

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. Provide a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.

Provide some background information on your program and how the proposed collection supports it.

This information collection is associated with the Commission's outage reporting rules that historically have required a set of communication service providers to report to the Commission when they experience a service disruption, or "outage" in their respective networks.¹ In 2004, the Commission replaced its original outage reporting requirements from the 1990s² with outage reporting requirements for service providers of wireline, wireless, satellite, cable, interexchange, local exchange, and SS7 service.³ Then, in 2012, the Commission further expanded the requirements to include interconnected voice over Internet protocol (interconnected VoIP) service providers.⁴ Finally, in 2016, the Commission adopted a set of improvements to these rules in the *2016 Part 4 Report and Order and Order on Reconsideration*.⁵

¹ See 47 CFR § 4.5. Communications service providers required to report outages to Commission using NORS include the following: cable, SS7, Interexchange Carrier (IXC) or Local Exchange Carrier (LEC) tandem facilities, satellite, wireless, wireline and interconnected Voice over Internet Protocol (VoIP) providers (Communications Providers). See 47 CFR § 4.3 and 47 CFR § 4.9 (describing the outage reporting requirements for communications service providers). See also *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 16830 (2004) (*2004 Part 4 Report and Order*).

² Since 1992, the Commission has required telecommunications carriers (other than cellular and satellite providers) to report significant disruptions to voice and paging communications services. See former 47 C.F.R. Section 63.100 (2003) (first adopted in 1992). See *In the Matter of Notification by Common Carriers of Service Disruptions*, CC Docket No. 91-273, Report and Order, 7 FCC Rcd 2010 (1992); *Amendment Of Part 63 Of The Commission's Rules To Provide For Notification By Common Carriers Of Service Disruptions*, CC Docket No. 91-273, Memorandum Opinion and Order and Further Report and Order of Proposed Rulemaking, 8 FCC Rcd 8517 (1993); *Amendment Of Part 63 Of The Commission's Rules To Provide For Notification By Common Carriers Of Service Disruptions*, CC Docket No. 91-273, Second Report and Order, 9 FCC Rcd 3911 (1994); *Amendment Of Part 63 Of The Commission's Rules To Provide For Notification By Common Carriers Of Service Disruptions*, CC Docket No. 91-273, Order on Reconsideration, 10 FCC Rcd 11764 (1995).

³ See *2004 Part 4 Report and Order*.

⁴ See *Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Docket No. 11-82, Report and Order, 27 FCC Rcd 2650 (2012).

⁵ See *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, et.al.*, PS Docket Nos. 15-80, *et.al.*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5817 (2016) (*2016 Part 4 Report and Order and Order on Reconsideration*).

In 2004, to facilitate the process when service providers file in accordance to the outage reporting requirements, the Commission created the Network Outage Reporting System (NORS), a web-based filing system. NORS uses an electronic form to promote ease of reporting and encryption technology to ensure the security of the information filed. Providers submit into NORS three types of filings, (1) Notifications, (2) Initial Reports (for non-interconnected VoIP outages), and (3) Final Reports. These filings contain sensitive information about service disruption or outages that, among other things, include: reason the event is reportable, incident date/time and location details, states affected, number of potentially affected customers, and whether E911 was impacted.⁶

The Federal Communications Commission (FCC or Commission) is requesting Office of Management and Budget's (OMB) approval of an extension of this information collection (OMB Control Number 3060-0484) in order to obtain the full three-year clearance.⁷

Statutory authority for this collection of information is contained in 47 U.S.C. sections 151, 154(i)-(j) & (o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 316, 332, 403, 615a-1, and 615c.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.⁸

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 current collection.

One of OMB's standards under the PRA is whether the information has "practical utility." Practical utility refers to the usefulness of information to carry out the agencies functions in a timely manner. It must be demonstrated that the information being collected will be used for a practical and necessary program purpose.

As stated in previous filings for this information collection,⁹ the general purpose of the Commission's Part 4 rules is to gather sufficient information regarding service disruptions to telecommunications. Through this information collection, data received facilitates the Commission's monitoring, analysis, and investigation of the reliability and security of voice, paging, and interconnected VoIP communications services. Data received through this information collection also helps the Commission identify and act on potential threats to our Nation's telecommunications infrastructure. Moreover, the Commission uses this information collection to identify the duration, magnitude, root causes, contributing factors with respect to significant outages, and to identify outage trends; support service restoration efforts; and help coordinate with public safety officials during times of crisis.

