

## SUPPORTING STATEMENT

### A. Justification: \_

1. The Commission seeks three-year approval requesting an extension of OMB 3060-1147.

The Commission originally established reporting requirements in an Order, FCC 10-176, released on September 23, 2010, which received OMB approval. The Commission required Commercial Mobile Radio Service providers (CMRS providers or carriers) subject to Section 20.18(h) of the Commission's rules to satisfy amended location accuracy standards in connection with 911 emergency calls at either a county-based or PSAP-based geographic level. However, CMRS providers were permitted to exclude counties or PSAP service areas from compliance with the location accuracy standards based on the following provisions:

- (1) Carriers that used network-based location technologies were permitted to exclude particular counties, or portions of counties, where triangulation of the geographical position of a 911 emergency call is not technically possible, such as locations where at least three cell sites are not sufficiently visible to a handset.
- (2) Carriers that used handset-based location technologies were permitted to exclude up to 15 percent of the counties or PSAP service areas they serve due to heavy forestation that limits handset-based technology accuracy in those counties or areas.

The Order also required both network based and handset-based carriers to file a list of the specific counties or PSAP service areas with the Commission in PS Docket No. 07-114. Further, the carriers were required to similarly submit any changes to their exclusion lists within thirty days of discovering such changes.

On July 13, 2011, the Commission released a subsequent Order, FCC 11-107, extending its requirements for E911 Phase II location accuracy to include all new Commercial Radio Service Providers (CMRS) that meet the definition of covered CMRS providers in Section 20.18. The Order adopted a new rule under Section 20.18(h) that required providers launching new stand-alone CMRS networks to meet the applicable handset-based location accuracy standard in effect at the time of deployment. Consequently, in accordance with the new rule, new CMRS providers were subject to the rule section, allowing carriers using handset-based location technologies to exclude up to 15 percent of the counties or PSAP areas they serve due to heavy forestation. The Commission therefore revised the reporting requirements to include new CMRS providers and to require them to file a list of the specific counties or portions of counties where they are utilizing their respective exclusions and similarly submit any changes to their list. These revised reporting requirements received OMB approval.

In requesting this extension of the information collection, the Commission has examined and reassessed several factors resulting in a significant reduction in the number of respondents and estimated burden hours associated with this request. First, the Commission estimates that today

the number of affected CMRS providers has declined from the estimate of 1,398 wireless carriers in the existing approval to 784 existing wireless carriers. The Commission further assumes that these carriers have by now filed their initial exclusion reports three years after the reporting requirement was imposed. Further, the Commission estimates that one-quarter of the 784 wireless carriers, or 196, may need to file reports on any changes to their exclusion lists. Additionally, the Commission estimates that there will be 10 new stand-alone wireless carriers, rather than the 15 estimated under the existing approval, that will have to file initial exclusion reports before the last E911 location accuracy benchmarks come into effect on January 18, 2019.

Also, pursuant to Section 20.18(h) of the Commission's rules, the estimated 784 existing wireless carriers and other entities responsible for transporting confidence and uncertainty data between the wireless carriers and PSAPs, including LECs, CLECs, owners of E911 networks, and emergency service providers (collectively, System Service Providers (SSPs)) must continue to provide confidence and uncertainty data of wireless 911 calls to PSAPs on a per call basis upon a PSAP's request. The estimated 10 new stand-alone wireless carriers, contributing to a total estimate of 794 wireless carriers, will also incur this obligation. The transport of the confidence and uncertainty data is needed to ensure the delivery of accurate location information with E911 service.

Additionally, the existing approval covers the drafting and submission of waiver requests by CMRS providers and System Service Providers, which is outside the scope of the PRA definition of information collection.

Statutory authority for this collection is contained in Sections 1, 4(i), and 332 of the Communications Act, as amended, 47 U.S.C. §§ 151, 154, and 332.

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

2. The information provided by wireless carriers to report the changes in the counties or PSAP service areas where the carriers cannot meet the required E911 location accuracy standards at either the county or the PSAP level, based on only outdoor measurements, will furnish to the Commission, affected PSAPs, state and local emergency agencies, public safety organizations and other interested stakeholders the supplementary data necessary for public safety awareness of those areas where it is most difficult to measure location accuracy during the benchmark periods for handset-based wireless carriers.

