

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 information collection associated with the Federal Communications Commission's (Commission) Resilient Networks Mandatory Disaster Response Initiative (MDRI) is necessary to ensure the nation's communications networks are able to provide a significant lifeline for those in need during disasters and other emergencies. Recent events, including Hurricane Ida, earthquakes in Puerto Rico, severe winter storms in Texas, and active hurricane and wildfire seasons, have demonstrated however that the United States' communications infrastructure is susceptible to disruption during disaster events. To address this issue, the Commission adopted a *Report and Order* in June 2022 to improve the reliability and resiliency of mobile wireless networks.¹ In the *Report and Order*, the Commission introduced the Mandatory Disaster Response Initiative (MDRI) and specified requirements for a provider to comply with the MDRI.²

Mandatory Disaster Response Initiative Rule. The Commission's MDRI rule applies to all of the nation's facilities-based mobile wireless providers and states, in part:

“§ 4.17 Mandatory Disaster Response Initiative.

(a) Facilities-based mobile wireless providers are required to perform, or have established, the following procedures when:

(1) Any entity authorized to declare Emergency Support Function 2 (ESF-2) activates ESF-2 for a given emergency or disaster;

(2) The Commission activates the Disaster Information Reporting System (DIRS); or

(3) The Commission's Chief of the Public Safety and Homeland Security Bureau issues a Public Notice activating the Mandatory Disaster Response Initiative in response to a state request to do so, where the state has also either activated its Emergency Operations Center, activated mutual aid or proclaimed a local state of emergency:

(i) Provide for reasonable roaming under disaster arrangements (RuDs) when technically feasible, where:

(A) A requesting provider's network has become inoperable and the requesting provider has taken all appropriate steps to attempt to restore its own network; and

(B) The provider receiving the request (home provider) has determined that roaming is technically feasible and will not adversely affect service to the home provider's own subscribers, provided that existing roaming arrangements and call processing methods do not already achieve these objectives and that any new arrangements are limited in

¹ See *Resilient Networks; Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; New Part 4 of the Commission's Rules Concerns Disruptions to Communications*, PS Docket Nos. 21-346 and 15-80; ET Docket No. 04-35, Report and Order and Further Notice of Proposed Rulemaking (*Report and Order*), 87 FCC Rcd 59329 (2022).

² *Report and Order*.

duration and contingent on the requesting provider taking all possible steps to restore service on its own network as quickly as possible;

(ii) Establish mutual aid arrangements with other facilities-based mobile wireless providers for providing aid upon request to those providers during emergencies, where such agreements address the sharing of physical assets and commit to engaging in necessary consultation where feasible during and after disasters, provided that the provider supplying the aid has reasonably first managed its own network needs;

(iii) Take reasonable measures to enhance municipal preparedness and restoration;

(iv) Take reasonable measures to increase consumer readiness and preparation; and

(v) Take reasonable measures to improve public awareness and stakeholder communications on service and restoration status.

(b) Providers subject to the requirements of paragraph (a) of this section are required to perform annual testing of their roaming capabilities and related coordination processes, with such testing performed bilaterally with other providers that may foreseeably roam, or request roaming from, the provider during times of disaster or other exigency.

(c) Providers subject to the requirements of paragraph (a) of this section are required to submit reports to the Commission detailing the timing, duration, and effectiveness of their implementation of the Mandatory Disaster Response Initiative's provisions in this section within 60 days of when the Public Safety and Homeland Security Bureau issues a Public Notice announcing such reports must be filed for providers operating in a certain geographic area in the aftermath of a disaster.

(d) Providers subject to the requirements of paragraph (a) of this section are required retain RuDs for a period of at least one year after their expiration and supply copies of such agreements to the Commission promptly upon Commission request. . . .³

In addition, the Commission requires that when a facilities-based mobile wireless provider subject to this rule receives a roaming request and denies the request, it must specify the denial in writing to the requesting provider, preferably with the specific reasons as to why roaming is infeasible.⁴

Safe Harbor Based on the Wireless Resiliency Cooperative Framework. As an alternative to implementing the MDRI's provisions (a)(ii)-(a)(v), described above, a provider may, at its option, implement certain provisions of an earlier industry-developed Wireless Resiliency Cooperative Framework (Framework) instead.⁵ Namely, a provider that files a letter with the Commission truthfully and accurately asserting that it complies with the Framework's provisions F1-F4, described below, and has implemented internal procedures to ensure that it remains in compliance with these provisions, is presumed to have complied with the MDRI's provisions (a)(ii)-(a)(v) under this safe harbor.⁶

³ 47 CFR § 4.17.

