

The Commission is requesting Office of Management and Budget (OMB) approval for a renewal of this information collection. **There are changes in the Commission's burden estimates.**

SUPPORTING STATEMENT

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

- (a) The Communications Assistance for Law Enforcement Act or CALEA was enacted in October 1994 to respond to rapid advances in telecommunications technology and to eliminate obstacles faced by law enforcement personnel in conducting electronic surveillance.
- (b) In brief, CALEA was intended to preserve the ability of law enforcement agencies to conduct electronic surveillance by requiring that telecommunications carriers and manufacturers of telecommunications equipment modify and design their equipment, facilities, and services to ensure that they have the necessary surveillance capabilities.
- (c) The information collection requirements were established to implement sections 105, 107(c), 109(b) and 301 of the Communications Assistance for Law Enforcement Act (CALEA), 47 U.S.C. §§ 1004, 1006(c), 1008(b), and 229; Pub. L. No. 103-414, 108 Stat. 4279 (1994).
- (d) The information collection requirements for the System Security and Integrity (SSI) plan filings are codified in 47 CFR §§ 1.20003, 1.20004, and 1.20005. The CALEA sections 107(c) and 109(b) information collection requirements are described in the *CALEA and Broadband Access and Services*, ET Docket No. 04-295, Second Report and Order and Memorandum Opinion and Order, 21 FCC Rcd. 5360, 5425, and 5431 (2006). Appendix E of that order describes requirements for section 109 petitions and Appendix F describes section 107 petitions.
- (e) The Commission's rules require telecommunications carriers, facilities-based broadband Internet access providers, and providers of interconnected Voice over Internet Protocol (VoIP) service to file System Security and Integrity plan filings (SSI Plans) whenever there is a change in relevant information.¹ CALEA also requires the Commission to review filed SSI Plans to confirm that they comply with Commission requirements.² This information includes a description of how the service provider complies with CALEA, and carrier contact information. CALEA requires a telecommunications carrier to file a corrected SSI Plan if the Commission deems a filing deficient.³ On October 18, 2022, when OMB last approved the extension of this information collection, respondents could file these submissions in paper form delivered by mail or courier.⁴ In the alternative, respondents could voluntarily file electronically through the Commission's then-newly launched CALEA Electronic Filing System (CEFS).⁵ On May 16, 2023, OMB approved a non-substantive information collection change such that use of the CEFS is

¹ 47 U.S.C. § 229(b)(3); 47 CFR § 1.20005(a).

² 47 U.S.C. § 229(c); 47 CFR § 1.20005(b).

³ 47 CFR § 1.20005(b)(1).

⁴ See OMB Approval for Extension without Change of a Currently Approved Collection for Control No. 3060-0809 (approved through Oct. 31, 2025), Oct. 18, 2022.

mandatory.⁶ The new rules mandating that SSI Plans be filed electronically in the CEFS took effect on June 29, 2023.⁷ The CEFS continues to offer the ease of electronic filing to respondents and remains consistent with OMB directives to reduce the burden on respondents. The information contained in the submitted SSI Plans is not disclosed to the public.

Current Information Collection Requirements:

- (a) Telecommunications carriers, including facilities-based broadband Internet access providers and providers of interconnected VoIP, must establish and submit to the Commission their policies and procedures for ensuring that any interception of communications or access to call-identifying information effected within its switching premises can be activated only in accordance with lawful authorization and with the affirmative intervention of an individual officer or employee of the carrier, acting in accordance with regulations prescribed by the Commission.
- (b) Each telecommunications carrier must include in this submission:
 - (1) information about the senior officer or employee responsible for the carrier's interception operations,
 - (2) information necessary for law enforcement agencies to contact the carrier regarding interceptions, and
 - (3) other information about the carrier's security and integrity program.
- (c) The Commission must review each carrier's policies and procedures to determine whether these are in compliance with the rules established under CALEA.
- (d) If the Commission determines that any carrier's policies and procedures are non-compliant, the carrier must modify its policies and procedures accordingly.
- (e) 47 CFR § 1.20004 of the Commission's rules require telecommunications carriers to maintain records of interceptions. Pursuant to 5 CFR § 1320.3(b)(2), this recordkeeping burden is set to zero hours because the nature and extent of the requirement is usual and customary. Telecommunications carriers must keep such records to demonstrate that they are in compliance with federal and state wiretapping laws and regulations that have existed for the past 40 years. The certification requirement can be met by having the designated company liaison:
 - (1) sign the certification statement,
 - (2) verify that the records are complete and accurate, and

⁵ *Public Safety and Homeland Security Bureau Provides Information on Implementation of Voluntary Electronic Filing of CALEA System Security and Integrity Plans and Seeks Comment on Mandatory Electronic Filing*, Public Notice, DA 22-592 (PSHSB June 1, 2022) (*CEFS Announcement Public Notice*); See also OMB Approvals for Non-Substantive Changes to Currently Approved Information Collections (OMB Control Nos. 3060-0809, 3060-0917, 3060-0918, 3060-0862), May 6, 2022.