⁶ Federal Communication Commission, "Network Outage Reporting System User Manual," version 3 (2018) <https://www.fcc.gov/file/12265/download>.

⁷ Office of Management and Budget, Notice of Office of Management and Budget Action, "Section 4.9, Part 4 of the Commission's Rules Concerning Disruptions to Communications," ICR Reference Number 201611-3060-001 (Jan. 17, 2017) (approving the information collection through January 31, 2020).

⁸ 5 U.S.C. § 552a.

⁹ See, e.g., Supporting Statement, OMB Control No. 3060-0484, Section 4.9, Part 4 of the Commission's Rules Concerning Disruptions to Communications at 3 (August 2016) (2016 Supporting Statement).

The Commission also maintains an ongoing dialogue with reporting service providers, as well as with the telecommunications industry at large. Here, the Commission uses the information collection to draw lessons learned in order to foster a better understanding of significant outages' root causes, and to explore preventive measures in the future so as to mitigate the potential scale and impact of such outages.

Collection of such information through NORS has already been approved by OMB and the Commission seeks to renew the collection for another full term.

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.

Describe any consideration given to the use of improved information technology to reduce the burden on the public.

The information collection is administered by the FCC's Public Safety and Homeland Security Bureau (PSHSB), which maintains the NORS web-based portal for the electronic submission of NORS filings.¹⁰ To facilitate compliance with the reporting requirements, the Commission developed web-based templates that it makes available on the NORS web portal. Service providers use the templates to enter their information about outages experienced in their networks. These submissions are then made available to Commission staff in real time in the NORS web-based portal.

For ease of administration, each service provider may request credentials for NORS for two types of accounts. A user account with two levels of privileges: (a) filings submission on behalf of the service provider; and (b) filings access to all submissions filed on behalf of the service provider, including filings submitted by others acting on behalf of the service provider. Further, other user accounts with a more limited role to submit and view only their respective filings for the service provider. To further facilitate ease of use, users may draw from previously submitted information in a Notification or an Initial Report to submit a Final Report for the same event. For the service providers with automatic filing systems, NORS is equipped with an interface to accept outage filings via automatic filing systems.

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.

The information collected is not duplicative of other information received by the Commission.

¹⁰ See 47 C.F.R. 4.11. See Federal Communications Commission, Network Outage Reporting System Portal, NORS 3.0 Login page, <https://www.fcc.gov/licensing-databases/fcc-user-login> (last accessed September 17, 2019). In the event of technical impediments to using the web-based system, written notifications, initial reports, or final reports may be submitted to the Commission by email, fax, courier, or U.S. mail. See 47 C.F.R. 4.11; 2004 Part 4 Report and Order, 19 FCC Rcd at 16871-72, para. 75.

5. If the collection of information will have *significant economic impacts on small businesses, organizations or other small entities, describe any methods used to minimize the burden on these entities.*

The Commission does not relieve small providers, in whole or in part, from the outage reporting obligations. However, the Commission explained in the Final Regulatory Flexibility Analysis (FRFA) that accompanied the *Report and Order* and *Order on Reconsideration* adopted in 2016, that the agency believed that the “outage reporting triggers are set sufficiently high as to make it unlikely that small businesses would be impacted significantly by the final rules.”¹¹

6. Describe the consequences to a Federal program or policy activity, if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reduce burden.

If the information will be collected only once, it is appropriate to state that the collection is a “one-time collection.”

The Commission has a statutory mandate to “promot[e] the safety of life and property through the use of wire and radio communications,”¹² and Congress has delegated to the Commission specific responsibilities to “designate 911 as the universal emergency telephone number for reporting an emergency to appropriate authorities and requesting assistance.”¹³ The Commission’s efforts to ensure that such reports and requests for assistance can reliably be transmitted are “necessary in the public interest to carry out” these provisions of the Communications Act.¹⁴ The information collection associated with the Commission’s outage reporting requirements provides the Commission with timely and reliable data that enables the agency to monitor the reliability of communication networks. Therefore, the information is collected throughout the year.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB’s guidelines which are stated in 5 C.F.R. § 1320.5(d)(2).

