

## SUPPORTING STATEMENT

### A. Justification:

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

**Background.** The Commission's E911 Phase II rules require wireless licensees to provide Public Safety Answering Points (PSAPs) with Automatic Location Identification (ALI) information for 911 calls. Licensees can provide ALI information by deploying location information technology in their networks (a network-based solution), or Global Positioning System (GPS), or other location technology in subscribers' handsets (a handset-based solution). The Commission's rules also establish phased-in schedules for carriers to deploy any necessary network components and begin providing Phase II service. However, before a wireless licensee's obligation to provide E911 service is triggered, a PSAP must make a valid request for E911 service, *i.e.*, the PSAP must be capable of receiving and utilizing the data elements associated with the service and must have a mechanism in place for recovering its costs.

In addition to deploying the network facilities necessary to deliver location information, wireless licensees that elect to employ a handset-based solution must meet the handset deployment benchmarks set forth in 47 C.F.R. § 20.18(g)(1) of the Commission's Rules, independent of any PSAP request for Phase II service. After ensuring that 100 percent of all new digital handsets activated are location-capable, licensees must have achieved 95 percent penetration among their subscribers of location-capable handsets no later than December 31, 2005.

The Commission has recognized that "special circumstances" may warrant a waiver of the E911 Phase II requirements. The Commission also has noted that smaller carriers may face "extraordinary circumstances" in meeting one or more of the deadlines for Phase II deployment. Pursuant to 47 C.F.R. § 1.925(b)(3), the Commission may grant a request for waiver if the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that grant would be in the public interest; or, in view of unique or unusual factual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.

Finally, distinct from the Commission's rules and precedent regarding waivers of the E911 requirements, in December 2004, Congress enacted the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (ENHANCE 911 Act).<sup>1</sup> The ENHANCE 911 Act, *inter alia*, directs the Commission to act on any petition filed by a qualified Tier III carrier requesting a waiver of 47 C.F.R. § 20.18(g)(1)(v) within 100 days of receipt, and grant such request for waiver if "strict enforcement of the requirements of that section would result in consumers having decreased access to emergency services."

The Commission originally established reporting requirements in an order released in October 2001, which received OMB approval. Nationwide wireless carriers ("Tier I") generally must file quarterly reports with the Commission on February 1, May 1, August 1, and November

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<sup>1</sup> National Telecommunications and Information Administration Organization Act – Amendment, Pub. L. No. 108-494, 118 Stat. 3986 (2004).

1 of each year, with the exception of T-Mobile, which is required to file semi-annual reports (as of October 2002). Mid-sized wireless carriers (“Tier II”) also were required to file quarterly reports under this same time schedule.

In July 2003 revision submitted to OMB for review and approval, the Commission decided that the information requirements in the quarterly reports, beginning with August 1, 2003 filing, be submitted with an Excel spreadsheet as an appendix to Tier I and Tier II carrier narrative reports. The existing information collection only required Tier III carriers to file a one-time interim report. Tier III wireless carriers were also not required to submit an Excel spreadsheet with their one-time filings.

The collection requirement was further revised in 2005, because on October 21, 2005, the Commission released an order (FCC 05-181) finding that certain Tier III carriers did not sufficiently support their requests for waiver of the E911 rules, but providing the carriers with additional time, until July 21, 2006, to augment the record to show a clear path to full compliance with the E911 requirements. The Commission also imposed conditions and required the Tier III carriers to file separate status reports by November 21, 2005, and, commencing February 1, 2006, additional status reports on a quarterly basis, for a two-year period.

The Commission is now requesting an extension (no change in the reporting requirements) of the previously approved information collection. There is a minor adjustment to the estimated number of respondents and responses. There is no change in the estimated burden hours.

Statutory authority for this collection of information is contained in 47 U.S.C. §§ 1, 4(i), 201, 303, 309 and 332 of the Communications Act of 1934, as amended.

