

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 information collection is a necessary element of Wireless Emergency Alerts (WEA), a mechanism under which Commercial Mobile Service (CMS) providers may elect to transmit emergency alerts to the public. As required by Congress in the Warning Alert and Response Network (WARN) Act, the Commission completed rulemaking proceedings to, *inter alia*: (1) adopt technical requirements necessary to enable CMS alerting capability for CMS providers that voluntarily elect to transmit emergency alerts; (2) provide an administrative process for CMS licensees to elect to transmit WEA alerts to subscribers, and (3) require technical testing for CMS providers that elect to transmit WEA alerts.

On December 14, 2007, the Commission adopted and released a Notice of Proposed Rulemaking (NPRM) that initiated a series of rulemakings to establish WEA as required by the WARN. Among other sections of the WARN Act, the NPRM sought comment on section 602(f) of the WARN Act, which requires that the Commission “shall require by regulation technical testing for commercial mobile service providers that elect to transmit emergency alerts and for the devices and equipment used by such providers for transmitting such alerts.” In the NPRM, the Commission sought comment on what type of testing regime it should require. The Commission noted that the Commercial Mobile Service Alert Advisory Committee (CMSAAC) proposed that, in order to assure the reliability and performance of this new system, certain procedures for logging WEA alerts at the Alert Gateway and for testing the system at the Alert Gateway and on an end-to-end basis should be implemented. The Commission sought comment on these proposed procedures, and asked whether they satisfied the requirements of section 602(f) of the WARN Act. The Commission also sought comment on whether there should be some form of testing of WEA that sends test messages to the mobile device and the subscriber. The Commission asked how subscribers should be made aware of such tests if testing were to involve subscribers.

Commenters generally supported the testing regime recommended by the CMSAAC, as well as some sort of logging of results as a part of the ultimate testing process. In *ex parte* comments submitted on May 23, 2008, CTIA submitted a proposal for testing requirements that were developed together with Alltel, AT&T, Sprint Nextel, T-Mobile and Verizon Wireless. Under CTIA’s proposal, participating CMS providers would participate in monthly testing of the WEA system. The monthly test would be initiated

by the federally-administered Alert Gateway at a set day and time and would be distributed through the commercial mobile service provider infrastructure and by participating CMS providers over their networks. Upon receipt of the test message, participating CMS providers would have a 24-hour window to distribute the test message in their WEA coverage areas in a manner that avoids congestion or other adverse effects on their networks. Under CTIA's proposal, mobile devices supporting WEA would not be required to support reception of the required monthly test and participating CMS providers would not be required to deliver required monthly tests to subscriber handsets, but a participating CMS provider may provide mobile devices with the capability for receiving these tests. CTIA's testing proposal also features regular testing from the "C" interface to ensure the ability of the Federal Alert Gateway to communicate with the CMS Provider Gateway.

The Commission agreed with the CMSAAC and most commenters that periodic testing of all components of WEA, including the CMS provider's components would serve the public interest and is consistent with the WARN Act. Further, the Commission adopted the procedure recommended by CTIA and several CMS providers.

In the Second Report and Order, FCC 08-164, the Commission adopted rules requiring each participating CMS provider to participate in monthly testing of WEA message delivery from the Federal Alert Gateway to the CMS provider's infrastructure. CMS Provider Gateways must support the ability to receive required monthly test messages initiated by the Federal Alert Gateway Administrator. CMS providers must receive these required monthly test messages and must also distribute those test messages to their WEA coverage area within 24 hours of receipt of the test message by the CMS Provider Gateway. CMS providers may determine how this delivery will be accomplished and may stagger the delivery of the required monthly test message over time and over geographic subsets of their coverage area to manage the traffic loads and accommodate maintenance windows. A participating CMS provider may forego these monthly tests if pre-empted by actual alert traffic or in the event of unforeseen conditions in the CMS provider's infrastructure that precludes distribution of the monthly test message, but shall indicate this unforeseen condition by a response code to the Federal Alert Gateway.

Participating CMS providers must keep an automated log of required monthly test messages received by the CMS Provider Gateway from the Federal Alert Gateway. WEA required monthly tests will be initiated only by the Federal Alert Gateway Administrator using a defined test message; real event codes and alert messages may not be used for test messages. A participating CMS provider may provide mobile devices with the capability of receiving monthly test message. Although the Commission did not require CMS providers to provide mobile devices that support reception of the required monthly test, it stated that CMS providers that choose not to make the required monthly test available to subscribers must find alternate methods of ensuring that subscriber handsets will be able to receive WEA alert messages.

