

SUPPORTING STATEMENT

A. Justification: _

1. In a *Second Report and Order*, released August 13, 2014 in PS Docket No. 10-255 and PS Docket No. 11-153, FCC 14 -118, the Commission adopted requirements for all Commercial Mobile Radio Service (CMRS) providers and interconnected text providers (collectively, “covered text providers”) to support text-to-911 and deliver 911 texts to requesting PSAPs. The *Second Report and Order* recognized that current trends in mobile wireless usage reflect recent change from a predominantly voice-driven medium of communication to one based more on text and data transmissions. The need to expeditiously provide text-to-911 service is made more pressing because many consumers believe text-to-911 is already an available service, because of the unique value of text-to-911 for the millions of Americans with hearing or speech disabilities, and because of the crucial role it can play in protecting life and property when making a voice call would be dangerous, impractical, or impossible, *e.g.*, transmission problems.

To ensure that the potentially life-saving benefits of text-to-911 are available to all consumers as swiftly as possible, the *Second Report and Order* established a single, uniform deadline of December 31, 2014 for all covered text providers to be “text capable,” meaning they can process a text-to-911 from a subscriber and route it to the proper PSAP. By the December 31, 2014 “text-capable” deadline, a covered text provider should have taken any preparations necessary to provide text-to-911, including, for example, determining the solution it will use for delivering texts to 911 and obtaining location information sufficient to route texts to 911 to the appropriate PSAP. Under the *Second Report and Order*, covered text providers would then have a six-month implementation period – they must begin routing all 911 text messages to a PSAP by June 30, 2015 or within six months of a valid PSAP request for text-to-911 service, whichever is later.

The information collections contained in the adopted rules are necessary and vital to the swift implementation of text-to-911, a service by which the public will be able to reach 911 emergency services by sending text messages to PSAPs. The *Second Report and Order* noted that the rule sections containing information collection requirements were subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act. OMB approved these requirements on an emergency basis for a period of six months on October 27, 2014. *See* 79 FR 68132 (Nov. 14, 2014). OMB subsequently approved these requirements for a three-year period on April 20, 2015. *See* 80 FR 28271 (May 18, 2015). Based on the continuing public safety need for the information collections, the Commission is now seeking OMB’s approval for an additional three years, pursuant to all the necessary regular submission requirements under the Paperwork Reduction Act. The information collection requirements, as well as the updated burden calculations, are set forth below.

Information Collection Requirements

To implement the text-to-911 service requirements, the *Second Report and Order* imposed the following notification measures that constitute an information collection:

Section 20.18(n)(10)(i) – *Delivery of 911 text messages*. This rule is the general text-to-911 requirement, mandating that no later than December 31, 2014, all covered text providers must have the capability to route a 911 text message to a PSAP. The rule further requires covered text providers to obtain location information sufficient to route text messages to the same PSAP to which a 911 voice call would be routed, unless the responsible local or state entity designates a different PSAP to receive 911 text messages and informs the covered text provider of that change.

With respect to information collections specifically, the rule requires all covered text providers using device-based location information requiring consumer activation to clearly inform individual consumers that they must grant permission to the covered text provider to access the wireless device's location information, which will enable routing of the 911 text message to the appropriate PSAP. This consumer notification requirement ensures that consumers are aware of how to provide covered text providers with location information sufficient to route 911 text messages to the appropriate PSAP.

Section 20.18(n)(10)(ii) – This rule generally requires covered text providers to begin routing all 911 text messages to a PSAP by June 30, 2015, or within six months of the PSAP's valid request for text-to-911 service, whichever is later, unless an alternate timeframe is agreed to by the PSAP and the covered text provider.

With respect to information collections specifically, the rule requires that if an alternative timeframe is agreed to by the PSAP and the covered text provider, "[t]he covered text provider must notify the Commission of the dates and terms of the alternate timeframe within 30 days of the parties' agreement." This notification requirement is necessary to enable the Commission to follow up directly with those individual PSAPs or covered text providers in cases where the explanation for additional time is insufficient and to help monitor the transition to text-to-911. Covered text providers must file such notifications in the Commission's PS Docket Nos. 10-255 and 11-153.

