

SUPPORTING STATEMENT

A. Justification:

1. The Commission seeks OMB approval of an extension for the information collections associated with the Commission's initiative to implement enhanced 911 (E911) emergency services. There is no change in the reporting, recordkeeping and/or third party disclosure requirements. The Commission has adjusted their estimated number of responses and total burden hours. See item 15 for a description of the changes in burden.

Under the Commission's E911 rules, a wireless carrier must provide E911 service to a particular Public Safety Answering Point (PSAP) within six months only if that PSAP makes a request for the service and is capable of receiving and utilizing the information provided. In the City of Richardson, TX Order, the Commission adopted rules clarifying what constitutes a valid PSAP request so as to trigger a wireless carrier's obligation to provide service to a PSAP within six months.

In November 2002, the Commission released the City of Richardson, TX Order on Reconsideration, modifying its E911 rules to provide additional clarification on the issue of PSAP readiness. The Commission's actions were intended to facilitate the E911 implementation process by encouraging parties to communicate with each other early in the implementation process, and to maintain a constructive, on-going dialog throughout the implementation process.

The Order contains the following information collection requirements subject to the PRA, for which the Commission seeks continued OMB approval.

a) The Commission established a procedure whereby wireless carriers that have completed all necessary steps toward E911 implementation that are not dependent on PSAP readiness may have their compliance obligation temporarily tolled, if the PSAP is not ready to receive the information at the end of the six-month period, and the carrier files a certification to that effect with the Commission.

b) As part of the certification and notification process (third party disclosure requirements), a carrier must notify the PSAP of its intent to file a certification with the Commission that the PSAP is not ready to receive and use the information. The PSAP is permitted to send a response to the carrier's notification to affirm that it is not ready to receive E911 information or to challenge the carrier's characterization of its state of readiness. Carriers are required to include any response they receive from the PSAP in their certification filing to the Commission.

c) The Commission clarified that nothing in its rules prevented wireless carriers and PSAPs from mutually agreeing to an E911 deployment schedule at variance with the schedule contained in the Commission's rules. Carriers and PSAPs may choose to participate in the certification and private negotiation process. The Commission does not require participation.

Statutory authority for this collection of information is contained in 47 U.S.C. [sections](#) 154, 160, 201, 251-254, 303, and 332 unless otherwise noted.

As noted on the Form OMB 83-I, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The Commission will use the certification filings from wireless carriers to determine each carrier's compliance with its E911 obligations. The Commission will review carrier certifications to ensure that carriers have sufficiently explained the basis for their conclusion that a particular PSAP will not be ready and have identified all of the specific steps the PSAP has taken to provide the requested service. The Commission retains the discretion to investigate a carrier's certification and take enforcement action if appropriate.

The requirement that carriers notify affected PSAPs, in writing, of their challenge, including a copy of the certification, will afford PSAPs an opportunity to review proposed certifications and present their respective views about their readiness to receive and use E911 information to the carrier and the Commission. The Commission will review PSAP responses to determine whether there are any PSAP objections to particular certification filings.

The clarification regarding mutually agreed upon alternative implementation schedules necessarily entails a third-party contact information burden. However, the affected entities will receive the benefit of being able to adopt an E911 implementation schedule best suited to their specific circumstances.

3. Before adopting information collections, the PSHSB conducts an analysis to ensure that improved information technology cannot be used to reduce the burden on the public. This analysis considered the possibility of obtaining or computer-generating the required data from existing databases in the Commission or other Federal agencies, but no such data was available. To reduce the burden in this case, the Commission permits carriers and PSAPs to file 100 percent of their certifications and responses electronically through the Commission's electronic comment filing system (ECFS).

4. This agency does not impose a similar information collection on the respondents. There are no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary for evaluating and processing each application and to deter against possible abuses of the processes. However, with respect to the Commission's E911 proceeding, the critical nature of establishing a responsive, dependable, and universal emergency communications system does not allow for much differentiation between the size of parties involved. A delay in deployment of E911 technology from a small carrier could foster the same life-threatening result as a delay in deployment from a large carrier. Despite these considerations, the information collection for which the Commission seeks renewal will provide benefits for small carriers. Allowing carriers to file certifications to temporarily toll their E911 obligations in areas where PSAPs are not ready to receive and use the information will allow small carriers to streamline their deployment efforts to focus on areas where PSAPs have completed their preparations and to ensure that they do not waste limited resources. To minimize the burden on small entities, the Commission has made carrier participation in the certification process voluntary.

