

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 Commission is seeking Office of Management and Budget (OMB) approval for an extension (no change in the reporting, recordkeeping and/or third party disclosure requirements since the last time this was submitted to them). The Commission is requesting the three year clearance from the OMB.

The information collection is used in connection with the reporting of significant outages¹ of voice and/or paging communications provided by wireline, wireless, cable circuit-switched telephony, and satellite communications providers.

This information collection is necessary for the following reasons:

- (1) Collecting information on significant outages as defined in its rules enables the Federal Communications Commission (“FCC” or “Commission”) to analyze significant disruptions to telecommunications networks, and thereby fulfill its statutory obligations under the *Communications Act*² by ensuring the reliability and security of the nation’s telecommunications networks for the benefit of all Americans. Furthermore, these measures are necessary to support the efforts of public safety, national defense, and homeland security entities that rely upon the integrity of our Nation’s telecommunications infrastructure to accomplish their own missions. In the absence of – or less frequent – reporting of significant outages as required by the Commission’s rules, valuable information regarding telecommunications failures would escape timely FCC analysis, and thus impede the ability to identify potential threats and vulnerabilities involving the Nation’s telecommunications infrastructure – particularly those having an adverse impact on public safety, homeland security, and national defense priorities.
- (2) In addition, the information collected – particularly in cases involving major outage incidents – can be of a nature that constitutes “Critical Infrastructure Information,” as defined in 6 U.S.C. § 131, which may be shared with the Department of Homeland Security (DHS) in furtherance of its missions to protect the United States from terrorist activity and to otherwise protect domestic security. Consequently, the collection and timely reporting of data relating to significant outages as required by these rules is necessary in order for the Commission and DHS to successfully accomplish these critical missions for the benefit of the American people.

Since 1992, the Commission has required telecommunications carriers (other than cellular and satellite carriers) to report significant disruptions to voice and paging communications services.³ In 2004, by *Report and Order*, the Commission superseded the original reporting requirements, and created a new Part 4 of Title 47 of the Code of Federal

¹ “Outage” is defined by the Commission’s rules as a significant degradation in the ability of an end user to establish and maintain a channel of communication as a result of failure or degradation in the performance of a communications provider’s network. See 47 C.F.R. Section 4.5 (a).

² See *Communications Act of 1934* (as amended) (“*Communications Act*”), 47 U.S.C. § 151 *et seq.*

Regulations (C.F.R.) to house the modified and expanded outage reporting requirements embodied in the existing service disruption rules.⁴ Among others, the *Report and Order* extended the reporting requirements to include disruptions to wireless and satellite communications. In addition, as described below, these rules were modified to require electronic filing of the required reports, and to specify common reporting metrics.

These actions were taken by the Commission in recognition of the critical need for rapid, complete, and accurate information on service disruptions that could affect homeland security, public health or safety, and the economic well-being of our Nation, especially in view of the increasing importance of non-wireline communications in the Nation's communications networks and critical infrastructure.⁵

Broadly speaking, these reporting requirements apply to any voice and/or paging communications carried on any facilities owned, operated, leased, or otherwise utilized by wireline, wireless, cable circuit-switched telephony, and satellite communications providers of such services. Furthermore, the outage-reporting requirements apply to affiliated and non-affiliated entities that maintain or provide communications networks or services used by such providers in offering these communications services. Excluded from the requirements are those equipment manufacturers or vendors that do not maintain or provide communications networks or services used by communications providers in offering communications.

The rules set forth threshold criteria for determining when an outage is deemed reportable.⁶

³ See former 47 C.F.R. Section 63.100 (2003) (first adopted in 1992). See "In the Matter of Notification by Common Carriers of Service Disruptions," CC Docket No. 91-273, *Report and Order*, 7 FCC Rcd 2010 (1992); *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 8 FCC Rcd 8517 (1993); *Second Report and Order*, 9 FCC Rcd 3911 (1994); *Order on Reconsideration of Second Report and Order*, 10 FCC Rcd 11764 (1995).

⁴ See "In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications," ET Docket No. 04-35, FCC 04-188, *Report and Order and Further Notice of Proposed Rule Making*, 19 FCC Rcd 16830 (2004) (*Report and Order*).

⁵ See *Report and Order*, 19 FCC Rcd 16830, at ¶ 1.

