

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 Section 20.18(m)(4) and (m)(5) of 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.¹ In the initial City of Richardson Order, the Commission adopted rules clarifying what constitutes a valid PSAP request.²

In November 2002, the Commission released the City of Richardson Order on Reconsideration (Order on Reconsideration),³ 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

¹ 47 CFR § 20.18(m)(4) and (m)(5).

² *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, Order, 16 FCC Rcd 18982 (2001).

³ *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, Order on Reconsideration, 17 FCC Rcd. 24282 (2002).

Commission's rules. Carriers and PSAPs may choose to participate in the certification and private negotiation process. The Commission does not require participation.

In 2003, the Wireless Telecommunications Bureau established a separate docket for the filing of these certifications, which it referred to as *Richardson* certifications, and replies from PSAPs to these certifications. For administrative efficiency, all certifications and related documents were to be filed under WT Docket Number 03-76, as opposed to CC Docket Number 94-102, which was the general E911 docket.⁴

Further, in its 2015 *Indoor Location Accuracy Fourth Report and Order*, the Commission re-designated paragraph (j) of Section 20.18 as paragraph (m).⁵ Accordingly, the rule paragraphs for which the Commission seeks the extension of the information collection are now paragraphs (m)(4) and (5) of Section 20.18.⁶

In requesting this extension, the Commission has examined and reassessed several factors resulting in a change 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 increased from 794 in the existing approval to 967. The estimate of 967 CMRS providers is based on 2012 data from the U.S. Census Bureau⁷ (rather than the 2007 census data used in the existing approval). 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 5,783 primary and secondary PSAPs nationwide rather than the 6,800 PSAPs on which the Commission's previous (2016) burden estimates are based.⁸

The Commission also has examined the number of *Richardson* certifications it has received in recent years. The Commission's records indicate that since 2010, it has received only three certifications – one in 2014, one in 2013, and one in 2010. The Commission has not received any certifications since 2014. Accordingly, we are revising our estimate of the number of certification filings per year to one. We believe this is a conservative estimate and that it may well overstate the number of filings actually received.

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.*

⁴ *Wireless Telecommunications Bureau Establishes A New Docket For The Filing Of E911 Richardson Certifications By Wireless Carriers*, Public Notice, 18 FCC Rcd 4617 (WTB 2003).

⁵ *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, 30 FCC Rcd 1259, 1360, Appendix D (2015).

⁶ 47 CFR § 20.18(m)(4) and (m)(5).

⁷ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210. https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210.

⁸ NENA The 9-1- Association, 9-1-1 Statistics, <https://www.nena.org/page/911Statistics?&hhsearchterms=%22many+and+psaps%22> (last visited July 19, 2018).

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.

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 13205(d)(2).

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. § 1320.8(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 , September 18, 2018 (83 FR 47150). 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 5,783 primary and secondary PSAPs, each of whom can request wireless E911 service from multiple carriers. Additionally, according to data from the National Emergency Number Association, approximately 99.0 percent of the 5,783 PSAPs have E911 Phase II service, and approximately 99.4 percent of them have Phase I service.⁹ For purposes of the estimates in this submission, the Commission assumes that 99 percent of the nation's PSAPs have E911 service.

The Commission is not able to determine how many wireless carriers will file *Richardson* certifications, or how many PSAPs might choose to respond to carriers' proposed certification filings. However, as noted above, the Commission has examined its records regarding the number of certifications it has received in recent years. The Commission's records indicate that since 2010, it has received only three certifications – one in 2014, one in 2013, and one in 2010. The Commission has not received any certifications since 2014. Accordingly, we are revising our estimate of the number of *Richardson* certification filings per year to one. We believe this is a conservative estimate and that it may well overstate the number of filings actually received. Based on this, the Commission's estimates, as calculated below, show a significant reduction in the annual burden hours in this submission.

a. Certification and Notification Requirements:

The Commission expects that one CMRS provider per year will file a Richardson certification and notify the affected PSAP of that filing. The Commission expects that the carrier will have staff engineers or attorneys complete the certification filing and that the 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.

Annual Hours for Certification and Associated Notification per Carrier:
4 hours per submission x 2 submissions = 8 burden hours
2 submissions x 1 carrier = 2 responses;
Total Annual Hours for Certification and Associated Notification for 1 carrier:
8 burden hours x 1 carrier = **8 total annual burden hours.**

b. PSAP Response Option:

⁹ NENA The 9-1- Association, 9-1-1 Statistics, <https://www.nena.org/page/911Statistics?&hhsearchterms=%22many+and+psaps%22> (last visited July 19, 2018).