Section 20.18(n)(10)(iii)(C) – The obligation of covered text providers to route 911 text messages is dependent on their receiving a valid PSAP request for service, indicating that the PSAP is capable of receiving 911 text messages. Under Section 20.18(n)(10)(iii), there are two initial criteria to constitute a valid PSAP request. First, the requesting PSAP must be technically ready to receive 911 text messages in the format requested and must certify its readiness. *See* Section 20.18(n)(10)(iii)(A). Second, the appropriate local or State 911 service governing authority must have specifically authorized the PSAP to accept, and by extension the covered text provider to provide, text-to-911 service. *See* Section 20.18(n)(10)(iii)(B).

Section 20.18(n)(10)(iii)(C) adds that a valid PSAP request also includes the PSAP providing notification to the covered text provider that the PSAP meets the foregoing two criteria. The *Second Report and Order* provided that as PSAPs become text-ready, they may either voluntarily register in the PSAP database made available by the Commission or provide other written notification reasonably acceptable to the covered text provider. Either measure taken by the PSAP shall constitute sufficient notice to covered

text providers of their obligation to deliver text-to-911 service. PSAPs that were already accepting texts as of December 31, 2014 were presumed to be text-ready and automatically registered in the database.

Section 20.18(n)(11) - Access to SMS networks for 911 text messages. This rule provides that to the extent CMRS providers offer Short Message Service (SMS), they shall allow access by any other covered text providers to the capabilities necessary for transmission of 911 text messages originating on such other covered text providers' application services.

Concerning information collections, this rule provides that covered text providers using the CMRS network to deliver 911 text messages must clearly inform consumers that absent an SMS plan with the consumer's underlying CMRS provider, the covered text provider may be unable to deliver 911 text messages. The rule also requires that CMRS providers may migrate to other technologies and need not retain CMRS networks solely for other covered text providers' 911 use, but they must notify the affected covered text providers not less than 90 days before the migration is to occur.

Further, as the *Second Report and Order* stated, CMRS providers are expected to make any necessary specifications for accessing their networks available to other covered text providers upon request, and to inform such covered text providers in advance of any changes in these specifications.

This information collection affects individuals or households. However, personally identifiable information (PII) is not being collected by the Commission or made available to or accessible by the Commission. The Commission therefore has no direct involvement in the collection of this information with respect to individuals and households. Instead, covered text providers using device-based location information requiring consumer activation must clearly inform individual subscribers that they must grant permission to the covered text provider to access the wireless device's location information in order to enable routing of the 911 text message to the appropriate PSAP.

Statutory authority for this collection is contained in Sections 1, 2, 4(i), 4(j), 4(o), 251(e), 303(b), 303(g), 303(r), 316, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 154(o), 251(e), 303(b), 303(g), 303(r), 316, 403, and Section 4 of the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, Sections 101 and 201 of the New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, and Section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, as amended 47 U.S.C. §§ 615a, 615a-1, 615b, 615c.

2. The Commission's Public Safety and Homeland Security Bureau (the Bureau) uses the data generated by the new information collections concerning a valid PSAP request for text-to-911 service to implement and maintain a centralized text-to-911 PSAP database. Using a centralized database allows PSAPs to provide notification in one place of their readiness to receive texts to 911. A PSAP's listing in the database serves as notice to all covered text providers, regardless of whether the PSAP has a previous relationship with the covered text provider. The database includes contact information so that covered text providers may coordinate with PSAPs regarding the PSAP's specific implementation criteria, such as the PSAP's selected method of receiving texts. The centralized database facilitates covered text providers periodically reviewing the text-readiness of PSAPs in their service areas and reaching out to these PSAPs as necessary to coordinate implementation of text-to-911 service. This text-to-911 PSAP registry simplifies the PSAP request process for both PSAPs and covered text providers.