These special circumstances include any of the following situations: (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document if paper copies are required; (d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to product valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not

¹¹ *Part 4 Report and Order and Order on Reconsideration*, 31 FCC Rcd at 5920, app. D, para. 18.

¹² 47 U.S.C. § 151.

¹³ 47 U.S.C. § 251(e)(3).

¹⁴ 47 U.S.C. § 201(b). See also *IP-Enabled Services, et.al.*; First Report and Order and Notice of Proposed Rulemaking, WC Docket No. 04-36, *et.al.*, 20 FCC Rcd 10245, 10265, para. 34 (2005), *aff’d sub nom. Nuvio Corp. v. FCC*, 473 F.3d 302 (D.C. Cir. 2007) (*VoIP 911 Order*) (recognizing plenary authority under Section 251(e) to require “network changes” needed to ensure safe, reliable, nationwide 911 system).

supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This information collection is consistent with the requirements of 5 C.F.R. § 1320 and the criteria listed in this Supporting Statement. While the information collection requires respondents to submit information at short intervals after the respondent discovers that it is experiencing an outage in its network, respondents already monitor their networks for these service disruptions and submitting this information is accounted for in this statement. Moreover, respondents may submit proprietary or other sensitive information as a result of this information collection, however, the Commission treats submissions and the information contained therein as presumptively confidential. The Commission does not anticipate circumstances that would result in a collection of information in an inconsistent manner.

8. Identify the date and page number of publication in the Federal Register of the agency's Paperwork Reduction Act (PRA) 60-day notice, required by 5 CFR 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, and on the data elements to be recorded, disclosed, or reported. If no comments were received from the public, indicate "no PRA comments were received from the public."

The Commission published a Federal Register 60-day notice (84 FR 54903) on October 11, 2019, seeking comments on the information collection requirements contained in this supporting statement.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Justify why any payment or gift to respondents is necessary. If respondents will not receive any payment or gift, state that "no payment or gift will be given to respondents."

No payment or gift to respondents has been or will be made in connection to this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Cite the authority for promising confidentiality if there are plans to collect identifiable information. Explain what methods will be used to maintain the privacy and confidentiality of the respondents. If the Privacy Act applies to a collection, it can be used as the statutory authority for maintaining the privacy of respondents who are individuals. The Privacy Act generally applies if

records in the collection will be primarily retrieved by personal identifiable information such as name, Social Security Number, or date of birth.

Outage reports filed with the Commission pursuant to Part 4, and the information contained therein, are presumed confidential.¹⁵ The filings are shared in real-time with the Department of Homeland Security through a password-protected access to the NORS web-based portal.¹⁶ Other persons seeking disclosure must follow the procedures delineated in 47 C.F.R. Sections 0.457 and 0.459 of the Commission's rules for requests for and disclosure of information.

11. Provide additional justification for any questions of a sensitive nature.

The justification should include the reasons why the questions are necessary, the specific uses for the information, the explanation to be given to the respondents, and any steps taken to obtain their consent.

This collection of information does not address any matters of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

The statement should: indicate the number of respondents annually, the frequency of responses, total number of responses annually (annual respondents x frequency of responses for the year), average response time per response, the annual burden hours (annual number of responses x average response time), and an explanation of how the burden was estimated. Response time includes not only the time necessary to complete the response, but also the time to gather information and have it reviewed.

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. The burden should be calculated under this item for each information collection requirement and a cumulative total should be calculated for the collection.

Also, provide estimates of annualized "in-house" cost to respondents for the burden hours for the information collections, identifying and using appropriate wage rate categories.

The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.

Number of Respondents: The Commission estimates that **965** respondents will be required to submit information under the Part 4 rules. This is a net increase of 167.¹⁷

¹⁵ See 47 C.F.R. 4.2.

