

New Information Collection Entitled: Section 10.350, Testing Requirements for 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. As required by Congress in the Warning Alert and Response Network (WARN) Act, the Commission completed rulemaking proceedings to, *inter alia*: (1) adopt technical requirements necessary to enable CMS alerting capability for CMS providers that voluntarily elect to transmit emergency alerts; (2) provide an administrative process for CMS licensees to elect to transmit CMAS alerts to subscribers, and (3) require technical testing for CMS providers that elect to transmit CMAS alerts.

On December 14, 2007, the Commission adopted and released a Notice of Proposed Rulemaking (NPRM) that initiated a series of rulemakings to establish the CMAS as required by the WARN Act. Among other sections of the WARN Act, the NPRM sought comment on section 602(f) of the WARN Act, which requires that the Commission “shall require by regulation technical testing for commercial mobile service providers that elect to transmit emergency alerts and for the devices and equipment used by such providers for transmitting such alerts.” In the NPRM, the Commission sought comment on what type of testing regime it should require. The Commission noted that the Commercial Mobile Service Alert Advisory Committee (CMSAAC) proposed that, in order to assure the reliability and performance of this new system, certain procedures for logging CMAS alerts at the Alert Gateway and for testing the system at the Alert Gateway and on an end-to-end basis should be implemented. The Commission sought comment on these proposed procedures, and asked whether they satisfied the requirements of section 602(f) of the WARN Act. The Commission also sought comment on whether there should be some form of testing of the CMAS that sends test messages to the mobile device and the subscriber. The Commission asked how subscribers should be made aware of such tests if testing were to involve subscribers.

Commenters generally supported the testing regime recommended by the CMSAAC, as well as some sort of logging of results as a part of the ultimate testing process. In *ex parte* comments submitted on May 23, 2008, CTIA submitted a proposal for testing requirements that were developed together with Alltel, AT&T, Sprint Nextel, T-Mobile and Verizon Wireless. Under CTIA’s proposal, participating CMS providers would participate in monthly testing of the CMAS system. The monthly test would be initiated by the federally-administered Alert Gateway at a set day and time and would be distributed through the commercial mobile service provider infrastructure and by participating CMS providers over their networks. Upon receipt of the test message, participating CMS providers would have a 24-hour window to distribute the test message in their CMAS coverage areas in a manner that avoids congestion or other adverse effects on their networks. Under CTIA’s proposal, mobile devices supporting CMAS would not be required to support reception of the required monthly test and participating CMS providers would not be required to deliver required monthly tests to subscriber handsets, but a participating CMS provider may provide mobile devices with the capability for receiving these tests. CTIA’s

New Information Collection Entitled: Section 10.350, Testing Requirements for the Commercial Mobile Alert System

testing proposal also features regular testing from the “C” interface to ensure the ability of the Federal Alert Gateway to communicate with the CMS Provider Gateway.

The Commission agreed with the CMSAAC and most commenters that periodic testing of all components of the CMAS, including the CMS provider’s components would serve the public interest and is consistent with the WARN Act. Further, the Commission adopted the procedure recommended by CTIA and several CMS providers.

In the Second Report and Order, FCC 08-164, the Commission adopted rules requiring each participating CMS provider to participate in monthly testing of CMAS message delivery from the Federal Alert Gateway to the CMS provider’s infrastructure. CMS Provider Gateways must support the ability to receive required monthly test messages initiated by the Federal Alert Gateway Administrator. CMS providers must receive these required monthly test messages and must also distribute those test messages to their CMAS coverage area within 24 hours of receipt of the test message by the CMS Provider Gateway. CMS providers may determine how this delivery will be accomplished and may stagger the delivery of the required monthly test message over time and over geographic subsets of their coverage area to manage the traffic loads and accommodate maintenance windows. A participating CMS provider may forego these monthly tests if pre-empted by actual alert traffic or in the event of unforeseen conditions in the CMS provider’s infrastructure that precludes distribution of the monthly test message, but shall indicate this unforeseen condition by a response code to the Federal Alert Gateway.

