

July 2026

SUPPORTING STATEMENT**A. Justification:**

The Federal Communications Commission (“FCC”) is seeking an extension for existing information collection 3060-0411, which relates to the filing requirements of FCC formal complaint proceedings. The filed estimates reflect hours and costs needed to file a complaint *prior* to the assignment of a docket number.

Existing Information Collection Requirements:

1. Sections 206-209 of the Communications Act of 1934, as amended (the “Act”), provide the statutory framework for adjudicating formal complaints against common carriers. Section 208(a) authorizes complaints by any person “complaining of anything done or omitted to be done by any common carrier” subject to the provisions of the Act. To resolve complaints between providers regarding compliance with data roaming obligations, Commission Rule 20.12(e) adopts by reference the procedures already in place for resolving Section 208 formal complaints against common carriers, except that the remedy of damages, is not available for complaints against commercial mobile data service providers. Commission Rule 64.6217(c) similarly authorizes the use of these complaint procedures in proceedings against a program certified under the National Deaf-Blind Equipment Distribution Program.

A. Formal Complaint Proceedings

Formal complaint proceedings before the FCC are akin to civil litigation in federal district court. In fact, under section 207 of the Act, a party claiming to be damaged by a common carrier may file its complaint with the FCC or in any district court of the United States, “but such person shall not have the right to pursue both such remedies.” *See* 47 U.S.C. § 207.

Certain categories of complaints are subject to a statutory deadline for resolution. *See, e.g.*, 47 U.S.C. § 208(b)(1) (imposing a five-month deadline for complaints challenging the “lawfulness of a charge, classification, regulation, or practice”); 47 U.S.C. § 271(d)(6) (imposing a 90-day deadline for complaints alleging that a Bell operating company has ceased to meet conditions imposed in connection with approval to provide in-region interLATA services).

The FCC has promulgated rules (the “Formal Complaint Rules”) to govern its formal complaint proceedings that are similar in many respects to the Federal Rules of Civil Procedure. *See* 47 CFR §§ 1.720-1.740. These rules require the submission of information from the parties necessary to create a record on which the FCC can decide complex legal and factual issues. Once a party has filed a complaint, the complaint is reviewed for conformance with the Formal Complaint Rules. If conforming, the complaint is accepted and this action generates a docket number (i.e., a case number), which uniquely identifies the matter for the duration of the adjudication. *See* 47 CFR §§ 1.721, 1.722. FCC rules require that all formal complaint submissions, unless confidential, must be filed using the agency’s Electronic Comment Filing System. *See* 47 CFR § 1.734(b).

As described in Section 1.721 of the FCC’s rules, formal complaint proceedings are resolved on a written record consisting first of a complaint that, once accepted for filing, is followed by an answer, a reply, a

July 2026

joint statement of stipulated facts, disputed facts and key legal issues, along with all associated affidavits, exhibits and other attachments. *See* 47 CFR § 1.721.

Specifically, the FCC's Formal Complaint Rules mandate collection of the following information:

- General pleading requirements:
 - ✓ Parties are required to submit copies of all non-FCC authorities relied upon that are not routinely available in national reporting systems. 47 CFR § 1.721(g).
 - ✓ Parties must submit copies of relevant tariffs or relevant portions of tariffs that are referred to or relied upon in their pleadings. 47 CFR § 1.721(i).
- Complaint:
 - ✓ All material facts in the complaint must be supported by relevant affidavits and documentation, and the documentary evidence upon which the complainant relies to support its facts and arguments must be attached to the complaint. 47 CFR § 1.721(d), (i).
 - ✓ The complaint must specify the relief sought and, for proceedings in which an award of damages is authorized by statute, a complaint seeking to recover damages must include a clear and unequivocal request for such relief. 47 CFR §§ 1.721(b), 1.723(a). If a complainant requests damages, the complaint or a subsequent supplemental complaint for damages must contain either a computation of damages, along with an identification of relevant supporting evidence, or an explanation of why such evidence is not then available. 47 CFR § 1.723(b), (c), (e).
 - ✓ The complainant must certify that, prior to filing the complaint, the complainant notified each defendant in writing of the allegations that form the basis of the complaint and invited a response within a reasonable period of time. 47 CFR § 1.722(g).
 - ✓ The complaint must include an information designation identifying individuals likely to have information relevant to the proceeding, along with the subjects of that information, and also include a copy or description of all relevant documents within the disclosing party's possession, custody, or control, excluding documents submitted with the complaint. 47 CFR § 1.722(i).
 - ✓ An FCC Form 485, Formal Complaint Intake Form, must accompany the complaint. 47 CFR § 1.722(j). The Form indicates, among other things, that the complaint follows the procedural and substantive requirements under the Act and the FCC's rules.