The provision of confidence and uncertainty data to PSAPs by existing CMRS providers, the new stand-alone CMRS providers, and the SSPs responsible for transporting that data between them and PSAPs will enhance the PSAPs' ability to efficiently direct first responders to the correct location of emergencies. This improvement will serve to achieve the emergency response goals of the nation in responding expeditiously to emergency crisis situations and in ensuring homeland security.

3. The information may be filed electronically. In conformance with the Paperwork Reduction Action of 1995, the Commission allows 100% of respondents to file their information electronically. Most records will be generated, kept, and exchanged electronically. The Commission believes that information technology, including electronic mail, will also reduce the burdens on the public with respect to the notifications required by the rules.
4. The Commission does not impose similar information collections that can be used to meet the E911 location accuracy requirements subject to this information collection.
5. The Commission has limited the information requirements to that necessary for evaluating the incoming data.
6. The information collected will continue to assist the Commission in ensuring public safety and administrative objectives for the different parts of the collection that improve the capabilities of PSAPs throughout the nation. If the collections were not approved, more open-ended approaches might lead to overuse or abuse of exceptions and potentially harm public safety. Without the required filing of updates to the exclusion lists, the public safety community and the general public would not be aware of the instances where all new CMRS carriers cannot meet the Phase II location accuracy requirements and where they can. Moreover, the Commission would lack the capability to monitor progress of the location accuracy benchmarks under the E911 location accuracy rules and to seek the necessary status information.

In the initial Order, FCC 10-176, the Commission found that confidence and uncertainty data in delivering wireless 911 calls is useful for PSAPs in all cases, and that it is both technologically feasible and in the public interest to require both handset-based and network-based carriers to provide confidence and uncertainty data. The record indicated to the Commission that the use of confidence and uncertainty data improved PSAPs' ability to assess the validity of each call's location information based on real time information about the quality of the location calculation and to deploy public safety resources based on the improved reliability of the location fix.

7. The proposed revised data collection is consistent with 5 CFR 1320.6.
8. As required by 5 CFR 1320.8(d) of OMB's rules, the Commission published a 60-day notice soliciting public comment which appeared in the Federal Register on January 23, 2015 (80 FR 3589). No PRA comments were received.
9. No payment or gift to respondents has been or will be made.
10. The Commission is not requesting that respondents submit confidential information to the Commission.
11. There are no requests of a sensitive nature considered or those considered a private matter being sought in this collection.

12. The following is provided for burden estimates. These estimates are based on FCC staff's knowledge and familiarity with the availability of the data, information, and showings required.

First, for this information collection, the Commission predicts that, by the end of the eight-year implementation period, January 18, 2019, for CMRS wireless carriers using handset-based technologies, there will be 10 providers of new stand-alone CMRS networks that will need to file initial exclusion reports pursuant to the current rule section. The initial reports listing the areas excluded must be submitted electronically into the required docket in this proceeding with copies also sent either in electronic or paper form to three public safety organizations. The Commission assumes that carriers making the initial exclusion reports will provide at least twice a year (including initial report in the first year) the necessary updated reports within 30 days of any changes.

Also, the Commission is revising its 2012 estimate of the number of existing wireless carriers that will be affected by the reporting requirement to file a list of exclusions. The Commission estimates that the total figure of 1,398 wireless carriers, based on 2007 U.S. Census data,<sup>1</sup> has declined to 784 existing wireless carriers (not including the estimate of 10 providers of new stand-alone CMRS networks). These estimates are based on Commission staff's knowledge and familiarity with the availability of the data required. For this information collection, the Commission assumes that three years after the 2012 revised information collection, the existing wireless carriers that determined they needed to file initial exclusion reports have done so. The Commission also assumes that out of the estimated existing 784 wireless carriers, one-quarter or 196 carriers, will need to file reports updating their lists of exclusions to reflect any changes. Accordingly, the Commission is using the figure of 196 wireless carriers to revise the burden estimates for updated exclusion reports. The Commission assumes that existing carriers making updated exclusion reports will be filed at least once a year within 30 days of any changes to the counties or PSAP service areas that they are excluding. The estimate of 794 CMRS providers is based on data from U.S. Census Bureau.