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

*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 use the information submitted by Tier III carriers subject to reporting requirements to ensure that they comply with the Commission’s E911 requirements and the terms of the underlying orders addressing their requests for waiver relief.

*3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical or other technological techniques or other forms of information technology, e.g., permitting electronic submissions 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.*

Tier III carriers will have the option of filing reports electronically with the Electronic Comment Filing System (ECFS) and paper copies with the Commission’s Office of the Secretary.

Additionally, as of August 2003, Tier I and Tier II carriers submit their filing using an Excel spreadsheet as an appendix to their narrative reports. This allows the Commission to track E911 deployment in a more uniform and consistent manner, as well as assist E911 stakeholders in coordinating their deployment efforts.

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.*

There is no similar or duplicative reporting requirement.

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 the burden.*

The information that the Commission requires of Tier III carriers in their status reports is the minimal amount of data that the Commission will need to monitor compliance. The reports generally must include the following information:

(1) the number and status of Phase II requests from PSAPs (including those requests it may consider invalid);

(2) the estimated dates on which Phase II service will be available to PSAPs;

(3) the status of coordination efforts with PSAPs for alternative ninety-five percent handset penetration dates;

(4) efforts to encourage customers to upgrade to location-capable handsets;

(5) the extent of subscribers located in areas with analog service only;

(6) the percentage of customers with location-capable phones; and

(7) detailed information on status in achieving compliance. Other separate status reports and compliance plans generally require the submission of information related to the status of any agreements reached with PSAPs for alternative deployment schedules, and specific measures to be taken to achieve compliance with the Phase II rules.

6. *Describe the consequences 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 the burden.*

The existing information collection is based on the Commission's regulatory authority pursuant to its regulatory responsibilities under the Omnibus Budget Reconciliation Act of 1993 ("OBRA-1993"), which added Section 309(j) to the Communications Act of 1934. Tier III carriers have filed requests for relief only shortly before the December 31, 2005 deadline for compliance, informing the Commission that they would be unable to meet their E911 obligations. Given that delays in compliance could impact the delivery of safety-of-life services to the public, it is imperative that the Tier III carriers be brought into compliance, required in the various orders, and that the reports and compliance plans be timely submitted by the carriers.

7. *Explain any special circumstances that would cause an information collected in a manner inconsistent with the guidelines in 5 C.F.R. § 1320.5(d)(2).*

Tier III service providers that have requested relief of 47 CFR§ 20.18(g)(1)(v), but have not yet been approved, generally will be required to file status reports every February 1, May 1, August 1, and November 1, until two years following release of the applicable orders.

Furthermore, because the petitions for relief that are the subject of the instant revision were handled on a case-by-case basis, future orders issued may vary slightly in the reporting requirements imposed, but generally will require submission of reports on a quarterly basis. In addition, similar to some of the Tier III service providers subject to the instant request, some Tier III carriers with pending petitions for relief may, in addition to quarterly reporting requirements, be required to submit separate reports or compliance plans following release of a particular order.

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 C.F.R. § 1320.5(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 those 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.*

The Commission initiated a 60-day public comment period which appeared in the Federal Register on \_\_\_\_\_. No comments were received as a result of the notice.

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

There are no payments or gifts to respondents.

10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

There is no need for confidentiality. However, if applicants want to seek confidential treatment of their filing, they may do so pursuant to 47 C.F.R. § 0.459 of the Commission's rules.

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

This information collection 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 responses, 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.*

#### **BURDEN HOUR ESTIMATES:**

##### A. Tier I:

The Commission estimates that 22 carriers will file a report annually (1 report) with a total of 110 annual burden hours for the covering the nationwide carriers (Tier I). Therefore, 22 carriers x 5 hours per response x 1 report = **110 total annual burden hours.**

##### B. Tier II:

There are 12 Mid-sized wireless carriers (Tier II) required to file quarterly reports. The Commission estimates that each report will take approximately 5 hours to draft and submit, and each carrier can be expected to assign a staff engineer to perform this function.

