

SUPPORTING STATEMENT

A. Justification:

Part 11 of the Commission's rules¹ contains rules and regulations addressing the nation's Emergency Alert System (EAS). The EAS provides the President with the capability to provide immediate communications and information to the general public at the national, state and local area level during periods of national emergency. The EAS also provides state and local governments and the National Weather Service with the capability to provide immediate communications and information to the general public concerning emergency situations posing a threat to life and property. State and local use of the EAS is required to be described in State EAS Plans that are administered by State Emergency Communications Committees (SECC) and submitted to the FCC for approval.

The FCC is submitting this information collection to the Office of Management and Budget (OMB) as a revision of the previously approved information collection that established the mandatory Electronic Test Reporting System (ETRS) that EAS Participants must utilize to file identifying and test result data as part of their participation in nationwide EAS testing.

Revisions to Information Collection Requirements Which Require OMB Approval:

Specifically, the Order adopted in EB Docket No. 04-296 (*Order*) amends the State EAS Plan filing requirements set forth at Section 11.21 of the FCC's rules² to require EAS Participants (*i.e.*, the broadcasters, cable systems, and other service providers subject to the FCC's EAS rules) to provide, within one year from the publication in the Federal Register of a notice announcing OMB approval of the modified information collection requirements under the Paperwork Reduction Act of 1995 and the effective date of the rule amendments, the following information to their respective SECC, who in turn shall, within six months of the expiration of such one-year period, provide a summary of such information in the State EAS Plan submitted to the FCC for approval:

- A description of any actions taken by the EAS Participant (acting individually, in conjunction with other EAS Participants in the geographic area, and/or in consultation with state and local emergency authorities), to make EAS alert content available in languages other than English to its non-English speaking audience(s);
- A description of any future actions planned by the EAS Participant, in consultation with state and local emergency authorities, to provide EAS alert content in languages other than English to its non-English speaking audience(s), along with an explanation for the EAS Participant's decision to plan or not plan such actions; and
- Any other relevant information that the EAS Participant may wish to provide.

¹ 47 C.F.R. § 11 *et seq.*

² 47 C.F.R. § 11.21.

In addition, in the event that there is a material change to any of the information that EAS Participants are required to furnish their respective SECCs, EAS Participants must, within 60 days of the occurrence of such material change, submit a letter to their respective SECCs, copying the FCC's Public Safety and Homeland Security Bureau (Bureau) that describe such change. The SECCs are required to incorporate the information in such letters as amendments to the State EAS Plans on file with the Bureau.

The FCC expects that the costs to EAS Participants to comply with these reporting requirements will be minimal, and largely limited to internal administrative charges associated with drafting a brief statement, and submitting that statement, and any other relevant information that the EAS Participant may wish to provide to their SECC for inclusion into the State EAS Plan for the state in which the EAS Participant operates. The FCC further expects that the vast majority of EAS Participants are not engaged in multilingual EAS activities and therefore will need to submit nothing more than a very brief statement to their SECC explaining their decision to plan or not plan future actions to provide EAS alert content in languages other than English to their non-English speaking audience(s). For the presumably small percentage of EAS Participants that actually are engaged in multilingual EAS activities, the filing will merely require that they supply a summary of actions they already have taken in this regard.

The FCC estimates that complying with the reporting requirement will take EAS Participants, on average, approximately one hour, at an estimated cost of \$1,043,784. This cost is based on a total of 27,468 EAS Participants multiplied by the \$38.00 per-hour labor cost identified in the previously approved information collection. This cost is a one-time cost, as EAS Participants are only required to file one report, and need not refile unless they subsequently engage in multilingual EAS alerting activities, in which case they must update their original report, and SECCs must in turn update the State EAS Plan. The FCC estimates that complying with the reporting requirement will take SECCs, on average, approximately 20 hours, at an estimated cost of \$25,000. This cost is a one-time cost, as SECCs are only required to file an initial summary of the multilingual EAS activity reports they receive from the EAS Participant located in their areas, and subsequently need only amend such summary in the State EAS Plan if they receive letters or new information from EAS Participants located in their area that alter the information in the original summary filed by the SECC.

Current Information Collection Requirements Previously Approved by OMB:

In the *Third Report and Order* in EB Docket No. 04-296, FCC 11-12, the FCC adopted rules establishing a regulatory structure for a national test of the EAS. In order for the FCC to determine the extent to which the test, and by extension the EAS, was successful, the FCC adopted rules requiring EAS Participants, within forty five (45) days of the date of the first national EAS test, to record and submit to the FCC the following test-related diagnostic information for each alert received from each message source monitored at the time of the national test:

- Whether they received the alert message during the designated test;
- Whether they retransmitted the alert;

- If they were not able to receive and/or transmit the alert, their ‘best effort’ diagnostic analysis regarding the cause(s) for such failure;
- A description of their station identification and level of designation (PEP, LP-1, etc.);
- The date/time of receipt of the EAN message by all stations; the date/time of PEP station acknowledgement of receipt of the EAN message to FOC;
- The date/time of initiation of actual broadcast of the Presidential message;
- The date/time of receipt of the EAT message by all stations;
- Who they were monitoring at the time of the test, and the make and
- Model number of the EAS equipment that they utilized.