Similarly, in clarifying that carriers and PSAPs may agree on an implementation schedule different from that prescribed in the Commission's rules, the Commission has provided entities of all sizes, including small entities, with more flexibility in establishing a deployment schedule best suited to their particular circumstances.

6. The certification process helps the Commission ensure rapid, nationwide E911 deployment. If the Commission did not allow carriers to file certifications, many carriers could be forced to waste limited resources attempting to complete deployments in areas where PSAPs are unready to receive and use information. Carriers attempting to resolve readiness issues with particular PSAPs might be prevented from continuing deployment efforts in additional areas. By allowing carriers to file certifications, the Commission prevents disputes over readiness in particular areas from slowing down deployment efforts

across the country. By requiring that carriers notify PSAPs prior to filing certifications and include PSAP responses in their certification filings, the Commission encourages carriers and PSAPs to communicate with each other and ensures that carriers do not abuse the certification process.

By clarifying that carriers and PSAPs may agree to implementation schedules at variance with the six-month deadlines contained in the E911 rules, the Commission encourages cooperation between all parties to help ensure rapid and efficient rollout of E911 service. If the Commission did not permit such negotiation, it is likely that there would be a greater number of disputes between carriers and PSAPs and that deployment of E911 service would be delayed.

7. Current data collection is consistent with 5 CFR 1320.6.

8. The Commission published a 60-day public comment period which appeared in the Federal Register on July 13, 2009 (74 FR 33440). No comments were received as a result of the notice.

9. Respondents will not receive any payments.

10. Although the Commission does not believe that any confidential information will need to be disclosed in order to comply with the certification and notification requirements and the corresponding PSAP response provisions, covered carriers or PSAPs are free to request that materials or information submitted to the Commission be withheld from public inspection and from the E911 web site. (*See* Section 0.459 of the Commission's Rules.)

11. There are no requests of a sensitive nature considered or those considered a private matter being sought from the applicants on this collection renewal.

12. HOURLY BURDEN:

According to data from the National Emergency Number Association, there are approximately 5,000 primary PSAPs, each of whom can request wireless E911 service from multiple carriers. In addition, there are about 850 wireless carriers who could provide E911 service to multiple PSAPs. The Commission is not able to determine how many wireless carriers will file certifications, or how many PSAPs might choose to respond to carriers' proposed certification filings. The estimates used in this submission are, therefore, rough estimates based on Commission experience and data.

The Commission believes that the most logical way of predicting the possible PRA burden on wireless carriers is to look at the impact of the burdens on each of the three tiers of wireless carriers.

In this renewal to the OMB, the Commission uses the same 2002 Census data because this is the latest data available. As a result, the total number of carriers in all three tiers is 858 respondents. The composition of those carriers, however, has changed since the last collection renewal application. Due to growth, system sales, acquisitions, mergers, and system restructuring, the number of Tier 1 carriers has decreased from six to four.¹ Similarly, the number of Tier II carriers has increased from twelve to eighteen,² and the number of Tier III carriers has decreased from 840 to 836. These figures are reflected in the annual burden hours calculated below.

Therefore, the total estimated number of respondents is: $4 + 18 + 836 = \mathbf{858 \text{ total number of respondents}}$.

¹ The four Tier 1 carriers are: AT&T Wireless, Sprint, T-Mobile and Verizon Wireless.

² The eighteen Tier II carriers are: ACS, Cellcom, Cellular One, Cellular South, Centennial, Cincinnati Bell Wireless, Clearwire, Cricket, i wireless, Immix, MetroPCS, nTelos, Pocket Communications, Revol, SouthernLINC Wireless, US Cellular, and West Central Wireless.

a. Certification and Notification Requirements:

Tier I Carriers. Tier I carriers are defined as those **4 commercial wireless carriers** with national footprints. (A “footprint” is an industry term of art referring to the total geographic area in which a wireless provider offers service or is licensed to offer service.) The Commission expects that each of these four carriers could file certifications regarding **as many as five PSAP requests annually**, and notifying the affected PSAPs of their challenge, including a copy of the certification. The Commission expects that all of the carriers will have staff engineers or attorneys complete the certification filings and that each certification and notification will take approximately **four hours to complete**. This is an optional burden that will only affect carriers who seek to use the certification process to toll their E911 obligations with respect to particular PSAP requests. Carriers are not required to file certifications on any set schedule but rather may file certifications on an occasional basis as they choose. This description of the nature of the burden is true for Tier II and Tier III carriers as well.