The Bureau has prepared a form for PSAPs to complete and electronically file with the Commission to (1) indicate that the PSAP is text-ready and (2) provide the PSAP's contact information and other information necessary to notify covered text providers of the PSAP's readiness. This form assists the Commission in continuing to compile the database until the database is fully interactive. OMB approved the form as part of its approval of these collections for a three-year period on April 20, 2015. The Commission seeks OMB approval of the form, as well as the other information collections described herein, for an additional three years. An example of the form is attached to this Supporting Statement.

3. Most records are kept electronically. Once the centralized database is fully implemented, PSAPs will be able to access the text-to-911 PSAP database electronically from the Commission's website and provide updated information as often as they wish. Further, the Commission believes that information technology, including electronic mail, reduces the burdens on the public with respect to the notifications required by the rules.

4. The Commission does not impose similar information collections that can be used to implement text-to-911 service.

5. In conformance with the PRA, the Commission allows 100 percent of respondents to file or mutually exchange their notification information electronically. The Commission has limited the information requirements to those necessary either for evaluating and including the incoming data in the PSAP text-to-911 database or for facilitating the exchange of third-party notification information as set forth by the rules. The PSAP text-to-911 database is intended to facilitate and streamline the exchange of information between the PSAP and the covered text providers to make the notification process more efficient and less burdensome. Many entities subject to the information collections for text-to-911 will therefore be able to determine the PSAP service areas that are text-ready and thereby comply with the six-month timeframe to deliver 911 text messages.

6. The information collected will assist the Commission in ensuring public safety and will improve the public safety capabilities of PSAPs throughout the nation to receive 911 text messages. The information that the Commission has made available through the text-to-911 PSAP database enables covered text providers to determine which PSAPs are text-ready and to comply with the six-month timeframe for delivering 911 test messages to those PSAPs. In addition, the rules adopted by the Commission also include other information collections for third party notifications that need to be effective to implement text-to-911, including necessary notifications to consumers, covered text providers, and the Commission. These notifications are essential to ensure that affected parties are aware of the limitations, capabilities, and status of text-to-911 services.

7. No special circumstances exist that would cause this data collection to be conducted in any manner that is inconsistent with the guidelines in 5 C.F.R. § 1320(d)(2).

8. The Commission published a notice in the *Federal Register* on December 28, 2017 (82 FR 61565) to solicit the views of industry and the general public. The Commission has received no comments in response to the Notice in the *Federal Register*.

9. No payment or gift to respondents has been or will be made.

10. The Commission is not requesting that respondents submit confidential information to the Commission. The information collections pursuant to the *Second Report and Order* would not impact or modify any of the existing confidentiality procedures. As noted in the *Second Report and Order*, however, for any notifications by covered text providers informing the Commission of alternative arrangements and deployment schedules within 30 days of entering into such an agreement with a PSAP, pursuant to 47 C.F.R. § 0.459 of the Commission's rules, covered text providers may request confidential treatment for the notification or a portion of it when they file such notification in PS Docket Nos. 10-255 and 11-153. The Commission will work with respondents to ensure that their concerns regarding the confidentiality of any proprietary, business-sensitive, or security-sensitive information are resolved in a manner consistent with the Commission's rules.

11. As noted above in Question 1, this information collection may affect individuals or households to the extent that covered text providers using device-based location information requiring consumer activation must clearly inform individual consumers that they must grant permission to the covered text provider to access the wireless device's location information in order to enable routing of the 911 text message to the appropriate PSAP. Any personally identifiable information that is submitted by individuals to their covered text providers should be protected to the extent it is considered Customer Proprietary Network Information (CPNI) pursuant to 47 U.S.C. § 222(h)(1)(A) and 47 C.F.R. § 64.2001 *et seq.*