⁴ *Report and Order* at para. 22.

⁵ See *Improving the Resiliency of Mobile Wireless Communications Networks; Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 13-239 (terminated), PS Docket No. 11-60, Order, FCC 16-173 at 3 (December 14, 2016) (*Framework Order*).

⁶ *Report and Order* at paras. 28-29.

Wireless Resiliency Cooperative Framework - selected provisions:

- **F1:** “fostering mutual aid among wireless providers during emergencies;”
- **F2:** “enhancing municipal preparedness and restoration by convening with local government public safety representatives to develop best practices, and establishing a provider/PSAP contact database;”
- **F3:** “increasing consumer readiness and preparation through development and dissemination with consumer groups of a Consumer Readiness Checklist;”
- **F4:** “improving public awareness and stakeholder communications on service and restoration status, through Commission posting of data on cell site outages on an aggregated, county-by-county basis in the relevant area through its Disaster Information Reporting System (DIRS).”

Compliance Requirements. Thus, to comply with the Commission’s rules set forth in the *Report and Order*, a facilities-based mobile wireless provider must implement the MDRI’s provisions (a)(i) and (b)-(d) and issue written denials of roaming requests, as described above. The provider must also implement either the MDRI provisions (a)(ii)-(v) or the corresponding set of provisions from the Framework, i.e., provisions F1-F4.

Accordingly, the Commission submits this information collection to support its adoption of the MDRI by seeking to have collected information described in the MDRI’s provisions (b)-(d), the Framework’s provisions F2 and F3, and related to the requirement that providers issue written denials of roaming requests and option that permits providers to file safe harbor letters.

The information sought in this collection is necessary for the administration of the rule and vital to ensuring that the nation’s mobile wireless networks are more operational during disaster events, thus better fulfilling their role as critical lifelines to those in need in times of emergency.

The collection is authorized under the authority contained in Sections 1, 4(i), 4(j), 4(o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(j), 303(r), 307, 309(a), 309(j), 316, 332, 403, 615a-1, and 615c of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j) & (o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(j), 303(r), 307, 309(a), 309(j), 316, 332, 403, 615a-1, and 615c.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.⁷

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.**

This new information collection will be used by various types of entities to realize significant public safety benefits. For example:

⁷ 5 U.S.C. § 552(a).

- Consumers and consumer groups will use the Consumer Readiness Checklists prepared and disseminated by providers pursuant to the Framework’s provision F3 to increase consumer education and improve consumer preparedness for disasters and other emergencies.⁸
 - Providers will use the information obtained pursuant to the testing requirements of the MDRI’s provision (b) to ensure that roaming will work expeditiously in times of emergencies and to better understand their network capabilities related to roaming, including to better understand the extent to which roaming can be performed in a way that does not compromise a provider’s service to its own customers.⁹ Providers will also use this information so that they can optimize, debug and diagnose their networks well in advance of emergencies, ensuring that these networks roam as effectively as possible when a disaster strikes, ultimately saving lives and property.¹⁰
 - The Commission will use information contained in the reports provided to it pursuant to the reporting requirements of the MDRI’s provision (c) to gauge the effectiveness of the MDRI and Framework provisions and as a basis for potential future improvements to the MDRI and other programs in furtherance of public safety.¹¹
 - The Commission will use the RuDs retained by providers pursuant to the MDRI’s provision (d) to effectively gauge compliance with the MDRI’s roaming provision at minimal cost to providers.¹² The Commission may also use this information to resolve disputes related to the roaming agreements, including the negotiation of the agreements.¹³
 - Requesting providers will use the information included in a host provider’s written denial of a roaming request to evaluate the substance of the reasons for denial so that the requesting provider can make a renewed request at an appropriate time later, if warranted.¹⁴ The Commission may use this information to gain insight into modifications that would facilitate a future roaming agreement or create a record in the event a dispute arises.¹⁵
 - The Commission may use the information supplied in providers’ “safe harbor” letters to assess the sufficiency of a provider’s efforts to comply with the Commission’s rules and to ensure that providers are accountable for failures to comply.¹⁶
- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical or other technological techniques or other forms of information technology, e.g., permitting electronic submissions of responses, and the basis for the decision for adopting this means of collection.**