The *Third Report and Order* indicates that the national tests of EAS, and related information collections will likely be carried out on an annual basis. On March 10, 2010, OMB approved the collection as indicated by the related Notice of Office of Management and Budget Action notification.

In the *Second Report and Order and Further Notice of Proposed Rulemaking* in EB Docket No. 04-296, FCC 07-109, the FCC adopted rules that require states to file new EAS plans with the FCC under certain circumstances, expand the number of private entities covered by EAS, and impose new obligations on private entities. These rules may impact currently existing paperwork collection requirements as discussed below.

In the *Second Report and Order*, the FCC adopted a rule obligating EAS Participants to accept a message using a common EAS messaging protocol, the Common Alerting Protocol v1.1 (CAP), no later than 180 days after FEMA publicly publishes its adoption of such standard; requires EAS Participants to adopt Next Generation EAS delivery systems no later than 180 days after FEMA publicly releases standards for those systems; expands the number of EAS Participants by including wireline common carriers providing video programming (“wireline video systems”); and requires EAS Participants to transmit state and local EAS alerts that are originated by governors or their designees no later than 180 days after FEMA publishes its adoption of the CAP standard, provided that the state has a FCC-approved EAS state plan that provides for delivery of such alerts.

The following information collection contained in Part 11 may be impacted by these rule amendments:

Section 11.21 requires that state and local EAS plans be reviewed and approved by the Chief, Public Safety and Homeland Security, prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation.³

Statutory authority for this collection of information is contained in 47 U.S.C. sections 154(i) and 606 of the Communications Act of 1934, as amended.

This information collection does not affect individuals or households; thus, there are no impacts

³ See 47 C.F.R. § 11.21.

under the Privacy Act.

2. This information is used by FCC staff to gauge the effectiveness of the EAS’s capacity to relay EAS emergency alert content to persons who communicate in a language other than English or may have a limited understanding of the English language; to determine whether private and local efforts to disseminate EAS multilingual content might be incorporated into the overall national EAS structure; and to confirm that private and local EAS multilingual operations are consistent with national plans, FCC regulations, and EAS operation.
3. Automated logging devices are used by entities to record entries in the station log. In addition, EAS alerts are received electronically via advanced digital signaling equipment.
4. This agency does not impose a similar information collection on the respondents. There is no similar data available.
5. Part 11 was designed to minimize the burden for all respondents regardless of size.
6. The EAS requirements are designed to benefit the EAS Participants and the people of their community, not the federal government. Any reduction in the frequency of this activity would result in a proportional loss of benefit and would cause a delay in the detection of equipment failures that would cause the loss of national, state and local emergency messages to the public and could cause loss of life and property.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. Pursuant to 5 CFR 1320.8(d), the FCC published a 60 Day Notice which was published in the Federal Register on May 17, 2016 (81 FR 30538). No comments were received as a result of this notice.
9. No payment or gift was provided to the respondents.
10. There is no need for confidentiality.
11. This collection of information does not address any private matters of a sensitive nature.
12. The following is provided for burden estimates. The proposed requirements affect SECCs and EAS Participants. These estimates are based on FCC staff’s knowledge and familiarity with the availability of the data required. Burden estimates for the requirements adopted in the *Order* are provided below **in bold typeface**. The totals at the bottom of the table include these estimates and are also provided in bold.

	<u># of Respondents</u>	<u># of Responses per</u>	<u>Total Responses</u>	<u>Burden per Response</u>	<u>Total Burden</u>	<u>Est. Hourly Wage of Respondent</u>	<u>Total Est. In-House Cost to Respondent</u>
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		<u>Respondent</u>					
Section 11.15	63,000	1	63,000	0.1 hour	6,300 hours	\$38	\$239,400
Section 11.21	50 (states)	1	50	20 hours	1,000 hours	\$25	\$25,000
11.21	50 (SECCs)	1	50	20 hours	1,000 hours	\$25	\$25,000
11.21	27,468	1	27,468	1.0 hour	27,468 hours	\$38	\$1,043,784
Section 11.34	10 (manufacturers)	1	10	20 hours	200 hours	\$25	\$5,000
Section 11.35	400	1	400	0.017 hour	7 hours	\$38	\$266
Section 11.35	300	1	300	0.5 hour	150 hours	\$38	\$5,700
Section 11.41	10	1	10	0.5 hour	5 hours	\$38	\$190
Section 11.42	10 (common carriers)	1	10	1.0 hour	10 hours	\$38	\$380
Section 11.43	10 (voluntary entities)	1	10	0.5 hour	5 hours	\$38	\$190
Section 11.51	4,373	1	4,373	0.17 hour	743 hours	\$38	\$28,234
Section 11.51	63,000	1	63,000	0.017	1,071 hours	\$38	\$40,698
Section 11.52	20	1	20	0.5 hour	10 hours	\$38	\$380
Section 11.52	5	1	5	1.0 hour	5 hours	\$38	\$190
Section 11.54	63,000	1	63,000	0.017 hour	1,071 hours	\$38	\$40,698
Section 11.55	63,000	1	63,000	0.017 hour	1,071 hours	\$38	\$40,698
Section 11.55	8	1	8	3 hours	24 hours	\$25	\$600
Section 11.61	63,000	40	2,520,000	0.017 hour	42,840 hours	\$38	\$1,627,920
Section 11.61	63,000	12	756,000	0.034 hour	25,704 hours	\$38	\$976,752
Section	35,832	1	35,832	0.05 hour	1,792	\$38	\$68,096