12. The Commission is updating the burden estimates for these collections in several respects. First, the Commission is reducing its estimate of the number of PSAPs in the United States to 5,806, which is the current figure from the National Emergency Number Association (NENA). (The previous estimate was 6,800.) Second, the Commission is revising the burden calculations to reflect the fact that a significant number of PSAPs have now completed the one-time requirement to request text-to-911 service. Finally, the Commission is updating its estimate of the hourly salary of a public safety official providing notifications on behalf of a PSAP. Estimates of the burden hours for the collection of information are based on Commission staff's knowledge and familiarity with the availability of the data required.

a. Notification to Current Subscribers under Section 20.18(n)(10)(i) – includes the notification requiring all covered text providers using device-based location information that requires consumer activation to clearly inform consumers that they must grant permission for the text messaging application to access the wireless device's location information in order to enable text-to-911.

The Commission estimates that there are 784 CMRS providers. This number is based on data from the U.S. Census Bureau, 2007 Economic Census, Sector 51, 2011 NAICS code 517210 for the category of Wireless Telecommunications Carriers (except Satellite). We also estimate that there are 17 interconnected text messaging application providers, based on a Commission staff survey of text messaging applications available through the Apple, Google, and Microsoft application stores. Accordingly, the Commission estimates that there are a total of 801 covered text providers. We also assume that to provide the required notification to consumers, the respondents will, on a one-time basis, either modify their current terms and conditions of service or provide initial notice when a consumer initially subscribes for an interconnected text messaging application. We estimate that it will take 8 hours to draft, review, and provide the required notification.

Total Number of Respondents on an Annual Basis: 17.

Frequency of Response: 1.

Total Number of Responses Annually:

17 covered text providers x 1 notification/annually = **17 responses.**

Total Annual Burden Hours:

17 covered text providers x 1 notification / annually x 8 hours/report = **136 hours.**

b. Notification related to Section 20.18(n)(10)(i): The Commission expects CMRS providers to make any necessary specifications for accessing their networks available to other covered text providers upon request, and to inform such covered text providers in advance of any changes in these specifications. We estimate that the 784 CMRS providers will provide information on the necessary specifications once per year to the 17 other covered text providers (providers of interconnected text messaging applications). We also estimate that a wireless carrier staff engineer will spend two hours providing and communicating this information to the other covered text providers.

Total Number of Respondents on an Annual Basis: 784.

Frequency of Response: 1.

Total Number of Responses Annually: 784 CMRS providers x 17 notifications/annually = **13,328 responses.**

Total Annual Burden Hours:

784 CMRS providers x 17 notifications/other covered text providers annually x 2 hours/notification = **26,656 hours.**

c. Section 20.18(n)(10)(ii) – the notification by covered text provider to the Commission of the dates and terms of an alternative timeframe for text-to-911 implementation within 30 days of agreement between the covered text provider and the PSAP. As noted above, NENA estimates that there are 5,806 PSAPs in the U.S. The Commission estimates that over the three-year period of the information collection, one-quarter of the 801 (or 200, rounded-down) covered text providers will reach agreement on an alternative timeframe for implementation with one-quarter (1,451) of the 5,806 PSAPs in the U.S. On an annual basis, we estimate that 67 covered text providers will reach agreement with 484 PSAPs. We also estimate that a covered text provider will need one hour to file the notification with the Commission.

Total Number of Respondents on an Annual Basis: 67 (rounded to a whole number).

Frequency of response: 1.

Total Number of Responses Annually:

67 covered text providers x 484 notifications/annually = **32,428 responses.**

Total Annual Burden Hours:

67 covered text providers x 484 notifications annually x 1 hour/notification = **32,428 hours**.

d. Section 20.18(n)(10)(iii)(C) – includes the PSAPs providing notification to the covered text providers that the PSAP meets the criteria for a valid PSAP request for text-to-911 service. The *Second Report and Order* provided that as PSAPs become text-ready, they may either voluntarily register in the text-to-911 PSAP database made available by the Commission or provide other written notification reasonably acceptable to the covered text provider. As noted above, we estimate that there are 5,806 PSAPs nationwide. As of the end of November 2017, approximately 1,296 PSAPs are already registered in the Commission’s database. We estimate that the remaining 4,510 PSAPs will either file notifications with the Commission or provide written notification to covered text providers over the three-year period of the information collection.

