

**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 seeks OMB approval of an extension for the information collection associated with the Commission's initiative to implement enhanced 911 (E911) emergency services.

Under the Commission's E911 rules, a wireless carrier that is a Commercial Mobile Radio Services (CMRS) provider must provide E911 service to a particular Public Safety Answering Point (PSAP) within six months only if that PSAP makes a request for the service and is capable of receiving and utilizing the information provided. In the initial City of Richardson Order, FCC 01-293, released in October 2001, the Commission adopted rules clarifying what constitutes a valid PSAP request.

In November 2002, the Commission released the City of Richardson Order on Reconsideration, FCC 02-318, revising its E911 rules to provide additional clarification on the issue of PSAP readiness. The Commission's actions were intended to facilitate the E911 implementation process by encouraging parties to communicate with each other early in the implementation process, and to maintain a constructive, on-going dialog throughout it.

The rules as revised by the Order on Reconsideration, originally contained in paragraphs (j)(4) and (5) of Section 20.18 of the Commission's rules, include the following information collection requirements subject to the PRA, for which the Commission seeks continued OMB approval.

a) The Commission established a procedure whereby wireless carriers that have completed all necessary steps toward E911 implementation that are not dependent on PSAP readiness may have their compliance obligation temporarily tolled, if the PSAP is not ready to receive the information at the end of the six-month period, and the carrier files a certification to that effect with the Commission.

b) As part of the certification and notification process (third party disclosure requirements), a wireless carrier must notify the PSAP of its intent to file a certification with the Commission that the PSAP is not ready to receive and use the information. The PSAP is permitted to send a response to the carrier's notification to affirm that it is not ready to receive E911 information or to challenge that carrier's characterization of its state of readiness. Carriers are required to include any response they receive from the PSAP in their certification filing to the Commission.

c) The Commission clarified that nothing in its rules prevented wireless carriers and PSAPs from mutually agreeing to an E911 deployment schedule at variance with the schedule contained in the Commission's rules. Carriers and PSAPs may choose to participate in the certification and private negotiation process. The Commission does not require participation.

Further, in its 2015 *Fourth Report and Order*, FCC 15-9, released February 3, 2015, the Commission re-designated paragraph (j) of Section 20.18 as paragraph (m). Accordingly, the rule paragraphs for which the Commission seeks the extension of the information collection are now paragraphs (m)(4) and (5) of Section 20.18.

Moreover, in requesting this extension, 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 total estimate of 858 wireless carriers in the existing approval to 794 existing wireless carriers. The estimate of 794 CMRS providers is based (1) on 2007 data from the U.S. Census Bureau<sup>1</sup> (rather than the 2002 census data used in the existing approval) and (2) the Commission's experience and data reflecting additional system sales, acquisitions, mergers, and system restructuring. The estimate of CMRS providers represents the maximum possible number of respondents. Additionally, based on updated information from the National Emergency Number Association (NENA), the Commission estimates that there are an estimated 6800 PSAPs nationwide rather than the 5,000 PSAPs, on which the Commission's previous (2012) burden estimates are based.

Statutory authority for this collection of information is contained in 47 U.S.C. 154, 160, 201, 251–254, 303, and 332 unless otherwise noted.

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 last collection.*

The Commission will use the certification filings from wireless carriers to determine each carrier's compliance with its E911 obligations. The Commission will review carrier certifications to ensure that carriers have sufficiently explained the basis for their conclusion that a particular PSAP will not be ready and have identified all of the specific steps the PSAP has taken to provide the requested service. The Commission retains the discretion to investigate a carrier's certification and take enforcement action if appropriate.

The requirement that carriers notify affected PSAPs, in writing, of their challenge, including a copy of the certification, will afford PSAPs an opportunity to review proposed certifications and present their respective views about their readiness to receive and use E911 information to the carrier and the Commission. The Commission will review PSAP responses to determine whether there are any PSAP objections to particular certification filings.

The clarification regarding mutually agreed upon alternative implementation schedules necessarily entails a third-party contact information burden. However, the affected entities will receive the benefit of being able to adopt an E911 implementation schedule best suited to their specific circumstances.

*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.*

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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).

Before adopting information collections, the PSHSB conducts an analysis to ensure that improved information technology can be used to reduce the burden on the public. This analysis considered the possibility of obtaining or computer-generating the required data from existing databases in the Commission or other Federal agencies, but no such data was available. To reduce the burden in this case, the Commission permits carriers and PSAPs to file 100 percent of their certifications and responses electronically through the Commission's electronic comment filing system (ECFS).

*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.*

This agency does not impose a similar information collection on the respondents. There are no similar data available.

