

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****45 CFR Subtitle A****Policy on Redundant, Overlapping, or Inconsistent Regulations**

**AGENCY:** Immediate Office of the Secretary, Department of Health and Human Services (HHS).

**ACTION:** Policy statement.

**SUMMARY:** The Immediate Office of the Secretary (IOS) is issuing this policy regarding redundant, overlapping, or inconsistent regulations.

**DATES:** November 27, 2020.

**SUPPLEMENTARY INFORMATION:** The Department believes that its decision-making ought to be transparent, rational, and well-honed to achieve legitimate government objectives with minimum transaction costs to the affected sector. This policy furthers those objectives and the objectives of the Richardson Waiver (see 36 FR 2532 (Feb. 5, 1971)), and various Executive Orders by requiring that all regulations issued by this Department are necessary, understandable, and provide clear guidance to the public and regulated entities regarding the standards to be met and procedures to be followed. Redundant, overlapping, or inconsistent regulations undermine these goals by injecting uncertainty, creating potentially conflicting regulatory regimes, and increasing transactions costs with no discernible benefit to the public.

Effective immediately, all agencies and offices of the Department that prepare regulations must ensure that any rule is not inconsistent with, and does not overlap with, any regulation that has already been issued through an agency within the Department. In the event an agency proposing that the Secretary issue a rule discovers that such rule is inconsistent or overlaps with another Department rule, the proposing agency shall not recommend issuance until it also recommends to the Secretary the steps to be taken to avoid duplicative or overlapping regulations.

*Collection of information requirements:* This document does not impose information collection requirements.

**Brian Harrison,**

*Chief of Staff, Department of Health and Human Services.*

[FR Doc. 2020-26023 Filed 11-24-20; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Office of the Secretary****45 CFR Subtitle A****Public Access to Materials Underlying Impact Analyses; Statement of Policy**

The Department believes that its decision-making ought to be as transparent as appropriate to better enable the citizenry to comment on its proposed rules and demonstration projects. This document furthers that objective and the objectives of the Richardson Waiver (see 36 FR 2532 (Feb. 5, 1971)) by requiring that all assumptions, working papers, models, and other information used as part of any impact analysis (e.g., economic, actuarial) associated with a rule (including ratemakings) or demonstration project (hereinafter, “analyses”) are posted on the Department’s website at the time the results of the analysis are publicly disclosed, subject to the limitations set forth below. This document also applies to rules issued or demonstration projects approved by this Department jointly with one or more other Departments, but only after consultation with such other Departments and only with respect to the analyses performed by this Department.

The Department’s regulations and demonstration projects involving federal healthcare programs, the Affordable Care Act, the Food, Drug, and Cosmetic Act, or the Public Health Service Act are amongst the most economically significant actions undertaken by any Federal agency. The Office of the Assistant Secretary for Planning and Evaluation, the Office of Economics and Analysis within the Office of Policy, Legislation, and International Affairs at the Food and Drug Administration, the Office of the Actuary at the Centers for Medicare & Medicaid Services, and other applicable agencies and offices all undertake impact analyses that assess or seek to predict the wide range of economic and other impacts and burdens associated with each rule or demonstration project.

The Office of Management and Budget (“OMB”) Circular A-4 requires agencies to make their impact analyses reproducible by third-party evaluators. Disclosing the information underlying such analyses, to the extent permitted by law and consistent with robust privacy protections, will promote an informed public comment process that in turn advances both the quality and accountability of the Department’s

important programs. Implementing this policy will allow the public to review and evaluate the methodologies and assumptions that underlie the impact analysis. This transparency should enable a more accurate calculation of anticipated effects because the public will be better positioned to analyze and provide formal comment upon the models and data to identify and correct faulty assumptions or other errors.

Effective for any rulemaking or demonstration project proposed after November 30, 2020, all agencies and offices of the Department which issue analyses, whether economic, actuarial or otherwise, as part of a proposed or final rulemaking or demonstration project must post for public viewing on the Department’s website all data and assumptions underlying any such analysis, including all working papers, all calculations, all references, and all other information necessary to allow a third-party to replicate the agency’s analytic work. For purposes of this Notice, a rulemaking or demonstration project is deemed to have started with the publication in the **Federal Register** of a notice of proposed rulemaking or proposed demonstration projection, advanced notice of proposed rulemaking or final rule (whether interim or otherwise) or demonstration project, whichever occurs first.

The disclosure must occur no later than 3 days after the date when the results of such analyses are publicly released and are to be posted in-full on the Department’s website notwithstanding Exemption 5 of the Freedom of Information Act (5 U.S.C. 552(b)(5)), except as noted below. This Notice does not contemplate the release of information that would otherwise be exempt from disclosure under the Freedom of Information Act, other than Exemption 5 as noted in the preceding sentence, or the Privacy Act of 1974.

The disclosure requirements in this Notice do not apply to analyses undertaken for settlement or litigation purposes or to communications with the Executive Office of the President, OMB, or other departments or agencies that are not part of a published analysis for a rulemaking or demonstration project, or to information that is deemed to fall within the attorney-client privilege, or to privileges that inure to officials outside this Department. Whether an exception contained in this paragraph applies shall be determined by the Office of the General Counsel in consultation with the relevant division within the Department.

