

SUPPORTING STATEMENT

A. Justification:

Part 11 contains rules and regulations addressing the nation's Emergency Alert System (EAS). The EAS provides the President with the capability to provide immediate communications and information to the general public at the national, state and local area level during periods of national emergency. The EAS also provides state and local governments and the National Weather Service with the capability to provide immediate communications and information to the general public concerning emergency situations posing a threat to life and property. State and local use of the EAS is required to be described in State EAS Plans that are administered by State Emergency Communications Committees (SECCs) and submitted to the FCC for approval.

Non-Substantive Change Request:

The FCC is proposing non-substantive updates to previously approved collections represented by the forms associated with the mandatory electronic Alert Reporting System (ARS) that SECCs must utilize to file State EAS Plans (3060-0207). The collections in the modified ARS forms are consistent with those approved by the Office of Management and Budget in the 2019 revisions to the EAS PRA collection set forth in the FCC's State EAS Plan Report and Order.¹

The proposed modification to the Alert Reporting System (ARS) is to improve and clarify the filing experience. In the 2019 revisions to the EAS PRA collection, the FCC acknowledged commenters' general requests to include "help" buttons on each of the online filing menu screens of ARS and noted that help buttons would be included "in some form to be determined in the final system requirements." Following further development of the system requirements, the FCC's Public Safety and Homeland Security Bureau (PSHSB or Bureau) determined that the ease of filing could be further improved by replacing "help" buttons with detailed instructions on how to complete each online filing menu screen. The Bureau concluded that this approach will improve the user experience by giving filers clear, context-specific instructions on how to complete the page without needing to unnecessarily click on an extra button. The Bureau, working with the ARS developers, has made every effort to draft these detailed instructions to be minimal, non-material changes, consistent with previous OMB approvals.

The updates to this collection will cause no change in the burden estimates or reporting and record keeping requirements that the Commission submitted (and which OMB subsequently approved) in 2019.

¹ *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket No. 15-94, Report and Order, 33 FCC Rcd 3627 (2018) (*State EAS Plan Order*).

Current Information Collection Requirements Previously Approved by OMB:

In the *2019 Order on Reconsideration*,² the Commission amended the Part 11 EAS rules to (i) eliminate requiring Satellite Digital Audio Radio Service (SDARS) providers to transmit weekly tests in favor of requiring them to only log receipt of the weekly test, and (ii) eliminate the requirement that SDARS providers transmit monthly test on all channels in favor of requiring them to transmit the monthly test on 10% of all of their channels, with channels tested varying from month to month, so that over the course of a given year, 100% of all of its channels are tested. This action harmonized the EAS testing requirements applied to SDARS service with those applied to the similarly situated Direct Broadcast Satellite (DBS) service. The Commission assumed annual in-house cost burdens will be unchanged or be lessened by a *de minimis* amount. The burden for conducting weekly tests has been established at 0.017 hours per week, for 40 weeks (weekly tests are not required for the week in which a monthly test is conducted); thus, the annual burden for SDARS providers to conduct weekly tests is 0.68 hours, at an estimated annual in-house cost of \$26 ((0.68) x (\$38 per hour)). That amount is *de minimis* relative to the total estimated in-house cost to all respondents.

In the *Alerting Reliability Order*,³ the Commission amended the Part 11 EAS rules to, among other things, (i) require EAS Participants to notify the Commission (via email to the FCC Ops Center at FCCOPS@fcc.gov) within twenty-four (24) hours of the EAS Participant's discovery that it has transmitted or otherwise sent a false alert to the public, and (ii) include "Live Code Tests" of the EAS as a separate category of alerting exercise that EAS Participants may undertake voluntarily, provided such live code tests are conducted in accordance with specific parameters.

The Commission concluded that the annual in-house cost burden of reporting false alerts will be \$11,600 per year. This figure is based upon following costs: (1/4 hour) x (\$80 hourly salary) x (an estimated 2 incidents per year based on receiving reports of two false alerts in 2013, and one in 2014 and in 2015) x (290 entities estimated to file, which is based on the results of a widely reported false alert in which 290 entities would have been required to file a report, assuming all 290 entities had actual knowledge they had transmitted a false alert) = \$11,600. The Commission concluded that the codification of "Live Code Tests" of the EAS as a separate category of alerting exercise that EAS Participants may undertake voluntarily, in accordance with the codified parameters, does not impose any new costs. Rather, this rule change codified requirements that were previously imposed on waivers granted by the Commission, thus, eliminating any legal or administrative costs that were associated with filing waiver requests.

In the *State EAS Plan Order*,⁴ the Commission revised the information required to be reported in

² *Review of the Emergency Alert System*, EB Docket No. 04-296, PS Docket No. 15-94, Order on Reconsideration, 34 FCC Rcd 5382 (2019) (*2019 Order on Reconsideration*).

³ *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System; Wireless Emergency Alerts*, PS Docket Nos. 15-94, 15-91, Report and Order and Further Notice of Proposed Rulemaking, 33 FCC Rcd 7086 (2018) (*Alerting Reliability Order*).

