

## SUPPORTING STATEMENT

### A. Justification:

1. The Commission's rules, 47 CFR §1.1204(b) Note and §1.1206(a) Note 1, require petitions seeking Commission preemption of state and local government regulation of telecommunications services, whether in the form of a petition for rulemaking or a petition for declaratory ruling, to be served on all state and local governments the actions of which are cited as a basis for requesting preemption.

Thus, in accordance with these provisions, persons seeking preemption must serve their petitions not only on the state or local government whose authority would be preempted, but also on other state or local governments whose actions are cited in the petition.

Although the respondents include "individuals," people filing these petitions do not have any expectations of privacy for any personal information they provide. These petitions are publicly available. Consequently, the Commission believes that there are no impacts under the Privacy Act of 1974, as amended.

The FCC has a system of records, FCC/OGC-5, "Pending Civil Cases," to cover the collection, purpose(s), storage, safeguards, and disposal of the personally identifiable information (PII) that individuals may submit with their petitions for preemption that they file with the Commission. It was published in the *Federal Register* on April 5, 2006 (71 FR 17234, 17244).

A Privacy Impact Assessment (PIA) for this system of records, FCC/OGC-5, is available on the FCC's Privacy Act webpage.

The statutory authority for this collection of information is authorized under 47 U.S.C. 151, 154, and 303.

2. State and local governments, which are cited in petitions for the preemption of telecommunications services, use the information in the relevant petitions to respond to allegations made about their actions by the petitioners.
3. The Commission's rules permit service by electronic means only under limited circumstances. See 47 CFR § 1.47(d).
4. Although the affected state and local governments could obtain copies of petitions by other means, service is necessary to give them a timely opportunity to respond to allegations made about them.
5. This information collection does not have a significant economic impact on a substantial number of small entities.
6. Unless affected state and local governments have a timely opportunity to respond to allegations made about their activities, there is a potential for the Commission to make decisions about the preemption of telecommunications services without fully hearing the facts and circumstances involved.
7. Respondents must report information whenever they file a preemption petition, which may be more frequent than quarterly.

8. The Commission published a 60 day notice in the *Federal Register* on June 17, 2016 81 FR 39640. We have received no comments following publication of this notice.
9. No payments or gifts are made in connection with this requirement.
10. This information collection does not require respondents to submit of any confidential information, nor is the Commission requesting that respondents submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules, 47 C.F.R. Section 0.459.

As noted in Question 1, the FCC has a system of records, FCC/OGC-5, "Pending Civil Cases," to cover the collection, purpose(s), storage, safeguards, and disposal of the personally identifiable information (PII) that individuals may submit with their petitions for preemption that they file with the Commission.

11. No questions of a sensitive nature are involved with the information collection requirements, nor are there any privacy issues, as noted in Questions 1 and 10 above.
12. The following represents the estimates of hour burden of the information collections:

a. **Preemption Petitions (Preparation of filings):**

- (1) Number of respondents: 125
- (2) Frequency of Response: On occasion reporting requirement.
- (3) Total number of responses per respondent: 1 response.
- (4) Estimated time per response: 12 minutes (0.20 hours).

Each respondent requires approximately 0.20 hours to prepare these filings.

- (5) Total annual burden: 25 hours.

125 respondents x 1 response per year x 0.20 hours = 25 hours.

- (6) Total In-House Cost: None.

The Commission believes that respondents consider the preparation of these filings to be part of their regular business costs. Therefore, there are no in-house cost to the respondent.

b. **Preemption Petitions (Third Party Disclosure Requirement)**

- (1) Number of respondents: 125
- (2) Frequency of Response: Third Party Disclosure Requirement.
- (3) Total number of responses per respondent: 1 response.

(4) Estimated time per response: 5 minutes (0.083hours).

Each respondent requires approximately 0.083 hours to prepare the third party disclosure.

(5) Total annual burden: 10 hours

125 respondents x 1 response per year x 0.083 hours = 10 hours

(6) Total In-House Cost: None.

The Commission believes that respondents consider the preparation of the third party disclosure requirement to be part of their regular business costs. Therefore, there are no in-house cost to the respondent.

**Total Annual Hourly Burden: 25 hours + 10 hours = 35 hours**

**Total Number of Respondents: 125**

**Total Number of Responses Annually: 125**

**Total Annual Burden Hours: 35 hours**

**Total "In House" Costs: \$0.00**

13. The total annual costs to respondents are:

(a) Total annualized capital/startup costs: \$0.00

(b) Total annual costs (O&M): **\$0.00**

(c) Total annualized cost requested: **\$0.00**

14. This information collection requires disclosure to third parties at no cost to the Federal government.

15. There are no adjustments or program changes.

16. There are no plans to tabulate or publish this information.

17. The Commission is not seeking not to display the OMB expiration date. The OMB will publish the OMB Control number, title, and OMB expiration date in 47 CFR § 0.408.

18. There are no exceptions to the Certification Statement.

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

This information collection does not use any statistical methods.