Participating CMS providers must keep an automated log of required monthly test messages received by the CMS Provider Gateway from the Federal Alert Gateway. CMAS required monthly tests will be initiated only by the Federal Alert Gateway Administrator using a defined test message; real event codes and alert messages may not be used for test messages. A participating CMS provider may provide mobile devices with the capability of receiving monthly test message. Although the Commission did not require CMS providers to provide mobile devices that support reception of the required monthly test, it stated that CMS providers that choose not to make the required monthly test available to subscribers must find alternate methods of ensuring that subscriber handsets will be able to receive CMAS alert messages.

The Commission also adopted CTIA’s recommendation that, in addition to the required monthly test, there should be periodic testing of the interface between the Federal Alert Gateway and each CMS Provider Gateway to ensure the availability and viability of both gateway functions. Under the Commission’s rules, CMS Provider Gateways must send an acknowledgement to the Federal Alert Gateway upon receipt of these interface test messages.

CMS providers must comply with these testing requirements no later than the date of deployment of the CMAS, which is the date that CMAS development is complete and the CMAS is functional and capable of providing alerts to the public.

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).

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.

New Information Collection Entitled: Section 10.350, Testing Requirements for the Commercial Mobile Alert System

This information collection will be used by the Commission to satisfy the statutory requirement of the WARN Act that the Commission “shall require by regulation technical testing for commercial mobile service providers that elect to transmit emergency alerts and for the devices and equipment used by such providers for transmitting such alerts.”

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.

Much of the logging and sending acknowledgement of receipt of alerts is to be done automatically, i.e., via computer software and electronic transmission. In order to minimize burden on participants, much of the testing, acknowledgment, and logging process is automated.

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 testing 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 testing requirement has been carefully designed to minimize the time required by the information collections as well as the 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 testing of the CMAS as 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 require that the participants test the system in an effective manner.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the criteria listed in the OMB Form 83i supporting statement instructions.

There are none.

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,

New Information Collection Entitled: Section 10.350, Testing Requirements for the Commercial Mobile Alert System

disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A 60-day notice requesting comment on the collection imposed by the CMAS testing rules in the CMAS Second Report and Order was published in the Federal Register on December 23, 2008 (73 FR 78791). No comments were filed in response to this notice. The Commission obtained input on CMAS testing requirements in response to its NPRM and in the CMSAAC report.

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: 146.

Frequency of response: Monthly and on occasion reporting requirements and recordkeeping requirement.

Total Number of Responses Annually: 12 (monthly).

146 carriers x 12 reports/annually = **1,752 responses.**

Total Annual Hourly Burden:

146 carriers x 12 reports/carrier/annually x 0.000694 hours (2.5 seconds)/report = **1.22 hours (rounded to 2 total annual burden hours).**

Method of estimation of burden: The burden estimate for the Commission's testing rules information collections 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 similar requirements that the Commission required in its Part 11 Emergency Alert System testing rules. In sum, we estimate the total annual time needed to satisfy the Commission's CMAS testing rules information collection to be no more than one hour fifteen minutes annually (1.22 hour).

Total Reporting Costs to Respondents Will Be:

New Information Collection Entitled: Section 10.350, Testing Requirements for the Commercial Mobile Alert System

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

$\$28.85 \times 146 \text{ carriers} \times 12 \text{ reports/annually} \times 0.000694 \text{ hours per report} = \35.07

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.

This is a new information collection resulting in a program change increase of 2 total annual burden hours.

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. The Commission publishes in 47 CFR 0.408, a list of all OMB-approved information collections displaying their OMB Control Number(s), titles, and OMB expiration date(s).

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 exceptions to the Certification Statement in Item 19.

B. Collections of Information Employment Statistical Methods:

This information collection does not employ any statistical methods.