

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

SUPPORTING STATEMENT

A. Justification:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitates the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Commission is seeking an extension for the approval of this collection for three years from the Office of Management and Budget (OMB) for the information collection requirements contained in paragraph (n) of Section 1.9020, Spectrum manager leasing arrangements, paragraph (m) of Section 1.9030, Long-term de facto transfer leasing arrangements, paragraph (o) of Section 1.9035, Short-term de facto transfer leasing arrangements, Section 20.18(r), Contraband Interdiction System (CIS) requirement, and Section 20.23(a), Contraband wireless devices in correctional facilities, good faith negotiations.

On March 24, 2017, the Federal Communications Commission released a Report and Order and Further Notice of Proposed Rulemaking, *Promoting Technological Solutions to Combat Contraband Wireless Devices in Correctional Facilities*, GN Docket No. 13-111, FCC 17-25 (Report and Order and Further Notice), in which the Commission took important steps to help law enforcement combat the serious threats posed by the illegal use of contraband wireless devices by inmates. Across the country, inmates have used contraband devices to order hits, run drug operations, operate phone scams, and otherwise engage in criminal activity that endangers prison employees, other inmates, and innocent members of the public. In the Report and Order, the Commission streamlined the process of deploying contraband wireless device interdiction systems – systems that use radio communications signals requiring Commission authorization – in correctional facilities. The action will reduce the cost of deploying solutions and ensure that they can be deployed more quickly and efficiently. In particular, the Commission waived certain filing requirements and provided for immediate approval of the spectrum lease applications needed to operate these systems.

In the Report and Order, the Commission referred to any system that transmits radio communication signals comprised of one or more stations used only in a correctional facility exclusively to prevent transmissions to or from contraband wireless devices within the boundaries of the facility and/or to obtain identifying information from such contraband wireless devices as a Contraband Interdiction System (CIS). By definition, therefore, the streamlined rules the Commission adopted in the Report and Order are limited to correctional facilities' use, given the important public safety implications in combatting contraband wireless

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device use. For purposes of the Report and Order, the Commission used “contraband wireless device” to refer to any wireless device, including the physical hardware or part of a device – such as a subscriber identification module – that is used within a correctional facility in violation of federal, state, or local law, or a correctional facility rule, regulation, or policy. The Commission used the phrase “correctional facility” to refer to any facility operated or overseen by federal, state, or local authorities that houses or holds criminally charged or convicted inmates for any period of time, including privately owned and operated correctional facilities that operate through contracts with federal, state, or local jurisdictions.

Acknowledging the importance of ensuring the availability of emergency 911 calls from correctional facilities, and the fact that delivering emergency calls to public safety answering points (PSAPs) facilitates public safety services and generally serves the public interest, the Commission amended its rules to require that CIS providers regulated as private mobile radio service (PMRS) must route all 911 calls to the local PSAP. That said, the Commission also acknowledged the important role state and local public safety officials play in the administration of the 911 system. Accordingly, although the CIS provider is required to pass through emergency 911 calls, the PSAPs can inform the CIS provider that they do not want to receive calls from a given correctional facility. By allowing the PSAPs to decline the emergency 911 calls, the Commission recognized the reported increased volume of PSAP harassment through repeated inmate fraudulent 911 calls. The Commission noted that CIS operators are often contractually required to pass through 911 and E911 calls through contracts with wireless provider lessors. The Commission’s new rule may result in the CIS operators and wireless providers updating existing contractual provisions addressing 911 call routing issues, if necessary. If there is no contractual agreement, the Commission anticipates that the delayed effectiveness of this rule will give the parties sufficient time to determine whether the routing of 911 calls is appropriate.

Therefore, the information collection requirements contained in Section 20.18(r) are as follows:

Contraband Interdiction System (CIS) requirement. CIS providers regulated as private mobile radio service (see Section 20.3) must transmit all wireless 911 calls without respect to their call validation process to a Public Safety Answering Point, or, where no Public Safety Answering Point has been designated, to a designated statewide default answering point or appropriate local emergency authority pursuant to section 64.3001 of this chapter, provided that “all wireless 911 calls” is defined as “any call initiated by a wireless user dialing 911 on a phone using a compliant radio frequency protocol of the serving carrier.” This requirement shall not apply if the Public Safety Answering Point or emergency authority informs the CIS provider that it does not wish to receive 911 calls from the CIS provider.

