

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 seeks OMB approval of an extension for the information collection associated with the Federal Communications Commission (Commission or FCC) requirements for implementing enhanced 911 (E911) emergency services. In connection with extension of this information collection, the Commission is adjusting its estimate of the number of public safety answering points (PSAPs) based on updated information. There are no other changes to this information collection.

Under Section 9.10(m)(4) and (m)(5) of the Commission's rules,¹ a wireless carrier that is a Commercial Mobile Radio Services (CMRS) provider must provide E911 service to a PSAP within six months only if that PSAP makes a request for the service, and it is capable of receiving and utilizing the information provided. In the initial City of Richardson Order, the Commission adopted rules clarifying what constitutes a valid PSAP request.²

In November 2002, the Commission released the City of Richardson Order on Reconsideration,³ revising its E911 rules to provide additional clarification on PSAP readiness. The Commission's actions facilitated the E911 implementation process by encouraging parties to communicate with each other early in the implementation process and maintain constructive, continuous dialog.

The rules, as revised by the Order on Reconsideration, include the following information collection requirements subject to the Paperwork Reduction Act, for which the Commission seeks continued OMB approval:

a) If a wireless carrier has completed all necessary steps toward E911 implementation that are not dependent on PSAP readiness, then the Commission may temporarily toll its compliance obligation. The PSAP must not be ready to receive E911 information at the end of the six-month period, and the carrier must file a certification to that effect.

b) As part of the certification and notification process, a wireless carrier must notify the PSAP of its intent to file a certification that the PSAP is not ready to receive and use E911 information. The PSAP is permitted to send a response to the carrier's notification— it may

¹ 47 CFR § 9.10(m)(4), (5). These rules were originally codified in paragraphs (j)(4) and (5) of Section 20.18 of the Commission's rules. In 2019, the Commission consolidated all 911 rules into a single rule part, 47 CFR part 9.

² *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Order, 16 FCC Rcd 18982 (2001).

³ *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Order on Reconsideration, 17 FCC Rcd 24282 (2002).

affirm that it is not ready to receive E911 information or challenge the carrier's characterization of its state of readiness. Carriers must include any response they receive from the PSAP in their certification filing to the Commission.

c) The Commission clarified that wireless carriers and PSAPs may mutually agree to an E911 deployment schedule at variance with the schedule contained in the Commission's rules. Carriers and PSAPs may choose to participate in the certification and private negotiation process. The Commission does not require participation.

The Commission has examined several factors resulting in no change to the number of respondents or the estimated burden hours associated with this request. First, the Commission estimates there are 967 CMRS providers. This estimate is based on the same data from the U.S. Census Bureau used in the previous renewal supporting statement.⁴ The 2017 census data has yet to be released. The estimate of CMRS providers represents the maximum possible number of respondents. Additionally, based on updated information from the National Emergency Number Association (NENA), the Commission estimates that there are now 5,748 primary and secondary PSAPs nationwide rather than the 5,783 PSAPs estimated in the Commission's 2018 burden assessment.⁵

The Commission also has examined the number of Richardson certifications it has received in recent years. The Commission's records indicate that since 2010, it has received only four certifications – one in 2014, one in 2013, one in 2011, and one in 2010. The Commission has not received any certifications since 2014. Accordingly, we retain our estimate of one Richardson certification filing per year. We believe this is a conservative estimate, and it may well overstate the number of filings actually received.

Statutory authority for this collection of information is contained in 47 U.S.C. §§ 154, 160, 201, 251–254, 303, and 332 unless otherwise noted.

This 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 last collection.

The Commission uses the certification filings from wireless carriers to determine each carrier's compliance with its E911 obligations. The Commission reviews carrier certifications to ensure the carrier has sufficiently explained the basis for its conclusion that a particular PSAP will not be ready, and it has identified all of the specific steps the carrier has taken to provide the requested service. The Commission retains the discretion to investigate a carrier's certification and take enforcement action if appropriate.

⁴ U.S. Census Bureau, *2012 Economic Census of the United States*, <https://data.census.gov/cedsci/table?q=EC1251&hidePreview=true&tid=ECNSIZE2012.EC1251SSSZ5> (last visited June 8, 2021).

⁵ NENA The 9-1-1 Association, *9-1-1 Statistics*, <https://www.nena.org/page/911Statistics> (last visited June 3, 2021).

The requirement that carriers notify affected PSAPs in writing, including a copy of the certification, affords PSAPs an opportunity to review proposed certifications and present their respective views of their readiness to receive and use E911 information. The Commission reviews all PSAP responses.

The clarification regarding mutually agreed upon alternative implementation schedules necessarily entails a third-party contact information burden; however, the affected entities are able to adopt an E911 implementation schedule best suited to their specific circumstances.

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.

Before adopting information collections, the Commission's Public Safety and Homeland Security Bureau (PSHSB) conducts an analysis to ensure that improved information technology can be used to reduce the burden on the public. For the Richardson certification process, this analysis considered the possibility of obtaining the required data from existing databases in the Commission or other Federal agencies, but no such data was available. To reduce the burden, the Commission permits carriers and PSAPs to file 100% of their certifications and responses electronically through the Commission's Electronic Comment Filing System (ECFS).