⁴ *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket No. 15-94, Report and Order, 33 FCC Rcd 3627 (2018) (*State EAS Plan Order*).

State EAS Plans, and required that SECCs file the State EAS Plans online in the Alert Reporting System (ARS). The Commission concluded that producing State EAS Plans consistent with the rules will result in approximately \$235,000 as a one-time recordkeeping cost. This figure was based on an assessment of 100 hours per 54 SECCs to prepare their plans from scratch, at a quantified hourly rate of \$43.50 ((100 hours) x (\$43.50 per hour) x (54 SECCs)). The Commission also concluded that SECC representatives will incur a one-time estimated \$1,000 reporting cost to file their revised State EAS Plans in the ARS. This figure was based on an estimated time burden of one hour, for each of the 54 SECCs at an hourly cost estimate of approximately \$19 per hour ((1 hour) x (\$19 per hour) x (54 SECCs)).

In the *Third Report and Order*, the FCC adopted rules establishing a regulatory structure for a national test of the EAS.⁵ In order for the FCC to determine the extent to which the test, and by extension the EAS, was successful, the FCC adopted rules requiring EAS Participants, within forty five (45) days of the date of the first national EAS test, to record and submit to the FCC the following test-related diagnostic information for each alert received from each message source monitored at the time of the national test:

- Whether they received the alert message during the designated test;
- Whether they retransmitted the alert;
- If they were not able to receive and/or transmit the alert, their ‘best effort’ diagnostic analysis regarding the cause(s) for such failure;
- A description of their station identification and level of designation (PEP, LP-1, etc.);
- The date/time of receipt of the EAN message by all stations; the date/time of PEP station acknowledgement of receipt of the EAN message to FOC;
- The date/time of initiation of actual broadcast of the Presidential message;
- The date/time of receipt of the EAT message by all stations;
- Who they were monitoring at the time of the test, and the make and
- Model number of the EAS equipment that they utilized.

The *Third Report and Order* indicates that the national tests of EAS, and related information collections will likely be carried out on an annual basis. On March 10, 2010, OMB approved the collection as indicated by the related Notice of Office of Management and Budget Action notification.

In the *Second Report and Order*, the FCC adopted rules that require states to file new EAS plans with the FCC under certain circumstances, expand the number of private entities covered by EAS, and impose new obligations on private entities.⁶ These rules may impact currently existing paperwork collection requirements as discussed below.

⁵ *Review of the Emergency Alert System*, EB Docket No. 04-296, Third Report and Order, 26 FCC Rcd 1460 (2011) (*Third Report and Order*).

⁶ *Review of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief*, EB Docket No. 04-296, Second Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 13275 (2007) (*Second Report and Order*).

In the *Second Report and Order*, the FCC adopted a rule obligating EAS Participants to accept a message using a common EAS messaging protocol, the Common Alerting Protocol v1.1 (CAP), no later than 180 days after FEMA publicly publishes its adoption of such standard; requires EAS Participants to adopt Next Generation EAS delivery systems no later than 180 days after FEMA publicly releases standards for those systems; expands the number of EAS Participants by including wireline common carriers providing video programming (“wireline video systems”); and requires EAS Participants to transmit state and local EAS alerts that are originated by governors or their designees no later than 180 days after FEMA publishes its adoption of the CAP standard, provided that the state has a FCC-approved EAS state plan that provides for delivery of such alerts.

Statutory authority for this collection of information is contained in 47 U.S.C. sections 154(i) and 606 of the Communications Act of 1934, as amended.

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

2. This information collection provides a baseline level of uniformity across State EAS Plans, in terms of both format and terminology, while affording sufficient flexibility to accommodate filers’ unique needs. The online State EAS filing platform, combined with the existing EAS Test Reporting System (ETRS), will form the Alert Reporting System. We believe the ARS will ensure more efficient and effective delivery of Presidential as well as state, local and weather-related alerts as it will provide the Commission, FEMA, and other authorized entities with the means to more easily review and identify gaps in the EAS architectures, detect problems, and take measures to address these shortcomings.

3. State EAS Plans are collected electronically instead of requiring burdensome paper filings. These plans will not be made available to the public over the Internet due to their contents being presumptively confidential.

4. This agency does not impose a similar information collection on the respondents. There is no similar data available.

5. Part 11 was designed to minimize the burden for all respondents regardless of size.

6. The EAS requirements are designed to benefit the EAS Participants and the people of their community, not the federal government. Any reduction in the frequency of this activity would result in a proportional loss of benefit and would cause a delay in the detection of equipment failures that would cause the loss of national, state and local emergency messages to the public and could cause loss of life and property.

