

SUPPORTING STATEMENT

**A. Justification:**

**A**

1. The Fourth Memorandum Opinion and Order (FCC 00-326), adopted and released in 2000, responded to petitions for reconsideration of certain aspects of the Third Report and Order (FCC 99-245) in this proceeding concerning the establishment of a nationwide wireless enhanced 911 (E911) emergency communications service.

This decision revised and made adjustments to the deployment schedule that must be followed by wireless carriers that chose to implement E911 service using a handset-based technology. The Commission also deferred the date for initial distribution of Automatic Location Identification (ALI)-capable handsets by seven months; adjusting the timetable for carriers to meet certain interim benchmarks for activating new ALI-capable handsets; deferred the date by which a carrier must achieve full penetration of ALI-capable handsets by one year; modified the manner in which the Commission defined full penetration; eliminated the separate handset phase-in schedule triggered by a request from a Public Safety Answering Point (PSAP), and addressed several other issues regarding implementation of enhanced 911 Phase II. The Commission also discussed its general approach toward possible requests for waiver of the E911 Phase II requirements. As a general rule, the Commission's rules may be waived for good cause shown and that waivers are only appropriate if special circumstances warrant a deviation from the general rule and will serve the public interest.

Wireless carriers are instructed to submit waiver requests that are specific, focused and limited in scope, and with a clear path to full compliance. A waiver request must specify the solutions considered and explain why none could be employed in a way that complies to the Phase II rules. If deployment must be delayed, the carrier should specify the reason for the delay and provide a revised schedule.

The Commission found that waivers of the E911 Phase II requirements should not generally be warranted, especially in light of the vital public safety benefits of Phase II. However, in those particular cases where waivers may be justified, broad generalized waivers should not be necessary and will not be granted. Further, carriers should undertake concrete steps necessary to come as close as possible to full compliance and should document their efforts aimed at compliance in support of any waiver requests. Carriers seeking a waiver will be expected to specify the solutions they considered and explain why none could be employed in a way that complies with the Phase II rules. If deployment is scheduled but for some reason must be delayed, the carrier should specify the reason for the delay and provide a revised schedule."

The Commission is requesting extension (no change) for this submission in order to obtain the full three year clearance from OMB.

Statutory authority for this collection of information is contained in Sections 47 U.S.C. 154, 160, 251-254, 303, and 332 unless otherwise noted.

This collection of information does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The Commission will use the information submitted by petitioners to ensure that carriers comply with critical Phase II requirements in an orderly, timely, comprehensive fashion with no unnecessary delay.

3. Submissions may be filed electronically wherever possible.

4. The information is not duplicated elsewhere. No similar information is available.

The Commission is limited in easing the PRA burden on small businesses by the critical nature of the proceeding in general and the importance of ensuring a speedy, comprehensive transition to E911 in particular. The Commission, by revising the deployment schedule, the date for initial distribution of Automatic Location Identification (ALI)-capable handsets, the date by which a carrier must achieve full penetration of ALI-Capable handsets, and allowing more time for completion of the implementation planning reports, is accommodating all sizes of carriers.

5. The Commission will seek only the information necessary to determine waiver requests in a timely fashion. The guidelines contained in the MO&O should assist carriers by clearly stating what is needed to file a successful waiver request. The lack of relevant information such as that indicated in the MO&O, could require the Commission to deny the request or could delay the process by requiring the Commission to find additional information elsewhere. Finally, the waiver guidelines should minimize the possibility of unsuccessful waiver requests by clarifying what should be included to justify a waiver request. This should also reduce the paperwork burden on carriers and on the Commission by limiting the number of resubmitted waiver requests.

6. Current data is consistent with 5 CFR 1320.6.

7. We published a notice in the Federal Register on September 26, 2007 (72 FR 54663), as required by 5 CFR Section 1320.8. We received no comments.

8. There are no payments or gifts to respondents

9. No questions of a confidential nature are asked.

10. The burden contained in the MO&O does not address any matters of a sensitive nature.

**12. Burden Hours of Respondents:**

The Commission, for purposes of estimating the PRA burdens predicts that each of the 2,500 carriers will request a waiver of the E911 Phase II regulations and that all will use staff attorneys or engineers to prepare their submission. The request should take an average of approximately 3 hours to prepare. **2,500 carriers x 3 hours = 7,500 hours total burden.**

The Commission estimates that all of the 2,500 carriers will use an in-house staff engineer at approximately \$140 per hour to draft their waiver request. If each petition takes about 3 hours to prepare, that the cost per submission will be  $\$140 \times 3 = \$420$  burden per party. The total cost burden then would be  **$\$420 \times 2,500 \text{ carriers} = \$1,050,000$ .**

13. There are no start-up and capital costs or operation and maintenance costs.
14. The cost to the Commission is estimated to be: GS-15 engineer or attorney (\$59.93 per hour) to review approximately 2,500 waiver requests, for about 2 hours per petition is  $\$119.86 \times 2,500 \text{ petitions} = \$299,650$ .
15. There is no change in burden.
16. The data will not be published for statistical use.
17. We do not seek approval not to display the expiration date for OMB approval of the information collection.
18. In the 60-day Federal Register notice which was published on September 26, 2007 (72 FR 54663), the Commission had listed individuals and households as affected. The Commission reviewed the definition and has concluded that individuals and households are not affected.

**B. Collections of Information Employing Statistical Methods:**

No statistical methods are employed.