

SUPPORTING STATEMENT

A. Justification:

Part 11 of the FCC's rules addresses 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.

The FCC is proposing a non-substantive updates to previously approved collections represented by the forms associated with the mandatory electronic EAS Test Reporting System (ETRS) that EAS Participants must utilize to file identifying and test result data as part of their participation in any authorized nationwide EAS tests (3060-0207). The collections in the modified ETRS forms are consistent with those approved by the Office of Management and Budget in the 2011 revisions to the EAS PRA collection set forth in the FCC's EAS Third Report and Order and in the related 2011 emergency request (and subsequent standard request) for approval of the electronic version of that previously approved collection (and the PRA filing made for the ETRS when it became a mandatory filing mechanism in 2015).

Non-substantive Changes to Previously Approved Information Collection

The reason for the current modification to the ETRS is that after the September 28, 2016 Second Nationwide EAS test, the Commission's Information Technology Center needed to change the underlying database platform for the ETRS as part of a Commission-wide database platform redesign. Although the change in the underlying platform would be largely invisible to the EAS Participants, it necessitated some changes to the forms' cosmetic appearance and offered the Commission the opportunity to add minimal updates to the forms to correct anomalies in initial results and to respond to user inquiries to clarify data requests/fields and increase utility by adding drop down menus and sub-categories to comport with the data received from EAS Participants. The FCC's Public Safety and Homeland Security Bureau (PSHSB), working with the ETRS developers, has attempted to draft these modifications to be minimal, non-material changes, consistent with the OMB approvals listed above.

Also, on March 30, 2016, the Commission released the EAS Multi-lingual Order (31 FCC Rcd 2414, FCC 16-32), in which it required EAS Participants -- broadcasters, cable service providers, and other entities subject to Part 11 of the FCC's rules -- to supply certain information regarding the languages other than English in which it supplies EAS Alerts. OMB approved that collection on November 3, 2016 (81 FR 76515). PSHSB would like to incorporate that collection into the ETRS to minimize the collection burden on EAS Participants, but wants to be sure that such an inclusion would not trigger the need for a full OMB review of the ETRS and its forms.

The ETRS forms submitted today largely resemble the versions used for both the first and second nationwide EAS tests, and contain related improvements as discussed above. The list below and the attached markup illustrate the differences between 2011 and 2017 forms.

- **Form One**

- Legal Name of Participant/contact field now includes “Owner of EAS Participant,” for entities like cable systems and broadcast station owner groups, if relevant.
- EAS Equipment “make/model” category is now in drop down form and includes “Software Version,” also in drop down form.
- Transmitter Location now expands “lat/long” for transmitter to include “Geographic Zones of Service,” “city, county, and state of licensure,” and “receiver location.”
- Participant categories now are drop down menu.
- Monitoring sources expanded to include questions regarding whether the sources are “monitored pursuant to a Commission waiver,” and whether they include the Integrated Public and Warning (IPAWS) internet feed maintained by FEMA. These changes are made in response to information filed in 2016.
- **New category** - Primary languages in service area. Made pursuant to requirements in the EAS Multilingual Order (31 FCC Rcd 2414, FCC 16-32), the collection for which was approved by OMB on November 3, 2016 (81 FR 76515).

- **Form Two – No changes other than cosmetic**

- Identifying information is prepopulated from Form One.

- **Form Three**

- Identifying information is prepopulated from Form One.
- “Station monitoring at time of test” field modified to read “from which source did you first receive the alert?” No material change.
- Free text “explanation” field for complications now includes category checkboxes.
- Language of EAS message received/retransmitted. Made pursuant to requirements in the EAS Multilingual Order (31 FCC Rcd 2414, FCC 16-32), the collection for which was approved by OMB on November 3, 2016 (81 FR 76515).

As the subsequent analysis indicates, this modified collection will cause no change in the burden estimates or reporting and record keeping requirements that the Commission submitted (and which OMB subsequently approved) for the 2011 system.

The FCC expects that the costs to EAS Participants to use these modified forms will be internal

administrative time to become familiar with the modified format. Ultimately, the updates, such as the addition of drop-down menus and retention of previously filed identifying information, may reduce the overall time required to prepare and submit the forms in ETRS. We estimate that it will take EAS Participants a total of between one and three hours to complete and submit all three online forms. EAS Participants are required to update their identifying information in Form One annually, and the Commission expects that nationwide tests of the EAS system will likely be carried out on an annual basis going forward.

The FCC estimates a maximum total cost of \$3,116,304.00, or approximately \$113.00 per participant per year. 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. Because the yearly filing requirement will primarily consist of updates to previously filed information, we anticipate that subsequent year's filings will take closer to one hour to complete

Current Information Collection Requirements previously approved by OMB:

The requirements underlying the adoption of the online ETRS database emanate primarily from two the FCC decisions discussed above and the existing relevant OMB approvals for information collection. Statutory authority for the collection of information described herein is contained in 47 U.S.C. sections 154(i) and 606 of the Communications Act of 1934, as amended.

