

SUPPORTING STATEMENT

A. Justification:

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

In response to the report and recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, the Federal Communications Commission (Commission or FCC) took a number of steps to improve the reliability and resiliency of communications networks. Among the actions taken by the Commission in its Katrina Panel Order¹ was the adoption of section 12.3 of the Commission's rules, which requires (1) local exchange carriers (LECs), (2) commercial mobile radio service (CMRS) providers required to comply with section 20.18 of the Commission's rules,² and (3) interconnected Voice over Internet Protocol (VoIP) service providers to analyze their 911 and E911 networks and/or systems and file reports addressing the redundancy, resiliency and reliability of those networks and/or systems.³ The Commission delegated authority to the Public Safety and Homeland Security Bureau (Bureau) to implement and activate a process through which these reports would be submitted.⁴

The Commission's adoption of this rule is consistent with its statutory purpose pursuant to section 1 of the Communications Act of 1934, as amended, (Act) to make wire and radio communications services available to all people in the United States for the purpose of promoting safety of life and property.⁵ The reports required by section 12.3 are also congruent with the Commission's authority pursuant to section 403 of the Act, which pertains to the Commission's "authority and power ... to institute an inquiry" on its own motion regarding any provision of the Communications Act.⁶

- 2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The Bureau will collect these reports through a web interface. The reports will be filed one time only and are due 120 days from the date that the Commission or its staff announces

¹ Recommendation of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, *Order*, EB Docket No. 06-119 and WC Docket No. 06-63, 22 FCC Rcd 10541, 10570 ¶ 96 (2007) ("*Katrina Panel Order*").

² 47 CFR § 20.18.

³ *Katrina Panel Order*, 22FCC Rcd at 10570-71 ¶¶ 96-99 and Appendix B. In order to avoid imposing financial burden on small carriers, the Commission exempt the following from this rule: (1) LECs that meet the definition of a Class B company set forth in Section 32.11(b)(2) of the Commission's rules; (2) non-nationwide commercial mobile radio service providers with no more than 500,000 subscribers at the end of 2001; and (3) interconnected VoIP service providers with annual revenues below the revenue threshold established pursuant to Section 32.11 of the Commission's rules. *Id.* at 10571 ¶ 97.

⁴ *Katrina Panel Order*, 22FCC Rcd at 10571 ¶99 and Appendix B.

⁵ 47 U.S.C. § 151. *See also Katrina Panel Order*, 22 FCC Rcd at 10570 ¶ 96.

⁶ 47 U.S.C. § 403. *See also Katrina Panel Order*, 22 FCC Rcd at 10572 ¶ 99.

activation of the 911 network and system reporting process.⁷ The purpose of this information collection is for the Commission to help ensure that Americans have access to a resilient and reliable 911 system irrespective of the technology used to provide the service.⁸ These analyses and reports will further this goal by ensuring that providers analyze their 911 and E911 networks and/or systems and that the Commission and leading public safety organizations have access to this critical information. The information in these reports will enable the Commission to make a more fully informed evaluation of the reliability and resiliency of the nation's 911 and E911 networks. This information collection will serve the public interest and further the Commission's statutory mandate to promote the safety of life and property through the use of wire and radio communications.⁹

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The Bureau will collect these reports through a web interface that will input the reports into an electronic database partitioned for separate entity types (*i.e.*, LECs, CMRS providers required to comply with section 20.18 of the Commission's rules, and interconnected VoIP service providers). The data collection system will carefully restrict access to the data. Users will be able to submit and see data for their company, but will not be able to see or alter data for another company. Respondents that are subject to state regulations requiring the reporting of similar information may meet the requirements of section 12.3 by submitting the state report, provided that the state report includes the relevant information described in the *PRA Notice*. The system will also allow users to provide additional information about the redundancy, resiliency and dependability of their 911 and E911 networks and systems.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.**

As noted in number three above, respondents that are subject to state regulations requiring the reporting of similar information may meet the requirements of section 12.3 by submitting the state report, provided that the state report includes the relevant information described in the *PRA Notice*. This information collection regarding the redundancy, resiliency and reliability of 911 and E911 networks and systems is not otherwise available elsewhere. This information collection was created specifically to meet the requirements in section 12.3 of the Commission's rules.

- 5. If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 83i), describe any methods used to minimize burden.**

⁷ *Katrina Panel Order*, 22 FCC Rcd at 10572 ¶ 99 and Appendix B.

⁸ *Id.* at 10570-571 ¶ 96.

⁹ *Id.* at 10571 ¶ 96. *See also* 47 U.S.C. § 151.