⁶ See 47 C.F.R. Section 4.9. Under these criteria, submission of the Outage Reports described above is required for any outage of at least 30 minutes duration that also:

- (1) Potentially affects at least 900,000 user minutes of telephony or paging service; or
- (2) Affects at least 1,350 DS3 minutes; or
- (3) Potentially affects any special offices and facilities (in accordance with paragraphs (a) - (d) of 47 C.F.R. Section 4.5); or

(4) Potentially affects a 911 special facility (as defined in paragraph (e) of 47 CFR section 4.5), in which case they also shall notify, as soon as possible by telephone or other electronic means, any official who has been designated by the management of the affected 911 facility as the provider's contact person for communications outages at that facility, and they shall convey to that person all available information that may be useful to the management of the affected facility in mitigating the effects of the outage on callers to that facility.

In the case of wireless communications, criterion (1), above, is replaced by the criteria that the outage of at least 30 minutes duration is of a Mobile Switching Center (MSC) or potentially affects at least 900,000 user minutes of either telephony and associated data service or paging service. For providers of paging service solely, however, instead of criteria (1) - (3), above, the applicable criterion is that there is a failure of a switch for at least 30 minutes duration potentially affecting at least 900,000 user-minutes.

In addition, the mandatory reporting procedure requires three submissions to be transmitted electronically to the Commission by each affected provider for each reportable outage as follows:⁷

- (1) A bare-bones *Notification* (“Notification”) not later than 120 minutes after discovering a reportable outage,
- (2) A more detailed *Initial Communications Outage Report* (“Initial Report”) not later than 72 hours after discovering a reportable outage, and
- (3) A comprehensive *Final Communications Outage Report* (“Final Report”) not later than thirty days after discovering a reportable outage.

As noted above, the information provided in these submissions (collectively “Outage Reports”) is essential in enabling the Commission to monitor developments affecting telecommunications reliability and security; to facilitate improvements in telecommunications reliability and security; and to serve as a source of information for the public.⁸

The collection of this 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).

This information collection does not affect individuals or households; thus, there is no impact 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 manner in which this information collection is to be used is to gather data as described above with respect to significant outages involving voice and/or paging communication

⁷ The Notification, Initial and Final Reports must be filed by persons authorized by the communications provider to prepare such submissions; and in the case of Final Reports, must include specific information about the outage, and must be attested to by authorized individuals for their truth, completeness, and accuracy. See 47 C.F.R. Section 4.11.

⁸ Information provided in the Notification must include:

- (1) The name of the reporting entity;
- (2) The date and time of onset of the outage;
- (3) A brief description of the problem;
- (4) The particular services affected;
- (5) The geographic area affected by the outage; and
- (6) A contact name and contact telephone number by which the Commission’s technical staff may contact the reporting entity.

The Initial Report must contain all pertinent information then available on the outage and shall be submitted in good faith. The Final Report must contain all pertinent information on the outage, including any information that was not contained in, or that has changed from that provided in, the Initial Report.

services provided by wireline, wireless, cable circuit-switched telephony, and satellite communications providers.

This information collection is administered by the FCC's Public Safety and Homeland Security Bureau (PSHSB) which maintains an Internet web site portal for the electronic submission of the required Outage Reports described above. In addition, provision is made for the submission of required data by other than electronic means in cases where electronic submission is not feasible.⁹ In cases where special offices and facilities (other than 911 offices and facilities) are affected, any reports from the National Communications System (NCS) are submitted within 120 minutes of an outage to the Commission's duty officer (a post staffed 24 hours a day) in the FCC's Communications and Crisis Management Center in Washington, DC.

In broad terms, the purpose of this information collection is to gather sufficient information regarding disruptions to telecommunications systems to facilitate FCC monitoring, analysis, and investigation of the reliability and security of voice and paging communications service being provided by entities subject to the reporting requirements, and to identify and act on potential threats to our Nation's telecommunications infrastructure.

In practice, the FCC actually uses this information collection to identify the duration, magnitude, root causes, contributing factors, and preventive measures taken with respect to significant outages, and to take swift remedial action as required in appropriate circumstances. The Commission also maintains an ongoing dialog with reporting entities, as well as with the communications industry at large, generally regarding lessons learned from the information collection in order to foster better understanding of the root causes of significant outages, and to explore preventive measures in the future so as to mitigate the potential impact of such outages on the Nation and the American public.

