

## **SUPPORTING STATEMENT**

The Commission seeks OMB approval to extend the existing information collection (required by the NET 911 Act and *Order*). There is no change in the Commission's estimated number of respondents, responses and/or burden hours. In our last submission to OMB, the Commission stated that we planned to merge the information collection requirements contained in this collection into OMB Control Number 3060-1085, Section 9.5, Interconnected Voice Over Internet Protocol (VoIP) E911 Compliance, into a single collection. However, the Commission was unable to do it at the time OMB Control Number 3060-1085 was up for renewal. After OMB approval is received, the Commission will consolidate this information collection into 3060-1085. Then, we will discontinue this information collection at a later date.

### **A. Justification**

1. On July 23, 2008, President Bush signed the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act).<sup>1</sup> Among other things, the NET 911 Act explicitly imposes on each interconnected voice over Internet Protocol (VoIP) provider the obligation to provide 911 and E911 service in accordance with the Commission's existing requirements.<sup>2</sup> In addition, the NET 911 Act directs the Commission to issue regulations by no later than October 21, 2008 that ensure that interconnected VoIP providers have access to any and all capabilities they need to satisfy that requirement.

On October 21, 2008, the Commission released a *Report and Order (Order)*, in WC Docket No. 08-171,<sup>3</sup> that implements certain key provisions of the NET 911 Act.<sup>4</sup> As relevant here under the Paperwork Reduction Act (PRA), the Commission requires an owner or controller of a capability that can be used for 911 or E911 service to make that capability available to a requesting interconnected VoIP provider under certain circumstances. In particular, an owner or controller of such capability must make it available to a requesting interconnected VoIP provider if that owner or controller either offers that capability to any commercial mobile

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<sup>1</sup> New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 122 Stat. 2620 (2008) (NET 911 Act) (amending Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (1999) (Wireless 911 Act)).

<sup>2</sup> See NET 911 Act § 101(2); Wireless 911 Act § 6(a). The Commission regulations imposing 911 and E911 service obligations on interconnected VoIP providers are codified at 47 CFR §§ 9.1 *et seq.* See *IP-Enabled Services*, WC Docket No. 04-36, *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196, 20 FCC Rcd 10245 (2005) (*E911 VoIP Order*) (adopting the regulations under Part 9 of the Commission's rules).

<sup>3</sup> Implementation of the NET 911 Improvement Act of 2008, *Report and Order*, 23 FCC Rcd 15884 (2008) (*Order*).

<sup>4</sup> Statutory authority for the Order is contained in sections 1, 4(i), 4(j), 251(e) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 251(e), 303(r), and section 101 of the NET 911 Act, 122 Stat. 2620.

radio service (CMRS) provider or if that capability is necessary to enable the interconnected VoIP provider to provide 911 or E911 service in compliance with the Commission's rules.<sup>5</sup>

As the design and operation of 911 architectures have developed on a localized basis, there is substantial variation in how these systems are built and operated. Nevertheless, in many locations, the *Order* has the effect of mandating the collection of *Automatic Location Information (ALI)*, as explained in more detail below. In certain locations, the *Order* may also require the collection of other types of information.

This information collection does affect individuals or households, and thus, there are impacts under the Privacy Act. However:

- (1) The information that is related to individuals or households is collected by a third party, the interconnected VoIP provider;
- (2) The FCC has no direct involvement in the collection of this information on individuals or households; and
- (3) Since the FCC has no direct involvement in the collection of this information, the Commission is not required to complete a privacy impact assessment.
- (4) Further, interconnected VoIP providers generally have written privacy policies governing the treatment of information collected from their subscribers, to include information regarding a customer's Registered Location.

Statutory authority for this information collection is contained in the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act), P.L. No. 110-283, 122 Stat. 2620 (2008) (to be codified at 47 U.S.C. § 615a-1), and section 222 of the Communications Act of 1934, as amended.

2. The existing E911 network is a dedicated, redundant, highly reliable wireline network (Wireline E911 Network) which is interconnected with but largely separate from the public switched telephone network (PSTN).

When a 911 call is placed, the call is routed to the appropriate emergency answering point based on the location information contained in an Automatic Location Information database (ALI Database) maintained by the entity that operates the Wireline E911 Network. The ALI Database thus contains location information that telephone service providers, including interconnected VoIP providers, have collected from their customers and provided to the entity that operates the Wireline E911 Network. The ALI Database also is used to provide location information to emergency answering points that request such information.

As stated above, in a previous action in 2005,<sup>6</sup> the Commission required interconnected VoIP providers to collect location information from their customers (reporting requirement) and disclose it to the entities (third party disclosure requirement) that own or control an ALI Database. This collection is contained and approved by OMB under OMB Control Number 3060-1085, Section 9.5, Interconnected Voice Over Internet Protocol (VoIP) E911 Compliance.

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<sup>5</sup> 47 CFR § 9.7(a).

<sup>6</sup> See *E911 VoIP Order*.

The present *Order* provides that the entities that own or control the ALI Database must make that database available to interconnected VoIP providers.<sup>7</sup> Thus, the new obligation to make the ALI Database and other 911 and E911 capabilities available to interconnected VoIP providers mirrors the existing requirement that interconnected VoIP providers have to provide 911 and/or E911 service. They need access to those capabilities to provide the required emergency service.

Although the NET 911 Act and the Commission's implementing rules are separate legal requirements, all of the relevant costs of the entities that own or control an ALI Database were previously described in OMB Control Number 3060-1085, Section 9.5, Interconnected Voice Over Internet Protocol (VoIP) E911 Compliance. On September 19, 2018, the Office of Management and Budget approved the extension without change of OMB Control Number 3060-1085.