⁸ *E.g.*, Letter from Joan Marsh, AT&T; Charles McKee, Sprint; Grant Spellmeyer, U.S. Cellular; Scott Bergmann, CTIA; Steve Sharkey, T-Mobile; and William H. Johnson, Verizon, to Marlene Dortch, Secretary, Federal Communications Commission (dated Apr. 27, 2016), PS Docket Nos. 11-60 and 13-239, <http://www.ctia.org/docs/default-source/fcc-filings/160427-final-network-resiliency-commitment-letter.pdf> at 3; see also, *e.g.*, Framework Order at para. 15.

⁹ Report and Order at para. 31.

¹⁰ Report and Order at para. 31.

¹¹ Report and Order at para. 33.

¹² Report and Order at para. 24.

¹³ Report and Order at para. 16.

¹⁴ Report and Order at para. 22.

¹⁵ Report and Order at para. 22.

¹⁶ Report and Order at para. 28, App. A.

The Commission encourages providers subject to the information collection requirements to use all forms of information technology, including electronic submission methods, wherever it would be cost effective and efficient for the provider to do so. The Commission believes that all requirements of this information collection can be satisfied efficiently by electronic means. The Commission, however, has not mandated specific means of collection so as to allow providers the maximum flexibility to perform collections using those means that are least burdensome to it, so long as they meet the requirements specified in the *Report and Order*.

4. Describe efforts to identify duplication.

This information collection is unique to the Commission's MDRI rules and is not duplicated elsewhere. The Commission is not aware of any already available information collections that involve similar rules or requirements related to implementing reasonable roaming under disaster arrangements (RuDs), implementing mutual aid agreements among providers, enhancing municipal preparedness and restoration, increasing consumer readiness and preparation, improving public awareness and stakeholder communications on service and restoration status or testing and reporting required by the MDRI.

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

The collection has been carefully designed to minimize the time and burden on small businesses and other small entities to comply with the MDRI rules while still allowing the Commission to achieve its objectives.

For example, the Commission set the compliance date for the *Report and Order's* MDRI requirements to allow small providers three additional months for compliance compared to larger providers.¹⁷ In addition, the *Report and Order's* requirements are only applicable to facilities-based mobile wireless providers and thus other small entity providers that may be capable of roaming are not subject to the adopted provisions.

Moreover, several of the adopted requirements are based on or incorporate industry-developed standards and programs, including in the industry-developed Framework, and utilize and are consistent with existing Commission requirements. In developing the requirement that facilities-based mobile wireless providers provide reasonable roaming under disaster arrangements (RuDs) when technically feasible, for instance, the Commission defined "reasonable roaming" as roaming that does not disturb, but includes compliance with, the Commission's existing requirements that voice roaming arrangements be just, reasonable, and non-discriminatory, and that data roaming arrangements be commercially reasonable. Consistency with existing industry standards and Commission requirements increases the likelihood that small entities already have processes and

¹⁷ The Commission set the compliance date for the MDRI rules as the later of (i) nine months after the publication of the *Report and Order* in the Federal Register for small facilities-based mobile wireless providers and six months after the publication of the *Report & Order* in the Federal Register for all other (i.e., not small) facilities-based mobile wireless providers or (ii) 30 days after the Public Safety and Homeland Security Bureau issues a Public Notice announcing that OMB has completed review of any new information collection requirements associated with the Report and Order. *Id.* at paras. 47, 48. In setting the compliance dates, the Commission adopted the Small Business Administration (SBA)'s standard, which classifies a provider in this industry as small if it has 1,500 or fewer employees. See 13 CFR § 121.201, NAICS Code 517312.

procedures in place to facilitate compliance with the rules adopted in the Order and may only incur incremental costs, which will minimize the impact for these entities.

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 collection includes a number of recurring elements, including:

- Providers are required to submit reports to the Commission detailing the timing, duration and effectiveness of their implementation of the MDRI's provisions within 60 days of when the Public Safety and Homeland Security Bureau issues a Public Notice requesting that such reports be filed. It is anticipated that the Commission could make such a request multiple times annually if emergency or disaster events warrant it. For example, it is possible that the Commission will make multiple such requests of providers operating in a given geographic area if that area is subject to multiple threatened Hurricane events in a period of time.
- Providers are required to perform annual testing of their roaming capabilities and related coordination processes; and
- Providers may incur recurring burdens as they fulfill steps related to enhancing municipal preparedness and restoration, increasing consumer readiness and preparation, and issuing written denials of roaming requests from other providers. For example, providers may take action to fulfill these steps each time the Commission activates the MDRI in their geographic area, which could vary depending on the severity and frequency of threatened disasters and other exigencies in a period of time.

