

FCC Form 2000 A through F, FCC Form 475-B, FCC Form 1088 A through H, and FCC Form 501 – Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, and Slamming Complaints

SUPPORTING STATEMENT

A. Justification

1. The Commission is submitting this non-substantial change request submission to the Office of Management and Budget (OMB) to simply add to this collection (3060-0874) a portion of the burden hours and costs that were approved under OMB control number 3060-1162. This modification corresponds to the fact that consumers are allowed to file complaints by more than one process. We estimate that approximately 75% of complaints will be filed using FCC Form 2000C (collection 3060-0874) and 25% of complaints will be filed using the procedures outlined under collection 3060-1162. These complaints allege violations of the rules for closed captioning of video programming delivered using Internet protocol and rules for apparatus closed caption requirements (collectively IP CC rules). Therefore, pursuant to the IP CC rules that will go into effect on September 30, 2012, FCC Form 2000C, which is currently housed under OMB collection 3060-0874, will be modified to collect the same information approved by OMB on July 24, 2012 under OMB collection 3060-1162. As such, we request approval of these modifications as a non-substantial change.

Section 208(a) authorizes complaints by any person “complaining of anything done or omitted to be done by any common carrier”¹ subject to the provisions of the Act. Section 208(a) specifically states that “it shall be the duty of the Commission to investigate the matters complained of in such a manner and by such means as it shall deem proper.”²

Pursuant to Section 208(a) and the Commission’s rules, informal complaints against common carriers filed by consumers with the Commission are forwarded to the carrier(s) involved, which must satisfy or answer the complaints within the time and in the manner prescribed by the Commission.

Although the Act does not discuss how the Commission should treat complaints against non-common carriers for violations of the Act or the Commission’s rules, the Commission investigates such complaints in a manner similar to how it treats those against common carriers.

The information provided by consumers in their complaints not only assists carriers in resolving or responding to the issues raised by consumers, it also provides the Commission with baseline data that may be used to monitor common carrier marketplace practices and support appropriate enforcement activities. Complaint information also helps inform Commission decision makers about whether new or modified rules are needed to protect the interests of consumers.

The Commission has consolidated all of the FCC Complaint Forms into a single collection, which will allow the Commission to better manage all forms used to collect informal consumer complaints. As a result, FCC Form 501, Slamming Complaints, and FCC Form 1088, Complaints under the Telephone Consumer Protection Act, were added to this collection, **discontinued in OMB Control Number 3060-0968, and deleted from OMB Control Number 3060-1088, respectively.** FCC Form 501 asks consumers and businesses to describe their complaints and issues regarding alleged

¹ 47 U.S.C. § 208(a).

² 47 U.S.C. § 208(a).

FCC Form 2000 A through F, FCC Form 475-B, FCC Form 1088 A through H, and FCC Form 501 – Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, and Slamming Complaints

slamming violations. FCC Form 1088 asks consumers to describe their complaints and issues regarding the “Do-Not-Call” and “Junk Fax Protection” acts, and other related consumer protection issues such as prerecorded messages, automatic telephone dialing systems, and unsolicited commercial email messages to wireless telecommunications devices (cell phones, pagers). Collectively, all of these protections fall under the broad umbrella of the Telephone Consumer Protection Act of 1991 (TCPA).

FCC Form 475B, FCC Form 2000 A through F, FCC Form 501, and FCC Form 1088 A through H remains unchanged.

The consolidation of all of the FCC Complaint Forms in this collection will consist of the following:

Form 475B Obscene, Profane, and/or Indecent Material complaint form

<http://svartifoss2.fcc.gov/cib/fcc475B.cfm> (on-line version)

<http://www.fcc.gov/cgb/consumerfacts/FORM475.PDF> (mail out version)

Form 2000 General Complaints

https://esupport.fcc.gov/sform2000/formA!input.action?form_page=2000A (on-line version)

<http://www.fcc.gov/cgb/consumerfacts/Form2000A.pdf> (mail out version)

Form 501 Slamming Complaint

<http://fjallfoss.fcc.gov/cgb/Form501/fcc501.cfm> (on-line version)