For both existing carriers and new stand-alone carriers, the reports submitted into the docket and the copies to the public safety organizations specified under the rule can be made at the same time and submitted at the same time, meaning that the burden hours and costs will be all-inclusive for a submission listing the exclusions or any changes. Estimates of the burden hours for the collection of information are as follows:

The Commission estimates that each initial exclusion report filed by the revised number of 10 new CMRS providers will take an in-house staff engineer and a staff clerical assistant on average approximately three hours together. The average of three hours assumes that (1) the initial exclusion report will take more time than subsequent reports providing changes and (2) the in-house staff engineer at \$150 an hour and a staff clerical assistant at \$17 an hour will each spend an hour and a half. Out of caution, the Commission estimates that each of the 10 new stand-alone carriers will file two reports per year. At 3 hours per report, the total revised burden hours for the new stand-alone wireless carriers would then be  $10 \times 2 \text{ reports per year} = 20 \text{ reports} \times 3 \text{ hours per report} = 60 \text{ total annual burden hours for new stand-alone wireless}$

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<sup>1</sup> U.S. Census Bureau, 2007 Economic Census, Sector 51, 2011 NAICS code 517210 for the category of Wireless Telecommunications Carriers (except Satellite).

carriers. Consequently, this burden hour estimate is less than the 90 total burden hours annually for new stand-alone wireless carriers under the existing reporting requirements. The total cost per submission is  $\$150 \times 1.5 \text{ hrs.} + \$17 \times 1.5 \text{ hrs.} = \$250.50$  burden per party. The revised total cost burden then would be  $\$250.50 \times 20 \text{ reports} = \$5,010$ , which is less than the  $\$7,365$  estimated out of the total of  $\$691,970$  for both new stand-alone and existing wireless carriers that is currently approved.

Concerning the updated exclusion reports filed by existing carriers, the Commission estimates that each report filed by the revised number of 196 CMRS providers will take an in-house staff engineer and a staff clerical assistant on average approximately two hours together. Existing wireless carriers filing changes to their previously filed reports would then file  $196 \times$  one report per year =  $196 \text{ reports} \times 2 \text{ hours per report} = 392$  total annual burden hours for existing wireless carriers. This burden hour estimate is less than the initial estimate of 8,298 total burden hours annually for existing wireless carriers. The total cost per submission for updated reports is  $\$150 \times 1 \text{ hrs.} + \$17 \times 1 \text{ hr.} = \$167.00$  burden per party. The revised total cost burden then would be  $\$167.00 \times 196 \text{ reports per year} = \$32,732$ , which is less than the  $\$684,585$  out of the total  $\$691,970$  for both new stand-alone and existing wireless carriers that is currently approved.

Second, the requirements to deliver confidence and uncertainty data on a per call basis to each PSAP after year two of the interim benchmarks encompasses the collection of information pertaining to the reliability of the location fix of an emergency wireless call and, therefore, constitutes a collection and reporting requirement. The Commission estimates that the 10 stand-alone providers of new CMRS networks will use an in-house staff engineer at approximately  $\$150$  per hour to establish the baseline levels for delivering the confidence and uncertainty data. If each set-up takes about eight hours to establish a baseline for the data, the total burden hours would then be  $8 \text{ hrs.} \times 10 \text{ new stand-alone carriers} = 80$  estimated burden hours, which is less than the 120 burden hours originally estimated. The cost per submission will be  $\$150 \times 8 \text{ hrs.} = \$1,200$  burden per party. The total revised cost burden then would be  $\$1,200 \times 10 \text{ carriers} = \$12,000$ .

Also, since the current reporting requirements were approved, the Commission assumes that the 794 existing wireless carriers out of the 1,383 wireless carriers under the current requirements will continue to deliver confidence and uncertainty data on a per call basis. Similarly, the Commission estimates that those existing wireless carriers will use an in-house engineer at approximately  $\$150$  per hour to ensure the continued delivery of such data. If it takes about four hours to ensure the continued delivery of the confidence and uncertainty data and evaluate it against the baseline data, the total burden hours for existing wireless carriers would then be  $4 \text{ hours} \times 784 \text{ wireless carriers} = 3,136$  burden hours, which is less than the 11,184 burden hours under the currently approved reporting requirement. The cost per submission will be  $\$150 \times 4 \text{ hrs.} = \$600$  burden per party. The revised cost burden for existing wireless carriers then would be  $\$600 \times 784 \text{ carriers} = \$470,400$ . The total revised cost burden for all carriers then would be  $\$12,000 + \$470,400 = \$482,400$ , which is less than the  $\$1,677,600$  that is currently approved.