B. Accelerated Docket Proceedings:

- ✓ Parties to certain formal complaint proceedings may request inclusion on the FCC's Accelerated Docket ("AD"). Many, but not all, of the requirements outlined above apply to AD proceedings (albeit with shorter pleading deadlines), and certain other procedural

July 2026

rules (discussed below) apply that do not apply to other formal complaint proceedings. 47 CFR § 1.736(a)-(j).

- ✓ Any party that contemplates filing a formal complaint and wishes to request placement of the complaint on the AD must transmit a request so stating, by phone and in writing, to the Chief of the Enforcement Bureau's Market Disputes Resolution Division. 47 CFR § 1.736(b). A defendant to a complaint proceeding also may request in writing inclusion of a proceeding on the AD. 47 CFR § 1.736(c).

C. Further Information Privacy Act

The information collection requirements described above may affect individuals or households. As required by the Privacy Act of 1974, as amended, 5 U.S.C. § 552a, and OMB regulations, M-03-22 (September 22, 2003), the FCC has completed both a system of records, FCC/EB-5, "Enforcement Bureau Activity Tracking System," and an updated Privacy Impact Assessment (PIA), that cover the collection, maintenance, use, and disposal of all personally identifiable information (PII) that may be submitted as part of a formal complaint:

The system of records notice (SORN), FCC/EB-5, "Enforcement Bureau Activity Tracking System (EBATS)," was first published in the *Federal Register* on December 14, 2010 (75 FR 77872-03) and became effective on January 24, 2011. Subsequent modifications were published in the *Federal Register* on October 19, 2023 (88 FR 72071-73), and became effective on November 20, 2023. It is posted on the FCC's Privacy Act webpage at: <https://www.fcc.gov/privacy#systems>.

The initial PIA was completed on May 22, 2009. Subsequent related approvals include FCC/EB-5, "EBATS," on January 24, 2011, with updates on September 21, 2017 and December 16, 2020. See <https://www.fcc.gov/sites/default/files/eb-boundry-pia.pdf> and <https://www.fcc.gov/privacy#pia>.

Statutory authority for this information collection is contained in 47 U.S.C. §§ 151, 154(i), 154(j), 206, 207, 208, 209, 301, 303, 304, 309, 316, 332, and 1302.

2. The FCC uses the information detailed in the Justification to determine the sufficiency of complaints and to resolve the merits of disputes between parties. Orders issued in formal complaint proceedings are based upon evidence and written argument produced by the parties in accordance with the Formal Complaint Rules. If the information were not collected, the FCC would not be able to resolve, *inter alia*, carrier-related complaint proceedings, as required by section 208 of the Act, complaint proceedings against commercial mobile data service providers under the data roaming rule in 47 CFR § 20.12(e), or complaint proceedings against a program certified under the National Deaf-Blind Equipment Distribution Program ("NDBEDP") as authorized by 47 CFR § 64.6217(c).
3. The Formal Complaint Rules require that all formal complaint submissions, unless confidential, be filed using the FCC's Electronic Comment Filing System, 47 CFR §§ 1.731(a)(2), 1.734(f), and in addition, hard copies of the complaint must be served on the defendant or its registered agent. 47 CFR § 1.734(c). Parties may serve certain documents on each other by hand, overnight delivery, or email, 47 CFR § 1.734(f). Although parties must provide hard copies of complaint submissions to staff of the Enforcement Bureau upon request, such requests are rarely made. 47 CFR § 1.734(e). Additionally, the FCC Form 485 is posted on the FCC website for downloading and printing or,

July 2026

completion of this form can be done electronically when done in concert with the agency's fee payment system, Fee Filer.

