

SUPPORTING STATEMENT

A. Justification:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Commission created WEA (previously known as the Commercial Mobile Service Alert System) as required by Congress in the Warning Alert and Response Network (WARN) Act and to satisfy the Commission's mandate to promote the safety of life and property through the use of wire and radio communication.

All these information collections involve the Wireless Emergency Alert (WEA) system, a mechanism under which Commercial Mobile Service (CMS) providers may elect to transmit emergency alerts to the public. OMB approved without change the previous revision of a currently approved collection on August 1, 2018 (ICR Ref. No. 201804-3060-013).

Notice of Election.

On August 7, 2008, the Commission released the Third Report and Order in PS Docket No. 07- 287 (CMS Third Report and Order), FCC 08-184. The CMS Third Report and Order implemented provisions of the WARN Act, including a requirement that within 30 days of release of the CMS Third Report and Order, each CMS provider must file an election with the Commission indicating whether or not it intends to transmit emergency alerts as part of WEA. The Commission began accepting WEA election filings on or before September 8, 2008.

The Bureau has sought several extensions of this information collection. On January 30, 2018, the Commission adopted a WEA Second Report and Order and Second Order on Reconsideration in PS Docket Nos. 15-91 and 15-94, FCC 18-4 (WEA Second R&O). In that order, the Commission defined "in whole" or "in part" WEA participation, specified the difference between these elections, and required CMS providers to update their election status accordingly.

Enhanced Notice At Time of Sale.

Section 10.240 of the Commission's rules already requires that CMS Providers participating in WEA "in part" provide notice to consumers that WEA may not be available on all devices or within the entire service area, as well as details about the availability of WEA service. As part of the WEA Second R&O, the Commission adopted enhanced disclosure requirements, requiring CMS Providers participating in WEA "in part" to disclose the extent to which enhanced geo-targeting is available on their network and devices at the point of sale and the benefits of enhanced geo-targeting at the point of sale. We believe

these disclosures will allow consumers to make more informed choices about their ability to receive WEA Alert Messages that are relevant to them.

Notice to Current Subscribers.

A CMS provider that elects not to transmit WEA Alert Messages, in part or in whole, shall provide clear and conspicuous notice, which takes into account the needs of persons with disabilities, to existing subscribers of its non-election or partial election to provide Alert messages by means of an announcement amending the existing subscriber's service agreement.

A CMS provider that elects not to transmit WEA Alert Messages, in part or in whole, shall use the notification language set forth in §10.240 (c) or (d) respectively, except that the last line of the notice shall reference FCC Rule 47 CFR 10.250, rather than FCC Rule 47 CFR 10.240.

In the case of prepaid customers, if a mailing address is available, the CMS provider shall provide the required notification via U.S. mail. If no mailing address is available, the CMS provider shall use any reasonable method at its disposal to alert the customer to a change in the terms and conditions of service and directing the subscriber to voice-based notification or to a Web site providing the required notification.

Database Collection.

The Commission also seeks to collect information in connection with its creation of a WEA database to improve information transparency for emergency managers and the public regarding the extent to which WEA is available in their area. The Commission will request this information from CMS providers on a voluntary basis, including geographic area served and devices that are programmed, at point of sale, to transmit WEAs. We note that many participating CMS providers already provide information of this nature in their docketed filings. As discussed below, this database will remove a major roadblock to emergency managers' ability to conduct tests of the alerting system and enable individuals and emergency managers to identify the alert coverage area.

Since collecting information on the extent of CMS providers' participation is statutorily mandated, the Commission requests approval of this existing collection by OMB so that the Commission may continue to meet its statutory obligation under the WARN Act. The database information collection is voluntary.

The statutory authority for this information collection is authorized under 47 U.S.C. 151, 154(i), 154(j), 154(o), 218, 219, 230, 256, 301, 302(a), 303(f), 303(g), 303(j), 303(r), 403, 621(b)(3), and 621(d).

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

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Notice of Election: The mandatory information collection has been and will be used by the Commission to satisfy the statutory requirement of the WARN Act that the Commission receive notice of election by all CMS providers concerning whether they will participate in WEA. The Commission has published on its website a data compilation for the benefit of the public and emergency managers.

Notice to Current Subscribers and at Time of Sale: CMS providers have provided notice to consumers that WEA may not be available on all devices or within the entire service area, as well as details about the availability of WEA service and the CMS providers' degree of participation.