⁶ OMB Approvals for Non-Substantive Changes to Currently Approved Information Collections (OMB Control Nos. 3060-0809, 3060-0917, 3060-0918, 3060-0862), May 16, 2023.

⁷ *Communications Assistance for Law Enforcement Act Electronic Filing System (CEFS)*, PS Docket No. 22-217, Order, 38 FCC Rcd 4218 (PSHSB 2023) (*CALEA SSI Plan Mandatory Electronic Filing Order*); See also 47 CFR § 1.20005(c).

- (3) attach the appropriate legal authorization and any extensions.
- (f) The two-tiered recordkeeping requirement mandates that each telecommunications carrier:
- (1) maintain its certification, as is the case with authorized interceptions, for a “reasonable period of time;” and
 - (2) include in its policies and procedures, submitted to the Commission for review, a detailed description of how long it will maintain its record of interceptions.
- (g) CALEA section 107(c) permits a carrier to apply to the Commission for an extension of the Commission’s deadline to come into compliance with CALEA section 103 capability requirements, limited to no more than two years from the date that the extension is granted. For instructions regarding the proper filing of CALEA section 107 petitions, see *CALEA and Broadband Access and Services*, ET Docket No. 04-295, Second Report and Order and Memorandum Opinion and Order, 21 FCC Rcd. 5360, 5431 , appx. (F) (2006). This section applies to all carriers subject to CALEA and any petitions filed under it are voluntary.
- (h) CALEA section 109(b) permits a carrier to file a petition with the Commission and an application with the Department of Justice (DOJ) to request that DOJ pay the costs of the carrier’s CALEA compliance (cost-shifting relief) with respect to any equipment, facility, or service installed or deployed after January 1, 1995. For instructions regarding the proper filing of CALEA section 109(b) petitions, see *CALEA and Broadband Access and Services*, ET Docket No. 04-295, Second Report and Order and Memorandum Opinion and Order, 21 FCC Rcd. 5360, 5425, appx. E (2006). This section applies to all carriers subject to CALEA and any petitions filed under it are voluntary.

The Commission has authority for this information collection pursuant to sections 105, 107(c), 109(b) and 301 of the Communications Assistance for Law Enforcement Act (CALEA), 47 U.S.C. §§ 1004, 1006(c), 1008(b), and 229; Public Law No. 103-414, 108 Stat. 4279 (1994).

The collection of business contact information in this information collection affects individuals or households, and thus, there are impacts under the Privacy Act.

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

- (a) The Commission uses all of the information submitted, *e.g.*, information about the senior officer or employee responsible for the carrier’s interception operations, information necessary for law enforcement agencies to contact the carrier regarding interceptions, and other information about the carrier’s security and integrity program, to determine whether or not the carrier is in conformance with CALEA’s requirements and the Commission’s rules.
- (b) In addition, the Commission reviews sections 107(c) and section 109(b) filings to determine, respectively:

- (1) whether a carrier should be granted additional time to comply with CALEA, consistent with the statutory requirements, or
 - (2) whether a carrier's network should be deemed to be in compliance if the Attorney General does not pay the carrier to upgrade its network to meet CALEA's obligations.
 - (c) The Commission shares with law enforcement officials the system security information that carriers file, *e.g.*, the contact information that law enforcement officials need to serve an intercept order or warrant on a carrier.
 - (d) Finally, law enforcement officials rely on the system security records maintained by telecommunications carriers to determine the accountability and accuracy of telecommunications carriers' compliance with lawful electronic surveillance orders.
- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

As of June 29, 2023, the Commission requires electronic filing of new and updated SSI Plans by covered entities under CALEA through the use of the CEFS.⁸ The CEFS streamlines the CALEA SSI Plan review process by using a web-based checklist system, and enhances recordkeeping and retrieval capabilities. This electronic filing system reduces the preparation time and paperwork burden on regulated entities. The CEFS presents a public-facing web form containing data entry fields for collection of key portions of the required data. This web form helps ensure filers supply necessary information in their SSI Plans. The CEFS also reduces the time burden imposed on the Commission and the responders during the transition period from paper to mandatory electronic filing. Consistent with OMB directives to reduce the burden on the public and based on the data that has been collected about SSI Plan submissions from our records since filers have been required to file electronically using the CEFS, we have adjusted the estimated time burden downward with this renewal of the information collection.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.**

None of the information collected will be duplicative of other information collected.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

In conformance with the Paperwork Reduction Action of 1995, the Commission allows all respondents to file SSI plans electronically. To minimize the burden on small businesses and entities, the Commission has limited the information collection requirements to those necessary for evaluating the incoming data.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

⁸ 47 CFR § 1.20005(c); see also *CALEA SSI Plan Mandatory Electronic Filing Order*, 38 FCC Rcd at 4218, para. 1.