4. A complainant must state whether suit has been filed in any court or other government agency based on the same claim or set of facts, or whether the complaint seeks prospective relief identical to the relief proposed or at issue in another proceeding before the FCC. 47 CFR § 1.722(h) Thus, the FCC attempts to identify duplication. If there are no duplicative proceedings, it is unlikely that information similar to the information that is obtained via the Formal Complaint Rules is already available. Each dispute involves individual parties and unique facts, and, as stated above, it is essential that the FCC develop an adequate legal and factual record in order to adjudicate disputes and, in the event of a meritorious complaint, determine appropriate remedies.
5. The Formal Complaint Rules require complainants and defendants to support factual allegations in their pleadings, through documentation and affidavits, and to identify individuals with knowledge, and describe all relevant documents early in the process. The Formal Complaint Rules seek to eliminate or reduce significantly the need for multiple rounds of discovery requests and protracted discovery disputes, thereby significantly reducing the burden on small business entities.
6. The FCC has no control over the frequency of complaints, which are filed within the sole discretion of a complaining party. The filing of complaints depends entirely upon the complainant's perception that it has a cause of action against a common carrier, a commercial mobile data service provider, or an NDBEDP-certified program subject to the Communications Act of 1934, as amended. If the information were not collected, the FCC would not be able to resolve common carrier-related complaint proceedings required by Section 208, the complaints against commercial mobile data service providers that are critically important to ensure compliance with the data roaming rule, 47 CFR § 20.12(e), or complaint proceedings against a program certified under the NDBEDP as authorized by 47 CFR § 64.6217(c).
7. As detailed above, the FCC has established certain response times during the pleading cycle that are less than 30 days. These response times are necessary to the expeditious resolution of formal complaints (some of which are subject to statutory deadlines), and the response times are comparable to response times applicable to proceedings in federal district courts.
8. The FCC published a notice in the Federal Register initiating a 60-day comment period on April 29, 2026 (91 FR 23098). No comments were received as a result of this notice. A copy of the notice is included in this submission to OMB.
9. No gifts or payments will be given to any respondent for this collection.
10. The Formal Complaint Rules contain a process by which confidential treatment is afforded for material that a party believes in good faith falls within an exemption to disclosure under the Freedom of Information Act and under 47 CFR § 0.459. See 47 CFR § 1.731. In addition, the FCC has both a SORN and PIA to cover any PII that may be submitted, as noted in our response to Question 1.
11. This collection may address personal matters of a sensitive nature such as PII. As noted in Question 1, the FCC has both a SORN and a PIA to cover this PII.
12. This collection accounts for formal complaints filed pursuant to Sections 1.720 *et seq.* We anticipate that two filing parties will generally be involved (the complainant and the defendant/responding

July 2026

party). Formal complaints entail adjudication of complaints between private parties. These proceedings, as noted above, are akin to filing a lawsuit in federal court. The following represents the estimates of the hour burdens of the collections of information relating to formal complaint proceedings.

The FCC estimates that 4 formal complaints and related pleadings will be filed each year, including 4 separate FCC 485 forms with the filed complaints. In addition, the FCC estimates that perhaps as many as 2 requests for accelerated docket treatment of a formal complaint may be received.

These estimates are based on FCC staff's knowledge and experience, as are the estimates of preparation times. With this collection renewal, these estimates reflect staff experience concerning the average number of new formal complaint proceedings in recent years and knowledge of the historical trends concerning such filings. The average number of filings dipped in the years during and immediately following the pandemic but may be recovering from that dip.

We assume that the complainant/defendant will use contract attorneys in the preparation of most required documents.

Total Number of Respondents: 4

Total Number of Annual Responses: 10 filings

Total Annual Burden Hours: 290

Total In-House Costs: \$3,420

The FCC estimates the following **burden hours for one proceeding**.