¹⁶ 2004 Part 4 Order, 19 FCC Rcd at 16856, para. 47 (making NORS reports available to DHS "in encrypted form and immediately upon receipt"). DHS may share relevant information with other federal agencies at its discretion. See 2004 Part 4 Report and Order, 19 FCC Rcd at 16856, para. 47.

¹⁷ 965 respondents – 798 respondents (reported in 2016) = 167 respondents. See 2016 Supporting Statement at 6.

Frequency of Response: The Commission estimates that **26,795** responses per outage will be filed per year for the outage reporting obligations under Part 4. In total, the Commission estimates that there will be an increase of 13,783 outages per year.¹⁸

Annual Hour Burden: The existing information collection already approved by OMB includes three components: a Notification that an outage event has occurred, an Initial Report containing detailed information on the outage event (for non-interconnected VoIP service outage events), and a Final Report containing detailed information on the outage event and how the event was resolved. The Commission has previously estimated that reporting entities will require 15 minutes to file a Notification with the Commission, and that the more detailed Initial Report (for non-interconnected VoIP service providers) will ordinarily not take more than 45 minutes to complete and submit to the Commission.¹⁹ The Commission further estimated that respondents will ordinarily not need more than one hour to complete and submit electronically a Final Report to the Commission within 30 days after the outage was discovered.²⁰ Thus, the total time needed to submit all filings pertinent to each outage that meets or exceeds the reporting threshold criteria has been estimated to be less than two (2) hours as follows:

$$\begin{aligned} &15 \text{ minutes [Notification]} + 45 \text{ minutes [Initial Report]} + 1 \text{ hour [Final Report]} \\ &= 2 \text{ hours maximum for each outage.}^{21} \end{aligned}$$

The Commission believes these estimates remain valid. Indeed, the Commission noted previously that the two-hour estimate was conservative, and that time required to file the information for each outage was, more likely, estimated to be approximately 1 to 1.5 hours.²² The Commission assumes that for purposes of this calculation that each outage event will require a submission of a Notification, an Initial Report, and a Final Report. The Commission believes that this is a conservative figure because service providers may file more than one initial report at times when they learn new information before the final report is due, or in the case of interconnected VoIP service providers, may only file a Notification and a Final Report.

$$\begin{aligned} &26,795 \text{ outages} * 15 \text{ minutes to complete Notification} = 6,698.75 \text{ hours} \\ &26,795 \text{ outages} * 45 \text{ minutes to complete Initial Report} = 20,096.25 \text{ hours} \\ &26,795 \text{ outages} * 60 \text{ minutes to complete Final Report} = 26,795 \text{ hours} \end{aligned}$$

$$\text{Sum: } 6,698.75 \text{ hours} + 20,096.25 \text{ hours} + 26,795 \text{ hours} = 53,590 \text{ hours}$$

Additional Burden hours: 25,066 burden hours reported in 2016 – 53,590 burden hours estimated = 28,585 additional burden hours.

Additional In-House Cost: 13,783 additional outages filed annually * 2 hours per outage * one technician at \$80/hour = \$2,205,280 in additional in-house cost.

¹⁸ 13,012 - 26,795 = 13,783.

¹⁹ See 2016 Supporting Statement at 9.

²⁰ See *id.*

²¹ See 2016 Supporting Statement at 9; 2015 Supporting Statement at 9; 2014 Supporting Statement at 9.

²² See 2016 Supporting Statement at 9.

In 2016, the Commission previously estimated a total of 25,006 annual burden hours and \$2,000,480 in annual in-house costs.²³ The Commission estimates a total of 53,590 annual burden hours and a total of \$4,287,200 in annual in-house costs.²⁴

Method of Calculating Burden: The Commission explains above the calculation method to determine the impact on reporting burdens associated with the estimated responses expected.

Variance in Burden: The Commission expects that the limited impact of the extension to be shared widely among entities that are subject to Part 4, although larger entities will continue to be more likely than smaller ones to experience outages of sufficient scale to trigger a reporting obligation.

Summary of Respondents and Burden:

Total Number of Respondents: 965.

Total Number of Annual Responses: 26,795.

Total Annual Burden Hours: 53,590 hours.

Total Annual In-House Costs: \$4,287,200.

13. Provide estimate for 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).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. Hiring contracting personnel to fulfill requirements on behalf of respondents is captured under this component.