EAs Third Report and Order. In the *EAS Third Report and Order* in EB Docket No. 04-296, FCC 11-12, and in a subsequent Public Notice, EB Docket No. 04-296, DA 11-1788, the Commission adopted an electronic reporting system by which EAS Participants would report the results of a national test of the EAS, held on November 9, 2011. Under this reporting system, within forty-five days of the date of the first national EAS test, EAS Participants were required to record and submit to the Commission 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.

On March 10, 2010, OMB approved the collection as indicated by the related Notice of Office of

Management and Budget Action notification.

The primary requirements for nationwide tests of the EAS are contained in section 11.61 of the FCC's rules, which requires EAS Participants to conduct periodic EAS tests. Tests of the EAS header codes, attention signal, test script and EOM code are required to be performed monthly. Tests of the EAS header codes and end of message codes are made at least once a week. National primary sources shall participate in tests as appropriate. DBS providers, Class D non-commercial educational FM stations and low power TV stations are not required to transmit this test but must log receipt of the test. The FCC may request a report of the tests of the national primary sources. In addition, entries must be made in stations/systems logs/records as previously stated.

Section 11.61(a)(3)(iv) requires test results as required to be logged by all EAS Participants into the ETRS as determined by the PSHSB subject to the following requirements. EAS Participants shall provide the identifying information required by the ETRS initially no later than sixty days after the publication in the *Federal Register* of a notice announcing the approval by the Office of Management and Budget of the modified information collection requirements under the Paperwork Reduction Act of 1995 and an effective date of the rule amendment, or within sixty days of the launch of the ETRS, whichever is later, and shall renew this identifying information on a yearly basis or as required by any revision of the EAS Participant's State EAS Plan filed pursuant to Section 11.21 of this Part. EAS Participants must also file "Day of test" data in the ETRS within 24 hours of any nationwide test or as otherwise required by the PSHSB.

Information collected pursuant to other rules governing the EAS may also be implicated:

Section 11.15 requires a copy of the EAS operating handbook to be located at normal duty positions or EAS equipment locations when an operator is required to be on duty. The handbook must be immediately available to staff responsible for authenticating messages and initiating actions. Copies of the handbook are posted on the Commission's website and can be obtained at www.fcc.gov/pshs/eas/.

Section 11.21(a) of the Commission's rules requires EAS Participants to provide the identifying information required by the ETRS and consistent with section 11.61(a)(3)(iv) of the rules no later than sixty days after the publication in the *Federal Register* of a notice announcing the approval by the Office of Management and Budget of the modified information collection requirements under the Paperwork Reduction Act of 1995 and an effective date of the rule amendment, or within sixty days of the launch of the ETRS, whichever is later, and shall renew this identifying information on a yearly basis or as required by any revision of the EAS Participant's State EAS Plan filed pursuant to Section 11.21 of this Part, and consistent with the requirements of paragraph 11.61(a)(3)(iv) of this Part,

Section 11.34 requires manufacturers to include instructions and information on how to install, operate and program an EAS Encoder, EAS Decoder, or combined unit and a list of all State and county FIPS numbers with each unit sold or marketed in the U.S. This requirement would be done in the normal course of doing business. All EAS Participants are responsible for ensuring that EAS Encoders/Decoders and Attention Signal generating and receiving equipment used as

part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations/systems are in operation. EAS Participants must determine the cause of any failure to receive the required tests or activations.

Section 11.35 also requires that entries be made in the station/system logs, and records of other EAS Participants, when the EAS Encoder/Decoder becomes defective showing the date and time the equipment was removed and restored to service. If replacement of defective equipment is not completed within 60 days, an informal request shall be submitted to the District Director of the FCC field office. For DBS and SDARS providers, this informal request shall be submitted to the District Director of the FCC field office serving the area where their headquarters is located. This request must explain what steps have been taken to repair or replace the defective equipment, the alternative procedures being used while the defective equipment is out of service and when the defective equipment will be repaired or replaced.

When the EAS is not operating properly, section 11.35 requires appropriate entries be made in the station/system logs indicating why any tests were not received for all broadcast streams and cable systems. All other EAS Participants must also keep record indicating reasons why any tests were not received and these records must be retained for two years, maintained at the EAS Participant's headquarters, and made available for public inspection upon reasonable request.

Section 11.42 allows a communications common carrier to participate in the national level EAS, without charge. A communications common carrier rendering free service is required to file with the FCC, on or before July 31st and January 31st of each year, reports covering the six months ending on June 30th and December 31st respectively. These reports shall state what free service was rendered under this rule and the charges in dollars which would have accrued to the carrier for this service if charges had been collected at the published tariff rates if such carriers are required to file tariffs.

Section 11.43 allows entities to voluntarily participate in the national level EAS after submission of a written request to the Chief, Public Safety and Homeland Security Bureau.