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

In addition, the Commission explained that the effectiveness of CIS deployment requires all carriers in the relevant area of the correctional facility to execute a spectrum lease with the CIS provider. Even if the major Commercial Mobile Radio Services (CMRS) licensees negotiate expeditiously and in good faith, if one CMRS licensee in the area fails to engage in lease negotiations in a reasonable time frame or at all, the CIS solution will not be effective. The lack of cooperation of even a single wireless provider in a geographic area of a correctional facility can result in deployment of a system with insufficient spectral coverage, subject to abuse by inmates in possession of contraband wireless devices operating on frequencies not covered by a spectrum lease agreement. While some carriers have been cooperative, it is imperative that all CMRS licensees be required to engage in lease negotiations in good faith and in a timely fashion. Therefore, the Commission adopted a rule requiring that CMRS licensees negotiate in good faith with entities seeking to deploy a CIS in a correctional facility.

Specifically, upon receipt of a good faith request by an entity seeking to deploy a CIS in a correctional facility, a CMRS licensee must negotiate in good faith toward a spectrum lease agreement. If, after a 45 day period, there is no agreement, CIS providers seeking Special Temporary Authority (STA) to operate in the absence of CMRS licensee consent may file a request for STA with the Wireless Telecommunications Bureau (WTB), with a copy served at the same time on the CMRS licensee, accompanied by evidence demonstrating its good faith, and the unreasonableness of the CMRS licensee's actions, in negotiating an agreement. The CMRS licensee will then be given 10 days in which to respond. If WTB then determines that the CIS provider has negotiated in good faith, yet the CMRS licensee has not negotiated in good faith, WTB may issue STA to the entity seeking to deploy the CIS, notwithstanding lack of accompanying CMRS licensee consent. WTB will consider evidence of good faith negotiations on a case-by-case basis. Factors might include whether the parties entered into timely discussions while providing appropriate points of contact, whether a model spectrum lease with reasonable terms was offered, etc. Further, the Commission may take additional steps as necessary to authorize CIS operations should it determine there is continued lack of good faith negotiations toward a CIS spectrum lease agreement.

The Commission did not believe that adopting this minimal requirement is unduly burdensome, but rather ensures that the public interest is served through deployment of robust CISs less subject to circumvention. The Commission encouraged all CMRS licensees to actively cooperate with CIS providers to simplify and standardize spectrum lease agreements and the negotiation process as much as possible and pursuant to reasonableness standards.

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

The information requirements contained in Section 20.23(a), Contraband wireless devices in correctional facilities. are as follows:

Good faith negotiations. CMRS licensees must negotiate in good faith with entities seeking to deploy a Contraband Interdiction System (CIS) in a correctional facility. Upon receipt of a good faith request by an entity seeking to deploy a CIS in a correctional facility, a CMRS licensee must negotiate toward a lease agreement. If, after a 45 day period, there is no agreement, CIS providers seeking Special Temporary Authority (STA) to operate in the absence of CMRS licensee consent may file a request for STA with the Wireless Telecommunications Bureau (WTB), accompanied by evidence demonstrating its good faith, and the unreasonableness of the CMRS licensee's actions, in negotiating an agreement. The request must be served on the CMRS licensee no later than the filing of the STA request, and the CMRS licensee may file a response with WTB, with a copy served on the CIS provider at that time, within 10 days of the filing of the STA request. If WTB determines that the CIS provider has negotiated in good faith, yet the CMRS licensee has not negotiated in good faith, WTB may issue STA to the entity seeking to deploy the CIS, notwithstanding lack of accompanying CMRS licensee consent.