<http://www.fcc.gov/cgb/consumerfacts/form501.pdf> (mail out version)

Form 1088 Complaints under the Telephone Consumer Protection Act

https://esupport.fcc.gov/form1088/consumer.do?form_page=1088A (on-line version)

<http://www.fcc.gov/cgb/consumerfacts/1088A-R.pdf> (mail out version)

Synopsis of Forms:

FCC Form 475B is used by consumers to lay out precisely their complaint(s) and issue(s) concerning practices of telecommunications entities, which consumers believe may have aired obscene, profane and/or indecent programming.

FCC Form 2000 A through F, FCC Form 475-B, FCC Form 1088 A through H, and FCC Form 501 – Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, and Slamming Complaints

FCC Form 2000 is used by consumers to briefly describe the nature of their complaint(s) and issue(s) concerning practices of communications entities and the type of resolution the consumer is seeking. The form is used for all telephone-related complaints, except slamming complaints for which FCC Form 501, Slamming Complaints Form, must be used.³

The potential branches that a consumer could follow from the Selection Page are:

- 2000A – Deceptive or Unlawful Advertising or Marketing Complaint
- 2000B – Billing, Privacy, or Service Quality Complaint
- 2000C – Disability Access Complaint (modified to include IP CC)
- 2000D – Emergency or Public Safety Complaint
- 2000E – Media (General) Complaint
- 2000F – Other Communications Complaint Not Covered by Form 2000A through FCC Form 2000E

FCC Form 501, Slamming Complaints, asks consumers and businesses to describe their complaints and issues regarding alleged slamming violations.

On March 5, 2007, OMB approved an information collection, without any terms of clearance, that had a version of **Form 1088** attached that was significantly longer than the one now proposed. Subsequently, the Commission has identified several ways to improve Form 1088 – both via improved forms design and reducing the number of questions.

The potential branches that a consumer could follow from the main Selection Page are:

- 1088A - Junk Fax Complaint
- 1088B - Live Call Received at a Residential Telephone Line Complaint
- 1088C - Prerecorded Message Received at a Residential Telephone Line Complaint
- 1088D – “Abandoned” Calls and “War Dialing” Received at a Business or Residential Telephone Line Complaint
- 1088E – Business Telephone Complaint
- 1088F – Emergency Telephone; Patient Telephone in Hospital, Nursing Home, or Elderly Care Facility Complaint

³ Because slamming complaints are covered under separate FCC regulations and different information is required to be submitted by consumers in order to process a complaint, it remains necessary to utilize a separate form, FCC Form 501.

FCC Form 2000 A through F, FCC Form 475-B, FCC Form 1088 A through H, and FCC Form 501 – Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, and Slamming Complaints

- 1088G – Call or Message to Wireless Device (Cell Phone or Pager) Complaint
- 1088H – Call or Message to Toll-Free Number (800, 888, Etc.) or Any Other Service (Except Wireless) for Which the Called Party is Charged Complaint

The branching strategies will assist both on-line users and paper-based users of the forms who will need to download or have mailed only the sections of the form related to their specific complaint.

2. The information received in FCC Form 475B, FCC Form 2000 A through F, FCC Form 501, and FCC Form 1088 A through H is used by Commission staff to: (a) assist in the resolution of complaints as a part of investigative work performed by federal and state law enforcement agencies to monitor industry practices and to promote compliance with federal and state requirements; (b) provide redress to consumers; (c) act against companies engaged in illegal practices as soon as possible; (d) determine advertisers' compliance with the TCPA and Junk Fax Prevention Act; and to process and respond to complaints against advertisers. Such information is also used by advertisers to comply with the rules (when they must remove certain numbers from their databases).

This information collection includes personally identifiable information (PII).

(1) As required by OMB Memorandum M-03-22 (September 26, 2003), the FCC completed a Privacy Impact Assessment (PIA)⁴ on June 28, 2007, that gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII covered by these information collection requirements. The PIA may be reviewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

(2) Furthermore, as required by the Privacy Act, 5 U.S.C. § 552a, the FCC also published a system of records notice (SORN), FCC/CGB-1, "Informal Complaints and Inquiries", in the *Federal Register* on December 15, 2009 (74 FR 66356), which became effective on January 25, 2010.