Section 11.51 requires that EAS equipment be operational, ready to monitor, transmit and receive EAS electronic signals. Cable and wireless cable systems, both analog and digital, can elect not to interrupt EAS messages from broadcast stations based upon a written agreement between all concerned. Furthermore, cable and wireless cable systems, both analog and digital, can elect not to interrupt the programming of a broadcast station carrying news or weather related emergency information with state and local EAS messages based upon a written agreement between all concerned. These written agreements are contained in state and local franchise agreements.

Section 11.51 also requires all actions to be logged when manual interruption of programming and transmission of EAS messages is used. Estimates for testing are included in the estimate for section 11.61.

Section 11.52 requires all EAS Participants to monitor two EAS sources. If the required EAS sources cannot be received, alternate arrangements or a waiver may be obtained by written

request to the FCC's EAS office. In an emergency, a waiver may be issued over the telephone with a follow-up letter to confirm temporary or permanent reassignment. In addition, EAS Participants are required to interrupt normal programming either automatically or manually when they receive an EAS message in which the header code contains the event codes for emergency action notification, emergency action termination and required monthly test for their state or state/county location.

Section 11.54 requires EAS Participants to enter into their logs/records the time of receipt of an emergency alert notice and an emergency action termination messages during a national level emergency.

Section 11.55 requires EAS participants to monitor their emergency alert system upon receipt of a state or local area EAS message. Stations/systems must also enter into their logs/records the time of receipt of an emergency alert message. If an SDARS licensee or DBS provider is unable to receive and transmit state and local EAS messages, it must inform its subscribers, on its website, and in writing on an annual basis of which channels are and are not capable of supplying state and local EAS messages.

EAS Multi-lingual Order. In the March 30, 2016, Multi-lingual Order (31 FCC Rcd 2414, FCC 16-32) the Commission required EAS Participants to supply certain information regarding the languages other than English in which it supplies EAS Alerts. OMB approved that collection on November 3, 2016 (81 FR 76515).

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 under the Privacy Act.

In response to OMB's general questions, we provide the following responses:

2. This information is used by FCC staff as part of routine inspections of EAS Participants. Accurate recordkeeping of this data is vital in determining the location and nature of possible equipment failure on the part of the transmitting or receiving entity. Furthermore, since the national level EAS is solely for the President's use, its proper operation must be assured.
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 Commission published a 60 day notice in the Federal Register on July 24, 2015 (80 FR 44105). No PRA comments were received.

9. No payment or gift was provided to the respondents.

10. Filings will be given the presumption of confidentiality. The Commission will allow test data and reports containing individual test data to be shared on a confidential basis with other Federal agencies and state governmental emergency management agencies that have confidentiality protection at least equal to that provided by the Freedom of Information Act (FOIA). See 5 U.S.C. § 552 (2006), amended by OPEN Government Act of 2007, Pub. L. No. 110175, 121 Stat. 2524 (stating the FOIA confidentiality standard, along with relevant exemptions).

11. This section does not address any private matters of a sensitive nature.

12. The following is a comprehensive review of burden estimates for the collection of all information under Part 11 of the FCC's rules. The burden estimates specific to the modified ETRS forms that are the subject of this requests are reflected below with respect to section 11.61. These estimates are based on FCC staff's knowledge and familiarity with the availability of the data.

	<u># of Respondents</u>	<u># of Responses per Respondent</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>
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
Section 11.21	50 (SECCs)	1	50	20 hours	1,000 hours	\$25	\$25,000
Section 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	10	1	10	0.5 hour	5 hours	\$38	\$190

11.41							
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 11.61	27,468	1	27,468	1.0 hour	27,468 hours	\$38	\$1,043,784
Totals	63,080		3,588,182		136,152 hours		\$5,144,864

13. Annual Cost Burden to the Respondent. The Commission 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 will use GS-13, Step 5, locality adjusted for the pay area of Washington-Baltimore-Northern Virginia in 2015 (\$49.32/ hour) to process the information submitted to the Commission in connection with sections 11.21, 11.35, 11.41, 11.43, and 11.52.

$$50 \times 6 \text{ hours} \times \$50.04 = \$15,012$$

$$300 \times 0.5 \text{ hours} \times \$50.04 = \$7,506$$

$$10 \times 0.5 \text{ hours} \times \$50.04 = \$250.20$$

$$10 \times 1.0 \text{ hours} \times \$50.04 = \$500.40$$

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

The reporting requirements adopted in the modified forms will not increase the total cost to the Federal Government.

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

15. Although the Commission is modifying this information collection to address certain non-substantive changes to the ETRS forms, this modification also corrects a prior clerical error that reported the burden per response for ETRS filers as .05 hours as opposed to 1 hour per response. Thus, although the total annual burden hours appears to have increased from the prior 110,476 hours to the current 136,152 hours, there have been no changes to the underlying collection from what OMB approved in 2011. There also have been no changes to the number of respondents or to the number of responses. Therefore, with these improvements, the ETRS continues to be minimally burdensome on EAS Participants.

16. The data will not be published.

17. 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.