The Commission estimates that one CMRS wireless carrier will decide to certify PSAP E911 inability and notify the affect PSAP annually. Consistent with this, the Commission believes that **one PSAP annually** will elect to respond in some fashion to the challenge to its ability to receive and use E911 data. The Commission believes that this PSAP will use a staff attorney to prepare its 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:

1 response

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

1 PSAP reply x 2 hours per PSAP = 2 annual burden hours.

c. Wireless Carrier Agreement Burden:

Because of the steep decline in the number of wireless carriers filing *Richardson* certifications, the Commission believes that the number of wireless carriers who may elect to negotiate an alternative E911 deployment schedule with the relevant PSAP has also declined sharply. The Commission believes that approximately 10 of the total 967 wireless carriers annually may elect to negotiate 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 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 10 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:

10 wireless carriers

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

3 hours per agreement x 10 wireless carriers = 30 annual burden hours

d. PSAP Agreement Burden:

Similarly, the Commission estimates that about 10 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:

10 PSAPs

Annual Hours PSAPs to Arrange an Alternative Implementation Schedule:

3 hours per agreement x 10 PSAPs =30 annual burden hours.

Total responses for this requirement (12b., c., and d.) : 2 responses +1 response +10 responses + 10 responses = 23 responses

Total for this requirement (12b., c., and d.): 8 hours + 2 hours + 30 hours + 30 hours = 70 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.

CMRS Carriers. The Commission believes that each wireless carrier will use an in-house staff attorney or engineer (\$60 per hour)¹⁰ to complete the certification to toll the implementation period and notify PSAPs of its action.

8 burden hours annually per entity x \$60 = \$480 annually per entity

\$480 x 1 entity= \$480 total annual cost burden.

b. PSAP Response Option.

The Commission estimates that the one PSAP that decides to respond to wireless certification of PSAP E911 capability will use staff attorneys (\$60 per hour) to prepare its response.

2 burden hours annually per PSAP x \$60 = \$120 annually per PSAP

\$120 x 1 PSAP = \$120 total annual cost burden.

c. Wireless Carrier Agreement Burden.

The Commission expects that all of the 10 wireless carriers who will coordinate alternative E911 implementation date agreements will assign staff attorneys (\$60 per hour) to complete these agreements.

3 hours per wireless carrier x \$60 = \$180 per carrier per year

\$180 x 10 carriers = \$1,800 total annual cost burden.

d. PSAP Agreement Burden.

The Commission estimates that all of the 10 PSAPs who will coordinate alternative E911 implementation date agreements with wireless carriers will use staff attorneys (\$60 per hour) to complete these agreements.

3 hours per PSAP annually x \$60 = \$180 annually per PSAP

\$180 x 10 PSAPs = \$1,800 total annual cost burden.

¹⁰ The Commission used the mean hourly salary rate for lawyers at \$68.22 and electronics engineers hour salary rate at \$51.33 in order to obtain the average salary per hour. We added \$68.22+\$51.33=\$119.55 divided 2 = \$59.77 and rounded up to \$60 per hour. The salary information was retrieved from the Bureau of Labor of Statistics and may be found at https://www.bls.gov/oes/current/oes_nat.htm#17-0000.

GRAND TOTAL RESPONDENTS: 1 + 1 + 10 + 10 = 22 respondents.

GRAND TOTAL RESPONSES: 2 + 1 + 10 + 10 = 23 responses.

GRAND TOTAL OF IN-HOUSE COSTS TO THE RESPONDENT: \$480 + \$120 + \$1,800 + 1,800 = \$4,200.

GRAND TOTAL ANNUAL BURDEN HOURS: 8 hours + 2 hours + 30 hours + 30 hours = 70 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 \$62.23 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 one certification annually.

2 hours per submission x \$62.23 x 1 submission = \$124.46.

Total cost to the government: \$124.46.

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

The Commission is reporting adjustments/decreases in this information collection. Based on updated information from the U.S. Census Bureau and NENA, as well as a review of the number of *Richardson* filings the Commission has received in recent years, the total number of respondents decreased from 478 to 22 (- 456), the total number of responses decreased from 482 to 23 (- 459), and the total annual burden hours decreased from 1,554 to 70 (- 1,484). These adjustments/decreases are primarily due to a steep decline in the number of wireless carriers filing certifications under this information collection.

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).

There are no exceptions to Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.