*5. If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 831), describe any methods used to minimize the burden.*

In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary for evaluating and processing each application and to deter against possible abuses of the implementation processes pursuant to a valid PSAP request for E911 service. The information collection for which the Commission seeks renewal will provide benefits for small carriers. Allowing carriers to file certifications to temporarily toll their E911 obligations in areas where PSAPs are not ready to receive and use the information will allow small carriers to streamline their deployment efforts to focus on areas where PSAPs have completed their preparations and to ensure that they do not waste limited resources. To minimize the burden on small entities, the Commission has made carrier participation in the certification process voluntary.

Similarly, in clarifying that carriers and PSAPs may agree on an implementation schedule different from that prescribed in the Commission's rules, the Commission has provided entities of all sizes, including small entities, with more flexibility in establishing a deployment schedule best suited to their particular circumstances.

*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 certification process helps the Commission ensure rapid, nationwide E911 deployment. If the Commission did not allow carriers to file certifications, many carriers could be forced to waste limited resources attempting to complete deployments in areas where PSAPs are unready to receive and use information. Carriers attempting to resolve readiness issues with particular PSAPs might be prevented from continuing deployment efforts in additional areas. By allowing carriers to file certifications, the Commission prevents disputes over readiness in particular areas from slowing down deployment efforts across the country.

By clarifying that carriers and PSAPs may agree to implementation schedules extending the six-month deadlines contained in the E911 rules, the Commission encourages cooperation between all parties to help ensure rapid and efficient rollout of E911 service. If the Commission did not permit such negotiation, it is likely that there would be a greater number of disputes between carriers and PSAPs and that deployment of E911 service would be delayed.

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).*

Current data collection is consistent with 5 CFR 1320.6.

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 published in the Federal Register on November 20, 2015 (80 FR 72721). 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.*

Respondents will not receive any gifts or payments.

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

Although the Commission does not believe that any confidential information will need to be disclosed in order to comply with the certification and notification and the corresponding PSAP response provisions, covered carriers or PSAPs are free to request that materials or information submitted to the Commission be withheld from public inspection and from the E911 web site. See Section 0.459 of the Commission's Rules.

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

There are no requests of a sensitive nature considered or those considered a private matter being sought from the applicants on this collection renewal.

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.*

As explained above, the Commission estimates that there are approximately 6,800 primary PSAPs, each of whom can request wireless E911 service from multiple carriers. Additionally, according to data from the National Emergency Number Association, approximately 98 percent of the 6,800 PSAPs have E911 Phase II service, and approximately 99 percent of them have Phase I service. For purposes of the estimates in this submission, the Commission assumes that 98 percent of the nation's PSAPs have E911 service.

As explained above, relying on 2007 Census data and the Commission's recent experience and information pertaining to CMRS providers, the total number of CMRS wireless carriers is 794, representing the maximum number of potential respondents. Due to the changes in the CMRS wireless carrier industry since

the 2012 burden estimates and for the purposes of making PRA burden estimates for information collections in its E911 rules, the Commission is treating CMRS providers as consisting of two groups: nationwide and non-nationwide carriers, rather than the three categories of Tier I, Tier II, and Tier III wireless carriers. The nationwide carriers are the same as those in the Tier I category and include 4 CMRS providers or respondents. The four nationwide carriers have national service footprints.<sup>2</sup> The non-nationwide carriers category consists of the Tier II and Tier III carriers, *i.e.*, those providers with networks that are limited to regional and local areas,<sup>3</sup> The Commission estimates that there are 790 non-nationwide CMRS wireless carriers.

The Commission is not able to determine how many wireless carriers will file certifications, or how many PSAPs might choose to respond to carriers' proposed certification filings. However, based on the above significant increase in the deployment of E911 service to the nation's PSAPs and on a decrease in the number of CMRS wireless carriers, the Commission's estimates, as calculated below, show significant reductions in the annual burden hours in this submission.

**a. Certification and Notification Requirements:**

Nationwide (Tier I) CMRS Carriers. With over 98 percent of the nation's PSAPs having E911 service, the Commission expects that each of the four nationwide carriers could file certifications with **as many as two PSAP requests annually in the remaining areas where PSAPs do not yet have Phase I or Phase II service**, and notify the affected PSAPs of the challenge. The Commission expects that all of the carriers will have staff engineers or attorneys complete the certification filings and that each certification and notification will take approximately **four hours to complete**. This is an optional burden that will only affect carriers who seek to use the certification process to toll their E911 obligations with respect to particular PSAP requests. Carriers are not required to file certifications on any set schedule but rather may file certifications on an occasional basis as they choose. This description of the nature of the burden also applies to the non-nationwide carriers.

