

Robocall Challenge was designed to help address unwanted robocalls by spurring innovation in the marketplace.<sup>24</sup>

While the Commission has concluded that modification of the existing Caller ID requirements of the TSR would not serve any useful purpose at this time, it remains fully committed to combatting illegal telemarketing and Caller ID spoofing. In addition to the recent Robocall Challenge and Robocall Summit,<sup>25</sup> the Commission will continue to vigorously enforce the TSR, including its prohibition on spoofing, and the 2009 rule amendments that prohibit the vast majority of robocalls.<sup>26</sup> Since the creation of the national Do Not Call Registry in 2003, the FTC has brought 110 cases alleging Do Not Call privacy violations against 320 companies and 263 individuals. The 86 cases that have concluded thus far have resulted in orders totaling over \$126 million in civil penalties and \$793 million in restitution or disgorgement. Under the 2009 amendments, the FTC has brought 34 robocall cases against 103 companies and 80 individuals,<sup>27</sup> including a number of cases that have alleged TSR Caller ID spoofing violations.<sup>28</sup> As technology changes, the

Commission will continue to evaluate if and when amending the TSR to specifically address Caller ID spoofing would further assist in the Commission's enforcement efforts.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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## FEDERAL TRADE COMMISSION

### 16 CFR Part 312

#### RIN 3084-AB20

#### **Children's Online Privacy Protection Rule Proposed Parental Consent Method; iVeriFly, Inc., Application for Approval of Parental Consent Method**

**AGENCY:** Federal Trade Commission (FTC or Commission).

**ACTION:** Request for public comment.

**SUMMARY:** The Federal Trade Commission requests public comment concerning the proposed parental consent method submitted by iVeriFly, Inc. ("iVeriFly") under the Voluntary Commission Approval Processes provision of the Children's Online Privacy Protection Rule.

**DATES:** Written comments must be received on or before January 21, 2014.

**ADDRESSES:** Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write "iVeriFly Application for Parental Consent Method, Project No. P-135420" on your comment, and file your comment online at <https://ftcpublic.commentworks.com/ftc/coppaiveriflyapp>, by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex E), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Kandi Parsons, Attorney, (202) 326-2369, Peder Magee, Attorney, (202) 326-3538, or Kristin Cohen, (202) 326-2276, Division of Privacy and Identity Protection, Federal Trade Commission, Washington, DC 20580.

#### **SUPPLEMENTARY INFORMATION:**

*Comm'n's, Inc.*, Civ. No. SACV11-1777 (C.D. Cal. filed Nov. 17, 2011); *U.S. v. Feature Films for Families, Inc.*, Civ. No. 4:11-0019 (N.D. Fla. filed May 5, 2011); *U.S. v. The Talbots, Inc.*, Civ. No. 1:10-10698, (D. Mass. filed Apr. 27, 2010).

## Section A. Background

On October 20, 1999, the Commission issued its final Rule<sup>1</sup> pursuant to the Children's Online Privacy Protection Act, 15 U.S.C. 6501 *et seq.*, which became effective on April 21, 2000.<sup>2</sup> On December 19, 2012, the Commission amended the Rule, and these amendments became effective on July 1, 2013.<sup>3</sup> The Rule requires certain Web site operators to post privacy policies and provide notice, and to obtain verifiable parental consent, prior to collecting, using, or disclosing personal information from children under the age of 13. The Rule enumerates methods for obtaining verifiable parental consent, while also allowing an interested party to file a written request for Commission approval of parental consent methods not currently enumerated.<sup>4</sup> To be considered, the party must submit a detailed description of the proposed parental consent method, together with an analysis of how the method meets the requirements for parental consent described in 16 CFR 312.5(b)(1).

Pursuant to Section 312.12(a) of the Rule, iVeriFly has submitted a proposed parental consent method to the Commission for approval. The full text of its application is available on the Commission's Web site at [www.ftc.gov](http://www.ftc.gov).

## Section B. Questions on the Parental Consent Method

The Commission is seeking comment on the proposed parental consent method, and is particularly interested in receiving comment on the questions that follow. These questions are designed to assist the Commission's consideration of the petition and should not be construed as a limitation on the issues on which public comment may be submitted. Responses to these questions should cite the number of the question being answered. For all comments submitted, please provide any relevant data, statistics, or any other evidence, upon which those comments are based.

1. Is this method, both with respect to the process for obtaining consent for an initial operator and any subsequent operators, already covered by existing methods enumerated in Section 312.5(b)(1) of the Rule?

2. If this is a new method, provide comments on whether the proposed parental consent method, both with respect to an initial operator and any subsequent operators, meets the requirements for parental consent laid out in 16 CFR 312.5(b)(1). Specifically,

<sup>24</sup> FTC Press Release, *FTC Announces Robocall Challenge Winners* (Apr. 2, 2013), available at <http://www.ftc.gov/opa/2013/04/robocall.shtm>.

<sup>25</sup> See note 18, *supra*.