Annual Hours for Certification and Associated Notification per Carrier:

4 hours per submission x 5 submissions = 20 burden hours

5 submissions x 4 carriers = 20 responses;

Total Annual Hours for Certification and Associated Notification for 4 Carriers:

20 burden hours x 4 carriers = **80 total annual burden hours³**

Tier II Carriers. Tier II wireless carriers are those carriers that had over 500,000 subscribers as of the end of calendar year 2001. The Commission estimates that there are approximately 18 Tier II carriers. The Commission speculates that each Tier II carrier may choose to file up to two certifications annually, assigning a staff attorney or engineer to complete the certification and notification burden at four hours per submission.

Annual Hours for Certification and Associated Notification per Carrier:

4 hours per submission x 2 submissions = 8 burden hours

2 submissions x 18 carriers = 36 responses;

Total Annual Hours for Certification and Associated Notification for 18 Carriers:

8 burden hours x 18 carriers = 144 total annual burden hours.

Tier III Carriers. Tier III wireless carriers are those carriers that had less than 500,000 subscribers as of the end of calendar year 2001. There are approximately 836 Tier III carriers. The Commission estimates that each Tier III carrier will elect to assign a staff attorney or engineer to prepare and submit the certification and PSAP notification about 1 time per year, and that the work will take about 4 hours per submission.

Annual Hours for Certification and Associated Notification per Carrier:

4 hours per submission x 1 submission = 4 burden hours

1 submission x 836 carriers = 836 responses;

Total Annual Hours for Certification and Associated Notification for 836 Carriers:

4 burden hours x 836 carriers = 3,344 total annual burden hours

TOTAL RESPONSES FOR WIRELESS CARRIERS: 20 + 36 + 836 = 892.

³ Because these four Tier I wireless carriers offer nationwide coverage, they serve the most PSAPs and will likely utilize the certification and notification option to toll the implementation period more than Tier II or Tier III carriers. Therefore, throughout this submission, the Commission will utilize the number of hours and costs for these four Tier I carriers as the maximum burden.

Total Annual Wireless Carrier Burden for this Requirement:

80 hours (Tier 1) + 144 Hours (Tier II) + 3,344 hours (Tier III) = 3,568 burden hours annually.

b. PSAP Response Option:

The Commission estimates that the three tiers of wireless carriers combined will decide to certify PSAP E911 inability and notify the affected PSAP in about 858 cases annually. Of this number, the Commission believes that about **300 PSAPs annually** will elect to respond in some fashion to the challenge to their ability to receive and use E911 data. The Commission believes that each of the 300 PSAPs will use a staff attorney to prepare their response, which could take a maximum of **two hours per submission**. Again, this is a voluntary or on occasion reporting requirement.

Annual Hours to Respond to a Carrier Challenge of their E911 Readiness:
300 PSAP replies x 2 hours per PSAP = 600 annual burden hours.

c. Wireless Carrier Agreement Burden:

The Commission believes that approximately **400** of the total 858 wireless carriers may elect to negotiate agreements with the PSAPs to agree on an E911 deployment schedule at variance with the schedule prescribed in the Commission's rules. This third-party contact burden is voluntary and would be either a one-time or an occasional burden that could take the form of meetings, conference calls, or written correspondence. The Commission assumes that the agreement can be reached with all of the PSAPs in a service area in one meeting, letter, or phone call. Additionally, the Commission believes that each of the 400 carriers will assign a staff attorney to coordinate an implementation agreement at **three hours per agreement and one agreement per calendar year**.