- (a) The SSI filings and record maintenance are required by CALEA.
- (b) The Commission anticipates collecting this information on a one-time basis from telecommunications carriers detailing their policies and procedures regarding compliance with CALEA and regarding authorized and unauthorized interceptions and call-identification information.
- (c) When these policies and procedures are changed, however, the affected carrier will have to resubmit this information for Commission review.
- (d) The requirement that carriers maintain a record of each electronic surveillance for a “reasonable period of time” will be a one-time activity for each surveillance.
- (e) Without this information and record maintenance, the Commission and law enforcement agencies will not be able to monitor compliance with the statutory requirements of CALEA.
- (f) Petitions under sections 107(c) and 109(b) are voluntary and are the basis of granting carriers additional time to comply with CALEA or recovery of network upgrade costs. If these filings are not made, relief cannot be granted.
- (g) The letters demonstrating that currently filed section 107(c) petitions qualify for relief and the monitoring reports are one-time filings that will ensure carriers’ compliance with CALEA.

7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information’s confidentiality to the extent permitted by law.

Current data collection is consistent with 5 CFR §§ 1320.6.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency’s notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.

The 60-day notice was published in the *Federal Register* on April 16, 2025 (90 FR 15986). No comments were received as a result of this notice.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

The respondents will not receive any payments.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

Pursuant to section 0.457(g) of the Commission's rules, the information in the CALEA system security filings and petitions will not be made routinely available for public inspection.

Section 107(c) and section 109(b) filings are entitled to confidential treatment under the Freedom of Information Act. The Commission has directed respondents to file their petitions under a general claim of confidential or proprietary protection, subject only to scrutiny by the Commission and the Attorney General who is consulted in section 107(c) adjudications and is a party to all section 109(b) adjudications.

11. Provide additional justification for any questions of a sensitive nature.

No questions of a sensitive nature are asked.

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

HOURLY BURDEN ON RESPONDENTS:

A. Submitting System Security and Integrity Plan Filings to the Commission

Telecommunications Carriers' CALEA Compliance:

As result of Commission action in CC Docket No. 97-213, we estimate that a total of 3,000 telecommunications carriers are obliged to establish and submit to the Commission their policies and procedures for complying with CALEA requirements.

This submission must include information regarding the appointment of a senior authorized officer or employee responsible for CALEA activities, and a 24-hour point of contact for law enforcement officials.

Initial filings were made in 2000, and are not a recurring burden. However, any time the policies and procedures change or a liaison either steps down or is appointed, a revised SSI plan must be filed with the Commission.

The estimated burden hours per entity to comply with certain CALEA requirements have been adjusted downwards since the 2022 renewal of this information collection. In particular, the burden hours per entity to revise SSI plans and submit new SSI plans have been adjusted from 7.5 hours to 5 hours to account for the efficiencies resulting from the use of the electronic filing system associated with this collection, the CEFS, which has been required since 2023.

The estimated cost for an in-house staff attorney to complete the below steps has been adjusted upwards to \$84.84/hour in line with the latest available U.S. Bureau and Labor Statistics occupational employment and wage statistics.⁹

⁹ U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistics, May 2023 National Occupational Employment and Wage Estimates (April 3, 2024), https://www.bls.gov/oes/current/oes_nat.htm. See Occupational code 23-1011 (Lawyers).

New Submission of SSI plans:

The Commission expects that respondents will submit approximately 150 new SSI plans per year with each taking 5 hours to prepare by “in-house” staff attorneys at **\$84.84/hour**, for a total of 750 hours. The number of new SSI plans has been adjusted upwards since the 2022 renewal to reflect the observed number of SSI plan submissions the Commission receives per year.

Annual burden hours per entity: 5 hours x 150 providers.

Total annual burden hours: 750 hours.

Total in-house cost: 750 hours x \$84.84/hr. = \$ 63,630.00.

Revisions to SSI plans:

This resubmission should take about 5 hours using the CEFS and the Commission expects to receive as many as 100 revisions a year, for a total of 500 annual burden hours.

The Commission expects that respondents will submit approximately 100 revisions of the initial (CC Docket No. 97-213) SSI plans per year. The Commission also expects each resubmission should take about 5 hours to be prepared by “in-house” staff attorneys at **\$84.84/hour**, for a total of about 500 burden hours. The estimated number of SSI plan revisions has been adjusted downwards since the 2022 renewal to reflect the observed number of SSI plan revision submissions the Commission receives per year.

Annual burden hours per entity: 5 hours x 100 telecommunications carriers.

Total annual burden hours: 500 hours.

Total in-house cost: 500 hours x \$84.84/hr. = \$ 42,420.00.