3. The Commission expects that most complainants will access and submit the forms electronically. The approved FCC Forms 475-B, 2000, 501, and 1088 are accessible from the Commission's website and through the agency's consumer offices. The Commission also makes FCC Form 475-B, FCC Form 2000, FCC Form 501 and FCC Form 1088 available in "paper format", which respondents may obtain by calling the FCC at: 1-CALL-FCC (1-888-225-5322), TTY: 1-888-TELL-FCC (1-888-835-5322), or by writing to:

Federal Communications Commission or FCC
445 12th Street, NW
Washington, DC 20554

4. Since the data collection is specific to the consumer filing the information, there is limited duplication.

⁴ The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

FCC Form 2000 A through F, FCC Form 475-B, FCC Form 1088 A through H, and FCC Form 501 – Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, and Slamming Complaints

- (i) Duplication may exist where a consumer files a complaint directly with the Commission and then files the same complaint with a Congressional office, which subsequently forwards it to the Commission.
 - (ii) The Consumer Inquiries and Complaints Division shares responsibility with the Commission's Enforcement Bureau on processing programming complaints and will work closely with the Enforcement Bureau in order to identify duplicate Form 475-B, Form 2000, Form 501 and Form 1088 complaints.
5. The Commission is committed to reducing the regulatory burdens on small businesses whenever possible, consistent with the Commission's other public interest responsibilities. The Commission believes that few, if any small businesses and other small entities will be impacted by this collection. If some small entities are impacted, the Commission believes that by having access to the Internet, filing a complaint becomes less costly and time consuming.
6. The information collection comprising FCC Form 475-B, FCC Form 2000, FCC Form 501 and FCC Form 1088 will afford the Commission an opportunity to expedite processing of consumer complaints by minimizing the potential of the Commission being inundated with consumer complaints requiring manual processing of information received in a non-electronic environment.
7. There are no special circumstances that would cause this collection of information to be collected in a manner that is inconsistent with the guidelines in 5 CFR 1320.
8. Pursuant to 5 CFR § 1320.8(d), the Commission placed a notice soliciting public comment on the proposed consolidation of all FCC Complaint Forms in the *Federal Register*. See 74 FR 68063, December 22, 2009. No comments from the public were received.
9. The Commission does not anticipate providing any payment or gift to any respondents.
10. Assurances of confidentiality are being provided to the respondents.
 - (a) The Commission is requesting that individuals (consumers/respondents) submit their names, addresses, and telephone numbers, which the Commission's staff need to process the complaints. A privacy statement is included on all FCC forms accessed through our Internet web site.
 - (b) In addition, respondents are made aware of the fact that their complaint information may be released to law enforcement officials and other parties as mandated by law (*i.e.* court-ordered subpoenas). Such information is contained in the operations support for complaint analysis and resolution (OSCAR), consumer information management system (CIMS), consumer case management system (CCMS) databases, which is covered under the Commission's system of records notice (SORN), FCC/CGB-1, "Consumer Inquiries and Complaints Division." The PII covered by this system of records notice is used by Commission personnel to handle and to process informal complaints from individuals and groups. The Commission will not share this information with other federal agencies except under the routine uses listed in the SORN.

FCC Form 2000 A through F, FCC Form 475-B, FCC Form 1088 A through H, and FCC Form 501 – Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, and Slamming Complaints

The PIA⁵ that the FCC completed on June 28, 2007 gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII, as required by OMB regulations and the Privacy Act, 5 U.S.C. 552a. The PIA may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