Finally, the Commission explored whether it should impose a requirement that the community in the vicinity of a correctional facility where a CIS is installed be notified of the installation. The Commission explained that a goal of the proceeding is to expedite the deployment of technological solutions to combat the use of contraband wireless devices, not to impose unnecessary barriers to CIS deployment. Consistent with that goal, the Commission found that a flexible and community-tailored notification requirement for certain CISs outweighed the minimal burden of notification and furthered the public interest. After careful consideration of the record, the Commission imposed a rule that, 10 days prior to deploying a CIS that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located, and the Commission amended its spectrum leasing rules to reflect this requirement. The Commission agreed with commenters that support notification of the surrounding community due to the potential for accidental call blocking and the public safety issues involved. The notification must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. Notification must be tailored to reach the community immediately adjacent to the correctional facility, including through local television, radio, internet news sources, or community groups, as may be appropriate. The Commission noted that this notification obligation does not apply for brief tests of a system prior to deployment.

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

By giving the CIS operators flexibility to tailor the notification to the specific community, the Commission expects that the notification costs and burdens will be minimal.

The information collection requirements contained in Section 1.9020(n) are as follows:

Community notification requirement for certain contraband interdiction systems. Ten days prior to deploying a Contraband Interdiction System that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located. The notification must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. Notification must be tailored to reach the community immediately adjacent to the correctional facility, including through local television, radio, internet news sources, or community groups, as may be appropriate. No notification is required, however, for brief tests of a system prior to deployment.

The information collection requirements contained in Section 1.9030(m) are as follows:

Community notification requirement for certain contraband interdiction systems. Ten days prior to deploying a Contraband Interdiction System that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located. The notification must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. Notification must be tailored to reach the community immediately adjacent to the correctional facility, including through local television, radio, internet news sources, or community groups, as may be appropriate. No notification is required, however, for brief tests of a system prior to deployment.

Section 1.9035(o) information collection requirements states the following:

Community notification requirement for certain contraband interdiction systems. Ten days prior to deploying a Contraband Interdiction System that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located. The notification must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. Notification must be tailored to reach the community immediately adjacent to the correctional facility, including through local television, radio, internet news sources, or community groups, as may be appropriate. No notification is required, however, for brief tests of a system prior to deployment.

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

These information collections do not affect individuals or households; thus, there are no impacts under the Privacy Act.

The statutory authority for this information collection is contained in Sections 1, 2, 4(i), 4(j), 301, 302, 303, 307, 308, 309, 310, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 301, 302a, 303, 307, 308, 309, 310, and 332.

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.

Pursuant to Section 20.23(a), a new collection, the CIS provider seeking STA to operate in the absence of CMRS licensee consent may file a request for STA with WTB and serve this request on the CMRS licensee no later than the filing of the STA request. The request must be accompanied by evidence demonstrating its good faith, and the unreasonableness of the CMRS licensee's actions, in negotiating a spectrum lease agreement. The CMRS licensee may then file a response with WTB, with a copy served on the CIS provider at that time, within 10 days of the filing of the STA request. The supplementary information provided along with the STA application by the CIS provider will be used by WTB to determine whether the CIS provider has negotiated in good faith, yet the CMRS licensee has not negotiated in good faith. The CMRS licensee may use the evidence accompanying the STA application to craft a response. WTB will analyze the evidence from the CIS providers and the CMRS licensee's response to determine whether to issue STA to the entity seeking to deploy the CIS.

Pursuant to Section 20.18(r), a new collection, the requirement that CIS providers regulated as PMRS must transmit all wireless 911 calls to a PSAP or designated emergency authority will not apply if the PSAP or emergency authority informs the CIS provider that it does not wish to receive 911 calls from the correctional facility. The information provided by the PSAP or emergency authority will result in the CIS provider not passing through E911 calls from a particular correctional facility.

Regarding the community notification requirement, Section 1.9020(n), Section 1.9030(m), and Section 1.9035(o), new collections, 10 days prior to deploying a CIS that prevents communications to or from mobile devices, a spectrum lessee must notify the community in which the correctional facility is located. The notification must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. Notification must be tailored to reach the community immediately adjacent to the correctional facility, including through local television, radio, internet news sources, or community groups, as may be appropriate. The information provided in the notification will put the houses and businesses in the surrounding

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community on notice that a CIS will be deployed in the vicinity that has the potential for accidental call blocking.