Furthermore, the information collected has been used by the Commission staff to determine weaknesses in communications network reliability and to formulate new tasks for the former Network Reliability and Interoperability Council (NRIC) and its successor, the Communications Security Reliability and Interoperability Council, both Federal Advisory Committees formed by the Commission to advise it on, *inter alia*, matters of network reliability.

The information collected may also be shared and coordinated with DHS in appropriate circumstances with respect to outages having a potential impact on public safety, national defense, and homeland security. As such, the outage reporting requirements are also essential to the FCC's mission – as described more fully in Section 1, above – of fulfilling its statutory obligations under the *Communications Act* by ensuring the reliability and security of the nation's telecommunications networks for the benefit of all Americans.

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 Commission's outage reporting rules require that all Outage Reports (*viz.*, Notifications, as well as Initial and Final Reports) are to be submitted electronically to the Commission.¹⁰ The mechanism for satisfying this electronic filing requirement entails entering the required information using Commission-approved Web-based outage report templates that are

⁹ See 47 C.F.R. Section 4.11.

available online at the Commission's Network Outage Reporting System (NORS) Internet web portal. The completion of these online templates results in the information being electronically entered into the Commission's NORS reporting data base in real-time.

In its *Report and Order* adopting the information collection, the Commission determined that Electronic filing would have several major advantages for the Commission, reporting communications providers, and the public.¹¹ These advantages include:

- Providers would be able to file reports more rapidly and more efficiently.
- Information would be updated immediately. The expenses and efforts that are associated with the outage reporting process should be reduced substantially which, in turn, should result in continuing productivity gains.
- Changes to outage report data should be more easily accessible by communications providers and the Commission. Thus, reporting entities should be able to file initial and final report information more easily, and interested parties should also be able to access this information more quickly.
- Changes to electronic input form(s) can be implemented more quickly. Two of the purposes of the reliability database are to help identify causes of outages and to refine best practices for averting failures in communications networks. As networks evolve and experience is gained, the data fields can be more easily revised to improve the quality of the information received to reflect changes in communications infrastructures and management procedures.
- In addition, security precautions can be implemented to authenticate access by authorized users.

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 not duplicated elsewhere. The annual quality of service reporting requirement (approved under OMB Control No. 3060-0395) to report downtime, trunk blockage, service quality complaints, dial tone response, and customer satisfaction does not contain the particular information collected here regarding the duration, magnitude, root cause, and preventive measures involved in significant telecommunications outages.

Furthermore, there is no source of contemporary 911 outage reporting data elsewhere available to the Commission. In addition the Part 25 reporting requirements pertinent to satellite, communications providers and operators (*e.g.*, OMB Control Nos. 3060-1007, and 3060-1013) do not provide the Commission with sufficiently timely or specific information regarding service disruptions. Nor do those reports require satellite communication providers or operators to evaluate and report the apparent or known causes of service disruptions or the steps taken to restore service and to prevent further outages.

¹⁰ See 47 C.F.R. Section 4.11. In the event of 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 alternatively be used.

¹¹ See *Report and Order*, 19 FCC Rcd 16830, at ¶ 150.

The reporting requirement has been carefully designed to require the reporting of only the data needed for the Commission to achieve its objectives of assuring the reliability and security of the nation's telecommunications networks for the purposes of public safety and the national defense and security, including homeland security. If no reporting – or less frequent reporting – were to be required, outages having a detrimental effect on the public and outages and incidents that could provide valuable network reliability information could escape timely analysis by FCC monitoring efforts.

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.

In order to limit the impact on small businesses or other small entities, the reporting requirement is limited by the threshold criteria specified in the rules, as described above, to cover only those significant outages of a relatively large-scale impact on telecommunications network reliability and public safety as a whole.

Under these criteria, smaller scale outages not meeting the criteria need not be reported. Thus, the collection has been carefully designed to minimize the impact on small businesses or other small entities, while assuring that sufficient information regarding larger-scale outages is acquired in order for the Commission to achieve its objectives as stated in item 1 above.

6. Describe the consequences to a Federal program or policy activity, if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reduce burden.

If no reporting – or less frequent reporting – were to be required, the Commission would be impeded from fulfilling its statutory obligations under the *Communications Act*¹² to ensure the reliability and security of the nation's telecommunications networks for the benefit of all Americans.