11.61						
Totals	63,080		3,596,546		110,476 hours	\$4,169,176

With respect to the reporting requirements in the *Order*, the FCC estimates that the EAS Participant employees preparing the summary of its multilingual EAS activities to be furnished to the EAS Participant’s SECC would have an average salary of \$34 per hour, which is the same hourly labor cost identified in the previously approved information collection for EAS Participant obligations. The FCC estimates that 27,468 EAS Participants would be required to file.⁴ This reporting requirement and associated cost is a one-time obligation; after submitting their summary of multilingual EAS activities to their SECCs, EAS Participants are not required to make any other submissions unless there is a material change to any of the information that the EAS Participant originally reported (EAS Participants are required to describe such material changes in a transmittal to their SECC, copying the Bureau). With respect to the requirement that SECCs compile the summaries of multilingual EAS activities they receive from EAS Participants and include such compilation in the State EAS Plan, the FCC estimates that complying with this reporting requirement will not take SECCs longer than the estimated time to prepare an entire State EAS Plan. Accordingly, the FCC conservatively is using the estimated hourly burden, wage and total cost estimate for SECCs to prepare State EAS Plans as its estimate for SECCs to comply with the requirement to compile EAS Participant summaries of multilingual EAS activities and include such compilation in the State EAS Plan (*i.e.*, 50 SECCs x 20 hours each at \$25.00 per hour = \$25,000). This cost is a one-time cost. Once the SECC has compiled the EAS Participant summaries of multilingual EAS activities in the State EAS Plan, it need only update such compilation if it receives a transmittal from an EAS Participant describing a material change to its original report.

13. Annual Cost Burden to the Respondent. The FCC does not anticipate that respondents will need to incur capital or start-up costs, or operation and maintenance and purchase of services costs to respond to these information collections.

14. Cost to the Federal Government: The Commission uses GS-13, Step 5, locality adjusted for the pay area of Washington-Baltimore-Northern Virginia in 2016 (\$50.04/hour) to process the information submitted to the Commission in connection with sections 11.21, 11.35, 11.41, 11.43, and 11.52.

- 50 x 6 hours x \$50.04 = \$15,012
- 300 x 0.5 hours x \$50.04 = \$7,506
- 10 x 0.5 hours x \$50.04 = \$250.20
- 10 x 1.0 hours x \$50.04 = \$500.40
- 20 x 0.5 hours x \$50.04 = \$500.40
- 5 x 1.0 hours x \$50.04 = \$250.20

Current Total Cost to the Federal Government: \$24,019.20

⁴ See Review of the Emergency Alert System, EB Docket No. 04-296, *Notice of Proposed Rulemaking*, 29 FCC Rcd 8123, 8147, n.162 (2014) (estimating that there are a total of 27,468 EAS Participants).

The reporting requirements adopted in the *Order* will increase the total cost to the Federal Government. The FCC will use GS-13, Step 5, locality adjusted for the pay area of Washington-Baltimore-Northern Virginia in 2016 (\$50.04 /hour) to process the information submitted to the FCC in connection with the reporting requirements adopted in the *Order*.

$$50 \times 1 \text{ hour} \times \$50.04 = \$2,502$$

Cumulative Total Cost to the Federal Government: \$2,502.

Total Cost to the Federal Government: \$24,019.20 + \$2,502.00 = \$26,521.20

15. There are program changes/increases to this information collection, as a result of the reporting requirements adopted in the *Order*. There are no changes to the number of respondents, the total number of responses increased from 3,569,028 to 3,596,546 (+27,518) and the total annual burden hours increased from 82,008 hours to 110,476 hours (+28,468).

There are no adjustments.

16. Under current FCC EAS rules, State EAS Plans and all information therein are publicly available in their entirety. Accordingly, under the current FCC EAS rules governing State EAS Plans, the compilations of EAS Participant summaries of multilingual EAS activities incorporated in the State EAS Plan would be publicly available.

17. The Commission is requesting a waiver of displaying the OMB control number on the on-line application screens because that would require updating each time this collection was submitted to OMB for review and approval. The Commission displays the OMB expiration date, title and OMB control number in 47 CFR 0.408 of the Commission's rules.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.