

## SUPPORTING STATEMENT

### Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

In recent years, a number of major storms have caused widespread infrastructure outages, and with them service disruptions, for mobile wireless communications networks. When Hurricane Isaac hit the Gulf Coast in 2012, more than twenty percent of area cell sites went out of service. Later that year, Superstorm Sandy disabled at its peak more than twenty-five percent of cell sites in 158 counties in all or part of ten states and the District of Columbia. The most extensive wireless service impairments from Superstorm Sandy were heavily concentrated in New Jersey and in the New York City metropolitan area, where millions of residents found themselves without reliable and continuous access to mobile wireless communications throughout the storm and its aftermath.<sup>1</sup> Several counties had outages more than double the twenty-five-percent figure for the larger area—some much more—and for the State of New Jersey, all of which was included in the reporting area, aggregated cell site outages were on the order of forty percent.

Of course, some service disruption may be unavoidable during major disasters, and surges in demand present added challenges. However, data that mobile wireless service providers submitted to the Commission via the Disaster Information Reporting System (DIRS)<sup>2</sup> and in follow-up meetings with Public Safety and Homeland Security Bureau staff revealed that, as during previous storms such as Hurricane Isaac and others before that, site outages during Superstorm Sandy were far more extensive for some providers than for others. Moreover, it appears that the operational choices and practices of various providers may account for much of this variation. For example, practices regarding the provision of back-up power supplies at otherwise similar cell sites appear to vary among mobile wireless service providers, which may contribute to the ability of some mobile wireless service providers to provide more continuous and reliable service during the storm than others.

The Commission is requesting approval to require mobile wireless providers to report to the Commission for public disclosure, once each day during major disasters, the percentages of their cell sites that are operational in each affected county.<sup>3</sup> The Commission would then disclose this information on its website. Such disclosures will give consumers a

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<sup>1</sup> See, e.g., Kevin McCoy, *et al.*, *Wireless Service Improves in Sandy-affected Areas*, USA Today (Nov. 1, 2012), available at <http://www.usatoday.com/story/tech/2012/11/01/sandy-cellphones-service-charging/1675189/> (“Wireless coverage is gradually recovering in the areas affected by Hurricane Sandy, but millions of Northeasterners are still grappling with spotty or no cellular connections.”).

<sup>2</sup> The information collection associated with DIRS is approved under OMB Control No. 3060-1003.

<sup>3</sup> See *Improving the Resiliency of Mobile Wireless Communications Networks*, PS Docket No. 13-239, FCC 13-125, Section 4.15 (Disaster Reporting Requirements for Commercial Mobile Radio Services Providers).

“yardstick” for comparing the performance of various providers during emergencies, which may influence their choice of provider. Also, by holding providers accountable for their performance, such disclosures could spur improvements to mobile wireless networks to enhance their resiliency. Improving the resiliency of these networks would contribute greatly to the safety of the public, as Americans increasingly rely on mobile wireless networks to communicate during emergencies and to access 9-1-1 for emergency assistance.<sup>4</sup>

We have sought comment on the assertion of Section 201(b) of the Communications Act, as amended, among other statutory provisions, as a legal basis for the proposed requirements discussed above.

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 information being collected will be disclosed to the public. Its primary purpose is to enable comparisons to be made of the performance of various mobile wireless providers during emergencies, which could in turn influence consumer choice and spur improvements to mobile wireless network resiliency.

- 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 information may be submitted via electronic means, in a machine-readable format.

- 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 Commission collects detailed cell site data during emergencies via DIRS, but that information is submitted on a voluntary basis with a presumption of confidentiality. DIRS information is used by federal agencies to improve their situational awareness during emergencies and to streamline their recovery efforts. The reporting for public disclosure

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<sup>4</sup> See State of California, California 9-1-1 Emergency Communications Branch, Summary of Wireless Calls by PSAPs (illustrating that between December 2011 and March 2013, 75 percent of 911 calls statewide came from wireless phones) (filed in the instant proceeding on the record on July 17, 2013); see also Stephen J. Blumberg and Julian V. Luke, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2012*, National Center for Health Statistics, Centers for Disease Control, June 2012, available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201306.pdf> (last visited June 21, 2013) (estimating that 38 percent of American households now lack traditional “landline” telephone service).

discussed above, on the other hand, is designed to serve distinct and independent policy objectives. By disclosing high-level percentages of each provider's cell sites in operation, the Commission will provide consumers with information that can inform their choice of provider. Such disclosures could also spur improvements to the infrastructure that supports mobile wireless services.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize burdens on all respondents, regardless of size.

**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.**

None.