Mindful that the section 12.3 information collection may cause a financial burden to certain small carriers,¹⁰ the Commission exempts the following LECs, CMRS providers, and interconnected VoIP service providers: (1) LECs that meet the definition of a Class B company set forth in section 32.11(b)(2) of the Commission's rules;¹¹ (2) non-nationwide CMRS providers with no more than 500,000 subscribers at the end of 2001; and (3) interconnected VoIP service providers with annual revenues below the revenue threshold established pursuant to section 32.11 of the Commission's rules.¹²

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Failure to collect this information will adversely impact the Commission's ability to discharge its statutory purpose to promote the safety of life and property through the use of wire and radio communications.¹³ It is critical that Americans have access to a resilient and reliable 911 systems irrespective of the technology used to provide the service.¹⁴ The reports will be filed one time only.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR § 1320.5(d)(2).

This information collection is a one-time occurrence. There are no special circumstances that would cause this information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR § 1320.5(d)(2).

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR § 1320.8(d), soliciting comments on the information prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Pursuant to the Paperwork Reduction Act of 1995 (PRA), the Commission issued a 60-day Federal Register notice on February 28, 2008, seeking comments on the information collection obligations included in section 12.3 of the Commission's rules.¹⁵ Comments were due on April 28, 2008. The Commission received one comment in response to the *PRA Notice*, which was filed by the Sprint Nextel Corporation (Sprint Nextel). A copy of Sprint Nextel's comments is included in this submission to OMB.

¹⁰ *Id.*

¹¹ 47 C.F.R. § 32.11(b)(2).

¹² 47 C.F.R. § 32.11.

¹³ 47 U.S.C. § 151.

¹⁴ *Katrina Panel Order*, 22 FCC Rcd at 10570 ¶ 96.

¹⁵ *See Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested*, 73 Fed. Reg. 10769 (Feb. 28, 2008) (*PRA Notice*).

In its Notice, the Bureau estimated that a CMRS provider, on average, will require 72 hours to assemble and report the data that the Bureau seeks.¹⁶ Sprint Nextel alleges that the time required to respond to the section 12.3 information collection will exceed 8,000 hours, with purportedly seventy-five percent of this time required to comply with the section 12.3 requirement to provide information about facilities that have “mostly physically diverse” connections.¹⁷

The Bureau defines “mostly physically diverse” connectivity as facilities with connectivity that is “diverse for at least 95% of the length (but not for the entire length).”¹⁸ Specifically, the Bureau required CMRS providers to report: (1) the percent of Mobile Switching Centers (MSCs) with mostly physically diverse connections to their primary Selective Router; (2) the percent of MSCs with mostly physically diverse connections to their primary Mobile Positioning Center (MPC)/Gateway Mobile Location Center (GMLC); (3) the percent of MSCs where the connection from the MSC to the primary MPC/GMLC is mostly physically diverse from the connection to the alternate MPC/GMLC; and (4) whether there are mostly physically diverse connections from each MPC/GMLC that the provider owns or operates to either the primary Automatic Location Information (ALI) database or the back-up ALI database.¹⁹

In the *PRA Notice*, the Bureau also required LECs to report the percent of switches with mostly physically diverse connections to their primary Selective Routers. For those switches for which LECs have not provided or made arrangements for mostly physically diverse connections, the Bureau required LECs to discuss the circumstances, including why mostly physically diverse connections have not been provisioned and any plans to provide mostly physically diverse connections in the future.²⁰

The Bureau required interconnected VoIP service providers that have direct connections to Selective Routers to provide the percent of switches with mostly physically diverse connections to their primary Selective Routers. For those switches for which they have not provided or made arrangements for mostly physically diverse connections, the Bureau required interconnected VoIP service providers to discuss the circumstances including why mostly physically diverse connections are not provisioned and any plans to provide mostly physically diverse connections in the future. Finally, the Bureau required interconnected VoIP service providers that use a third party to provide connections to Selective Routers to report the percent of switches with mostly physically diverse connections to their primary access points. For those switches for which interconnected VoIP service providers have not provided or made arrangements for mostly physically diverse connections to their primary access points, the Bureau required them to discuss the circumstances, including why mostly physically

¹⁶ *Id.*

¹⁷ See Sprint Nextel PRA Comments at 2-6.

¹⁸ See *PRA Notice* at 10770.

¹⁹ *Id.* at 10771-10772.