Database Collection. The voluntary information collection is for a database that has yet to be created. It will help emergency managers, individuals, and Commission staff determine which phones and CMS providers provide WEAs. Currently, the CMS carriers file in a docket on a non-standardized form whether they elect in part or in whole to participate in WEA. Interested parties must review individual forms to find answers to coverage questions, but even if one filing appears applicable, coverage area may still be unclear because carriers may file for multiple geographic areas at once. Although people can ascertain whether a phone will carry WEA alerts at point of sale, there is no easily accessible way to determine this information thereafter. The WEA database would improve accessibility, enable analytics, and aggregate coverage data and information about participating devices. We believe it would enhance confidence in the WEA system. For example, emergency managers hesitate to use WEA because they have no reliable system to gauge geographic coverage. Because there is no established testing mechanism, there currently is no way to determine WEA reach.

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.

Notice of Election: Notices of election are submitted on a non-standardized form electronically to the Commission in the form of a letter using the same system that many providers already use to submit comments to the Commission during a rulemaking proceeding. We believe this method allows flexibility on format with the ease of electronic filing.

If there are technical impediments to using the Web-based filing system, then a written notification to the Commission by email, FAX, courier, or U.S. Mail may be used. All

non-electronic notifications shall contain the information required above, and shall be addressed to the Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Washington, D.C. 20554. (However, all hand-delivered Notifications shall be addressed to the Federal Communications Commission, Office of the Secretary).

Notice at Time of Sale and Current Subscribers: Disclosure to new subscribers may take the form of a URL or a sales representative at the point of sale. Sales associates are not required to memorize information about the availability and benefits of enhanced geo-targeting but may rely on information available at the CMS Provider's URL to provide details to consumers at the point of sale. Disclosure to current subscribers may take the form of an announcement amending the existing subscriber's service agreement. In the case of prepaid customers, if a mailing address is available, the CMS provider shall provide the required notification via U.S. mail. If no mailing address is available, the CMS provider shall use any reasonable method at its disposal to alert the customer to a change in the terms and conditions of service and directing the subscriber to voice-based notification or to a Web site providing the required notification.

Database Collection: The Commission will collect database information electronically on a voluntary basis using systems that the Commission has found to be efficient, user-friendly, and minimally burdensome.

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 mandatory reporting requirements are unique to WEA and are not duplicated elsewhere. The voluntary information collection is also unique to WEA and is not duplicated elsewhere.

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

All of these reporting requirements have been carefully designed to minimize the time and amount of data needed for the Commission to achieve its objectives as stated in item 1 above.

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.

Election and Notice Collections: Failure to conduct the enhanced consumer disclosures and/or ongoing collection of notices of election as required by the WARN Act could constitute a violation of a Congressional mandate to the Commission. Further, the ability of the Commission to develop and deploy an effective WEA system could be jeopardized if the Commission were unable to receive a timely notice of election by CMS providers.

Database Collection: Because this information collection is voluntary, the Commission does not foresee an issue with the frequency with which it is conducted. However, not conducting this collection would inhibit the public, Commission staff, and emergency managers from being able to efficiently ascertain the geographic coverage of WEA for a particular area, plus the devices that provide such coverage.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the criteria listed in supporting statement question.

Election and Notice Collections: We do not foresee special circumstances that would result in these information collections being inconsistent with the listed criteria. Participation elections are not general collections of information, but rather updates to previous elections and slight elaborations on the “yes” or “no” election previously approved by OMB. Similarly, the enhanced disclosure requirement is a slight elaboration on a pre-existing collection.

Database Collection: We do not foresee that the voluntary information collection will be collected in a manner inconsistent with the specified criteria because the Commission will structure the database to limit the scope of the data requested.

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 published a 60-day notice in the Federal Register seeking comments from the public on April 15, 2021 (86 FR 19886). No PRA Comments were received as a result of this Notice.

The Commission has not consulted with others outside the agency on these collections.

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

No payment or gift to respondents has been or will be made.

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

There is no need for confidentiality with this collection of information.

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

There are no questions of a sensitive nature involved with this collection of information.

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.

Notice of Election

Total Number of Respondents: 1,253.

Frequency of response: On occasion.

Total Number of Responses Annually: 1,253.

1,253 carriers x 1 reports/annually = **1,253 responses.**

Total Annual Burden Hours:

1,253 carriers x 1 reports/carrier/annually x 0.5 hours/report = **626.5 hours (rounded to 627 hours).**

Method of estimation of burden: This time estimate is based solely on our estimate of the actual time needed for data entry and submission. In making our time estimate, we have taken into account that all filings are to be made electronically through the submission of a letter describing the CMS provider's election. In sum, we estimate the total time needed to file this initial notice of election to be no more than 30 minutes (0.5 hours).