The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include among other items, preparations for collecting information such as purchasing computers and software, other equipment; and record storage facilities.

If cost estimates are expected to vary widely, present ranges of cost burdens and explain the reasons for the variance. Generally, estimates should not include purchases of equipment or services made (1) to achieve regulatory compliance with requirements not associated with the information collection, (2) for reasons other than to provide information or keep records for the government, or (3) as part of customary and usual business or private practices.

The Commission previously estimated no capital and startup costs, no purchases of additional equipment, or operation, maintenance, and purchase of services costs associated with

²³ 2016 Supporting Statement at 10.

²⁴ 53,590 annual burden hours * \$80 per hour = \$4,287,200.

existing Part 4 outage reporting obligations. The new requirements will not result in additional operating and maintenance expenses. Therefore, the total remains \$0.

14. Provide estimates of annualized costs to the Federal government.

Provide a description of the method used to estimate cost, which should include quantification of hours, staff GS-pay rate per hour, 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 previously estimated \$464,401.60 in total annual costs to the Federal government for administration of all Part 4 outage reporting requirements.²⁵

The Commission now estimates that the total annual cost to the Federal Government to be as follows, based on the salaries²⁶ of three engineers (GS-15 step 5), two engineers (GS-14 step 5), an IT Developer (GS-15 step 5), each spending approximately ½ (or 1040 hours) of their work time each year on the information collected, and two attorneys (GS-13 step 5) spending approximately ¼ (or 520 hours) of their work time each year on the information collection:

(Three) Engineers	GS-15 step 5	at \$74.86/hr wage	\$74.86 x 1,040 hours	x 3	= \$233,563.20
(Two) Engineers	GS-14 step 5	at \$63.64/hr wage	\$63.64 x 1,040 hours	x 2	= \$132,371.20
(One) IT Developer	GS-15 step 5	at \$74.86/hr wage	\$74.86 x 1,040 hours	x 1	= \$77,854.40
(Two) Attorneys	GS-13 step 5	at \$53.85/hr wage	\$53.85 x 520 hours	x 2	= \$56,004
TOTAL					= \$499,792.80

Total Annual Cost to the Federal Government: \$499,792.80.

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

Program changes result from new collection requirements or revisions to existing information collection requirements which are usually associated with rulemakings or revisions to forms or other instruments.

Adjustments are re-estimates of the burdens for existing information collection requirements or instruments. Please consider whether previous assumptions concerning burden hours or costs have been borne out by actual experience with the information collection.

²⁵ See 2016 Supporting Statement at 11.

²⁶ Hourly rates are based on the OPM 2019 Washington-Baltimore-Arlington, DC-MD-VA-WV-PA Locality Pay Area. Office of Personnel and Management, 2019 General Schedule (GS) Locality Pay Table, Salary Table 2019-DCB, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB_h.pdf (last accessed September 23, 2019).

Based on the Commission's analysis of current and historical trends, there are adjustments/increases to this information collection. The Commission estimates that the total number of respondents will increase from 798 to 965, a difference of +167 respondents, the total number of responses will increase from 13,012 to 26,795, a difference of +13,783 responses, and the total annual burden hours increase from 25,006 to 53,590, a difference of +28,584 burden hours, from the last submission to OMB.

There are no program changes.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

Provide a time schedule for the publication of the results associated with the collection. If no results will be published, state that the Commission will not publish any results from the information collected.

The Commission does not plan to publish the filings submitted as a result of this information collection. The Commission may analyze the information contained in the filings, aggregate and anonymize the information, and present to trade associations and companies individually, the agency's analysis based on the information. For example, the Commission may present its findings on a quarterly basis to the Network Reliability Steering Committee of the Alliance for Telecommunications Industry Solutions.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Justify why displaying the OMB expiration date of approval is not necessary or inappropriate for the collection or instrument.

The Commission does not intend to seek approval not to display the expiration date of the extension to this information collection.

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 the Certification Statement.

B. Collections of Information Employing Statistical Methods:

(Please address the five questions below when *statistical methods* are employed. These questions should be addressed when surveys or other instruments employ statistical methodology.)

The information collection does not employ any statistical methods.