**7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Requiring daily reporting of cell site information for public disclosure during major disasters is consistent with the reporting cycle established for DIRS; synching these two forms of reporting could reduce burdens on reporting providers by limiting the number of instances in which they would be required or expected to file reports.

**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.**

The Commission published a Notice [78 FR 69018] in the Federal Register on November 18, 2013, seeking comments from the public on the information collection requirements contained in this collection. To date, no comments have been received from the public as result of the Notice.

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

The respondents will not receive any payments.

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

The information being reported is expressly intended for public disclosure so there is no need for confidentiality with this collection of information.

**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 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.**

**HOURLY BURDEN ON RESPONDENTS**

Number of Respondents: 60 (10 DIRS-reporting providers, 50 other)

Frequency of Response:

DIRS-Reporting Providers

Initial Entry of User Information 1 response per year

Filing of Initial Daily Report: 1 response per year

Filing of Follow-Up Daily Reports: 9 responses per year

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11 responses x 10 providers = 110 responses

Other Providers

Initial Entry of User Information: 1 response per year

Filing of Initial Daily Report: 1 response per year

Filing of Follow-Up Daily Reports: 9 responses per year

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11 responses x 50 providers = 550 responses

110 + 550 = 660 total responses

Annual Hour Burden:

DIRS-Reporting Providers:

Initial Entry of User Information:  $10 \times 0.5 \text{ hrs.} = 5 \text{ hrs.}$

Filing of Initial Daily Report:  $10 \times 0.5 \text{ hrs.} \times 100 \text{ counties} = 500 \text{ hrs.}$

Filing of Follow-Up Daily Reports:  $10 \times 9 \times 0.1 \text{ hrs.} \times 100 \text{ counties} = 900 \text{ hrs.}$

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Total = 1,405 hrs.

Other Providers

Initial Entry of User Information:  $50 \times 0.5 \text{ hrs.} = 25 \text{ hrs.}$

Filing of Initial Daily Report:  $50 \times 0.5 \text{ hrs.} \times 2 \text{ counties} = 50 \text{ hrs.}$

Filing of Follow-Up Reports:  $50 \times 9 \times 0.1 \text{ hr.} \times 2 \text{ counties} = 90 \text{ hrs.}$

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Total = 165 hrs.

$1,405 + 165 = 1,570 \text{ hrs.}$

Many mobile wireless providers that would be required to file reports for public disclosure, including the largest providers, already report cell site information regularly in DIRS. We estimate that there are 10 such providers and that they each report with respect to 100 counties during a given DIRS activation. Because percentages of cell sites in operation by county can be derived mathematically from the more detailed information that is reported in DIRS, it is likely that DIRS-reporting providers would incur only minimal incremental burdens, if any, in complying with the required reporting. Nevertheless, we have calculated burden estimates for these providers that are independent of any reporting already undertaken in DIRS.

We estimate that fewer than fifty additional providers not currently reporting in DIRS would be subject to the required reporting. Moreover, we believe that the non-reporting providers mostly are very small companies that typically serve only one or two counties. Therefore, we expect the number of additional reporting providers to be below fifty and the counties involved to be relatively few.

For both DIRS-reporting and non-DIRS-reporting providers, we have estimated the annual hour burden associated with three types of responses: an initial entry of user information to log onto the Commission website; the filing of an initial report on the first day of a disaster; and the filing of follow-up reports on each subsequent day. We estimate that all

providers would be required to report during one event per year, and that each event would require ten days of reporting.

**In-House Cost:** We expect that all of the tasks above would be performed by in-house engineers or similar personnel paid \$80/hour. Accordingly, we estimate the annual cost burden to be **\$125,600** (1,570 hrs. x \$80/hr.).

total

**13. Provide estimate for the total annual cost burden to respondents resulting from the collection of information. (Do not include the cost of any hourly burden shown in items 12 and 14).**

There are no external costs for this information collection.

**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), any other expenses that would not have been incurred without this collection of information.**

We would not expect the Federal government to incur any costs beyond those we would consider normal operating costs.

**15. Explain the reasons for any program changes or adjustments to this information collection.**

This is a new information collection. If the proposed requirements are adopted by the Commission in a final rulemaking the following items will be added to OMB's inventory: 60 respondents, 660 annual responses, 1,570 annual burden hours and no annual burden cost.

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

The information reported for public disclosure will be published on the Commission website, within a reasonable period of time after it is reported.

**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.**

Not applicable.

**18. Explain any exceptions to the Certification Statement.**

There are no exceptions to the Certification Statement.

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

This information collection does not employ any statistical methods.