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.

Regarding Section 20.23(a), the CIS provider seeking STA to operate in the absence of CMRS licensee consent may file a request for STA with WTB and serve this request on the CMRS licensee. The CMRS licensee may then file a response with WTB, with a copy served on the CIS provider at that time. The Commission's rules mandate electronic filing for most all applications. However, STA requests for spectrum licensed on a market basis, including the required accompanying evidence pursuant to this new rule, currently are filed manually (along with a request for waiver of the electronic filing requirement) because ULS is not programmed to receive this type of STA application. The Commission anticipates that service of a manually-filed STA request on the CMRS licensee, the CMRS licensee response to WTB, and the copy of any response served on the CIS provider, will be accomplished manually as well. In the Report and Order, the Commission granted a waiver of the electronic filing requirement so that market-based licensees will not be required to separately request a waiver of the electronic filing requirement with their manually-filed STA application. This waiver further streamlines Commission licensing processes and reduces filing burdens. Licensees that are not market-based seeking STA for CIS operation in a correctional facility file STA applications electronically in ULS. The Commission anticipates that service of an electronically-filed STA request on the CMRS licensee, the CMRS licensee response to WTB, and the copy of any response served on the CIS provider, will be accomplished electronically as well.

Regarding Section 20.18(r), the rule requires the PSAP or emergency authority to inform the CIS provider if it does not wish to receive 911 calls from a particular correctional facility. Although the rule does not specify a required method of communication between the PSAP/emergency authority and the CIS provider, the exchange may occur electronically. It is also possible that the exchange could involve verbal communication. The PSAP/emergency authority will presumably determine what method of notification is most efficient and effective under the particular circumstances.

Regarding the community notification requirement, Section 1.9020(n), Section 1.9030(m), and Section 1.9035(o), the rules require lessees for CISs to notify the community in which the correctional facility is located 10 days prior to deploying the CIS. The rules require the notification to be tailored to reach the community immediately adjacent to the facility; thus,

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the notification could be, for example, through television, radio, internet, or community groups. The flexibility of these rules will enable CIS lessees to choose which method of notification is most effective, including from a cost perspective. It is likely that a lessee may choose an electronic method or one that minimizes its burden.

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 collection requirements contained in this collection are new. Therefore, there is no similar data available and this is not a duplication effort by the Commission or any other agency.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information collection requirements contained in this collection will apply to all entities in the same manner. Specifically, for example, by giving CIS operators flexibility to tailor the required community notification to the specific community surrounding the correctional facility, the Commission expects that the notification costs and burdens will be minimal, and would not require small entities to hire additional staff. The Commission believes that applying the same rules equally to all entities in this context promotes fairness and does not believe the costs or burdens will unduly burden small entities. In fact, some of the rule revisions should benefit small entities by reducing certain administrative burdens while giving the flexibility necessary to facilitate the deployment of CISs.

In the Report and Order, the Commission considered various options and minimized burdens on small entities. For example, in order to limit the economic burden on CIS providers that must notify communities of CIS deployment, the Commission required flexibility for CIS operators to tailor notice to the community and avoided a more burdensome notification process such as an extensive public education campaign.

6. Describe the consequence 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 burden.

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Regarding Section 20.23(a), the Commission emphasized in the Report and Order that the effectiveness of CIS deployment requires all wireless carriers in the relevant area of the correctional facility to execute a spectrum lease with the CIS provider. The Commission noted that although some carriers have been cooperative, it is imperative that all CMRS licensees be required to engage in good faith lease negotiations in a timely fashion. In the absence of this requirement and the potential of CIS providers' obtaining STA in the absence of good faith negotiations, it is possible that some CMRS licensees would refuse to negotiate with CIS providers seeking to deploy a CIS in a correctional facility, thereby rendering the system ineffective and impeding the goal of the proceeding of combating the use of contraband wireless devices in correctional facilities.

