

December 2008

New collection entitled: Preparation of Annual Reports to Congress Regarding the Collection and Expenditure of Fees or Charges for the Support or Implementation of 911 or Enhanced 911 (E911) Services as set forth in the NET 911 Improvement Act of 2008, Public Law 110-283.

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.**

This new information collection seeking OMB approval will enable the Federal Communications Commission (Commission) to fulfill its obligation under the New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 122 Stat. 2620 (2008) (NET 911 Act) to submit an annual “Fee Accountability Report” to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives “detailing the status in each State of the collection and distribution [of] fees or charges” for “the support or implementation of 911 or enhanced 911 services,” including “findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.” (NET 911 Act, 122 Stat. at 2622) The statute directs the Commission to submit its first annual report within one year after the date of enactment of the NET 911 Act. Given that the NET 911 Act was enacted on July 23, 2008, the first annual report is due to Congress on July 22, 2009.

- 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 Commission will collect information for the preparation of the annual Fee Accountability Report through a web-based survey that appropriate officials of States (*e.g.*, State 911 Administrators and Budget Officials) and political subdivision thereof, Indian tribes, and village or regional corporations serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) can use to submit data pertaining to the collection and distribution of revenues from fees and charges for the support or implementation of 911 or enhanced 911 services, including the use of such collected fees and charges for any purpose other than for the support or implementation of 911 or enhanced 911 services. In addition, consistent with the definition of “State” set forth in 47 U.S.C. § 153(40) of the Communications Act, the Commission will collect this information from states as well as the District of Columbia and the inhabited U.S. Territories and possessions.

- 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 political entities and subdivisions (e.g., States, Territories and Indian tribes). The data collection system will carefully restrict access to the data. Users will be able to submit and see data for their entity, but will not be able to see or alter data for another entity. Respondents that are subject to state regulations requiring the reporting of similar information may meet the requirements of the NET 911 Act by submitting the state report, provided that the state report includes the information that will enable the Commission to fulfill its statutory obligation to annually prepare a Fee Accountability report “detailing that status in each State of the collection and distribution of such fees or charges [for support or implementation of 911 or enhanced 911 services], and including findings on the amount of revenues obligated or expended by each state or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.” (NET 911 Act, 122 STAT. at 2622).

- 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 the response to number three above, if there are respondents that are subject to state regulations requiring the reporting of similar information, the submission to the Commission of such a report may meet the Commission’s needs for fulfilling its NET 911 Act obligation to prepare an annual Fee Accountability Report for Congress. This is contingent on such a state report containing the relevant information necessary for the Commission to prepare a report “detailing that status in each State of the collection and distribution of such fees or charges [for support or implementation of 911 or enhanced 911 services], and including findings on the amount of revenues obligated or expended by each state or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.” (NET 911 Act, 122 STAT. at 2622) This information collection is not otherwise available elsewhere. This is a unique information collection that does not duplicate existing data. This information collection was created specifically to meet the requirements of the Fee Accountability Report provision of the NET 911 Act.

- 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.**

No small businesses or other small entities are burdened by the information collection sought by the Commission in order to fulfill its statutory obligation to produce for Congress an annual Fee Accountability Report. The proposed information collection does not seek information from small businesses. To the extent that there are government entities of small government jurisdictions that are the relevant source for the information the Commission

seeks, it is likely that the information is already gathered by the entity as part of its normal course of conducting its administrative affairs. It is reasonable to expect that it is “usual and customary” that data regarding the collection and expenditure of revenues by government entities of any size is maintained by that government entity. In accordance with section 1320.3(b)(1)(ix)(2), the provision of the data sought by the Commission for this information collection does not constitute a “burden” on such entities (5 CFR § 1320.3(b)(1)(ix)(2)).

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 the relevant information necessary for the Commission to prepare annually a report “detailing that status in each State of the collection and distribution of such fees or charges [for support or implementation of 911 or enhanced 911 services], and including findings on the amount of revenues obligated or expended by each state or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified” will prevent the Commission from discharging its statutory obligation to submit an annual Fee Accountability Report to Congress that provides this information. (NET 911 Act, 122 STAT. at 2622) The information sought by the Commission is essential to its compliance with the Fee Accountability Report obligation of the NET 911 Act.

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).

Consistent with section 1320.5(d)(2) of OMB’s PRA regulations requiring that the “collection of information is necessary to satisfy statutory requirements” (5 CFR § 1320.5(d)(2)), this information collection is tailored strictly for the purpose of compliance with the Commission’s statutory obligation under the Net 911 Act that it produce an annual Fee Accountability Report to Congress. (NET 911 Act, 122 STAT. at 2622) 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 September 29, 2008, seeking comments on the burden of complying with the information collection sought by the Commission in order to comply with the fee Accountability Report provision of the Net 911 Act (73 Fed. Reg. 189 (Sept. 29, 2008)). No comments were received in response to the 60-day notice. Commission staff

conducted research on the availability of public information that could satisfy, supplement and corroborate the information collection mandated by Congress. This did not yield data that would obviate the need for the information collection for which the Commission seeks approval.

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.

There were no assurances of confidentiality provided to respondents. The Commission's rules address the issue of confidentiality at sections 0.457, 0.459, and 0.461 (47 CFR §§ 0.457, 0.459, and 0.461). These rules address access to records that are not routinely available to the public, requests and requirements that materials submitted to the Commission be withheld from public inspection, and requests for inspection of materials not routinely available for public inspection.

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

The reporting requirement does not entail questions of a sensitive nature that are commonly considered private, beyond the national security and commercial basis for confidentiality that are covered by the response at 10, above.

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 56 respondents will file reports. The frequency of response will be annual. The average burden will be 30 hours per response. Thus, we estimate that the respondents will take a total of 1,680 hours to review and complete their reports in response to their obligations under the NET 911 Act. 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 accountant and one attorney participate in the information collection. Thus, we estimate that the total "in-house" cost to all respondents will be:

Specialist at \$82,090/year (\$39.47/hour) $\$39.47 \times 1,680 \text{ hours} = \$66,309.60$

Attorney at \$118,280/year (\$56.87/hour) $\$56.87 \times 1,680 \text{ hours} = \$95,541.60$

$$\$66,309.60 + \$95,541.60 = \$161,851.20$$

$$\text{Total In-House Cost} = \$375,340.64$$

- 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 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 attorney (GS-15, step 5) and one public utility specialist (GS-13, step 10), with each staff person spending approximately $\frac{1}{4}$ (520 hours) of their work time on the information collected:

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

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

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

- 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 1,680 hours per year, as explained at twelve, above.

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

Pursuant to the NET 911 Act, the Commission is required to report the results of the collection to Congress on July 22, 2009, and once annually thereafter.

- 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 mandated by a new federal statute. 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.