(1) PSAPs’ Notification to the Commission – The Commission estimates that over the three-year period of the information collection, 90 percent of the remaining 4,510 PSAPs (or 4,059 PSAPs) will file a notification with the Commission either by filing in PS Docket Nos. 11-153 and 10-255 or filling out the form that they can electronically transmit to the Commission. See the form attached to this Supporting Statement (containing a check box for PSAPs to certify that they are technically ready to receive 911 text messages). We also estimate that PSAPs will need one hour to fill out the form and transmit it to the Commission. The estimates below assume one-time reporting by PSAPs when they register in the database. Further, we expect that PSAPs will implement text-to-911 on a rolling basis as their technical capability and funding permit. Therefore, on an annual basis, we estimate that 1,353 PSAPs will file a notification with the Commission.

Total Number of Respondents Notifying the Commission on an Annual Basis: $(4,510 \times .90 / 3) = 1,353$.

Frequency of Response: 1.

Total Number of Responses Annually:

1,353 PSAPs x 1 notification/annually = **1,353 responses**.

Total Annual Burden Hours:

1,353 PSAPs x 1 notification/annually x 1 hour/notification = **1,353 hours**.

(2) PSAPs’ Notification to Covered Text Providers: The remaining 10 percent of the 4,510 PSAPs (or 451 PSAPs) will provide written notification to 801 covered text providers (based on the above estimate of covered text providers). The estimates below assume one-time reporting by PSAPs when they notify covered text providers. As noted above, we expect PSAPs to implement text-to-911 on a rolling basis as their technical capability and funding permit. Therefore, we estimate that on an annual basis 150 (rounded-down) P

(3) SAPs will notify covered text providers. We also estimate that PSAPs will need two hours to draft a notification, and we expect PSAPs to notify covered text providers on a one-time basis, e.g., through a statewide announcement, a local public notice, or a public web page posting.

Total Number of Respondents Notifying Covered Text Providers on an Annual Basis:
 $(4,510 \times .10 / 3) = 150$ (rounded-down)

Frequency of Response: 1.

Total Number of Responses Annually:

150 PSAPs x 1 notification/annually = **150 responses.**

Total Annual Burden Hours:

150 PSAPs x 1 notification/annually x 2 hours/notification = **300 hours.**

e. Section 20.18(n)(11) – requires the following two notifications:

- (1) Notification to consumers – covered text providers using the CMRS network to deliver 911 text messages must clearly inform consumers that absent an SMS plan with the consumer’s underlying CMRS provider, the covered text provider may be unable to deliver 911 text messages. For this information collection, we estimate that the 17 providers of interconnected text messaging applications using the CMRS network will be respondents. We also assume that to provide the required notification to consumers, the respondents will, on a one-time basis, either modify their current terms and conditions of service or provide initial notice when a consumer initially subscribes to an interconnected text messaging application.

Total Number of Respondents on an Annual Basis: 17.

Frequency of Response: 1.

Total Number of Responses Annually:

17 covered text providers x 1 notification/annually = **17 responses.**

Total Annual Burden Hours:

17 covered text providers x 1 notification/annually x 8 hours/report = **136 hours.**

- (2) Notification to affected covered text providers – CMRS providers that migrate to networks using technologies other than SMS text-to-911 networks must notify the affected covered text provider not less than 90 days before the migration is to occur. As noted above, we estimate that there are 784 CMRS and 17 interconnected text messaging application providers. Further, we estimate that over the three-year period of the information collection, all of the 784 CMRS providers will migrate to networks using technologies other than SMS or that 261 (rounded-down) CMRS providers will migrate annually. We estimate that a CMRS provider staff engineer will spend two hours providing this notification to each of the 17 interconnected text messaging application providers.

