwanted autodialed calls and texts. Operators of automatic dialing equipment will access and employ a version of the PSAP Do-Not-Call registry no later than each 31 days to ensure that they do not contact any prohibited telephone number. This implements the statutory mandates contained in section 6507 of the Tax Relief Act.

The Commission is requesting an extension of this information collection in order to receive the full three-year OMB approval/clearance for this collection.

The information collections do not affect individuals or households, and thus, there are no impacts under the Privacy Act. However:

(a) Any information submitted related to individuals or households, it is collected by a third party; and

(b) The Commission has no direct involvement in the collection of this information on individuals and households.

3. Most records will be kept electronically. PSAPs and operators of automatic dialing equipment will be able to access the PSAP Do-Not-Call registry electronically and access information as often as they wish.

4. The current information collection requirements are not duplicative of any currently existing federal regulatory obligation.

5. Although this information collection appears to have a significant economic impact on small businesses that use autodialers to make telephone calls to the extent that the affected entities must periodically check the PSAP registry to ensure that the number listed are not contacted, this impact is mitigated by the fact that our rules are designed to be consistent with those of the National Do-Not-Call registry. Many entities subject to our information collection, therefore, will be able to leverage existing knowledge and solutions already developed for compliance with the National Do-Not-Call registry. Those small business entities that use autodialers to make calls will have to register for access to the PSAP Do-Not-Call registry, employ a version of the registry obtained no later than 31 days prior to making such calls, and ensure that none of the registered numbers obtained from the administrator are disclosed or disseminated to other parties.

6. The information collection is necessary to implement the Middle Class Tax Relief and Job Creation Act of 2012 by establishing a Do-Not-Registry for PSAP numbers and prohibiting the use of autodialers to contact such numbers other than for an emergency purpose. Without these information collections, PSAPs would likely receive more unwanted autodialed calls which can disrupt the provision of emergency services to the public. Collecting the information less frequently would diminish the effectiveness and accuracy of the numbers placed on the registry.

7. No special circumstances exist that would cause this collection to be conducted in any manner that is inconsistent with the guidelines in 5 CFR § 1320.

8. The Commission published a Notice in the Federal Register pursuant to 5 CFR 1320.8(d) seeking comment from the public on the information collection requirements contained in this supporting statement. *See* 89 FR 66109, August 14, 2024. 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. The FCC is permitted access to the PSAP Do-Not-Call database for enforcement or administrative purposes. Operators of automatic dialing equipment are required to access the information maintained in the Do-Not-Call database for purposes of complying with the rules. Verified PSAP representatives are permitted to access the database for the purpose of ensuring that the registered numbers remain eligible for inclusion on the registry. No person or entity may sell, rent, lease, purchase, share, or use the PSAP registry for any purpose except compliance with the requirement to prevent autodialed calls to telephone numbers on the PSAP registry. When there is an indication of a violation or potential violation of the Commission's rules, records from the do-not-call database may be obtained for purposes of investigating a violation or for enforcing the rules and may be provided to the respondent/defendant for that same purpose.

The information collections pursuant to this Report and Order would not impact or modify any of the existing confidentiality procedures.

11. The information collection requirements do not raise any questions or issues of a sensitive nature.

12. Estimates of the burden hours for the collection of information are as follows:

Information Collection Requirements:

1. 47 CFR § 64.1202(b) PSAP number registration.

The Commission estimates there are approximately 6,500 PSAPs (respondents) who may choose to upload telephone numbers onto the PSAP Do-Not-Call registry. In order to do so, a representative designated by the PSAP must provide certain contact information to the administrator of the registry on an occasional basis and provide the numbers that they wish to register. This requirement will take approximately 1 hour to complete.

In addition, at least once every year, the PSAP must access and review the registry to ensure that the numbers remain eligible for inclusion. This requirement will require approximately 1 hour to complete.

Annual Number of Responses: 6,500 respondents x 2 registry uploads/reviews = **13,000 responses**

Annual Burden Hours: 6,500 respondents x 2 registry uploads/reviews x 2 hours = **26,000 hours**

Annual "In-House" Cost: The Commission assumes that respondents use "in-house" personnel to upload numbers and review the PSAP registry to ensure that the numbers remain eligible,

whose pay is comparable to a federal employee GS-4/5. Thus, the Commission estimates respondents' cost to be about $21.91 per hour to comply with the requirement:

6,500 respondents x 2 registry uploads/reviews x 2 hours x $21.91 = **$569,660**

2. 47 CFR § 64.1202(d) Requirement that 100,000 operators of automatic dialing equipment (entities/respondents) provide contact information to gain access the PSAP Do-Not-Call registry and update any changes to that contact information within 30 days.

The Commission estimates that there are approximately 100,000 entities that will be required to access the PSAP Do-Not-Call registry. Providing contact information to gain access to the registry will require 30 minutes (.50 hours) and will be done on a one-time basis.