12 carriers x 5 hours per report x 4 reports annually = **240 annual burden hours.**

For purposes of this PRA submission, the above-mentioned orders imposed on certain Tier III carriers quarterly reporting requirements for two years following release of each of the orders. Furthermore, FCC 05-181 imposed a separate, one-time reporting requirement for two Tier III carriers due 30 days following release, and FCC 05-188 imposed a separate, one-time requirement that one Tier III carrier submit a compliance plan. We estimate that a maximum of 50 Tier III carriers ultimately will be subject to a similar quarterly reporting requirement for two years as a result of future waiver orders yet to be drafted, and possibly other separate, one-time reporting requirements to be determined.

C. Tier III:

50 carriers x 4 hours per response x 4 reports = **800 hours**

3 carriers x 4 hours per response x 1 report = **12 hours (current one-time reporting hours)**

10 carriers x 4 hours per response x 1 report = **40 (future one-time reporting hours)**

800 + 12 + 40 = **852 Total Annual Burden Hours**

**Summary of Respondents: 22 + 12 + 50 + 3 + 10 = 97 respondents;**

**Summary of Responses: 22 + 48 + 200 + 3 + 10 = 283 responses.**

**Summary of Burden Hours:**

Tier I reporting requirement	110 hours
Tier II reporting requirement	240 hours
<u>Tier III quarterly/one time reporting requirement</u>	<u>852 hours</u>
<b>Total Annual Burden Hours</b>	<b>1,202 hours</b>

13. *Provide an estimate of 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 are no outside contracting costs estimated for this information collection. The following is a breakdown of in-house costs:

In-House Costs:

A. The Commission estimates that 22 Tier I carriers will assign staff engineers (\$150 per hour) to draft and submit the annual report. The annual hourly burden per carrier is estimated to be approximately 5 hours.

22 carriers x \$150 x 5 hours = \$16,500.

B. The Commission estimates that 12 Tier II carriers will assign staff engineers (\$150 per hour) to draft and submit the quarterly reports and spreadsheets. As indicated above, the annual hourly burden per carrier for this burden is estimated to be approximately 20 hours.

**12 carriers x \$150 per hour x 20 hours = \$33,600.**

C. The Commission estimates that (63) Tier III carriers will assign staff engineers/attorney (\$150 per hour) to draft and submit the monthly status reports, certification of compliance letter, and quarterly reports. As indicated above, the annual hourly burden per carrier for this burden is estimated to be approximately about 852 hours for the Tier III carriers.

**SUMMARY OF COSTS TO RESPONDENTS:**

\$16,500	Tier I Annual In-House Costs
\$33,600	Tier II Annual In-House Costs
\$120,000	Tier III Quarterly In-House Costs
\$7,800	Tier III One-Time In-House Costs
<b>\$177,900</b>	<b>Total Annual In-House Cost to Respondents</b>

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.*

Below we summarize our estimate for costs to the Federal Government.

The Commission will likely assign one GS-14 attorney or engineer at a rate of approximately \$55.97 per hour to review reports at a rate of 2 hours per report.

Tier I reports annually	22
Tier II reports annually	48
Tier III Quarterly Reports annually	200
Tier III One-Time reports	<u>13</u>
	283 reports filed

Currently approved annual hours for Commission review of 283 reports x 2 hours = 566 annual burden hours

566 burden hours x \$55.97 = \$ 31,679.02 Total Annual Costs to the Commission.

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

There is a minor change in the estimated number of respondents and responses. The Commission has adjusted that estimate. There is no change in the hourly burden.

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

The data will not be published for statistical use.

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

The Commission is not seeking approval to not display the expiration date for OMB approval of the information collection.

18. *Explain any exceptions to the statement certifying compliance with 5 C.F.R. § 1320.9 and the related provisions of 5 C.F.R. § 1320.8(b)(3).*

There are no exceptions.

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

No statistical methods are employed.