Regarding Section 20.18(r), the Commission found that delivering emergency calls to PSAPs facilitates public safety services and generally serves the public interest, but that PSAPs should have the discretion to inform CIS providers that they do not wish to receive emergency calls from a given correctional facility. If the PSAPs did not have this discretion, they could be subject to harassment through repeated inmate fraudulent 911 calls which does not serve the public interest.

Regarding the community notification requirements, Section 1.9020(n), Section 1.9030(m), and Section 1.9035(o), 10 days prior to deploying a CIS that prevents communications to or from mobile devices, a spectrum lessee must notify the community in which the correctional facility is located. The Commission found that a flexible and community-tailored notification requirement for certain CISs outweighs the minimal burden of notification and furthers the public interest. By requiring notification to the community surrounding a correctional facility where a CIS is going to be deployed, the Commission furthers the goal of expediting deployment of solutions to combat the contraband wireless device problem. Without notification, the surrounding community could be unaware of the deployment and become confused in the event that calls are accidentally blocked, resulting in potential public safety issues.

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7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; 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.

Each of the new information collections – requiring community notification for deployment of certain CISs, allowing a PSAP to notify a CIS provider that it does not wish to receive emergency 911 calls from a particular correctional facility, and allowing CIS providers to file applications for STA to operate a CIS in the absence of CMRS licensee consent if there has not been good faith negotiations after a certain time period – may occur at any time and are not required more often than quarterly. The Commission found the requirements to not be unduly burdensome, in each case.

Section 20.23(a) states that after a CIS provider files a request for STA with WTB, accompanied by evidence demonstrating its good faith, and the unreasonableness of the CMRS licensee's actions, in negotiating a spectrum lease agreement, the CMRS licensee may file a response with WTB, and serve a copy on the CIS provider at that time, within 10 days of the filing of the STA request. The record in this proceeding indicates support for a 10 day response time as sufficient time for the CMRS licensee to investigate allegations of unreasonableness and draft a response. Given that the goal of this proceeding is to expedite deployment of CISs, good faith negotiations and a relatively quick turn-around time for CMRS licensees to respond to demonstrations of a lack of good faith negotiations is important to avoid delay and enable the prompt issuance of STAs should WTB determine an STA is warranted based on the facts of the particular case.

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

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 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.

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 appeared in the *Federal Register* on June 30, 2020 (85 FR 39191) seeking comments from the public on the information collection requirements contained in this collection. No PRA comments were received from the public as result of this notice.

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

No gift or payments will be given to respondents for this collection.

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

No information is requested that would require assurance of confidentiality.

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

No sensitive information is required for this collection.

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, 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.

Section 20.23(a)

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The CIS provider seeking STA to operate in the absence of CMRS licensee consent may file a request for STA with WTB, and the request must be accompanied by evidence demonstrating its good faith and the unreasonableness of the CMRS licensee's actions, in negotiating an agreement. The filing of this specific, additional evidence regarding the negotiations that must accompany the STA request is a new burden for the CIS provider. The service of this request on the CMRS licensee is also part of the new burden for the CIS provider. Within 10 days of the filing of the STA request pursuant to this rule, the CMRS licensee may file a response with WTB, with a copy served on the CIS provider at that time. The preparation, filing, and service of the CMRS licensee response is a new burden for the CMRS licensee. STA requests for spectrum licensed on a market basis, including the required accompanying evidence pursuant to this new rule, currently are filed manually because ULS is not programmed to receive this type of STA application. The Commission anticipates that service of a manually-filed STA request on the CMRS licensee, the CMRS licensee response to WTB, and the copy of any response served on the CIS provider, will be accomplished manually as well. Licensees that are not market-based seeking STA for CIS operation in a correctional facility file STA applications electronically in ULS. The Commission anticipates that service of an electronically-filed STA request on the CMRS licensee, the CMRS licensee response to WTB, and the copy of any response served on the CIS provider, will be accomplished electronically as well.