Annual Hours For Wireless Carriers to Arrange an Alternative Implementation Schedule:
3 hours per agreement x 400 wireless carriers =1,200 annual burden hours

d. PSAP Agreement Burden:

Similarly, the Commission estimates that about 400 PSAPs annually will assign a staff attorney to coordinate for 3 hours with wireless carriers in their area to reach an agreement on an alternative E911 implementation schedule. Again, this is a one-time or occasional PRA burden that is voluntary.

Annual Hours PSAPs to Arrange an Alternative Implementation Schedule:

3 hours per agreement x 400 PSAPs =1,200 annual burden hours.

Total for this requirement: 3,600 hours + 600 hours + 1,200 hours, + 1,200 hours = 6,600 annual burden hours.

GRAND TOTAL RESPONSES: Total responses for this requirement: 300 + 400 + 400 = 1,100 responses + 892 responses from page 4 = 892 + 1,100 = a grand total of 1,992 responses.

GRAND TOTALS BURDEN HOURS: 3,568 hours + 6,600 hours = 10,168 total annual burden hours for all the above requirements.

13. Respondent In-House Cost Estimates:

For this renewal to the OMB, adjustments were made to the labor costs to reflect current costs and to ensure uniformity of labor costs used in other recent collection applications and renewal applications.

There will be no start-up or capital costs incurred by the respondent.

There will be no operation and maintenance costs incurred by the respondent. All costs described below are in-house costs that the respondent will perform within their companies.

a. Certification and Notification Option.

Tier I Carriers. The Commission believes that each of the 4 Tier 1 wireless carriers will use an in-house staff attorney or engineer (\$150 per hour) to complete the certification to toll the implementation period and notify PSAPs of their action.

20 hours annually per entity x \$150 = \$3,000 annually per entity
\$3,000 x 4 entities = \$12,000 total annual cost burden.

Tier II Carriers. The Commission expects that each of the 18 Tier II carriers will also assign in-house staff attorneys or engineers (\$150 per hour) to complete the certification and notification options.

8 burden hours annually per entity x \$150 = \$1,200 annually per entity
\$1,200 x 18 entities = \$21,600 total annual cost burden.

Tier III Carriers. The Commission estimates that all of the 836 Tier III carriers will assign in-house staff attorneys or engineers (\$150 per hours) to complete the certification and to notify PSAPs of their actions.

4 burden hours annually per entity x \$150 = \$600 per entity annually
\$600 x 836 entities = \$501,600 total annual cost burden.

b. PSAP Response Option.

The Commission estimates that all of the 300 PSAPs who decide to respond to wireless certification of PSAP E911 capability, will use staff attorneys (\$150 per hour) to prepare their response.

2 burden hours annually per PSAP x \$150 = \$300 annually per PSAP
\$300 x 300 = \$90,000 total annual cost burden.

c. Wireless Carrier Agreement Burden.

The Commission expects that all of the 400 wireless carriers who will coordinate alternative E911 implementation date agreements will assign staff attorneys (\$150 per hour) to complete these agreements.

3 hours per wireless carrier x \$150 = \$450 per carrier per year
\$450 x 400 carriers = \$180,000 total annual cost burden.

d. PSAP Agreement Burden.

The Commission estimates that all of the 400 PSAPs who will coordinated alternative E911 implementation date agreements with wireless carvers will use staff attorneys (\$150 per hour) to complete these agreements.

3 hours per PSAP annually x \$150 = \$450 annually per PSAP
\$450 x 400 PSAPs = \$180,000 total annual cost burden.

**TOTAL IN-HOUSE COSTS TO THE RESPONDENT: \$12,000 + \$21,600 + \$501,600 + \$180,000
+ \$180,000 = \$895,200.**

14. Cost to the Federal Government: The Commission will likely assign a senior public utility specialist or program analyst (GS-14, Step 5) at \$55.97 per hour to review the wireless carrier certifications. The Commission expects that this review will take about 2 hours per submission and expects to receive about 892 certifications annually.

2 hours per submission x \$55.97 x 892 submissions = \$99,850.48.

15. The Commission is reporting an increase of 834 responses and an increase of 3,592 total annual burden hours. These figures were adjusted to reflect more accurate estimates.

16. The data will not be published for statistical use.

17. Display of the expiration date for OMB approval would be inappropriate because the information to be provided is contained in Commission rules.

18. There were no exceptions to Certification Statement in Item 19.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.