B. Recordkeeping for Interceptions of Communications or Access to Call Identifying Information (as required by 47 CFR 1.20004)

Pursuant to 5 CFR § 1320.3(b)(2), this recordkeeping burden is set to zero hours because the nature and extent of the requirement is usual and customary. Telecommunications carriers must keep such records to demonstrate that they are in compliance with federal and state wiretapping laws and regulations that have existed for the past 40 years.

C. Section 107(c) Petitions.

New Petitions

The Commission expects that 5 carriers will submit new section 107(c) petitions, and that these carriers will utilize “in-house” staff attorneys at **\$84.84/hour** and it will take about **32** hours to prepare the petition. The Commission estimates the total annual hourly burden for this at **160** hours.

Annual burden hours per entity: 32 hours x 5 carriers.

Total annual burden hours: 160 hours.

Total in-house cost: 160 Hours x \$84.84/hr = \$ 13,574.40.

D. Section 109(b) Petitions.

If a carrier believes that compliance with CALEA is not reasonably achievable with respect to any equipment, facility or service installed or deployed after January 1, 1995, the Commission requires that carrier to file a petition and an application with the Department of Justice (DOJ) to request that DOJ pay the costs of the carrier's CALEA compliance.

The Commission estimates that a total of 5 facilities-based broadband Internet access providers, interconnected VoIP providers, and wireline and wireless carriers that will file section 109 petitions. We estimate that the time to prepare each filing will be **80** hours at **\$84.84/hour**.

Annual burden hours per entity: 80 hours x 5 carriers.

Total annual burden hours: 400 hours.

Total in-house cost 400 Hours x \$84.84/hr= \$ 33,936.00.

E. Monitoring Reports

The monitoring reports were a one-time collection that has been completed. The current burden is therefore zero.

Below is a summary of the annual hour and cost burdens for respondents:

Information Collection Requirements	Respondents	Average Hours Per Respondent	Previous Total Hourly Burden on Respondents	Current Total Hourly Burden on Respondents	Difference from Previous Burden	In-House Costs to Respondents
A. System Security Filings:						
New Submissions	150*	5*	750	750	0	\$63,630.00*
Revisions	100*	5*	1,125	500*	- 625*	\$42,420.00*
Total Hourly Burden and Costs			1,875	1,250*	- 625*	\$106,050.00*
B. Recordkeeping of Interceptions of Communications or Access to Call-Identifying Information						
Certification			0	0	0	
Recordkeeping			0	0	0	
Total Hourly Burden and Costs			0	0	0	

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C. Section 107(c) Petitions, Carriers Subject to CALEA as a Result of CC Docket No. 97-213 and ET Docket No. 04-295:						
Existing Petitions	0	0	0	0	0	0
New Petitions	5	32	160	160	0	\$13,574.40*
Total Hourly Burden and Costs			160	160	0	\$13,574.40*
D. Section 109(b) Petitions:						
Carriers Subject to CALEA as a Result of CC Docket No. 97-213 and ET Docket No. 04-295	5	80	400	400	0	\$33,936.00*
Total Hourly Burden and Costs			400	400	0	\$33,936.00*
E. Monitoring Reports, All Facilities-Based Broadband Internet Access and VoIP Providers			0	0	0	
Total Hourly Burden and Costs			0	0	0	
F. CUMULATIVE TOTALS						
Carriers Subject to CALEA as a Result of CC Docket No. 97-213	250*		2,435	1,810*	-625*	\$153,560.40*

* Entries marked with an asterisk indicate an adjustment since the 2022 renewal of this information collection. There was no program change.

13. Provide estimate for the total annual cost burden to respondents resulting from the collection of information. (Do not include the cost of any hourly burden shown in items 12 and 14).

(a) Total annualized capital costs/startup costs: **\$0.00**

(b) Total annual costs (O&M): **\$0.00**

(c) Total annualized cost-requested: **\$0.00**

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expenses that would not have been incurred without this collection of information.

There is no cost to the federal government.

15. Explain the reasons for any program changes or adjustments reported.

There are no program changes. Burdens have been adjusted to reflect the efficiencies of the new mandatory electronic filing system (CEFS), an increase in the number of observed new SSI plan submissions, and a decrease in the number of observed SSI plan revisions.

The current estimation of burden hours was reduced from 2,435 to 1,810 hours attributable to the efficiencies of CEFS, resulting in an overall decrease of 625 hours in the annual burden on respondents.

16. For collections of information whose results will be published, outline plans for tabulation and publication

The data will not be published for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Commission is not seeking OMB approval to not display the OMB expiration date for these requirements. OMB approval of the expiration date of the information collections will be displayed on OMB's website.

18. Explain any exceptions to the Certification Statement identified in Item 19, "Certification of Paper Work Reduction Act Submissions."

There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ any statistical methods.