3. Entities that make information available in or through ALI Databases do so by electronic means.
4. None of the information collected as a result of the *Order* will be duplicative of other information.
5. The Commission has attempted to balance the economic interests of small businesses with the public's great interest in access to E911 services when using interconnected VoIP services:
  - A. In the *NET 911 Notice*, the Commission specifically sought comment on the costs and burdens any new rules might impose upon small entities and how these costs could be ameliorated.
  - B. In the Commission's regulatory flexibility analysis that accompanied the *Order*, the Commission emphasized that it must assess the interests of small businesses in light of the NET 911 Act's goal of ensuring that interconnected VoIP providers have access to any and all capabilities they need to provide 911 and E911 service.
  - C. The Commission considered but declined to issue highly detailed rules listing specific capabilities or entities with ownership or control of those capabilities.<sup>8</sup> The Commission recognized that the nation's 911 system varies from locality to locality, and overly specific rules would fail to reflect these local variations, and would thereby place undue burdens on all entities, including any small entities, involved in providing E911 service. Small interconnected VoIP providers and small entities that own or control those capabilities will benefit from the flexibility of the Commission's rules, which, as noted above, will accommodate the local variations as well as the various technologies necessary for 911 and E911 service.
  - D. As a practical matter, the Commission does not anticipate significant deviation from current practices, particularly from small entities as a result of the *Order*. Many interconnected VoIP providers today are successfully delivering E911 calls to the

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<sup>7</sup> If the location information from customers of interconnected VoIP service were not included in the ALI Database, those customers' ability to obtain emergency serviced by dialing 911 would be jeopardized.

<sup>8</sup> See *id.* at para. 22.

appropriate emergency answering point.

6. The collection and disclosure of ALI must be conducted on an “as needed” basis in order to ensure that E911 service is available to all customers of interconnected VoIP service.
7. There are no special circumstances under 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. *See* 84 FR 11089 (March 25, 2019). No comments were received as a result of the notice.
9. Respondents will not receive any gifts or payments.
10. To implement section 222 of the Communications Act, 47 U.S.C. § 222, the Commission’s rules impose a general duty on carriers to protect the privacy of customer proprietary network information and carrier proprietary information from unauthorized disclosure. *See generally* 47 CFR §§ 64.2001 *et seq.* In the *Order*, the Commission additionally has clarified that the Commission’s “rules contemplate that incumbent LECs and other owners or controllers of 911 or E911 infrastructure will acquire information regarding interconnected VoIP providers and their customers for use in the provision of emergency services. We fully expect that these entities will use this information only for the provision of E911 service. To be clear, no entity may use customer information obtained as a result of the provision of 911 or E911 services for marketing purposes.” *See Order*, para 39.
11. This information collection does not address any private matters of a sensitive nature.
12. *Respondent Burdens.* The Commission is not currently aware of any existing data or information regarding the number of entities that will be impacted by the information collection obligations set forth in the *Order*. The Commission has estimated there to be 12 interconnected VoIP providers respondents for the information collected in 3060-1085. *See* 83 FR 35000 (Jul. 24, 2018) (estimating the number of interconnected VoIP providers (respondents) for the information collection requirements at 12). Interconnected VoIP providers in most circumstances provide E911 service by partnering with a traditional telecommunications carrier or through outsourcing rather than by obtaining 911 and E911 capabilities directly. Consequently, we estimate that each interconnected VoIP provider identified above will collect and disclose information subject to the Paperwork Reduction Act to no more than 5 respondents, including those who own or control an ALI Database.

The Commission estimates the following:

5 interconnected VoIP providers (respondents) x 12 entities (who own or control a relevant 911 or E911 capability) = 60 respondents.

We are not aware of any significant respondent burdens associated with the present collection. We anticipate that the obligations in the *Order* would be triggered only if a respondent had already constructed and was operating a relevant 911 or E911 capability. Consequently, we assume that all 60 respondents have existing 911 or E911 capabilities that they are operating and making available to other providers of telephone service. Due to the limited amount of information being collected, and its use in the routing of 911 calls and services provided to emergency call takers, we believe respondents will use their existing

processes to collect the information at issue in this analysis. Due to the existing, routine, and largely automated nature of the present data collection, we estimate the information collection obligations in the *Order* impose approximately a 5 minute burden per respondent.

60 respondents x 0.0833 hours (5 minutes) per respondent = 5 total annual burden hours.

**Total Respondents: 60 respondents**

**Total Responses: 60 responses**

**Total Annual Burden Hours: 5 hours**

**Total In-House Costs to the Respondent: None.** The Commission already has accounted for the cost burden of designing the systems that enable interconnected VoIP providers to obtain 911 and E911 capabilities from respondents, which give rise to the present information collection, under OMB Control No. 3060-1085. To avoid double-counting these burdens, we therefore estimate respondents have zero costs associated with the present collection.

13. *Respondent Costs.* There are no outside costs to the respondent. The Commission already has accounted for the outside costs to the respondent under OMB Control No. 3060-1085, Section 9.5, Interconnected Voice Over Internet Protocol (VoIP) E911 Compliance.
14. This collection will not result in costs to the Federal government.
15. There are no adjustments or program changes with this information collection.
16. The data will not be published for statistical use.
17. The information collected will be functionally incorporated into a telephone system switch that is a component of 911 and E911 provisioning systems. In addition, there are no FCC forms associated with this information collection. Therefore, it is not feasible to display on an FCC form or in the 911 and E911 provisioning system the expiration date for OMB approval of the information collection. Finally, the Commission publishes a list of all OMB-approved information collections 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**

This information collection does not employ any statistical methods.