Commission records reflect that, from 2010 – 2016, we have granted, on average, 40 new CIS spectrum leases annually between CIS providers and CMRS licensees covering correctional facilities resulting from lease negotiations between the parties. The Commission estimates that each of the 40 separate spectrum leases resulted from 1 lease negotiation, taking into account the different spectrum bands for each CMRS licensee at each separate correctional facility. Accordingly, 40 new CIS spectrum leases/year = 40 successful lease negotiations/year.

Currently, Commission records reflect that there are 5 active CIS providers with CIS spectrum leases. Given the streamlined procedures put into place with the Report and Order that are aimed at encouraging the deployment of CISs, the Commission anticipates that the existing 5 CIS providers will continue to operate and seek additional leases, and estimates that there will be 5 new CIS providers that will seek CIS spectrum leases with CMRS licensees, resulting in a total of 10 CIS providers seeking spectrum leases each year for the 3-year collection period.

As explained in the Report and Order, in order for a CIS deployment to be effective, a CIS provider must execute spectrum leases with every CMRS licensee with spectrum covering the particular correctional facility. Typically, on average, there are 4 CMRS licensees owning

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spectrum covering each correctional facility, with more rural facilities covered by some of the smaller CMRS licensees. The Commission anticipates that in each year of the 3-year collection period, there will continue to be, on average, 4 CMRS licensees negotiating CIS spectrum leases with CIS providers per correctional facility.

The Commission estimates that 2% of the total annual spectrum lease negotiations will fail to result in an executed spectrum lease and will lead to the CIS provider filing for STA with accompanying required evidence pursuant to this rule. The estimated failure rate reflects the fact that the record does not indicate a significant problem with CIS spectrum lease negotiations with the major CMRS licensees. Assuming this rate, in each year between 2010 and 2016, given 40 successful CIS spectrum leases resulted from negotiations, there would have been 1 STA application filed pursuant to this rule each year ($40 \times .02 = .8$, rounded to 1 STA application).

We therefore estimate that, in each year of the 3-year collection period, there will be double the number of CIS providers (10 CIS providers, up from 5 CIS providers) seeking CIS spectrum leases, resulting in 80 lease negotiations/year ($40 \times 2 = 80$). With an estimated 2% negotiation failure rate, it is anticipated that there will be 2 STA applications filed by CIS providers pursuant to this rule each year ($80 \times .02 = 1.6$, rounded up to 2).

The Commission estimates that each STA application will require the CIS provider to spend 10 hours collecting the information to be submitted with the STA application and serving the request on the CMRS licensee. Thus, the total annual burden hours for the CIS providers = 10 hours x 2 responses = 20 hours annually.

Total Number of Respondents:¹ 2 CIS providers

Total Annual Responses: 2 STA applications

Total Annual Hourly Burden: 20 hours

In-House Cost: The Commission estimates that the CIS providers will utilize in-house resources for this collection. The Commission estimates that the hourly wage of a full-time in-house regulatory staff employee of a CIS provider is \$70/hour. Therefore, the in-house cost is as follows: 20 hours x \$70/hour = \$1,400.

Given that the Commission estimates that CIS providers will file 2 STA application pursuant to this rule each year, the Commission anticipates that in each case, the implicated

¹ Although we estimate that for this particular collection, 2 CIS providers will each file 1 STA application annually for the 3-year collection period, it is possible that the number of respondents will be 10 or more, and therefore, we are seeking OMB clearance of a new information collection.

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CMRS licensee will file a response. Accordingly, 2 responses will be filed by CMRS licensees each year of the 3-year collection period. The Commission estimates that a CMRS licensee will spend 10 hours researching, collecting, and drafting each response, filing, and serving the response on the CIS provider. This estimate is based on the level of interest and importance CIS spectrum leases are to the CMRS licensees and the fact that the CMRS licensee has 10 days in which to respond. Thus, the total annual burden hours = 10 hours x 2 responses = 20 hours annually.

Total Number of Respondents:² 2 CMRS licensees

Total Annual Responses: 2 CMRS responses

Total Annual Hourly Burden: 20 hours

In-House Cost: The Commission estimates that the CMRS licensees will utilize in-house resources for this collection based on its knowledge of the respondents providing this information. The Commission estimates that the hourly wage of a full-time in-house regulatory staff employee of a CMRS licensee is \$70/hour. Therefore, the in-house cost is as follows: 20 hours x \$70/hour = \$1,400.