Third, the Commission continues to estimate that there are approximately 3,500 System Service Providers (SSPs), including LECs, CLECs, owners of E911 networks, and emergency service

providers, responsible for transporting confidence and uncertainty data between the wireless carriers and PSAPs. The Commission estimates that all of the 3,500 SSP entities will use an in-house staff engineer at approximately \$150 per hour to establish the capability for transporting the confidence and uncertainty data. If each set-up takes about eight hours to prepare, install, and test, the total burden hours would then be 8 hrs. x 3,500 SSPs = 28,000 total burden hours. The cost per submission will be \$150 x 8 hrs. = \$1,200 burden per party. The total cost burden then would be \$1200 x 3,500 SSP entities = \$4,200,000. The capability to transport the required data to numerous PSAPs within a carrier's service area(s) reports must be effectuated at the same time (after year two as mentioned above), meaning that the burden hours and costs will be all-inclusive for the delivery of the data to tens, hundreds, or even thousands of PSAPs depending on the size and coverage of the carrier. Consequently, because the Commission continues to assume that the deployment of the capability comprises a single collection and reporting submission, the total originally estimated cost burden for all affected entities to transport confidence and uncertainty data remains \$7,200,000.

**Total Number of Respondents:** 10 carriers + 784 carriers + 3,500 SSPs= **4,294 Respondents**  
**Total Number of Responses:** 20 + 196 + 10 + 784 + 3,500= **4,510 Responses**

**A.** Summary of revised total number of burden hours to reflect a revised estimate of 784 existing wireless carriers plus an estimated 10 new CMRS providers

Annual carrier burden for existing and new CMRS providers to file initial or updated exclusion reports	= 452 hours
New plus existing CMRS providers burden to transmit confidence and uncertainty data	= 3,216 hours
SSP burden to transmit confidence and uncertainty data	= 28,000 hours

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**For this extension to the OMB, the Total Annual Burden Hours = 31,668 hours**

Summary of cost burden to reflect a revised estimate of 784 existing wireless carriers plus an estimated 10 new CMRS providers:

Annual carrier cost burden for new CMRS carriers to file exclusion reports:	\$250.50 x 20 reports	= \$5,010
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Annual carrier cost burden for existing CMRS carriers to file exclusion reports:	\$167.00 x 196 reports	= \$32,732
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New CMRS provider burden for confidence and uncertainty data:	\$1200 per party x 10 carriers	= \$12,000
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Existing CMRS provider burden for confidence and uncertainty data:	\$600 per party x 784 carriers	= \$470,400
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SSP burden for confidence and uncertainty data:	\$1200 per party x 3,500 SSPs	= \$4,200,000
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**Annual In-House Cost Burden for existing and new CMRS providers = \$4,720,142**

**B. Revised Total Estimates:**

<b>Total Annual Burden Hours</b>	<b>31,668 hours</b>
<b>Total Annual In-House Cost Burden</b>	<b>\$4,720,142</b>

13. There are no start-up and capital cost or operation and maintenance cost burdens to respondents resulting from the collection of information.

14. The revised cost to the Commission to review the initial and updated reports is now estimated to be: GS-15 engineer or attorney (\$66.54 per hour) to review approximately 216 reports for about 30 minutes for each report = \$7,186.

The Commission does not anticipate that it will incur costs pertaining to the requirement to transmit confidence and uncertainty data.

**Total cost to the government: \$7,186.**

15. There are significant reductions in the estimated burden for this collection resulting in a program change decrease of 21,484 annual burden hours under the currently approved estimate of 53,152 total annual burden hours. This program change reflects the revisions in estimated burden hours due to the Commission's reassessment of the number of existing wireless carriers and new stand-alone wireless carriers that have to comply the current location accuracy requirements. See item 12 for a complete explanation.

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

17. We do not seek approval not to display the expiration date for OMB approval of the information collection.

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

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

No statistical methods are employed.