<sup>26</sup> See Telemarketing Sales Rule, Final Rule Amendments, 73 FR 51164 (Aug. 29, 2008). The amendments, codified at 16 CFR 310.4(b)(1)(v), prohibit prerecorded message calls without a consumer's prior written agreement to receive them, and require that such messages tell consumers at the outset of the message how to activate an automated interactive opt-out mechanism that will place them on the marketer's do-not-call list and terminate the call. The Federal Communications Commission has since adopted corresponding requirements that took effect on October 16, 2013. See Telephone Consumer Protection Act of 1991, Final Rule, 77 FR 34233 (June 11, 2012), Telephone Consumer Protection Act of 1991, Final Rule and Announcement of Effective Date, 77 FR 63240 (Oct. 16, 2012).

<sup>27</sup> These cases include five actions against telemarketers that placed robocalls from "Rachel" at "Card Services." *FTC v. WV Univ. Mgmt., LLC*, Civ. No. 6:12-1618 (M.D. Fla. filed Oct. 29, 2012); *FTC v. A+ Fin. Ctr., LLC*, Civ. No. 2:12-14373 (S.D. Fla. filed Oct. 23, 2012); *FTC v. The Greensavers, LLC*, Civ. No. 6:12-1588 (M.D. Fla. filed Oct. 22, 2012); *FTC v. Ambrosia Web Design, LLC*, Civ. No. 2:12-2248 (D. Ariz. filed Oct. 22, 2012); *FTC v. ELH Consulting, LLC*, Civ. No. 12-2246 (D. Ariz. filed Oct. 22, 2012); see also Press Release, *FTC Leads Joint Law Enforcement Effort Against Companies That Allegedly Made Deceptive "Cardholder Services" Robocalls* (Nov. 1, 2012), available at <http://www.ftc.gov/opa/2012/11/robocalls.shtm>.

<sup>28</sup> E.g., *FTC v. The Cuban Exchange, Inc.*, Civ. No. 12-5890 (E.D.N.Y. filed Nov. 28, 2012); *FTC v. A+ Fin. Ctr., LLC*, Civ. No. 12-1437 (S.D. Fla. filed Oct. 23, 2012); *FTC v. Nelson Gamble & Assocs., Civ. No. SACV12-1504* (C.D. Cal. filed Sept. 10, 2012); *U.S. v. JGRD, Inc.*, Civ. No. 12-0945 (E.D. Pa. filed Feb. 23, 2012); *U.S. v. Cox, Civ. No. SACV 11-1910*, (C.D. Cal. filed Dec. 12, 2011); *U.S. v. Sonkei*

<sup>1</sup> 64 FR 59888 (1999).

<sup>2</sup> 16 CFR part 312.

<sup>3</sup> 78 FR 3972 (2013).

<sup>4</sup> 16 CFR 312.12(a); 78 FR at 3991-3992, 4013.

the Commission is looking for comments on whether the proposed parental consent method is reasonably calculated, in light of available technology, to ensure that the person providing consent is the child's parent.

3. Does this proposed method pose a risk to consumers' personal information? If so, is that risk outweighed by the benefit to consumers and businesses of using this method?

### Section C. Invitation to Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before January 21, 2014. Write "iVeriFly Application for Parental Consent Method, Project No. P-135420" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the Commission Web site, at <http://www.ftc.gov/os/publiccomments.shtml>. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, such as Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, including medical records or other individually identifiable health information. In addition, do not include any "[t]rade secret or any commercial or financial information which . . . is privileged or confidential," as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).<sup>5</sup> Your

comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/ftc/coppaiverifyapp> by following the instructions on the web-based form. If this Notice appears at <http://www.regulations.gov#!/home>, you also may file a comment through that Web site.

If you file your comment on paper, write "iVeriFly Application for Parental Consent Method, Project No. P-135420" on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex E), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at <http://www.ftc.gov> to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before January 21, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Parts 117, 161, and 164

#### 46 CFR Part 4

[Docket No. USCG-2013-0466]

### Overhead Clearance (Air-Draft) Accidents

**AGENCY:** Coast Guard, DHS.

**ACTION:** Request for comments on petition for rulemaking.

**SUMMARY:** The Coast Guard seeks public comment on a petition that requests the Coast Guard to initiate a rulemaking to address the problem of overhead clearance (air-draft) accidents. In its petition, which calls for vessel masters to be provided with accurate vertical air draft information, a maritime organization has described 16 overhead clearance accidents that it says were avoidable and that resulted in damage to or destruction of waterway infrastructure and inconvenienced the public. The Coast Guard will consider all comments received in response to this notification in determining whether or not to initiate the requested rulemaking.

**DATES:** Comments and related material must either be submitted to our online docket via <http://www.regulations.gov> on or before March 20, 2014, or reach the Docket Management Facility by that date.

**ADDRESSES:** You may submit comments identified by docket number USCG-2013-0466 using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice,

<sup>5</sup> In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the

comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).