Section 1.9020(n), Section 1.9030(m), and Section 1.9035(o)

The new community notification rules require that lessees for CISs must notify the community in which the correctional facility is located 10 days prior to deploying the CIS. The rules require the notification to be tailored to reach the community immediately adjacent to the facility; thus, the notification could be, for example, through television, radio, internet, or community groups. The flexibility of these rules will enable CIS lessees to choose which method of notification is most effective, including from a cost perspective.

The Commission's rules require that a CIS lessee will notify the community surrounding the correctional facility prior to deployment at the particular facility. The rules apply to new CIS deployments following the effective date of the rules.

Commission records reflect that, from 2010-2016, on average, there have been 6 new correctional facilities at which CISs have been deployed pursuant to effective spectrum leases annually. Each new correctional facility is counted separately if it has a unique street address.

² Although we estimate that 2 CMRS licensees will each file 1 response to an STA application annually for the 3-year collection period, it is possible that the number of respondents will be 10 or more, and therefore, we are seeking OMB clearance of a new information collection.

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

Currently, Commission records reflect that there are 5 active CIS providers with CIS spectrum leases. Given the streamlined procedures put into place with the Report and Order that are aimed at encouraging the deployment of CISs, the Commission anticipates that the existing 5 CIS providers will continue to operate and seek additional spectrum leases, and estimates that there will be 5 new CIS providers that will seek CIS spectrum leases with CMRS licensees, resulting in a total of 10 CIS providers seeking spectrum leases each year for the 3-year collection period.

Given that the Commission anticipates that there will be double the number of CIS providers during the 3-year collection period, the Commission expects that there will be twelve (12) new correctional facilities at which CISs are deployed annually (6 new facilities/year x 2 = 12). Thus, we estimate that CIS providers will be required to send twelve (12) community notifications each year.

The Commission estimates that each notification will require on average 16 hours determining which method of notification to use and accomplishing the notification. This estimate is based on an average of the minimal amount of time it would take a CIS provider to send electronic notification of the CIS deployment to a community group or Internet source for posting or distribution, and a more extensive method of notification that would involve contacting a local radio or television source to discuss the CIS deployment and how notification would be accomplished via television or radio spots. Thus, the total burden hours for the community notification = 12 responses x 16 hours = 192 hours.

Total Number of Respondents: 10 CIS providers³
Total Annual Responses: 12 notifications
Total Annual Hourly Burden: 192 hours

In-House Cost: The Commission estimates that the CIS providers will utilize in-house resources for this collection based on its knowledge of the respondents providing this information. The Commission estimates that the hourly wage of a full-time in-house regulatory staff employee of a CIS provider is \$70/hour. Therefore, the in-house cost is as follows: 192 hours x \$70/hour = \$13,440.

Section 20.18(r)

³ We estimate that 8 CIS providers will send 1 notification each annually for the 3-year collection period, and that 2 additional CIS providers will send 2 notifications each annually for the 3-year collection period. In total, we estimate that 10 CIS providers will send 12 notifications annually.

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

The new rule requires the PSAP or emergency authority to inform the CIS provider if it does not wish to receive 911 calls from the CIS provider. Although the rule does not specify the method of communication between the PSAP/emergency authority and the CIS provider, the exchange may occur electronically. The PSAP/emergency authority will presumably determine what method of notification is most efficient and effective in the particular circumstances.

This rule will apply not only to new CIS deployments following the effective date of the rule, but also to all existing CIS deployments at correctional facilities; thus, both the total number of existing facilities with CIS spectrum lease deployments and the predicted number of new correctional facilities with effective leases over the collection period are relevant in assessing the burden of this new collection.

Currently, there are thirty-three (33) correctional facilities with effective CIS spectrum leases.

Commission records reflect that, from 2010-2016, on average, there have been 6 new correctional facilities at which CISs have been deployed pursuant to effective spectrum leases annually. Each new correctional facility is counted separately if it has a unique street address.

