

The Commercial Mobile Alert System

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.

The information collection is a necessary element of a Commercial Mobile Alert System (CMAS), a mechanism under which Commercial Mobile Service (CMS) providers may elect to transmit emergency alerts to the public. The Commission has initiated a rulemaking proceeding to create the CMAS as required by Congress in the Warning Alert and Response Network (WARN) Act and to satisfy the Commission's mandate to promote the safety of life and property through the use of wire and radio communication.

On December 14, 2007, the Commission adopted and released a Notice of Proposed Rulemaking (NPRM) that initiates the required rulemaking to establish the CMAS. Section 602(a) of the WARN Act requires that the Commission issue an order adopting technical requirements and protocols for the CMAS within 180 days of the Commission's receipt of proposed technical requirements and protocols from the WARN Acts' Commercial Mobile Service Alert Advisory Committee (CMSAAC). The Commission received these proposed requirements and protocols on October 12, 2007. Accordingly, the Commission must release its order on CMAS requirements and protocols no later than April 9, 2008.

In the NPRM the Commission also seeks comment on the manner in which CMS providers may elect to participate in the CMAS, as required by section 602 (b) of the WARN Act. Within 30 days of the Commission's release of an order adopting a CMAS election procedure, section 602(b)(2)(A) of the WARN Act requires each CMS provider to notify the Commission, whether it intends to participate in the CMAS. Because 30 days is not sufficient time for OMB to review and approve the collection after the Commission releases a CMAS election order, the Commission must either request OMB pre-approval of the collection at the NPRM stage or request emergency processing by OMB after the Order is released. For the reasons indicated below, the Commission believes that this statutorily mandated collection will impose a minimal burden on respondents, thus justifying OMB pre-approval.

The information collected will be the CMS provider's contact information and its election, *i.e.*, a "yes" or "no," on whether it intends to provide commercial mobile service alerts. The Commission will use the information collected to meet its statutory requirement under the WARN Act to accept licensees' election filings and to establish an effective CMAS that will provide the public with effective mobile alerts in a manner that imposes minimal regulatory burdens on affected entities.

Since this collection of information is statutorily mandated and it must be **completed** within 30 days of release of a Commission CMAS election order, the Commission requests a "preapproval" of this collection by OMB so that the Commission will have immediate OMB approval of the collection upon release of the final rule and it will not need to request emergency processing by OMB.

The collection of information is authorized under 47 U.S.C. 151, 154(i), 154(j), 154(o), 218, 219, 230, 256, 301, 302(a), 303(f), 303(g), 303(j), 303(r), 403, 621(b)(3), and 621(d).

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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.

This information collection will be used by the Commission to satisfy the statutory requirement of the WARN Act that the Commission receive notice of election by all CMS providers concerning whether they will participate in the CMAS.

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.

This initial notice of election is to be submitted electronically to the Commission. "Submitted electronically" refers to submission of the information using Commission-approved Web-based templates.

If there are technical impediments to using the Web-based system during the notification stage, then a written notification to the Commission by email, FAX, courier, or U.S. Mail may be used. All non-electronic notifications shall contain the information required above, and shall be addressed to the Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Washington, D.C. 20554. (However, all hand-delivered Notifications shall be addressed to the Federal Communications Commission, Office of the Secretary)

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.

The reporting requirement is unique to the CMAS that the Commission is developing as required by the WARN Act and is not duplicated elsewhere.

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

This initial reporting requirement has been carefully designed to minimize the time and amount of data needed for the Commission to achieve its objectives as stated in item 1 above.

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 conduct this initial notice of election in the time required by the WARN Act would constitute a violation of a Congressional mandate to the Commission. Further, the ability of the Commission to develop and deploy an effective CMAS would be jeopardized if the Commission is unable to receive a timely notice of election by CMS providers.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the criteria listed in supporting statement question

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This collection of information is consistent with the guidelines delineated in the instructions in that this will not be a general collection of information, but rather is a one-time “yes or no” notice to the Commission.

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.

-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.

The *Notice of Proposed Rulemaking* in this proceeding requested comment on the initial election notice. The Notice of Proposed Rulemaking summary was published in the Federal Register on January 3, 2008 (73 FR 546).

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 assurance in statute, regulation, or agency policy.

N/A.

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

N/A.

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.

Total Number of Respondents: 1,253

Frequency of response: One time

Total Number of Responses Annually: One

1,253 carriers x 1 reports/annually = **1,253 responses**

Total Annual Hourly Burden:

1,253 carriers x 1 reports/carrier/annually x .1 hours/report = **125.3 hours.**

Method of estimation of burden: The Notice of Election that Respondents must file with the Commission requires the submission of contact information plus a “yes or no” election. This time estimate is based solely on our estimate of the actual time needed for data entry and submission. In making our time estimate, we have taken into account that all filings are to be

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made electronically, through a “fill in the blank” template, thereby minimizing the burden on all reporting entities. In sum, we estimate the total time needed to file this initial notice of election to be no more than 6 minutes (.1 hour).

Total Reporting Costs to Respondents Will Be:

Estimated hourly wage of full-time employee who will be submitting this information is:
\$28.85

$\$28.85 \times 1,253 \text{ carriers} \times 1 \text{ report/annually} \times .1 \text{ hours per report} = \$3,615$

13. Provide 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 burden shown in items 12 and 14).

There is no cost to the respondents.

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.

There are no costs to the Commission beyond what we consider to be part of the FCC’s normal operating costs.

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.

There is a program change increase of 125.3 hours since this is a new one-time information collection.

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

The FCC 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 not to display the expiration date of the information collection from OMB.

18. Explain any exceptions to the Certification Statement identified in Item 19, “Certification of Paperwork Reduction Act Submissions,” of OMB Form 83-I.

There are no anticipated exceptions to the Certification Statement in Item 19.

B. Collections of Information Employment Statistical Methods:

This information collection does not employ any statistical methods.