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.

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

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

In conformance with the Paperwork Reduction Act of 1995, the Commission makes an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary for evaluating each application and deterring possible abuses of the implementation processes pursuant to a valid PSAP request for E911 service. The information collection for which the Commission seeks renewal will provide benefits for small carriers. Allowing carriers to file certifications to temporarily toll their E911 obligations in areas where PSAPs are not ready to receive and use the information will allow small carriers to streamline their deployment efforts and focus on areas where PSAPs have completed their preparations. To minimize the burden on small entities, the Commission has made carrier participation in the certification process voluntary.

Similarly, the Commission has provided entities of all sizes more flexibility in establishing a deployment schedule best suited to their particular circumstances by clarifying that carriers and

PSAPs may agree on an implementation schedule different from that prescribed in the Commission's rules.

6. Describe the consequences 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 the burden.

The certification process helps the Commission ensure rapid, nationwide E911 deployment. If the Commission did not allow carriers to file certifications, many carriers could be forced to waste limited resources attempting to complete deployments in areas where PSAPs are unready to receive and use E911 information. Carriers resolving readiness issues with particular PSAPs might be prevented from continuing deployment efforts in additional areas. By allowing carriers to file certifications, the Commission prevents disputes over readiness in particular areas from slowing down deployment efforts across the country.

By clarifying that carriers and PSAPs may agree to implementation schedules different from the six-month deadline contained in the E911 rules, the Commission encourages cooperation between all parties to help ensure rapid and efficient rollout of E911 service. If the Commission did not permit such negotiation, it is likely there would be a greater number of disputes between carriers and PSAPs, and deployment of E911 service would be delayed.

7. Explain any special circumstances that would cause an information collected in a manner inconsistent with the guidelines in 5 C.F.R. § 1320.5(d)(2).

Current data collection is consistent with 5 CFR § 1320.5(d)(2).

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 C.F.R. § 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 (if any), and on the data elements to be recorded, disclosed, or reported.

The Commission initiated a 60-day public comment period which published in the Federal Register on August 13, 2021 (86 FR 44717). No comments were received as a result of the notice.

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

Respondents will not receive any gifts or payments.

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

Although the Commission does not believe any confidential information will need to be disclosed in order to comply with the certification, notification, and corresponding PSAP response provisions, covered carriers or PSAPs are free to request that materials or information submitted to the Commission be withheld from public inspection and from the E911 web site.⁶

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

There are no requests of a sensitive nature from the applicants considered in this collection renewal.

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

As explained above, the Commission estimates there are approximately 5,748 primary and secondary PSAPs, each of which can request wireless E911 service from multiple carriers. Additionally, according to data from NENA, approximately 99.2% of the 5,748 PSAPs have E911 Phase II service, and approximately 99.4% of them have Phase I service.⁷ For purposes of the estimates in this submission, the Commission assumes that 99% of the nation's PSAPs have E911 service.

The Commission is not able to determine how many wireless carriers will file Richardson certifications or how many PSAPs might choose to respond to carriers' proposed certification filings. However, as noted above, the Commission has examined its records regarding the number of certifications it received in recent years. The Commission's records indicate that since 2010, it has received only four certifications – one in 2014, one in 2013, one in 2011, and one in 2010. The Commission has not received any certifications since 2014. Accordingly, we retain our estimate of one Richardson certification filing per year from our 2018 renewal. We believe this is a conservative estimate, and it may well overstate the number of filings actually received. The Commission estimates the annual burden hours will remain unchanged from its 2018 calculations. As indicated below, we are adjusting the estimate of respondents' annualized "in-house" cost to reflect updated wage rates and categories.

a. Certification and Notification Requirements:

The Commission expects one CMRS provider per year will file a Richardson certification and notify the affected PSAP of that filing. The Commission expects the carrier will have staff engineers or attorneys complete the certification filing, and the certification and notification will take approximately **four hours to complete**. This is an optional burden that will only affect carriers who seek to use the certification process to toll their E911 obligations. Carriers are not required to file certifications on any set schedule; they may file certifications as they choose.

⁶ See 47 CFR § 0.459.

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NENA The 9-1-1 Association, *9-1-1 Statistics*, <https://www.nena.org/page/911Statistics> (last visited June 4, 2021).

Annual Hours for Certification and Associated Notification per Carrier:
4 hours per submission x 2 submissions = 8 burden hours
2 submissions x 1 carrier = 2 responses;
Total Annual Hours for Certification and Associated Notification for 1 carrier:
8 burden hours x 1 carrier = **8 total annual burden hours.**

b. PSAP Response Option:

The Commission estimates one CMRS wireless carrier will decide to certify PSAP E911 inability and notify the affected PSAP annually. Consistent with this estimate, the Commission believes **one PSAP annually** will elect to respond in some fashion to the challenge the carrier's characterization of its ability to receive and use E911 data. The Commission believes this PSAP will use a staff attorney to prepare its response, which will take a maximum of **two hours per submission**. As noted above, this is a voluntary or occasional reporting requirement.