Filing or event	Complainant hours (In-House)	Complainant's Contract Attorney	Total Hours (In-House & Contracted)
FCC 485	0.5	1	1.5
Complaint	8	60	68
Subtotal Non-AD			69.5
AD Hours			
Request for AD Treatment	1	5	6
Subtotal AD Hours			6
Total Hours Non-AD and AD Hours	9.50	66	76 ¹ (rounded up)

¹ 76 hours are for just one proceeding and the total annual burden hours are 290 hours.

July 2026

Annual Burden Hours (Combines In-House, Outside Counsel and Accelerated Docket Hours):

<u>Responses</u>	<u>Hours/Response</u>	<u>Total Hours</u>
4 FCC 485s filed	x 1.5 hour	= 6 hours
4 Complaints	x 68 hours	= 272 hours
2 Requests for AD Treatment	x 6 hours	= 12 hours

Total Responses: 10

Total Annual Burden Hours: 290**A. Total Annual In-House Counsel Cost Burdens**

We estimate that in-house counsel will engage with outside counsel in the preparation of documents and positions. We estimate that the average hourly salary of an in-house counsel (including overhead) is \$95/hour.²

4 FCC 485s filed	x 0.5 hours	x \$95/hour	= \$190
4 Complaints	x 8 hours	x \$95/hour	= \$3,040
Subtotal In-House Costs			= \$3,230
2 Requests for AD Treatment	x 1 hour	x \$95/hour	= \$190
Subtotal AD Treatment			= \$190

Total Annual In-House Counsel Cost Burden = \$ 3,420**13. Total Annual Outside Counsel Cost Burden**

We assume that the complainant will use outside contract attorneys in the preparation of the required documents. It is estimated that a contract attorney will have an average hourly salary of \$300/hour which costs are reflected below. Also, a fee must be submitted with the filing of a formal complaint along with the FCC Form 485 (\$605 per application). 47 CFR § 1.1106.

4 FCC 485s filed	x 1 hour	x \$300/hour	= \$1,200
4 Complaints	x 60 hours	x \$300/hour	= \$72,000
4 FCC Form 485 Filing Fee		x \$605	= \$2,420
Subtotal Outside Counsel Costs			= \$75,620
2 Requests for AD Treatment	x 5 hours	x \$300/hour	= \$3,000
Subtotal AD Treatment			= \$3,000

Total Annual Outside Counsel Cost Burden = \$78,620**14. Cost to the Federal Government:**

The FCC will use staff attorneys at the GS-15, Step 5 grade level (\$91.93/hour) to review the material submitted for each formal complaint proceeding. It is estimated that this staff attorney would spend

² This is rounded up from the \$94.49 rate for the GS-15, Step 10 grade level. for the Locality Pay Area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA.

July 2026

approximately 48 hours in the review of each of four formal complaints. It is further estimated that this staff attorney would also spend approximately 24 hours reviewing each of two requests for AD Treatment.

4 Complaint Proceeding Filings	x \$91.93/hour x 48 hours = \$17,650.56
2 Accelerated Docket Filings	x \$91.93/hour x 24 hours = \$4,412.64
Total Cost to the Federal Government:	\$22,063.20

15. The FCC is reporting adjustments/increases to this information collection. There are increases to the total number of respondents from 3 to 4 (+1) and the total annual responses from 9 to 10 (+1) which resulted in an increase in the total annual burden hours from 227 to 290 (+63). Also, there is an increase in the total annual cost from \$61,215 to \$78,620 (+\$17,405).

There are no program changes.

16. The data will not be published.

17. An extension of the waiver not to publish the expiration date on the FCC Form 485 is requested. The FCC will use an edition date in lieu of the OMB expiration date. This will obviate the need for the FCC to destroy existing stock of forms upon the expiration of the clearance. OMB approval of the expiration date of the information collection will be displayed on OMB's website.

18. There are exceptions to the Certification Statement. The total number of respondents, total annual responses, total annual burden hours and total annual costs were inadvertently understated when the 60-day notice was published on April 29, 2026 (91 FR 23098). Therefore, the Commission has corrected these figures which are reflected in this submission to OMB.

There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ any statistical methods.