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Before the
Federal Communications Commission
Washington, D.C. 20554

SEP 5 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Numbering Resource Optimization)
)
Review of Public Information Collection, FCC)
Form 502, under the Paperwork Reduction Act)

CC Docket No. 99-200 /
OMB Control No. 3060-0895

To: Leslie Smith
Office Of Managing Director
Room 1-A804

COMMENTS

Verizon Wireless hereby submits its comments on FCC Form 502 in response to the *Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission*, 65 Fed. Reg. 41,666 (July 6, 2000) (*Notice*).

Suggestions for Improvement of the Form. Verizon Wireless has a number of comments on Form 502. In the process of completing Form 502 for the September 15, 2000 filing, Verizon Wireless has found that the usability of the form could be substantially improved in a number of respects. The following improvements would result in reduced burdens, costs, and time requirements on those subject to the information collection:¹

- **Permit the deletion of a portion of the form not applicable to a given OCN.** For example, the "U2" Rural Primary Carrier form cannot be

¹ Under the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.* ("PRA"), and the Office of Management and Budget ("OMB") implementing regulations, 5 C.F.R. § 1320, an agency must "take[] every reasonable step to ensure that the proposed collection of information . . . [i]s the least burdensome necessary for the proper functioning of the agency's functions; [and] . . . [i]s not duplicative of information otherwise accessible to the agency." 5 C.F.R. § 1320.5(d)(1). Accordingly, suggestions such as the following, which will minimize the cost or burden of compliance, or that will minimize duplication, must be taken into account in the PRA review.

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deleted for a carrier that does not qualify as a rural carrier. As a result, the Form 502 Worksheet is lengthier than necessary for a non-rural carrier and requires more time to complete. A service provider should be allowed to complete and submit only those pages that are applicable.

- **Eliminate mandatory use of “buttons.”** For example, to add a full code, a carrier must use the “Add a Full Code” button, which requires sequential manual entry of information. As a result, it is not possible to cut and paste the relevant information from separately maintained spreadsheets or other sources. It also makes automation of the form completion process more difficult.
- **Facilitate Making Multiple Entries.** For example, a carrier may need to enter multiple full codes. Currently, the carrier must press the “Add a Full Code” button separately for each code to be entered. There is no “How many Codes” dialog that would allow the entry of a predetermined number of codes sequentially. To the extent the form relies on macro programming activated by pressing buttons on the form, the programming should streamline the entry of multiple data sets.
- **Add Data Sorting Capability Where Appropriate.** For example, on the “U1” form, there is no readily available method for sorting the data that has been entered, to facilitate cross-checking with source materials or for reference purposes.
- **Provide More Useful Comments as Job Aids.** On many of the form fields, the Excel spreadsheet’s “comment” feature has been used to supply floating job aids or help screens. These are sometimes incomplete (for example, when the cursor is over Cell D25 in Form “U1,” the “Assigned” field, the following aid appears on the screen: “Per FCC Order 00-104 Paragraph 16-19 and”) and often provide only minimal information. For example, instead of simply referring to a paragraph number of a specified order, the Commission should consider providing explanatory text from the order, or the text of the relevant definition or rule, as well.
- **Forms Should Be More Flexible to Permit Entry of Correct Data.** For example, on Form “U3,” cell J26, “Quantity of Numbers Received,” did not (until recently) permit a variable entry.² As a consequence, a service provider obtaining a block of fewer than 1000 numbers could not

² It appears that the edition of the form on the NANPA web site as of Friday, September 1, 2000 now permits the entry of a number smaller than 1000 in this cell. While this is an improvement, it may not be possible for many carriers to use the latest version of the form in their September 15 filings. This is also a recent example of the fact that the form posted on the web site has been changed several times in the course of the carrier information collection process.

accurately complete this form. The form's instructions should make clear that service provider need not complete any form that will not permit the entry of correct data.

- **Form F-1a Should Have Monthly Rather than Yearly Data for Year 1.** Because the pooling administrator will require monthly forecast data to accurately size the pool, the year 1 data should be monthly, rather than yearly.
- **Make Clear that Repeated Entry of Same Data Is Not Required.** Fields that call for data entered on another form or another part of the form should make clear that the data need not be reentered and will be carried over automatically from the other field. Such fields should be protected such that attempts to enter data in these fields should cause a dialog box to pop up informing the user that the field will be automatically completed and warning against data entry, except to the extent needed to override.
- **Forms Should Have Macro Programming and Formulas Debugged, Tested, and Certified Prior to Release for Use by Public.** As in the foregoing example concerning a cell that did not permit variable data entry, there are numerous aspects in which the macro programming and formulas in the form contained errors in one or another public edition of the form. For example, in Forms F1, F2, and F3 of one public edition of the form, the totals at the bottom of the form did not total properly. The forms went through many changes to correct errors during the time the public was expected to be using them for preparing and reporting data. It appears that the forms were not subjected to adequate debugging and testing before being certified as ready for public use. As a result, the forms that are submitted may contain variable and suspect data, due to computational errors arising from the defects in design of the various editions.
- **Every Edition, Revision, or Release of the Form Should Bear a Conspicuous Date and Version Number.** As discussed above, there have been changes made to the form since it was publicly released. There does not appear to be any reliable way to determine which version of the form is being used (or has been used) in any instance, however, due to the lack of any conspicuous version number or release date. As a result, it is difficult to ensure that all of a company's data submissions are contained on the same version of the form, short of standardizing on one early edition company-wide. The inclusion of a date and version number on each page of a form would allow ready identification of the edition used. Moreover, a detailed revision history of the form, and archival copies of