Many of these recurring steps describe acts that providers will perform in anticipation of, or after the conclusion of, each applicable disaster event or emergency scenario (e.g., the requirement to supply after-activation reports to the Commission) with a frequency that will depend in part on the occurrence of such events, which is unknowable in advance. Providers will perform some of these steps on a recurring basis to ensure that their networks are able to perform properly in view of changes to the structure of their communications network and/or internal processes.

If this collection were not performed, or performed less frequently, the Commission would not have reliable information on the effectiveness of the MDRI in the aftermath of disasters and assurances that providers are taking steps necessary to comply with the MDRI and achieve greater network reliability and resiliency. In some cases (e.g., related to the issuance of written roaming denials by host providers to requesting providers), providers would not otherwise have sufficient information available to ensure that their customers remain connected to critical services during emergency events to the maximum extent possible. A failure to collect this information would thus adversely impact the Commission's ability to carry out its Congressionally-mandated objective of aiding the national defense and promoting the safety of life and property by regulating wire and radio communications.

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

This collection of information is consistent with the guidelines in 5 CFR § 1320.5(d)(2). The collection will require providers to submit reports to the Commission detailing the timing, duration

and effectiveness of their implementation of the Mandatory Disaster Response Initiative’s provisions within 60 days of when the Public Safety and Homeland Security Bureau issues a Public Notice announcing such reports must be filed for providers operating in a certain geographic area in the aftermath of a disaster. Because disaster events occur with an unpredictable frequency and geographic span, the Commission cannot rule out the possibility that providers would be required to supply such reports to the Commission more often than quarterly on occasion.

Similarly, providers may include information in these reports that could constitute proprietary trade secrets and/or other confidential information. Providers may request that such reports be withheld from public inspection (be kept confidential) under section 0.459 of the Commission’s rules.¹⁸ Such requests must address the substantive criteria in section 0.459(b) of the Commission’s rules and must describe the specific portion(s) of the submitted material for which confidentiality is sought.

A failure to collect this information would adversely impact the Commission’s ability to carry out its Congressionally-mandated objective of aiding the national defense and promoting the safety of life and property by regulating wire and radio communications. Other than through these reports, which providers may be required to submit more often than quarterly on occasion (as described in the paragraph immediately above), the Commission does not expect this information collection to require that respondents report information to the Commission more often than quarterly.

8. Identify the date and page number of publication in the Federal Register of the agency’s Paperwork Reduction Act (PRA) 60-day notice, required by 5 C.F.R. § 1320.8(d), soliciting comments on the information collection requirement(s) prior to submission to OMB.

The Commission published a 60-day notice in the Federal Register seeking comments from the public on December 16, 2022 (87 FR 77110). The Commission received one set of comments filed jointly by CTIA and the Competitive Carriers Association (CCA). CCA and CTIA’s comments claim that the *Resilient Networks Order* does not satisfy the requirements of the PRA.¹⁹ These objections either are not applicable to, or do not reflect the requirements of, the Paperwork Reduction Act (PRA).

Whether the Commission Has Satisfied PRA Obligations Pertaining to the MDRI’s Roaming Agreements, Mutual Aid Arrangements, and Annual Testing requirements. CCA and CTIA state that the Commission has not satisfied its obligations under the PRA for the MDRI requirements that facilities-based mobile wireless providers (i) enter into bilateral roaming under disaster (RuD) agreements, (ii) enter into mutual aid arrangements, and (iii) engage in annual bilateral testing of roaming capabilities.

Foremost, the first two requirements do not involve “collection[s] of information,” and therefore are not subject to the PRA.²⁰ The MDRI’s requirement that facilities-based mobile wireless providers subject to this enter into agreements or arrangements with each other does not require neither the sharing nor disclosure of information of any kind. To the extent that facilities-based mobile wireless providers subject to this requirement decide to share information in pursuit of an agreement, that is

¹⁸ 47 CFR § 0.459.