Annual Hours for Certification and Associated Notification per Carrier:

4 hours per submission x 2 submissions = 8 burden hours

2 submissions x 4 carriers = 8 responses;

Total Annual Hours for Certification and Associated Notification for 4 Carriers:

8 burden hours x 4 carriers = **32 total annual burden hours.**<sup>4</sup>

Non-nationwide CMRS Carriers. Due to the changes in the CMRS industry, as described above, with a significant decrease in the number of Tier II wireless carriers, for purposes of estimating burden hours and costs for the extension of this information collection, the Commission is treating the Tier II and Tier III classifications of CMRS carriers as one category: non-nationwide carriers. The Commission estimates that there are 790 CMRS providers operating as non-nationwide carriers. Because about 98 percent of the nation's 6800 PSAPs have E911 service, the Commission estimates that approximately 150 PSAPs may be incapable of receiving Phase I or Phase II location information and, consequently, subject to a challenge from a non-nationwide carrier. Based on its experience in monitoring the implementation of E911 service,

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<sup>2</sup> A "footprint" is an industry term of art referring to the total geographic area in which a wireless provider offers service or is licensed to offer service.

<sup>3</sup> Tier II wireless carriers are those CMRS providers that had over 500,000 subscribers as of the end of calendar year 2001 and are likely to provide regional service. Tier III wireless carriers are those carriers that had less than 500,000 subscribers as of the end of calendar year 2001 and are likely to serve local areas.

<sup>4</sup> Because the four nationwide wireless carriers have national coverage footprints, they serve the most PSAPs and will likely utilize the certification and notification option to toll the implementation period more than the non-nationwide carriers. Therefore, throughout this submission, the Commission will utilize the number of hours and costs for the four nationwide carriers as the maximum burden.

the Commission estimates that roughly 20 percent of the 790 non-nationwide carriers, or approximately 160 such carriers, will likely on average choose to file one certification annually, assigning a staff attorney or engineer to complete the certification and notification burden at four hours per submission.

Annual Hours for Certification and Associated Notification per Carrier:

4 hours per submission x 1 submissions = 4 burden hours

1 submission x 160 non-nationwide carriers = 160 responses;

Total Annual Hours for Certification and Associated Notification for 160 Non-Nationwide Carriers:

**4 burden hours x 160 non-nationwide carriers = 640 total annual burden hours.**

**TOTAL RESPONSES FOR WIRELESS CARRIERS: 8 + 160 = 168.**

**Total Annual Wireless Carrier Burden for Requirement 12a.:**

**32 hours (Nationwide, Tier 1) + 640 Hours (Non-Nationwide) = 672 burden hours annually.**

**b. PSAP Response Option:**

The Commission estimates that the two categories of CMRS wireless carriers combined will decide to certify PSAP E911 inability and notify the affect PSAP in about 168 cases annually. Of this number, the Commission believes that about **60 PSAPs annually** will elect to respond in some fashion to the challenge to their ability to receive and use E911 data. The Commission believes that each of the 60 PSAPs will use a staff attorney to prepare their response, which could take a maximum of **two hours per submission**. Again, this is a voluntary or on occasion reporting requirement.

Total Responses for Requirement 12b:

**60 responses**

Annual Hours to Respond to a Carrier Challenge of their E911 Readiness:

**60 PSAP replies x 2 hours per PSAP = 120 annual burden hours.**

**c. Wireless Carrier Agreement Burden:**

The Commission believes that approximately 164 of the total 794 wireless carriers may elect to negotiate agreements with the PSAPs to agree on an E911 deployment schedule at variance with the schedule prescribed in the Commission's rules. This third-party contact burden is voluntary and would be either a one-time or an occasional burden that could take the form of meetings, conference calls, or written correspondence. The Commission assumes that the agreement can be reached with all of the PSAPs in a service area in one meeting, letter, or phone call. Additionally, the Commission believes that each of the 164 carriers will assign a staff attorney to coordinate an implementation agreement at 3 hours per agreement and 1 agreement per calendar year.

Total Responses for Requirement 12c:

**164 wireless carriers**

Annual Hours for Wireless Carriers to Arrange an Alternative Implementation Schedule:

**3 hours per agreement x 164 wireless carriers = 492 annual burden hours**

**d. PSAP Agreement Burden:**

Similarly, the Commission estimates that about 90 PSAPs annually will assign a staff attorney to coordinate for 3 hours with wireless carriers in their area to reach an agreement on an alternative E911 implementation schedule. Again, this is a one-time or occasional PRA burden that is voluntary.

Total Responses for Requirement 12d:

**90 PSAPs**

Annual Hours PSAPs to Arrange an Alternative Implementation Schedule:

**3 hours per agreement x 90 PSAPs =270 annual burden hours.**

**Total responses for this requirement (12b., c. and d.) : 60 responses +164 responses +90 responses= 314 responses**

**Total for this requirement (12b., c. and d.): 120 hours + 492 hours, + 270 hours = 882 annual burden hours.**

Respondent In-House Cost Estimates:

All costs described below are in-house costs that the respondent will perform within their companies.