More specifically, the absence of – or less frequent – reporting would prevent the FCC from monitoring and analyzing significant outages and incidents that could provide valuable network reliability information having a bearing on public safety, homeland security, and national defense concerns. In addition, some of the data collected could constitute “Critical Infrastructure Information,” as defined in 6 U.S.C. §131, which may be shared with the Department of Homeland Security in furtherance of its missions to protect the United States from terrorist activity and to otherwise protect domestic security. Less frequent, or no, reporting could jeopardize these vital Federal programs and activities.

As noted above, if the information contained in the Outage Reports were not to be collected – or less frequently so – the Commission would have considerably greater difficulty determining the state of network reliability and security in a timely manner. For example, it would be forced, instead, to depend on delayed, incomplete and second-hand analysis as a basis for recommending any future Commission action that might be needed to encourage carriers to enhance their reliability and security efforts. Furthermore, it would have difficulty determining the implementation and efficacy of its own and industry's present and future recommendations for enhancing reliability and security. Finally, it would be less able to identify reliability and security weaknesses as they begin to appear in connection with rapidly evolving communications network technologies.

¹² See *Communications Act of 1934* (as amended) (“*Communications Act*”), 47 U.S.C. § 151 *et seq.*

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.

This collection of information is consistent with the guidelines delineated in the instructions in that this will not be a general collection of information where carriers would be required to prepare a form at specific intervals, or to prepare a written response in less than 30 days after receipt of a form or request.

Reporting is only required for outages that meet the threshold filing requirements. However, because the frequency of outages for each carrier cannot be predicted, respondents may be required to submit reports to the Commission more than once a quarter. Beyond this, there is no periodic reporting requirement. Thus, the requirement is “occasional.”

The benefits derived from the occasional reporting requirement, for which there is substantial need, are explained in the preceding paragraphs. Of particular note, the carriers themselves customarily gather the information collected for their own internal purposes. Thus, providing it to the Commission results in little additional burden.

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.

On October 15, 2010, pursuant to 5 CFR Section 1320.8, the Commission published a 60 Day Notice concerning the renewal of this information collection in the *Federal Register* (See 75 FR 63473) with comments due on or before December 14, 2010. The Commission did not receive any comments following publication of the Notice.

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.

A presumption of confidentiality is given to Part 4 filings by respondents.¹³ The information filings may be shared with the Department of Homeland Security only under appropriate confidential disclosure provisions. Other persons seeking disclosure must follow the procedures delineated in 47 C.F.R. Sections 0.457 and 0.459 of the Commission's rules.

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

As noted elsewhere herein, the information to be collected – particularly with respect to major communications disruptions – could potentially be of a nature that constitutes “Critical Infrastructure Information,” as defined in 6 U.S.C. 131, which may be shared with the Department of Homeland Security in furtherance of its missions to protect the United States from

¹³ See 47 C.F.R. Section 4.2.

terrorist activity and to otherwise protect domestic security. Such information is protected from routine FOIA disclosure. Furthermore, the information collected could also contain trade secrets which likewise are protected from routine disclosure under the Freedom of Information Act (FOIA).

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 reporting costs to the respondents will be:

Total Number of Respondents: 71 carriers

Frequency of response: On occasion reporting requirements and third party disclosure requirements.

Total Number of Responses Annually:

We estimated that most carriers would file approximately 1 report per year

71 carriers x 139 reports/annually (the stated annual number of Respondents and number of reports is an average for the year 2009) = **9,869 responses.**

Total Annual Hourly Burden:

71 carriers x 139 reports/carrier/annually x 2 hours/report = **19,738 hours.**

Method of estimation of burden: As described more fully above, the information submission that respondents must file with the Commission is made up of three components: a Notification that an outage has occurred, an Initial Report containing detailed information on the outage, and a Final Report containing detailed information concerning the outage and how it was resolved.

The method of burden estimation takes into consideration the fact that the information collected by the Commission is generally of the type that the respondents would routinely gather in the normal course of business as part of their internal outage diagnosis and restoration efforts. Accordingly, under 5 C.F.R. § 1320.3(b) (2), our estimates deduct that portion of the reporting analysis attributable to what respondents would normally do to identify and report on outages for their internal purposes. In addition, the time estimates are based on what is anticipated would be the actual time needed for data entry and submission – which, as just noted, does not include the underlying gathering and analysis of data that respondents routinely collect in the normal course of business. Finally, the Commission has also taken into account that all filings are to be made electronically, through a “fill in the blank” template, thereby minimizing the burden on all reporting entities.