¹⁹ CCA and CTIA Comments at 2-3 and 11. See also 44 U.S.C. § 3506(c)(1)(A)(iv) and 44 U.S.C. § 3506(c)(3)(D).

²⁰ Under 44 U.S.C. § 3502 (A), the term “collection of information” is defined as “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—i) answers to identical questions . . . or identical reporting or recordkeeping requirements imposed on, ten or more persons.” 44 U.S.C. § 3502(A)(i).

their own choice. The Commission is not soliciting or requiring disclosure of information to a third party, but rather requiring that providers establish aid and roaming agreements with each other. The Commission is also not seeking answers to a set of questions or collecting statistics. The purpose of the MDRI is to ensure that providers can engage in mutual aid and that consumers can roam on other networks when their network is unusable in times of emergencies and disasters. Accordingly, CCA and CTIA's arguments regarding the burden posed by these requirements is not relevant to OMB's review under the PRA and are better addressed by the FCC in its own proceeding, in which these commenters have already filed a petition requesting reconsideration of these issues.

As for CCA and CTIA's argument concerning annual testing of roaming capabilities, this particular concern is not supported by any detailed challenge to the PRA burden estimate in the 60-day notice.²¹ CCA and CTIA only critique the estimated total initial costs of compliance with *all* of the MDRI requirements and do not raise quantifiable concerns about the testing requirement specifically. Accordingly, OMB should approve the collection.

Whether the Commission's Burden Estimate Meets PRA Standards. CCA and CTIA argue that the Commission's estimate of the burden imposed upon facilities-based mobile wireless providers, particularly small facilities-based mobile wireless providers, does not meet the PRA's standard of being a "specific, objectively supported estimate" because it underestimates the burden.²² Specifically, CCA and CTIA conclude that the Commission does not "account for the full extent of the burden imposed upon . . . providers, especially small . . . providers" when complying with the MDRI because: 1) "the Commission does not address whether its estimate considers how many . . . providers a single provider must engage with and enter into bilateral RuD agreements and mutual agreements, as well as . . . initial . . . roaming testing, and 2) the Order "does not account for the complexity involved in entering" these agreements and arrangements.²³ They argue that it is not clear whether the estimate considers the number of other providers that each provider would need to engage with to satisfy the requirement and that the Commission underestimates the burden.²⁴

Conversely, the Commission believes the burden estimate is both appropriate and satisfies the PRA's requirements. In presenting its cost estimate, the FCC explained how it came to its estimate using specific, objective data on the number of entities that would be subject to the requirements as derived from the FCC's 2022 Voice Telephone Services Report and on 2021 national wage information from the Bureau of Labor and Statistics.²⁵ Additionally, the FCC also explained its reasoning for why providers subject to these requirements were unlikely to incur significant initial implementation costs.²⁶ We note that the FCC sought comment on the costs associated with these rules and no commenters provided a detailed quantitative analysis of costs or benefits, though some provided qualitative views.²⁷ To the extent that CCA and CTIA now argue that they can offer quantitative estimates that disagree with those of the FCC, those arguments are best addressed by the FCC in relation to the parties' petition requesting reconsideration of these issues.

Additionally, CCA and CTIA's arguments about the sufficiency of the burden estimate are not supported by any detailed challenge to the PRA burden estimate in the 60-day notice.²⁸

²¹ *Resilient Networks Order* at 16, paras. 42-43.

²² 44 U.S.C. § 3506(c)(1)(A)(iv); CCA and CTIA Comments at 2-3.

²³ CCA and CTIA Comments at 3-5.

²⁴ 44 U.S.C. § 3506(c)(1)(A)(iv); CCA and CTIA Comments at 5-9.

²⁵ *Resilient Networks Order* at 16, para. 43.

²⁶ *Resilient Networks Order* at 15-16, paras. 41-42.

²⁷ *Resilient Networks Order* at 14-17, paras. 39-46.

²⁸ *Resilient Networks Order* at 16, paras. 42-43.

To the extent that CCA and CTIA suggest that the rules are burdensome to small providers, it must be noted that the FCC considered additional burdens that might be faced by small facilities-based mobile wireless providers (which is defined consistently with the Small Business Administration's size standard)²⁹ and allowed three additional months of compliance time for those providers.³⁰ Like the other issues discussed above, critiques of the Commission's definition of "small" and disagreement with the compliance deadlines are not relevant to the requirements of the PRA and are best addressed by the FCC in relation to the parties' petition requesting reconsideration of these issues.