7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. The Commission published a 60-day notice covering the false alert reporting and “Live Code Test” requirements, which also included the requirements to file revised State EAS Plans in the ARS, in the Federal Register on October 3, 2018 (83 FR 49924). Comments were received from

Gary E. Timm, Broadcast Chair, Wisconsin SECC; Rodney V. Zeigler, Chairman, Nebraska SECC; and Kenneth R. Evans, Co-Chair, Delaware SECC. The Commission summarized and addressed each of the comments in the 2019 revisions to the EAS PRA collection. In that revision, the Commission stated that “[W]ith respect to commenters’ general requests to include ‘help’ buttons on each online filing menu screen, help buttons will be included on each online filing screen in some form to be determined in the final system requirements.” Following further development of the system requirements, PSHSB determined, and now proposes, that the ease of filing could be further improved by replacing “help” buttons with detailed instructions on how to complete each online filing menu screen. The Bureau concluded that this approach will improve the user experience by giving filers clear, context-specific instructions on how to complete the page without needing to unnecessarily click on an extra button.

9. No payment or gift was provided to the respondents.

10. State EAS Plan data and any aggregation of such data will have the same level of confidentiality as data filed in the ETRS, i.e., the Commission will share individual and aggregated data on a confidential basis with other federal agencies and state governmental emergency management agencies that have confidentiality protection at least equal to that provided by the Freedom of Information Act.

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

12. The following is provided for burden estimates. As explained above, the proposed non-substantive change request would only provide detailed instructions on how to complete each online filing menu screen. Because there are no changes to the information being collected, we have left the burden estimates in the currently approved burden inventory (below) unchanged.

	<u># of Respondents</u>	<u># of Responses per Respondent</u>	<u>Total Responses</u>	<u>Burden per Response</u>	<u>Total Burden</u>	<u>Est. Hourly Wage of Respondent</u>	<u>Total Est. In-House Cost to Respondent</u>
Section 11.15	63,000	1	63,000	0.1 hours	6,300 hours	\$38	\$239,400
Section 11.21	50 (states)	1	50	20 hours	1,000 hours	\$25	\$25,000
11.21	54 (SECCs)	1	54	100 hours	5,400 hours	\$43.50	\$235,000
11.21	54 (SECCs)	1	54	1 hour	54 hours	\$19	\$1,026
Section 11.21	27,468	1	27,468	1 hour	27,468 hours	\$38	\$1,043,784
Section 11.34	10 (manufacturers)	1	10	20 hours	200 hours	\$25	\$5,000
Section 11.35	400	1	400	0.017 hours	7 hours	\$38	\$266

Section 11.35	300	1	300	0.5 hours	150 hours	\$38	\$5,700
Section 11.41	10	1	10	0.5 hours	5 hours	\$38	\$190
Section 11.42	10 (common carriers)	1	10	1 hour	10 hours	\$38	\$380
Section 11.43	10 (voluntary entities)	1	10	0.5 hours	5 hours	\$38	\$190
Section 11.45	290	2	580	0.25 hours	145 hours	\$80	\$11,600
Section 11.51	4,373	1	4,373	0.17 hours	743 hours	\$38	\$28,234
Section 11.51	63,000	1	63,000	0.017 hours	1,071 hours	\$38	\$40,698
Section 11.52	20	1	20	0.5 hours	10 hours	\$38	\$380
Section 11.52	5	1	5	1.0 hour	5 hours	\$38	\$190
Section 11.54	63,000	1	63,000	0.017 hours	1,071 hours	\$38	\$40,698
Section 11.55	63,000	1	63,000	0.017 hours	1,071 hours	\$38	\$40,698
Section 11.55	8	1	8	3 hours	24 hours	\$25	\$600
Section 11.61	63,000	40	2,520,000	0.017 hours	42,840 hours	\$38	\$1,627,920
Section 11.61	63,000	12	756,000	0.034 hours	25,704 hours	\$38	\$976,752
Section 11.61*	27,468	1	27,468	1 hour	27,468 hours	\$38	\$1,043,784
Section 11.61	10	1	10	0	0	0	0
Totals	63,084		3,588,830		140,751 hours		\$5,367,490

13. Annual Cost Burden to the Respondent. The FCC does not anticipate that respondents will need to incur capital or start-up costs, or operation and maintenance and purchase of services costs to respond to these information collections.

14. Cost to the Federal Government: In the 2019 revisions to the EAS PRA collection, the Commission noted that the requirements to report State EAS Plans in the ARS adopted in the Order, PS Docket No. 15-94, FCC 18-39, increased the total cost to the Federal Government by \$2,907.90. There are no additional costs to the Federal Government as a result of this non-

substantive change request.

15. There are no program changes/increases to this information collection, as a result of this non-substantive change request.

16. The results of this collection will not be publicly released. State EAS Plan data and any aggregation of such data will have the same level of confidentiality as data filed in the ETRS, i.e., the Commission will share individual and aggregated data on a confidential basis with other federal agencies and state governmental emergency management agencies that have confidentiality protection at least equal to that provided by the Freedom of Information Act.

17. The Commission is requesting a waiver of displaying the OMB control number on the on-line application screens because that would require updating each time this collection was submitted to OMB for review and approval. The Commission displays the OMB expiration date, title and OMB control number 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:

No statistical methods are employed.