Total Number of Respondents on an Annual Basis: 261.

Frequency of Response: 1.

Total Number of Responses Annually:

261 covered text providers x 17 notifications/annually = **4,437 responses.**

Total Annual Burden Hours:

261 covered text providers x 17 notifications/annually x 2 hours/notification = **8,874 hours.**

Burden to the Respondents:

a.	Covered Text Providers' Notification to Current Subscribers	=	136 hours
b.	CMRS Wireless Carriers' Notification to Other Covered Text Providers	=	26,656 hours
c.	Covered Text Providers' Notification to the Commission of Agreement	=	32,428 hours
d.	PSAPs' Notification to Commission	=	1,353 hours
	PSAPs' Notification to Covered Text Providers	=	300 hours
e.	(1) Other Covered Text Providers' Notification to Subscribers	=	136 hours
	(2) CMRS Covered Text Providers' Notification to Other Covered Providers	=	<u>8,874 hours</u>
			69,883 hours

Total Number of Respondents: 17+784+67+1,353+150+17+261 = 2,649 Respondents

Total Number of Responses: 17+13,328+32,428+1,353+150+17+4,437 = 51,730 Responses

Total Annual Burden Hours: 136+26,656+32,428+1,353+300+136+8,874 = 69,883 Hours

IN-HOUSE COSTS TO RESPONDENTS:

The Commission estimates the hourly wage of a full-time in-house regulatory staff employee of the covered text providers that will be providing the notifications to be \$70.00/hour. The Commission also estimates the hourly wage of a full-time senior public safety official submitting notifications to either the Commission or covered text providers to be equivalent to a GS-14 Step 5 @ \$62.23/hour.¹ Therefore, the in-house costs to the respondents are as follows:

- a. *Covered Text Providers' Notification to Current Subscribers:* 17 responses x 8 hrs. x \$70/hr.
= **\$9,520**
- b. *CMRS Wireless Carriers' Notification to Other Covered Text Providers:* 13,328 responses x 2 hr.
x \$70/hr. = **\$1,865,920**

¹ Based on Office of Personnel Management (OPM), 2018 General Schedule (GS) Locality Pay Table, Hourly Rate https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB_h.pdf (locality: DC-MD-VA-WVA-PA).

- c. *Covered Text Providers' Notification to the Commission of Agreement:* 32,428 responses x 1 hrs. x \$70/hr. = **\$2,269,960**
- d. *PSAPs' Notification to Commission:* 1,353 responses x 1 hr. x \$62.23/hr. = **\$84,197.19**

PSAPs' Notification to Covered Text Providers: 150 responses x 2 hrs. x \$62.23/hr. = **\$18,669**
- e. (1) *Other Covered Text Providers' Notification to Subscribers:* 17 responses x 8 hrs. x \$70/hr. = **\$9,520**

(2) *CMRS Covered Text Providers' Notification to Other Covered Providers:* 4,437 responses x 2 hrs. x \$70/hr. = **\$621,180**

Total Annual "In-House" Costs:

$$\mathbf{\$9,520 + \$1,865,920 + \$2,269,960 + \$84,197.19 + \$18,669 + \$9,520 + 621,180 = \$4,878,966.10}$$

- 13. There is no cost to the respondents.
- 14. There are no costs to the Commission beyond what we consider to be part of the FCC's normal operating costs.
- 15. The Commission is reporting adjustments/decreases to this information collection since the last submission to OMB. The total respondents decreased from 3,370 to 2,649 (-721), the total annual responses decreased from 58,012 to 51,730 (-6,282), and the total annual burden hours decreased from 76,237 to 69,883 (-6,354). These significant reductions are based on the most current data from NENA regarding the number of PSAPs. The reductions also reflect the fact that a significant number of PSAPs have now completed the one-time requirement to request text-to-911 service.
- 16. The data will not be published for statistical use.
- 17. We do not seek approval not to display the expiration date for OMB approval of the information collection.
- 18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.