each released version of it, should be maintained on a web site for reference.³

- **No Updates or Revisions of Forms Should Be Allowed During a Reporting Cycle Without Giving All Service Providers Explicit Notice.** Between the date for which a report is to be generated and the date when the form is to be filed, the form should be frozen, with no updates or revisions allowed, unless all service providers are given explicit notice of such updates or revisions and the use of the updated or revised form is optional. The form on the NANPA web site, however, has changed several times since OMB approval was initially obtained without any notice to carriers, although NANPA's site has recently acknowledged that use of the revised forms is optional. Indeed, under the PRA, service providers cannot be required to use a form that differs substantively or materially from the one that was approved by OMB. Service providers cannot be expected to recheck the NANPA web site repeatedly for revisions to a form after they have begun the process of completing the version of the form that was current as of the date for the report. And even if a carrier receives notice of a revision or update during the reporting cycle, it should not be expected to reinitiate their form completion process after it has begun, because that would result in a substantially increased reporting burden and attendant costs.

The Commission Should Establish a User Group for Discussion and Input Regarding Changes to the Form. The Commission and NANPA adopted the current form with little if any input from members of the industry who will have to complete it. The initial version of the form was given emergency approval by OMB, so there was no opportunity for public comment on it prior to its initial approval. Moreover, because the Commission is acting under delegated authority to reauthorize the form as a previously approved information collection, the form may never be subject to an OMB review process involving public comment. This comment filing comes in the middle of the initial NRUF filing process (the form is now due to be filed September 15, 2000), so there will be no formal opportunity for public input based on even a single completed semiannual reporting process. As a result, the form that is to be used for the

³ Verizon Wireless notes that the NANPA web site now contains a page that includes a history of how the versions of the form have changed. See <<http://numberpool.com/cocusform/>> (visited September 5, 2000).

next three years (unless it is subjected to further PRA review) will be based on only a limited experience with the form by those who must complete it. At a minimum, Verizon Wireless urges the Commission to establish an informal user group, open to interested members of the public, as a way to solicit suggestions concerning the form, discuss alternative reporting methods, and to beta test revised and updated versions of the form before releasing them for public use.

Under the PRA, the Commission should have taken user concerns into account in seeking OMB approval. Because the Commission obtained temporary OMB approval on an emergency basis without a public comment period, however, the instant proceeding represents the first opportunity for formally addressing user concerns. Instead of reviewing the form under delegated authority, Verizon Wireless submits that the Commission should seek OMB approval pursuant to a public process. The OMB delegation of authority to the Commission is limited in scope,⁴ and FCC Form 502 does not appear to qualify for delegated authority review, because the total annual burden imposed by the form, estimated by the Commission in the *Notice* as 158,500 hours, greatly exceeds the 5,000 hour ceiling on collections of information that can be reviewed

⁴ Specifically, the OMB delegation of authority to the Commission is limited to the review and approval of:

currently valid (OMB-approved) collections of information contained in its existing rules, that have a total annual burden of 5,000 hours or less and a burden of less than 500 hours per respondent.”

5 C.F.R. § 1320, App. A (Agencies with Delegated Review and Approval Authority) at ¶ 2(a). As a consequence, the delegation of authority specifically excludes review and approval of :

any new collection of information, any collections whose approval has lapsed, any substantive or material modification to existing collections, any reauthorization of information collections employing statistical methods, or any information collections that exceed a total annual burden of 5,000 hours or less or a burden of less than 500 hours per respondent.

Id. at ¶ 2(a)(1).

and approved under delegated authority. Verizon Wireless believes this burden estimate to be substantially understated, in any event.⁵

Moreover, the form now under review is a collection of information that has never received a normal OMB review — that is, an OMB review pursuant to a public comment process. OMB only delegated authority to the Commission to reauthorize collections of information that are “currently valid (OMB-approved).”⁶ In other words, the Commission does not have authority to perform the first public review of its own information collections; it may only extend the term of information collections that OMB has fully reviewed and approved. It appears to be inconsistent with this limited delegation of authority for the Commission to avoid full, public OMB review by “reauthorizing” a collection that OMB approved only on an emergency basis, without public notice or comment. Given that a failure to obtain valid PRA clearance for a filing requirement can render the requirement unenforceable,⁷ the better course of action would be for the Commission to submit Form 502 to OMB for review and approval pursuant to the public process called for under the PRA.

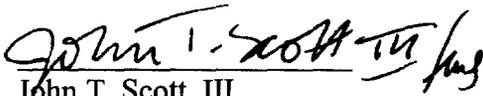
⁵ Verizon Wireless estimates that it has spent in excess of 1500 hours to date preparing its September 15 Form 502 filing, considerably higher than the Commission’s estimate of 57 hours per respondent, on average. Moreover, the 1500 hour estimate is conservative, since it includes only time directly attributable to the collection of data and preparing it for filing.

⁶ 5 C.F.R. § 1320, App. A, at ¶ 2(a).

⁷ See *Saco River Cellular, Inc. v. FCC*, 133 F.3d 25 (D.C. Cir.), *cert. denied*, 525 U.S. 813 (1998).

Respectfully submitted,

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September 5, 2000.

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