For this renewal to the OMB, adjustments were made to the labor costs to reflect current costs and to ensure uniformity of labor costs used in other recent collection applications and renewal applications.

**a. Certification and Notification Option.**

Nationwide (Tier I) CMRS Carriers. The Commission believes that each of the 4 Tier 1 wireless carriers will use an in-house staff attorney or engineer (\$61 per hour)<sup>5</sup> to complete the certification to toll the implementation period and notify PSAPs of their action.

8 burden hours annually per entity x \$61 = \$488 annually per entity

**\$488 x 4 entities= \$1,952 total annual cost burden.**

Non-Nationwide CMRS Carriers. The Commission expects that roughly 20 percent of the 790 non-nationwide carriers, or approximately 160 such carriers, will also assign in-house staff attorneys or engineers (\$61 per hour) to complete the certification and notification options.

4 burden hours annually per entity x \$61 = \$244 annually per entity

**\$244 x 160 non-nationwide carriers = \$39,040 total annual cost burden.**

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<sup>5</sup> The Commission used the in-house hourly salary rate for staff attorneys at \$66.88 and engineers hour salary rate at \$54.82 in order to obtain the average salary per hour. We added \$66.88+\$54.82=\$121.70 divided 2 = \$60.85 and rounded up to \$61 per hour. The salary information was retrieved from the Bureau of Labor of Statistics and may be found at <http://www.bls.gov/bls/blswage.htm>.

**b. PSAP Response Option.**

The Commission estimates that all of the 60 PSAPs who decide to respond to wireless certification of PSAP E911 capability, will use staff attorneys (\$61 per hour) to prepare their response.

2 burden hours annually per PSAP x \$61 = \$122 annually per PSAP

**\$122 x 60 PSAPs = \$7,320 total annual cost burden.**

**c. Wireless Carrier Agreement Burden.**

The Commission expects that all of the 164 wireless carriers who will coordinate alternative E911 implementation date agreements will assign staff attorneys (\$61 per hour) to complete these agreements.

3 hours per wireless carrier x \$61 = \$183 per carrier per year

**\$183 x 164 carriers = \$30,012 total annual cost burden.**

**d. PSAP Agreement Burden.**

The Commission estimates that all of the 90 PSAPs who will coordinate alternative E911 implementation date agreements with wireless carriers will use staff attorneys (\$61 per hour) to complete these agreements.

3 hours per PSAP annually x \$61 = \$183 annually per PSAP

**\$183 x 90 PSAPs = \$16,470 total annual cost burden.**

**GRAND TOTAL RESPONDENTS: 4+160+60+164 = 478 respondents.**

**GRAND TOTAL RESPONSES: 168 + 314 = 482 responses.**

**GRAND TOTAL OF IN-HOUSE COSTS TO THE RESPONDENT: \$1,952 + \$39,040 + \$7,320 + \$30,012 + \$16,470= \$94,794.**

**GRAND TOTAL ANNUAL BURDEN HOURS: 672 hours + 882 hours = 1,554 total annual burden hours for all the above requirements.**

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.*

- a. There will be no start-up or capital costs incurred by the respondent.
- b. There will be no operation and maintenance costs incurred by the respondent.



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.*

The Commission will likely assign a senior public utility specialist or program analyst (GS-14, Step 5) at \$59.13 per hour to review the wireless carrier certifications. The Commission expects that this review will take about 2 hours per submission and expects to receive about 168 certifications annually.

2 hours per submission x \$59.13 x 168 submissions = \$19,867.68.

**Total cost to the government: \$19,867.68.**

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

The Commission is reporting adjustments/decreases in this information collection. Based on U.S. Census Data and the Commission's reassessment of the number of existing wireless carriers, the total number of respondents decreased from 858 to 478 (-380), the total number of responses decreased from 1,992 to 482 (-1,510) and the total annual burden hours decreased from 10,168 to 1,554 (-8,614). These adjustments/decreases are due to the decline in the number of existing wireless carriers resulting in significant reductions to this collection since the last submission to OMB.

There are no program changes.

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.*

Display of the expiration date for OMB approval would be inappropriate because the information to be provided is contained in Commission rules.

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).*

When the Commission published the 60 Day Notice in the Federal Register on November 20, 2015 (80 FR 72721), we inadvertently reported the maximum total number of potential respondents as 794. The total number of respondents are 478 and are now reflected in the supporting statement. Also, the Commission published this collection as a regular information collection rather than a delegated collection in the Federal Register. There are no other exceptions to Certification Statement.

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

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No statistical methods are employed.