The Commission also adopted CTIA's recommendation that, in addition to the required monthly test, there should be periodic testing of the interface between the Federal Alert

Gateway and each CMS Provider Gateway to ensure the availability and viability of both gateway functions. Under the Commission's rules, CMS Provider Gateways must send an acknowledgement to the Federal Alert Gateway upon receipt of these interface test messages.

Collections of information associated with these testing requirements were approved by the Office of Management and Budget (OMB) and have not changed since that approval. CMS providers must comply with these testing requirements no later than the date of deployment of WEA, which is the date that WEA development is complete and the WEA is functional and capable of providing alerts to the public.

Proposed Revisions to Information Collection Requirements:

The Commission is requesting OMB approval of a proposed revision of this information collection. The proposed revision pertains to a Notice of Proposed Rulemaking (Notice) adopted by the Commission on November 19, 2015, as FCC 15-154.¹ The Notice seeks comment on proposed modifications and improvements to require Participating CMS Providers to support State/Local WEA Testing and expand alert logging requirements and seek comment on whether to require test reporting.

Now, in the WEA Messaging, Geo-targeting and Testing NPRM, consistent with our statutory authority under WARN Act Section 602(f), and in light of developments in the WEA system and the evolving public safety needs of communities, we propose to establish requirements and procedures to facilitate state and local WEA testing and proficiency training, and we propose logging requirements for WEA messages consistent with the WEA Trust Model established by the CMSAAC. We also seek comment on reporting requirements WEA testing.

Specifically, we propose to improve WEA testing by requiring Participating CMS Providers to ensure their systems support the receipt of end-to-end "State/Local WEA Tests" initiated by state and local alert originators and processed by the Federal Alert Gateway Administrator, and to distribute such tests to the desired test area in a manner consistent with our WEA geo-targeting requirement. We propose that the 24-hour delivery window that currently applies to RMTs would not apply to State/Local WEA Tests. We further propose that a Participating CMS Provider may forgo accepting or delivering a State/Local WEA Test if the test message is preempted by actual alert traffic, or if an unforeseen condition in the Participating CMS Provider infrastructure precludes distribution of the State/Local WEA Test. Finally, we propose that Participating CMS Providers may provide their subscribers with the option to opt-in to receiving State/Local WEA Tests. We seek comment on any potential costs that may be imposed by our proposed testing requirements and how the Commission could minimize any costs that may arise, but because the proposed testing regime is largely based on the current RMT

¹ See In the Matter of Improving Wireless Emergency Alerts and Community-Initiated Alerting, PS Docket 15-91, Notice of Proposed Rulemaking, FCC 15-154 (rel. November 19, 2015).

model, with test recipients likely comprised of a limited number of voluntary, opt-in participants, we anticipate that the proposed testing regime would likely not lead to an increase in cost.

With respect to alert logging, we propose to require Participating CMS Provider Alert Gateways to Provide a mechanism to log messages with time stamps that verify when messages are received, and when the messages are acknowledged or rejected by the Participating CMS Provider Alert Gateway, and if an alert is rejected, to provide the specific error code generated by the rejection; maintain an online log of active and cancelled alert messages for 90 days, and maintain archived logs for at least 36 months that should be accessible by Participating CMS Providers for testing and troubleshooting purposes; and generate monthly system and performance statistics reports based on category of alert, alert originator, alert area, and other alerting attributes. We also seek comment on whether we should require Participating CMS Providers to report WEA test data, and on the form that such test reporting should take. We seek comment on the potential costs that Participating CMS Providers would be likely to incur if we were to adopt rules for alert logging and test reporting, as well as on steps that the Commission could take to minimize any costs that may arise, but in light of the fact that logging is an automated activity that the CMS Provider Alert Gateway is already capable of completing, we anticipate that our proposed requirements would not likely create new burdens for Participating CMS Providers.

Statutory authority for this collection of information is authorized under Sections 1, 4(i) and (o), 201, 303(r), 403, and 706 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i) and (o), 201, 303(r), 403, and 606, as well as by sections 602(a), (b),(c), (f), 603, 604 and 606 of the WARN Act.

This information collection 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.

This information collection will be used by the Commission to satisfy the statutory requirement of the WARN Act that the Commission “shall require by regulation technical testing for commercial mobile service providers that elect to transmit emergency alerts and for the devices and equipment used by such providers for transmitting such alerts.” Logs of WEA test results have previously been made available to Participating CMS Providers as a bulwark against system misuse and abuse, consistent with the CMSAAC-recommended WEA Trust Model. These proposed expanded logging requirements are anticipated to bring WEA further into alignment with this model, and moreover, to enhance system reliability, security and resiliency. As observed in the WEA Messaging, Geo-targeting and Testing NPRM, “there is no established procedure for Participating CMS Providers to inform alert originators or government entities of the success or failure of WEA tests under the current WEA testing model (*i.e.*, RMT and C-Interface Testing).”