Nothing in this policy shall be construed to impair or otherwise affect the functions of the Director of OMB

relating to budgetary or administrative proposals. The effect of regulations on estimates of budget baseline spending will continue to be developed separately using the budget's economic and technical assumptions according to OMB Circular A-11.

Alex M. Azar II,  
Secretary.

[FR Doc. 2020-25957 Filed 11-24-20; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 51

[WC Docket No. 18-156; FCC 20-143; FR  
ID 17154]

### 8YY Charge Reform

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission takes definitive steps to address the arbitrage and fraud that have increasingly undermined the system of intercarrier compensation that currently underpins toll free calling. Those steps include transitioning 8YY end office originating charges to bill-and-keep over approximately three years and creating a single charge for 8YY tandem switching and transport services and capping it at a lower, uniform rate. The order caps rates for the database queries necessary to route toll free calls, reduces them to a national uniform rate over approximately three years, and limits such database query charges to one per call. Finally, the Commission allows carriers to use existing mechanisms to recover lost revenue. The measures will reduce the incentives for carriers to engage in 8YY access arbitrage and lower the costs of 8YY services overall.

**DATES:** The amendments in this document shall be effective December 28, 2020, except for §§ 51.907(i) through (k) (instruction 4), 51.909(l) through (o) (instruction 5), and 51.911(e) (instruction 6.b.), which are delayed. The FCC will publish a document in the **Federal Register** announcing the effective date for those sections.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Peter Bean, Wireline Competition Bureau's Pricing Policy Division at 202-418-1520 or via email at *Peter.Bean@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** This a final rule summary for the Commission's report and order released October 9, 2020. A full text copy of this document can be accessed at the following internet address: <https://www.fcc.gov/document/fcc-modernizes-rules-toll-free-calls>.

### I. Background

1. 8YY services have long been a prominent fixture of the telecommunications landscape. Calls to 8YY numbers differ from other calls carried over the public switched telephone network in that the party receiving the call—not the party placing the call—pays the toll charges. When long-distance calls were expensive, allowing consumers to call businesses and other institutions without worrying about the cost of toll service was a benefit to consumers and to the companies receiving their calls. Reductions in toll rates and the rise of unlimited, all-distance calling plans have largely eliminated separate toll charges for consumers, yet 8YY services continue to have significant value, as evidenced by the persistently high demand for toll free numbers. Businesses and other institutions increasingly use 8YY numbers to support branding efforts, and to facilitate and evaluate marketing efforts—by, for example, assigning specific numbers to individual advertising campaigns to track the effectiveness of those campaigns.

2. The record indicates that the percentage of originating traffic attributable to 8YY has grown significantly over the years and currently accounts for the vast majority of originating access traffic. According to AT&T, for example, in 2008, 8YY originating minutes accounted for 64% of all AT&T originating access minutes (including minutes from AT&T affiliates) and by 2019, they accounted for 83% of all originating access minutes. Increased demand for toll free numbers has led the Commission to authorize a half a dozen additional toll free codes beyond the original 800 code, including the 888, 877, 866, 855, 844, and 833 codes.

#### A. 8YY Routing and Intercarrier Compensation

3. To understand intercarrier compensation for 8YY calls, it is first necessary to understand how toll free calls are routed and how that differs from the routing of non-toll free calls. When a caller dials an 8YY number, the originating carrier does not simply pass the call to the customer's pre-subscribed interexchange carrier, as it would for a

non-toll free call. Instead, to determine how to route a toll free call, the originating carrier typically queries an industrywide database operated by the Toll Free Number Administrator (the 8YY Database) to determine the 8YY provider for the dialed number. Typically, for calls routed over time-division multiplexing (TDM) based networks, to query the 8YY Database a carrier must route the 8YY call through a switch, equipped with a "service switching point." The service switching point "suspends" routing of the call and, during this suspension, sends a query over the signaling system 7 (SS7) channel to a service control point. Service control points are "regional databases that contain routing instructions for the toll free numbers located in . . . particular geographic regions." 8YY calls from customers served by local exchange carrier end offices that are not connected to a service control point can be routed to one of the local exchange carrier's tandem switches that is equipped with a service control point, and the call is processed from there. Local exchange carriers that do not own a service control point can purchase database query services from carriers that do.

4. A database query produces a carrier identification code, which tells the local exchange carrier to route the call to the 8YY provider, typically an interexchange carrier, associated with that carrier identification code. The originating carrier then uses its own or an intermediate carrier's transport and switching facilities to route the call to the designated 8YY provider.

5. Carriers assess intercarrier compensation somewhat differently for 8YY calls than for other calls. When a caller places a regular long-distance call from a landline telephone, the caller's local exchange carrier routes that call to the long-distance carrier (interexchange carrier) used by the caller through pre-arranged direct connections with the interexchange carrier or through a nearby tandem switch and the interexchange carrier pays the local exchange carrier for originating the call. The interexchange carrier is then responsible for routing the call to its final destination and for paying any charges associated with its decisions about how to route the call. For its part, the interexchange carrier is paid by the customer that placed the call.

6. By contrast, when a caller makes a toll free call from a landline telephone, the 8YY provider pays the caller's local exchange carrier for originating the call and for performing the 8YY Database query. The 8YY provider also pays tandem switching and transport charges