²⁰ *Id.* at 10770.

diverse connections have not been provisioned and any plans to provide mostly physically diverse connections in the future.²¹

Sprint Nextel alleges that its E911 facility records do not contain the necessary information to provide the percentage of “mostly physically diverse” facilities, as requested by the Bureau in its proposed information collection.²² Sprint Nextel contends that it “would need to manually review *each* of the thousands of circuits that interconnect its E911 networks with those LEC selective routers that are not deployed as redundant pairs”²³ (emphasis in original). Sprint Nextel also argues that most of the facilities that comprise its E911 network are owned and controlled by third parties (generally, an incumbent LEC), and it is not known whether these third parties will provide Sprint Nextel with the network information it needs to ascertain whether a given facility is mostly physically diverse.²⁴ Sprint Nextel also claims that the collection of data concerning “mostly physically diverse” facilities will not have much “practical utility.”²⁵ Sprint Nextel therefore recommends that the Bureau eliminate its proposed “mostly physically diverse” subcategory.²⁶

We find compelling Sprint Nextel’s argument that it should not be required to provide information regarding “mostly physically diverse” facilities because access to this information may not be within its control and may be difficult to obtain. Because this is the case for all CMRS providers, as well as for interconnected VoIP service providers, we will not require CMRS providers and interconnected VoIP service providers to provide data regarding “mostly physically diverse” facilities as part of the information collection associated with section 12.3 of the Commission’s rules. In order to ensure that this information collection is as minimally burdensome as possible, we will also eliminate the requirements that LECs provide data regarding “mostly physically diverse” facilities. Upon further consideration and in light of the elimination of this requirement for CMRS providers and interconnected VoIP service providers, we conclude that the goals of this information collection can be met without requiring the submission of this information by LECs.

The second modification that Sprint Nextel requests is that it be permitted to rely solely on its electronic records for its reports regarding logical and physical diversity.²⁷ According to Sprint Nextel, its E911 network information, which is stored in several internal company databases, has not been completely updated.²⁸ Sprint Nextel maintains that seventy percent of all of its MSC-selective router facilities are now contained on its databases.²⁹ Sprint Nextel asserts that permission to rely solely on diversity information that is currently stored in its electronic databases would impose a minimal burden on the company – as compared to requiring the manual review of many circuits.³⁰ Sprint Nextel indicates that, if it is unable to

²¹ *Id.* at 10772-10773.

²² *See* Sprint Nextel PRA Comments at 3.

²³ *Id.*

²⁴ *Id.* at 5.

²⁵ *See* Sprint Nextel PRA Comments at 5-6.

²⁶ *Id.* at 4. “The single most important step the Bureau can take to reduce the burden on responding carriers is to eliminate its proposed “mostly physically diverse” subcategory).

²⁷ *Id.*

²⁸ *See* Sprint Nextel PRA Comments at 6.

²⁹ *Id.*

³⁰ *Id.*

rely solely on the information currently in its electronic databases, its burden will exceed the 72 hours estimated by the Bureau.

Given the importance of a carrier's E911 network to the safety of life and property, the Bureau does not believe that the public interest or the purpose of section 12.3 is served by permitting these reports to be based on analysis of only 70 percent or less of a CMRS provider's E911 network and system facilities. The Bureau further believes that it is not unreasonable to require that all carriers subject to section 12.3 of the Commission's rules provide information based on all of their 911/E911 network and/or system facilities. Indeed, Sprint Nextel was the only entity to file comments in response to the *PRA Notice* and the only entity to contest the burden estimate made by the Bureau. Further, in the *PRA Notice*, the Bureau estimated that the amount of time that a CMRS provider will require to assemble and report the data that the Bureau seeks is, *on average*, 72 hours. Finally, Sprint Nextel reports that seventy percent of all of its MSC-selective router facilities are already contained on its electronic databases. Accordingly, the Bureau finds that requiring CMRS providers, including Sprint Nextel, to collect this information is not an overly burdensome request, particularly in light of the importance of having a reliable and resilient 911 system. The Bureau therefore declines Sprint Nextel's request to rely solely on the incomplete information currently stored in its electronic database when submitting this 911/E911 network and system report.

In the *PRA Notice*, the Bureau stated that the data reports would be due 120 days from the date it announced activation of the reporting system.³¹ Sprint Nextel, however, believes that a 120-day deadline would only be viable if the Bureau accepts both of the changes discussed above (*i.e.*, elimination of the "mostly physically diverse" subcategory and permit Sprint Nextel to report its information based solely on its current computerized records).³² Given that the Bureau is no longer requiring CMRS providers to report data regarding "mostly physically diverse" facilities, we do not believe it would be unreasonable for a carrier to meet the 120-day deadline. We also note that Sprint Nextel is the only carrier to object to the deadline and that its electronic databases currently contain over 70 percent of all of its MSC-selective router facilities. Accordingly, we decline to extend the 120-day deadline.