Thus, it is estimated that reporting entities will ordinarily not need more than 15 minutes to file a Notification with the Commission. It is further estimated that the more detailed Initial Report that is required to be filed electronically 72 hours after the outage was discovered will ordinarily not take more than 45 minutes to complete and submit to the Commission. The Final Report that is required to be filed electronically 30 days after the outage was discovered must contain complete information regarding the outage, and must be submitted with an attestation to

its accuracy and completeness. It is estimated that respondents will ordinarily not need more than one hour to complete and submit electronically the Final Report to the Commission.

In sum, it is estimated the total time needed to file all reports pertinent to each outage that meets or exceeds the reporting threshold criteria to be **substantially less than two (2) hours** as follows:

15 minutes [Notification] + 45 minutes [Initial Report] + 1 hour [Final Report]
= 2 hours maximum (but, more likely, estimated to be approximately 1 to 1.5 hours).

It is further estimated that the respondents would spend **\$569,400 per year** because of the total yearly number of outage reports.

This estimate is based on the assumptions that the 71 respondents file reports for 139 outages annually, using 2 hours per outage for preparing Notification, Initial and Final Reports. These assumptions result in an overall estimated time for report preparation of 19,738 hours annually, as follows:

71 respondents x 139 reports annually/respondent x 2 hours/report = 19,738 hours

It is further estimated that each report will be prepared by a full-time employee who works 2080 hours annually and receives a yearly salary of \$60,000.

Next, the total annual "In House" costs in salary for report preparation is computed as follows:

19,738 hours yearly / 2080 hours annual work time = 9.49 work years
\$60,000 x 9.49 working years = \$569,400

Total Annual "In House" Costs: = \$569,400.

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).

The following represents the Commission's estimate of the annual cost burden to respondents or recordkeeping resulting from the collection of information:

- (a) Total capital and start up cost component (annualized over its useful life): \$0.00. The requirement does not require the purchase of additional equipment.
- (b) Total operation and maintenance and purchase of services: \$0.00. The requirement will not result in additional operating and maintenance expenses, other than the hourly cost outlined above.
- (c) Total annualized cost requested: **\$0.00**

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 four engineers (GS-15 step 10), an engineer (GS-13 step 1) an attorney (GS-15 step 10), and an attorney (GS-14 step 2).

Each spends approximately ½ (1040 hours) of their work time each year on the information collected as follows:

(One) Attorney	GS-15 step 10 at \$74.51/hr wage.	\$74.51 x 1040 x 1 = \$ 77,490.40
(Four) Engineers	GS-15 step 10 at \$74.51/hr wage.	\$74.51 x 1040 x 4 = \$309,961.60
(One) Attorney	GS-14 step 2 at \$52.09/hr wage.	\$52.09 x 1040 x 1 = \$ 54,173.60
(One) Engineer	GS-13 step 1 at \$42.66/hr wage.	<u>\$42.66 x 1040 x 1 = \$ 44,366.40</u>
	TOTAL	\$485,992.00

Total Annual Cost to the Federal Government: \$485,992.00

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

The Commission notes that there it adjusted the prospective estimates reported in items 13 or 14 above of the number of respondents, total annual hourly burden, and total annual cost burdens for respondents to correspond to the actual figures from the period 2007-2009. The total number of reports increased over the past two years.

The number of respondents differed minimally over the two-year period that we used as the basis for our estimates. Accordingly, we anticipate minimal deviation in the number of reports or additional costs estimated in this filing, thus our estimate of reporting costs should continue to be valid for the foreseeable future. Therefore, the Commission is reporting a 10,100 total annual burden increase adjustment.

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 seek OMB approval to not display the OMB expiration date of the information collection from OMB. Display of the OMB expiration date in the NORS database would have to be continually changed each time this information collection is submitted to OMB for approval and a revised OMB expiration date is assigned by the OMB. This would be burdensome on FCC staff. The Commission does display the OMB control number and a link is provided for the PRA burden statement.

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.