Total Annual "In-House" Costs: The Commission estimates the hourly wage of full-time employee who will be submitting this information as \$35.96/hour (2021 General Schedule (GS) Locality Pay Table Hourly Rate (Washington-DC-Baltimore-Arlington, DC-MD-VA-WV-PA, GS Grade 10, Step 5). Therefore, the in-house costs to the respondents are as follows:

$\$35.96 \times 1,253 \text{ carriers} \times 1 \text{ report/annually} \times 0.5 \text{ hours per report} = \mathbf{\$22,528.94.}$

Enhanced Notice at Time of Sale

Total Number of Respondents: 1,253.

Frequency of response: On occasion.

Total Number of Responses Annually:

1,253 carriers x 1 reports/annually = **1,253 responses.**

Total Annual Burden Hours:

1,253 carriers x 1 reports/carrier/annually x 10 hours hours/report¹ = **12,530 hours.**

Total Annual “In-House” Costs: The Commission estimates the hourly wage of full-time employee who will be submitting this information as \$35.96/hour. Therefore, the in-house costs to the respondents are as follows:

\$35.96 x carriers x 1,253 report/annually x 10 hours per report = **\$450,578.80.**

Notice to Current Subscribers

Total Number of Respondents: 1,253.

Frequency of response: 1.

Total Number of Responses Annually:

1,253 carriers x 1 report/annually = **1,253 responses.**

Total Annual Burden Hours:

1,253 carriers x 1 report/carrier/annually x 12 hours/report = 15,036 hours.

Total Annual “In-House” Costs:

The Commission estimates the hourly wage of full-time employee who will be submitting this information as \$35.96/hour. Therefore, the in-house costs to the respondents are as follows:

\$35.96 x 1,253 carriers x 1 report/annually x 12 hours per report = **\$540,694.56.**

Database Collection

Total Number of Respondents: 1,253.

Frequency of response: On occasion.

Total Number of Responses Annually: 1,253.

1,253 carriers x 1 reports/annually = **1,253 responses.**

¹ The estimated time per response can take from .5 hours to 10 hours for this requirement but the Commission is basing its calculation on 10 hours per response for this requirement.

Total Annual Burden Hours:

1,253 carriers x 1 reports/carrier/annually x 0.5 hours/report = **626.5 hours**
(rounded to 627 hours).

Method of estimation of burden: This time estimate is based solely on our estimate of the actual time needed for data entry and submission. In making our time estimate, we have taken into account that all filings are to be made electronically through the database interface. In sum, we estimate the total time needed to file this initial notice of election to be no more than 30 minutes (0.5 hours).

Total Annual “In-House” Costs: The Commission estimates the hourly wage of full-time employee who will be submitting this information as \$35.96/hour. Therefore, the in-house costs to the respondents are as follows:

$\$35.96 \times 1,253 \text{ carriers} \times 1 \text{ report/annually} \times 0.5 \text{ hours per report} = \mathbf{\$22,528.94}$.

Total Respondents Annually: 1,253

Total Annual Responses: $1,253 + 1,253 + 1,253 + 1,253 = 5,012$

Total Annual Burden: $627 + 12,530 + 627 + 15,036 = 28,820$

Total Combined Annual “In-House” Costs: $\$22,528.94 + \$450,578.80 + \$22,528.94 + 540,694.56 = \$1,036,331.24$

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).

There is no outside cost to the respondents. The Commission did not require respondents to purchase software to perform or meet a reporting, recordkeeping or third-party requirement, nor did it require respondents to contract with an outside law firm or engineer/accountant to prepare and submit documents or studies to the Commission.

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expenses that would not have been incurred without this collection of information.

The Commission expects to incur costs of approximately \$115,000 to integrate a database into pre-existing frameworks that would handle the filings discussed herein.

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

The Commission is not reporting any 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 Commission maintains, and publishes on its website, a Microsoft Excel file listing the names and election decision of all CMS providers that submit an election decision. The public information will be updated as needed to reflect new or changed election filings by CMS providers.

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.

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

18. Explain any exceptions to the Certification Statement.

There are no exceptions to the Certification Statement.

B. Collections of Information Employment Statistical Methods:

This information collection does not employ any statistical methods.