Annual Number of Responses: 100,000 responses

Annual Burden Hours: 100,000 respondents x 1 contact information to gain access the database x .50 hours per registration = **50,000 hours**

Annual "In-House" Cost: The Commission assumes that respondents use "in-house" personnel to provide the required contact information, whose pay is comparable to a federal employee GS-4/5. Thus, the Commission estimates respondents' cost to be about $21.91 per hour to comply with the requirement:

100,000 respondents x 1 registration to access the database x .50 hours/registration x $21.91 per hour = **$1,095,500**

Annualized Burdens -- Though respondents will incur the burdens estimated in this section on a one-time basis, for purposes of cumulative burden estimates, these one-time estimates are annualized over the three-year period for which the Commission seeks approval for this collection. Therefore:

Annualized Number of Responses: 100,000/3 = **33,333 responses/yr**

Annualized Burden Hours: 50,000 hrs/3 = **16,667 hrs/yr**

Annualized "In-House" Cost: $1,095,500/3 = **$365,167/yr**

3. 47 CFR § 64.1202(d) Requirement that 100,000 operators of automatic dialing equipment (entities/respondents) update any changes to their contact information within 30 days. Updating such information will require approximately 30 minutes (.50 hours) and will be done on an on-occasion basis depending on whether any changes are made to the required contact information.

Annual Number of Responses: 100,000 responses

Annual Burden Hours: 100,000 responses x 1 update of contact information x .50 hours per update = **50,000 hours**

Annual "In-House" Cost: The Commission assumes that respondents use "in-house" personnel to update the required contact information, whose pay is comparable to a federal employee GS-

4/5. Thus, the Commission estimates respondents' cost to be about $21.91 per hour to comply with the requirement:

100,000 respondents x 1 update of contact information x .50 hours/update x $21.91 per hour = **$1,095,500**

4. 47 CFR § 64.1202(e) Requirement that 100,000 operators of automatic dialing equipment (entities/respondents) access and employ a version of the PSAP registry no more than 31 days prior to the date any call is made and maintain records documenting this process. As part of this process it is necessary to maintain records documenting the fact that parties have accessed and updated their calling records no later than each 31 days to avoid calling numbers added to the registry.

The Commission assumes that 100,000 entities will use automatic dialing equipment to make telephone calls or send text messages. This requirement will be on a monthly basis requiring 30 minutes (.50) hours to comply.

Annual Number of Responses: 100,000 respondents x 1 monthly update x 12 times a year to the PSAP registry database = **1,200,000 responses**

Annual Burden Hours: 1,200,000 responses x .50 hours per monthly update = **600,000 hours/year**

Annual "In-House" Cost: The Commission assumes that respondents use "in-house" personnel to access and employ a version of the registry obtained every 31 days, whose pay is comparable to a federal employee GS-4/5. Thus, the Commission estimates respondents cost to be about $21.91 per hour.

1,200,000 responses x .50 hours/response x $21.91 per hour = **$13,146,000**

5. 47 CFR § 64.1202(f) Rule that restricts the disclosure or dissemination of the registered PSAP numbers.

The Commission assumes that 100,000 operators of automatic dialing equipment (entities/respondents) will require 1 hour each year to ensure that the registered numbers are not disseminated or disclosed to third parties by, for example, training personnel and establishing written procedures to ensure compliance with this requirement.

Annual Number of Responses: 100,000 operators of automatic dialing equipment (respondents) x 1 development of non-disclosure system = **100,000 responses**

Annual Hour Burdens: 100,000 responses x 1 hour/develop non-disclosure system= **100,000 hours**

Annual "In-House" Cost: The Commission assumes that respondents use "in-house" personnel to develop a system to avoid disclosure of the registered PSAP numbers, whose pay is comparable to a federal employee GS-4/5. Thus, the Commission estimates respondents' cost to be about $21.01 per hour to comply with the requirement:

100,000 responses x 1 hour/develop non-disclosure system x $21.91 per hour = **$2.191,000**

Cumulative Totals for the Information Collection Requirements:

Total Number of Respondents: 106,500

Total Number of Responses:

13,000 + 33,333 + 100,000 + 1,200,000 + 100,000 = **1,446,333 responses**

Total Annual Burden Hours:

26,000 + 16,667 + 50,000 + 600,000 + 100,000 = **792,667 hours**

Total Annual "In-House" Costs:

$569,660 + $365,167 + $1,095,500 + $13,146,000 + $2,191,000 = **$17,367,327**

13. The Commission has estimated that there are approximately 100,000 operators of automatic dialing equipment that are affected by these rules. Our rules limit access to the PSAP registry to only operators of automatic dialing equipment and prohibit the disclosure of any of the registered PSAP numbers to any third parties. We do not anticipate, therefore, that there will be any situations in which the costs of performing the task necessary to comply with our rules will be assigned to third parties.

(a) Total annualized capital/start-up costs: $0

(b) Total annual costs (maintenance and operation), calculated as follows:

100,000 operators of automatic dialing equipment x $900/year = $0

(c) Total annualized cost requested: $0

14. There will be a cost to the Federal government associated with the creation and ongoing management of the registry. However, we cannot estimate that cost with specificity until an administrator for the registry has been determined and the operational details are finalized.

15. There are no program changes or adjustments to this information collection.

16. There are no plans to publish the result of the collection of information. Publishing of recordkeeping data, such as contact information, provided by operators of automatic dialing equipment is not mandated by the Middle Class Tax Relief Act or required by Commission's rules.

17. The Commission does not intend to seek approval not to display the expiration date for OMB approval of this information.

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 statistical methods.