11. This information collection does not raise any questions or issues of a sensitive nature.

- (a) Additionally, consumers are cautioned not to provide personal information such as social security number, credit card numbers, *etc.*
- (b) As noted earlier, the Commission does require consumers (respondents) to provide their names, addresses, and telephone numbers so that Commission staff may process these complaints more expeditiously and if the Commission needs to contact the complainant for any additional information to resolve the complaint.
- (c) In instances where consumers provide PII, the FCC has a SORN, FCC/CGB-1, “Informal Complaints and Inquiries,” to cover the collection, use, storage, and destruction of the PII. A full explanation of the privacy safeguards may be found in the Privacy Impact Assessment that the FCC completed on [insert date] and that may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

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

Burden for FCC Form 475-B – Obscene, Profane, and/or Indecent Material Complaint Form

Total Number of Annual Respondents: 250,597 consumers

Of the 250,597 complaints, the Commission estimated that 75% will be submitted electronically through its website; 5% will be submitted via calls to the toll-free number; and 4% will be submitted in writing (by form or letter), 15% will be sent by e-mail, and 1% will be sent via facsimile. This estimate is based on the total current volume of complaints received by the Commission.

Total Number of Annual Responses:

250,597 consumers x 1FCC Form 475-B/yr = **250,597 responses**

Total Annual Number of Burden Hours:

250,597 consumers x 1FCC Form 475-B/yr x .25 hours/response = **62,649 hours**

Total Annual “In-House” Cost: \$0

Burden for FCC Form 501 -- Slamming Complaint Form

⁵ As stated in fn.4, the Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

FCC Form 2000 A through F, FCC Form 475-B, FCC Form 1088 A through H, and FCC Form 501 – Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, and Slamming Complaints

Total Annual Number of Respondents:

1,489 consumers + 1,489 businesses = **2,978 respondents**⁶

Total Annual Number of Responses:

1,489 consumers + 1,489 business slamming complaints = **2,978 responses**

Total Annual Number of Burden Hours:

1,489 consumer + 1,489 business slamming complaint forms x .25 hours (15 minutes per response) = **745 hours**

Total Annual In-House Cost:

The Commission believes that businesses would use “in-house” personnel to complete this process whose pay is comparable to mid-level federal employee (GS-9/5 (\$28.04/hour), plus 30% overhead (\$8.41); therefore, the Commission estimates the businesses’ costs to be about \$36.45 per hour to comply with the requirement. The consumers do not have in-house costs.

1,489 businesses x .25/hr. x \$36.45 = **\$13,568.51**

Burden for FCC Form 1088 – Complaints under the Telephone Consumer Protection Act Form

Total Annual Number of Respondents: 162,323 respondents⁷

Total Annual Number of Responses: 162,323 responses

Total Annual Number of Burden Hours:

The Commission estimates that 162,323 consumers will file a complaint annually with the FCC to address his/her complaint on various TCPA issues, which may require approximately 30 minutes (.50 hours) to:

162,323 consumers x .50 hours/complaint = **81,162 hours**

Total Annual “In-House” Cost: \$0

⁶ This estimate is based on the total current volume of complaints received by the Commission.

⁷ This estimate is based on the total current volume of complaints received by the Commission.

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The Commission estimates that there are specific no “in house” or other annual costs for those who file these complaints with the facsimile sender.

Burden for FCC Form 2000 – General Complaints

Previously, the Commission estimated that there will be approximately 102,308 consumers who will file FCC 2000 complaint form annually utilizing the combined methods available (*i.e.*, fax, email, telephone, website, writing). This estimate is based on the total current volume of complaints received by the Commission. Because of the new IP CC rules, it is estimated that approximately 525 new complaints (450 for programming, 75 for equipment) will be filed by consumers on FCC Form 2000C. The estimated number of 525 complaints likely to be filed on FCC Form 2000C is currently accounted for in the IP CC information collection 3060-1162. However, the Commission is now transferring those 525 complaints to this information collection 3060-0874, for consistency purposes.

This process will be done “on-occasion” when the consumer has a complaint concerning a common carrier entity and will require approximately 30 minutes to complete this process.

