

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.*

The Commission's E911 Phase II rules require CMRS providers to provide Public Safety Answering Points (PSAPs) with Automatic Location Identification (ALI) information for 911 calls. These CMRS wireless licensees (providers or carriers) can provide ALI information by deploying location information technology either in their networks (a network-based solution), or in subscribers' handsets (a handset-based solution using global (satellite) navigation systems location technology, such as Global Positioning System (GPS), or assisted GPS (A-GPS technology)). The Commission's E911 rules also establish phased-in schedules for CMRS carriers to deploy any necessary network components and begin providing Phase II service. However, before a CMRS provider'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.

The existing approval for OMB 3060-1004 extends back to 2001, when, in October 2001, the Commission released an order that, in addressing public safety needs, established reporting requirements to enable the Commission to monitor the deployment of E911 service nationwide. Nationwide CMRS wireless carriers ("Tier I") generally were required to file quarterly reports with the Commission each year, with the exception of T-Mobile, which was required to file semi-annual reports (as of October 2002). Mid-sized or regional wireless carriers ("Tier II") also were required to file quarterly reports under this same time schedule. Small or rural wireless carriers ("Tier III") were required to file a one-time interim report. In a July 2003 revision, which OMB also approved, the Commission modified the reporting requirements for the Tier I and Tier II carriers to submit Excel spreadsheets reporting the status of their deployment.

In 2005, the Commission further revised the collection requirement when it released an order (FCC 05-181), finding that certain Tier III carriers had not sufficiently supported 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 recognized that smaller carriers may face "extraordinary circumstances" in meeting one or more of the deadlines for Phase II deployment and articulated the showings that carriers must demonstrate to obtain waiver relief. The Commission also imposed conditions and required the Tier III carriers to file status reports by November 21, 2005, and, commencing February 1, 2006, additional status reports on a quarterly basis, for a two-year period.

Today, since that initial deployment timeframe and the last extension of this collection in 2012, changes have occurred in the CMRS marketplace and the deployment of E911 Phase II nationwide. The number of CMRS providers has declined with marketplace consolidations occurring through acquisitions that have resulted in fewer

Tier II and Tier III wireless carriers. However, the Commission has estimated that there may be 10 new stand-alone wireless carriers, *i.e.*, that may have to respond to PSAP requests for Phase II service.

Concerning Phase II deployment, generally, CMRS wireless carriers have met the location-capable handset deployment benchmarks required by the Commission's rules. *See* 47 C.F.R. § 20.18(g)(1).¹ Tier I and Tier II carriers are no longer required to file quarterly E911 deployment reports on the status of their implementation of E911 Phase II on a system-wide basis. Further, according to latest figures of the National Emergency Number Association, approximately 98 percent of the 6,672 PSAPs nationwide have E911 Phase II service. Nevertheless, for PSAPs that either do not currently have Phase II capability or that may not be receiving it in remote or rural areas due to technical deployment and equipment issues that CMRS carriers may face, the important public safety need for E911 Phase II continues. Consequently, the Commission needs to extend this information collection in order to continue monitoring Phase II deployment.

Finally, the approval for the current collection covered the composition and submission of waiver requests by CMRS providers, which is outside the scope of the PRA definition of information collection. However, as explained above, to ensure that PSAPs' public safety need for Phase II service is met, the Commission requires the regulatory capability to impose initial, quarterly, or other status reports as a condition for granting relief to CMRS carriers in future waiver orders not yet drafted. The Commission determines the appropriate relief on a case-by-case basis. Accordingly, depending on the circumstances of each case, the Commission may have to impose other separate one-time reporting requirements or the submission of a compliance plan on CMRS providers.

The Commission is therefore requesting an extension of the previously approved information collection.