We seek comment on who should be able to access test reports, and on the purposes for which such information could be used.

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.

Much of the logging and sending acknowledgement of receipt of alerts is to be done automatically, i.e., via computer software and electronic transmission. In order to minimize burden on participants, much of the testing, acknowledgment, and logging process is automated. We anticipate that this will continue to be the case for our logging proposed requirements and we seek comment on whether the filing of test results could be similarly automated in order to minimize burdens.

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.

WEA testing and logging requirements are unique to WEA, and is not duplicated elsewhere.

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

This testing requirement has been carefully designed to minimize the time required by the information collections as well as the amount of data needed for the Commission to achieve its objectives as stated in item 1 above. Further, in order to minimize the costs associated with supporting state and local testing, the Notice seeks comment on leveraging the existing RMT testing protocol and the use of best practices and standards developed through a public/private partnership including geo-targeting tests to localized areas and providing an opportunity for volunteers to participate in WEA tests. The Notice also seeks comment on how to minimize the costs associated with testing reporting requirements for state and local tests, including leveraging existing logging functionality and best practices, as well as relying on an informal approach to reporting test results and the extent that third-party developers may automate the proposed test filing procedures. The Notice seeks comment on the appropriate timeframe within which Participating CMS Providers should comply with the proposed testing requirements in order to minimize burdens.

6. Describe the consequences to a 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.

Failure to conduct testing of the WEA as required by the WARN Act would constitute a violation of a Congressional mandate to the Commission. Further, the ability of the

Commission to develop and deploy an effective WEA would be jeopardized if the Commission is unable to require that the participants test the system in an effective manner.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the criteria listed in the supporting statement.

The revised information collection requirements contained in the supporting statement are consistent with the guidelines in § 5 CFR 1320.

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.

The Commission published a Federal Register Notice on December 14, 2015 (80 FR 77289) seeking comments on the information collection requirements contained in the supporting statement. To date, no comments have been received from the public.

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 with this information collection.

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

We seek comment on to whom alert logs and test reports should be accessible to the Commission and other entities. We seek comment on whether test reports should be given the same confidential treatments as EAS test reports filed with the Commission through the Electronic Test Reporting System (ETRS). Specifically, we seek comment on whether such information should be considered presumptively confidential, to be shared with federal, state and local alert originators that have confidentiality protection at least equal to that provided by the Freedom of Information Act (FOIA).

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

There are currently no questions 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.

Total Number of Respondents: 146.

Frequency of response: Monthly and on occasion reporting requirements and recordkeeping requirement.

Total Number of Responses Annually:

146 carriers x 12 reports/annually = **1,752 responses.**

Total Annual Hourly Burden:

146 carriers x 12 reports/carrier/annually x 0.000694 hours (2.5 seconds) or 1.22 hours (rounded to 2 hours).

Method of estimation of burden: The burden estimate for the Commission's testing rules information collections is based solely on our estimate of the actual time needed for data entry and submission. In making our time estimate, we have taken into account similar requirements that the Commission required in its Part 11 Emergency Alert System testing rules. In sum, we estimate the total annual time needed to satisfy the Commission's WEA testing rules information collection to be no more than one hour fifteen minutes annually (1.22 hours or rounded to 2 total annual hours).

Total Reporting In-House Costs to Respondents Will Be:

The estimated hourly wage of full-time employee who will be submitting this information is based upon the salary equivalent to a GS-13, Step 5 federal employee working in the District of Columbia (using the 2015 General Schedule Pay Scale with locality pay in the District of Columbia, Maryland, Virginia, West Virginia and Pennsylvania) : \$49.32.

\$49.32/hour x 2 hours = \$98.64

Total Annual In-house Costs to the Respondent: \$98.64

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).

There are no outside costs to the respondents for this collection of information.

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.

There are no costs to the Commission beyond what we consider to be part of the FCC's normal operating costs.

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14.

There is no change in the Commission's burden estimates for WEA testing because the proposed testing regime is largely based on the current RMT model, with test recipients likely comprised of a limited number of voluntary, opt-in participants. Similarly, in light of the fact that logging is an automated activity that the CMS Provider Alert Gateway is already capable of completing, we anticipate that our proposed requirements would not likely create new burdens or incur any costs for Participating CMS Providers.

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 not intend to seek approval not to display the OMB expiration date of the information collection. The Commission publishes in 47 CFR 0.408, a list of all OMB-approved information collections displaying their OMB Control Number(s), titles, and OMB expiration date(s).

18. Explain any exceptions to the Certification Statement identified in Item 19, "Certification of Paperwork Reduction Act Submissions."

There are no exceptions to the Certification Statement.

B. Collections of Information Employment Statistical Methods:

This information collection does not employ any statistical methods.