Finally, Sprint Nextel believes that the Bureau should seek industry input concerning the design of its proposed electronic collection system. According to Sprint Nextel, industry suggestions might improve the design, "which could reduce the burden on carriers in reporting the data."³³ The Bureau shares Sprint Nextel's desire to create a highly-functional and user-friendly database, and welcomes industry input at anytime.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift to respondents has been or will be made.

10. Describe any assurance of confidentiality provided to respondents and the basis for the

³¹ See *PRA Notice* at 10770.

³² See Sprint Nextel PRA Comments at 7.

³³ Sprint Nextel PRA Comments at 8-9.

assurance in statute, regulation, or agency policy.

Section 12.3 of the Commission’s rules, as adopted in the Katrina Panel Order, specifically states that the reports will be afforded confidential treatment.³⁴ The reports will be shared pursuant to a protective order with only the following three entities: (1) National Emergency Number Association (NENA), (2) Association of Public Safety Communications Officials (APCO) and (3) The National Association of State 9-1-1 Administrators.³⁵ All other access to these reports must be sought pursuant to procedures set forth in section 0.461 of the Commission’s rules.³⁶ Notice of any requests for inspection of these reports will be provided to the filers of the reports pursuant to section 0.461(d)(3) of the Commission’s rules.³⁷

11. Provide additional justification for any questions of a sensitive nature.

The reporting requirement does not address any private matters of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

We estimate that 74 respondents will file reports. The frequency of response will be one-time reporting. The average burden will be 105.3 hours (120 hours for LECs, 72 hours for CMRS providers, and 40 hours for interconnected VoIP service providers). Thus, we estimate that the respondents will take a total of 7,792 hours to review and complete their reports in response to their obligations under section 12.3. This estimate is based on Commission staff’s knowledge and familiarity with the availability and accessibility of the data required to fulfill the information collection.

We assume that each respondent will have one engineer and one attorney participate in the information collection. Thus, we estimate that the total “in-house” cost to all respondents will be:

Engineer at \$82,090/year (\$39.47/hour) $\$39.47 \times 3,896 \text{ hours} = \$153,775.12$

Attorney at \$118,280/year (\$56.87/hour) $\$56.87 \times 3,896 \text{ hours} = \$221,565.52$

$\$153,775.12 + \$221,565.52 = \$375,340.64$

Total In-House Cost = \$375,340.64

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour

³⁴ *Katrina Panel Order*, 22 FCC Rcd at 10571 ¶ 97 and Appendix B, Section 12.3; 47 C.F.R. § 0.461.

³⁵ *Katrina Panel Order*, 22 FCC Rcd at 10571 ¶ 97 and Appendix B.

³⁶ 47 C.F.R. § 0.461.

³⁷ 47 C.F.R. § 0.461(d)(3).

burden shown in items 12 and 14).

The Commission believes that this information collection will not impose any burden on respondents from either capital or start-up costs, or from operation and maintenance of equipment, or from purchase of outside services.

- 14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expenses that would not have been incurred without this collection of information.**

We estimate that the total annual cost to the Federal Government, based on the salaries of one engineer (GS-15 ,step 5) and one attorney (GS-13, step 10), with each staff person spending approximately ¼ (520 hours) of their work time on the information collected:

Attorney GS-13, step 10 at \$51.68/hr wage.	$\$51.68 \times 520 =$	\$26,873.60
Engineer GS-15, step 5 at \$62.62/hr wage.	$\$62.62 \times 520 =$	\$32,562.40

$\$26,873.60 + \$32,562.40 + \$17,830.80$ (30% overhead) = \$77,266.80

Total Cost to the Federal Government = \$77,266.80

- 15. Explain the reasons for any program changes or adjustments reported.**

This is a new information collection, and therefore there is a program change increase of 7,792 hours as explained in no. 12 above.

- 16. For collections of information whose results will be published, outline plans for tabulation and publication.**

The Commission does not plan to publish the results of this information collection.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The Commission does not intend to seek approval to not display the expiration date of the information collection from OMB.

- 18. Explain any exceptions to the statement certifying compliance with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).**

This is a new information collection. There are no exceptions to the statement certifying compliance with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).

B. Collections of Information Employment Statistical Methods:

This information collection does not employ any statistical methods.