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.*

¹ CMRS providers must meet those benchmarks independent of any PSAP request for Phase II service. *See* 47 C.F.R. § 20.18(g)(1), *See also* the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (ENHANCE 911 Act), National Telecommunications and Information Administration Organization Act – Amendment, Pub. L. No. 108-494, 118 Stat. 3986 (2004) (*inter alia*, directing 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 will use the information submitted by CMRS providers subject to reporting requirements to ensure that they comply with the Commission's E911 requirements and the terms of the underlying orders addressing requests for waiver relief by all Tiers.

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.*

The CMRS 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.

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 will require of carriers, especially 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 that may be holding on to analog handsets;

(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. Given that delays in compliance could impact the delivery of safety-of-life services to the public, it is imperative that the CMRS 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).*

Future orders that address requests or petitions for wavier relief will evaluate such requests on a case-by-case basis and therefore may vary slightly in the reporting requirements imposed, but generally will require submission of reports on a quarterly basis. In addition, some Tier III may 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 April 16, 2015 (80 FR 20496). 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:

For purposes of this PRA submission, the above-mentioned orders imposed on certain Tier III carriers certain reporting requirements following release of each of the orders. Similarly, we

estimate that a maximum of 110 Tier III carriers may be subject to a quarterly reporting requirement as a result of future waiver orders yet to be drafted. In addition, new stand-alone carriers that the Commission estimates will also fall into the category of Tier III carriers, but may be subject to filing initial status reports. Also, the Commission estimates that all categories of CMRS wireless carriers (all Tiers) may be subject to other separate one-time or compliance plan reporting requirements to be determined. The total number of carriers potentially subject to those requirements includes four nationwide (Tier I) carriers, one regional (Tier II) wireless, and the 110 Tier III carriers estimated above, or 115 carriers.

A. Tier III:

110 carriers x 4 hours per response x 4 reports = **1,760 hours**

B. Initial Reports (10 new stand-alone carriers):

10 carriers X 4 hours per response = **40 hours**

C. One-time or compliance plan reports (all Tiers):

115 carriers X 3 hours per response = **345 hours**

Total number of Respondents: 110 + 10 + 115 = 235 respondents;

Total number of Responses: 440 + 10 + 115 = 565 responses.

Summary of Burden Hours:

Tier III quarterly reporting requirement	1,760 hours
<u>New stand-alone carrier initial reporting requirement</u>	<u>40 hours</u>
<u>All Tiers one-time or compliance plan reports</u>	<u>345 hours</u>
Total Annual Burden Hours	2,145 hours

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:

The Commission estimates that 110 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. In addition, the Commission estimates that 10 new stand-alone Tier III carriers will have to file initial requests and that 115 have to file either a one-time or compliance plan report. As indicated above, the annual hourly burden per carrier for this burden is estimated to be approximately 2,145 hours.

SUMMARY OF COSTS TO RESPONDENTS:

\$150 X 2,145 = \$321,750

Total Annual In-House Cost to Respondents

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 step 5 attorney or engineer at a rate of approximately \$58.28 per hour to review reports at a rate of 2 hours per report.

Tier III Quarterly Reports annually	440
Initial Reports	10
One-time or Compliance Plan Reports	115
	565 reports filed

Currently approved annual hours for Commission review of 565 reports x 2 hours = 1,130 annual burden hours.

Total Cost to the Federal Government: 1,130 burden hours x \$58.28 = **\$65,859.**

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

There is a slight increase in the estimated burden for this renewed collection resulting in a program change increase of 163 annual burden hours under the currently approved estimate of 1,982 total annual burden hours. This program change reflects the revisions in estimated burden hours due in part to the Commission’s reassessment of the CMRS marketplace. Due to industry consolidation, the number of Tier 1 carriers has gone from 22 to 4, and Tier II carriers has gone from 12 to 1. The number of Tier III carriers has expanded from 50 to 110, including an estimated 10 new stand-alone carriers. Additionally, as noted above, the existing approval covered the composition and submission of waiver requests by CMRS providers, which is outside the scope of the PRA definition of information collection; and such consideration of waiver requests has been removed. Considered together, the above changes account for the program change in 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.