Total Annual Number of Respondents: 102,833 consumers

Total Annual Number of Responses:

102,833 consumers x 1 FCC Form 2000/year = **102,833 responses**

Annual Number of Burden Hours:

102,833 consumer x 1 FCC Form 2000/year x .50 hrs/response = **51,417 hours**

Total Annual “In-House” Cost: \$0

Because this form is used solely by consumers (respondent), there will be no “in-house” personnel to comply with the requirement nor cost to respondents since all information is available based on personal experiences.

Cumulative Totals for FCC Form 475-B, FCC Form 501, FCC Form 2000, and FCC Form 1088:

Total Cumulative Number of Annual Respondents:

250,597 + 2,978 + 162,323 + 102,833 = **518,731 respondents**

Total Cumulative Number of Annual Responses:

250,597 + 2,978 + 162,323 + 102,833 = **518,731 responses**

Total Cumulative Annual Burden Hours:

62,649 + 745 + 81,162 + 51,417 = **195,973 hours**

FCC Form 2000 A through F, FCC Form 475-B, FCC Form 1088 A through H, and FCC Form 501 – Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, and Slamming Complaints

Total Cumulative Annual “In-House” Cost: \$13,568.51

13. There are no annual costs to respondents.

All complaints submitted by respondents for all of the FCC Complaint Forms are voluntary. The information required to complete the form is available based on respondents’ memory, notes, telephone bills or other documents. The consumer already has access to the Internet, and no additional costs are incurred to submit the complaint.

(a) Total annualized capital/startup costs: **None**

(b) Total annual cost (O&M): **None**

(c) Total annualized cost requested: **None**

14. The FCC will continue to administer the FCC Complaint Forms (FCC Forms 2000, 475-B, 501 and 1088) using Commission staff.

For FCC Forms 475-B, 501, 2000 and 1088, the Commission will use paraprofessional staff at the GS-12/5 (\$40.66/hour) level to process the data sent to the Commission. The Commission makes the following estimates:

102,833 **FCC Form 2000** complaint forms x 30 minutes (0.50 hours) of staff processing time/form x \$40.66/hour = **\$2,090,594.89**

250,597 **FCC 475-B** complaint forms x 15 minutes (0.25 hours) of staff processing time/form x \$40.66/hour = **\$2,547,318.51**

2,978 **FCC Form 501** complaint forms x 30 minutes (0.50 hours) of staff processing time/form x \$40.66/hour = **\$60,542.74**

162,323 **FCC Form 1088** complaint forms x 30 minutes (0.50 hours) of staff processing time/form x 40.66 = **\$3,300,026.59**

The Commission will also use professional staff at the GS-14/5 (\$57.13/hour) level to conduct enforcement efforts for Form 1088. The Commission estimates the time associated investigating each Form 1088 complaint to be on average 3 hours.

162,323 **FCC Form 1088** complaint forms x 3 hours of staff investigating time/form x 57.13/hour = **\$27,820,538.97**

Total Cost to the Federal Government:

$\$2,090,594.89 + \$2,547,318.51 + \$60,542.74 + \$3,300,026.59 + \$27,820,538.97 =$
\$35,819,021.17

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15. Because of the new IP CC rules that will go into effect on September 30, 2012, the Commission made various non-substantial changes to FCC Form 2000C. Those non-substantial changes extracted burdens associated with filing consumer complaints regarding IP CC from OMB collection 3060-1162 to 3060-0874. Therefore, the burdens for this information collection have adjusted as follows:

The number of respondents has increased by +525, from 518,206 to 518,731 respondents, the number of annual responses has increased by +525, from 518,206 to 518,731 responses, and the annual burden hours has increased by +263, from 195,710 to 195,973 hours. The annual cost remains unchanged. There are no program changes.

16. There are no plans to publish the result of the collection of information. The Commission will, however, post this information on its webpage and will comply with all valid FOIA requests in regard to information sought on the FCC Forms 2000, 475-B, 501 and 1088.
17. The Commission does not intend to seek approval not to display the expiration date for OMB approval of this information.
18. Because of the non-substantial changes to FCC Form 2000C, the Commission has made adjustments to its burdens. The Commission now reports the number of respondents as 518,731; the number of responses as 518,731; and the number of total annual burden hours as 195,973. There are no other 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.