Currently, Commission records reflect that there are 5 active CIS providers with CIS spectrum leases. Given the streamlined procedures put into place with the Report and Order that are aimed at encouraging the deployment of CISs, the Commission anticipates that the existing 5 CIS providers will continue to operate and seek additional spectrum leases, and estimates that there will be 5 new CIS providers that will seek CIS spectrum leases with CMRS licensees, resulting in a total of 10 CIS providers seeking leases each year for the 3-year collection period.

Given that the Commission anticipates that there will be double the number of CIS providers during the 3-year collection period, the Commission expects that there will be twelve (12) new correctional facilities at which CISs are deployed annually (6 new facilities/year x 2 = 12).

The Commission assumes that each correctional facility is served by a separate local PSAP or emergency authority. Thus, the number of PSAPs potentially notifying the CIS provider that it does not wish to receive 911 calls from a particular facility is the same as the number of correctional facilities.

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

The Commission estimates that 50% of PSAPs or emergency authorities will notify CIS providers that they do not wish to receive emergency 911 calls from a particular facility. This estimate is based on the likelihood of harassment of the PSAPs or other public safety reasons.

Accordingly, for the first year, the Commission estimates that forty-five (45) PSAPs or emergency authorities will have to decide whether they choose to receive emergency 911 calls from a correctional facility (33 existing facilities + 12 new facilities = 45 facilities), and that 23 PSAPs or emergency authorities will notify CIS providers that they do not wish to receive the calls ($45/2 = 22.5$, rounded to 23).

In the second and third years of the 3-year collection period, the Commission estimates that twelve (12) PSAPs or emergency authorities will have to decide whether they choose to receive 911 calls from a new correctional facility, and that 6 PSAPs or emergency authorities will notify CIS providers that they do not wish to receive the calls ($12/2 = 6$). On average, we estimate that 12 PSAPs annually will give notification pursuant to this rule ($23 + 6 + 6 = 35/3 = 11.6$, rounded to 12).

The Commission estimates that each PSAP will spend on average 8 hours giving this notification to the CIS provider. Thus, the total annual burden hours = $23 + 6 + 6 = 35$ PSAPs $\times 8 = 280$ hours/ $3 = 93.33$, rounded to 93 hours annually.

Total Number of Respondents: 12 PSAPs
Total Annual Responses: 12 notifications
Total Annual Hourly Burden: 93 hours

In-House Cost: The Commission estimates that the PSAP will utilize in-house resources for this collection based on its knowledge of the respondents providing this information. The Commission estimates the hourly wage of a full-time senior public safety submitting the notification to be equivalent to a GS-14, Step 5 federal government employee, \$60.83/hour. Therefore, the in-house cost is as follows: 93 hours \times \$60.83/hour = \$5,657.

TOTAL NUMBER OF RESPONDENTS: 26

TOTAL NUMBER OF ANNUAL RESPONSES: 28

TOTAL BURDEN HOURS TO RESPONDENTS: 325 hours

TOTAL IN-HOUSE COST TO RESPONDENTS: \$21,897

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

13. Provide estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).

There is no external, consulting or start-up cost to the respondents.

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), any other expenses that would not have been incurred without this collection of information.

The Commission estimates that it will take an attorney at the GS-13, Step 5 earning \$55.75/hour 8 hours to review each STA application with the required supporting evidence submitted pursuant to the good faith negotiations rule.

As noted in response to Question 12, the Commission estimates that there will be 2 STA applications filed pursuant to the good faith negotiations rule each year.

2 STA applications with supporting documentation x 8 hours x \$55.75/hour = \$892.00.

Total Annual Cost to the Federal Government is: \$892.00

15. Explain the reasons for any program changes or adjustments for this collection.

These are no program changes or adjustments to this information collection.

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

The data will not be published.

Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations

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.

This information collection does not include any FCC Forms, therefore, we are not seeking exemption from displaying the expiration date for OMB approval of this collection.

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

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods:

This information collection does not employ statistical methods.