Total Responses for Requirement 12b:

1 response

Annual Hours to Respond to a Carrier Challenge of PSAP E911 Readiness:
1 PSAP reply x 2 hours per PSAP = 2 annual burden hours.

c. Wireless Carrier Agreement Burden:

Consistent with the 2018 renewal, the Commission has not received a Richardson certification since 2014, and it retains all estimates from its 2018 renewal. Accordingly, the Commission believes approximately 10 of the total 967 wireless carriers annually may elect to negotiate an E911 deployment schedule at variance with the Commission's rules. This third-party contact burden is voluntary and would be a one-time or occasional burden that could take the form of meetings, conference calls, or written correspondence. The Commission assumes that agreement can be reached with all PSAPs in a service area in one meeting, letter, or phone call. Additionally, the Commission believes each of the 10 carriers will assign a staff attorney to coordinate an implementation agreement at 3 hours per agreement and 1 agreement per calendar year.

Total Responses for Requirement 12c:

10 wireless carriers

Annual Hours for Wireless Carriers to Arrange an Alternative Implementation Schedule:

3 hours per agreement x 10 wireless carriers = 30 annual burden hours

d. PSAP Agreement Burden:

Similarly, the Commission estimates that approximately 10 PSAPs annually will assign a staff attorney to coordinate for 3 hours with wireless carriers in their area to reach an agreement on an alternative E911 implementation schedule. This is a one-time or occasional PRA burden that is voluntary.

Total Responses for Requirement 12d:

10 PSAPs

Annual Hours PSAPs to Arrange an Alternative Implementation Schedule:

3 hours per agreement x 10 PSAPs = 30 annual burden hours.

Total responses for this requirement (12b., c., and d.) : 2 responses +1 response +10 responses + 10 responses = 23 responses

Total for this requirement (12b., c., and d.): 8 hours + 2 hours + 30 hours + 30 hours = 70 annual burden hours.

Respondent In-House Cost Estimates:

All costs described below are in-house costs that the respondent will perform within their companies.

We are adjusting the estimate of in-house labor costs to reflect updated wage rates and categories and to ensure uniformity of labor cost estimates used in other recent FCC collection applications and renewal applications.

a. Certification and Notification Option.

CMRS Carriers. The Commission believes each wireless carrier will use an in-house staff attorney or engineer at a salary equivalent to GS-15, step 5 (\$78.27 per hour) to complete the certification and notify PSAPs of its action.

8 burden hours annually per entity x \$78.27 = \$626.16 annually per entity

\$626.16 x 1 entity= \$626.16 total annual cost burden.

b. PSAP Response Option.

The Commission estimates that the one PSAP that decides to respond to wireless certification of PSAP E911 capability will use staff attorneys (\$78.27 per hour) to prepare its response.

2 burden hours annually per PSAP x \$78.27 = \$156.54 annually per PSAP

\$156.54 x 1 PSAP = \$156.54 total annual cost burden.

c. Wireless Carrier Agreement Burden.

The Commission expects all of the 10 wireless carriers who will coordinate alternative E911 implementation date agreements will assign staff attorneys (\$78.27 per hour) to complete these agreements.

3 hours per wireless carrier x \$78.27 = \$234.81per carrier per year

\$234.81 x 10 carriers = \$2,348.10 total annual cost burden.

d. PSAP Agreement Burden.

The Commission estimates that all of the 10 PSAPs that coordinate alternative E911 implementation date agreements with wireless carriers will use staff attorneys (\$78.27 per hour) to complete these agreements.

3 hours per PSAP annually x \$78.27 = \$234.81 annually per PSAP

\$234.81 x 10 PSAPs = \$2,348.10 total annual cost burden.

GRAND TOTAL RESPONDENTS: 1 + 1 + 10 + 10 = 22 respondents.

GRAND TOTAL RESPONSES: 2 + 1 + 10 + 10 = 23 responses.

GRAND TOTAL OF IN-HOUSE COSTS TO THE RESPONDENT: \$626.16 + \$156.54 + \$2,348.10 + \$2,348.10 = \$5,478.90.

GRAND TOTAL ANNUAL BURDEN HOURS: 8 hours + 2 hours + 30 hours + 30 hours = 70 total annual burden hours for all the above requirements.

13. Provide an estimate of 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.

- a. There will be no start-up or capital costs incurred by the respondent.
- b. There will be no operation and maintenance costs incurred by the respondent.

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 will likely assign a senior public utility specialist or program analyst (GS-14, Step 5) at \$65.88 per hour to review the wireless carrier certifications. The Commission expects that this review will take about 2 hours per submission and expects to receive one certification annually.

2 hours per submission x \$65.88 x 1 submission = \$131.76.

Total cost to the government: \$131.76.

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

The Commission is reporting an adjustment/decrease in this information collection. Based on updated information from NENA, the number of PSAPs has decreased from 5,783 to 5,748 (-35). This adjustment/decrease did not result in any changes to the total number of respondents, total annual responses or total annual burden hours to this collection.

There are no program changes.

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

The data will not be published for statistical use.

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

Display of the expiration date for OMB approval would be inappropriate because the information to be provided is contained in Commission rules.

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 Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.