Whether the Commission's MDRI is coherent and unambiguous in its language. CCA and CTIA argue that the Commission's MDRI requirements are not written in "coherent[] and unambiguous" language that will enable providers to practically apply the rules, as required by the PRA.³¹ Specifically, CCA and CTIA argue that the MDRI rules do not identify all the facilities-based mobile wireless providers to which the MDRI obligations apply.

In contrast, the MDRI requirements adopted by the Commission are coherent and unambiguous. The *Order* is broken down into clear categories that elaborate on details of the MDRI for facilities-based mobile wireless providers including: the mandatory nature of the Framework and for whom it is mandated,³² a breakdown of the MDRI's roaming provision,³³ what constitutes "reasonable roaming",³⁴ what is required under the Mutual Aid provision,³⁵ specifics of the Safe Harbor provision,³⁶ details surrounding the implementation of new testing and reporting requirements,³⁷ an explanation of how the Framework activation triggers have been expanded,³⁸ and the timelines specific to compliance.³⁹ The Commission goes further into detail by providing examples of when a provision will apply, i.e., when the longer implementation timeline would go into effect because a small provider is involved⁴⁰ or when the Safe Harbor does not apply,⁴¹ further clarifying the requirements laid out with specific examples and exceptions.

To provide further clarity, in the *Resilient Networks Order*, the Commission clearly states that the requirements it adopts shall apply to all facilities-based mobile wireless providers and specifically states that the "order requires all facilities-based mobile wireless providers, including each such signatory to the Framework, comply with today's MDRI."⁴² The obligations related to bilateral RuD

²⁹ *Resilient Networks Order* at 30-31, paras. 14-17, App. B.

³⁰ *Resilient Networks Order* at 16, paras. 42-43.

³¹ 44 U.S.C. § 3506(c)(3)(D); CCA and CTIA Comments at 2.

³² *See Resilient Networks Order* at 5-8, paras. 11-18.

³³ *Id.* at 7-9, paras. 16-20.

³⁴ *Id.* at 9-10, paras. 20-24.

³⁵ *Id.* at 10-11, paras. 25-26.

³⁶ *Id.* at 11-12, paras. 28-29.

³⁷ *Id.* at 12-13, paras. 30-34.

³⁸ *Id.* at 13-14, paras. 35-38.

³⁹ *Id.* at 18-19, paras. 47-48.

⁴⁰ *Id.* at 22, para. 62.

⁴¹ *Id.* at 32, para. 20.

⁴² *Resilient Networks Order* at 6, paras. 12-13. *See also* *Order* at 5, para. 10. (The term facilities-based mobile wireless service providers is defined at *Order* at 5, para. 10, note 23, which cites 36 FCC Rcd 2945, 2949-50, para. 9 (2020) and further clarifies: "Today's requirement applies to current signatories of the Framework [i.e., the Wireless Resiliency Cooperative Framework] to the extent they are facilities-based mobile wireless providers." It also provides an example of an entity that is not deemed a facilities-based mobile wireless provider, CTIA, a trade association. Commenters were concerned about the mandating of provisions for entities beyond the wireless

agreements and testing apply, without limitation, when two providers' geographic coverage areas overlap.⁴³ While CCA and CTIA argue that these requirements are still too vague because the Commission does not identify which specific providers must make agreements with one another or specify how providers should determine when their geographic coverage areas sufficiently overlap, the Commission is under no obligation to reach that level of specificity for purposes of the PRA. The PRA does not require an agency to identify by name every one of the potential respondents to a collection, and further, the Commission does not deem this a collection. To the extent that CCA and CTIA request such a list, it is beyond the scope of the PRA process and is appropriately addressed in the reconsideration proceeding.

To the extent that CCA and CTIA argue that the requirements are vague or the burden estimate is speculative because their member companies are unable to identify 63 facilities-based mobile wireless providers that would be newly subject to the MDRI provisions,⁴⁴ we observe that the number of respondents estimated by the Commission is an upper limit and includes all possible respondents. Again, there is no PRA requirement to identify by name all of the potential respondents expected to comply with a particular rule.

Proposition that the Commission maintains a provider list. CCA and CTIA propose solutions to help resolve their PRA concerns, including the Commission publishing and regularly updating a list of facilities-based mobile wireless providers to which MDRI obligations apply, clarifying and extending compliance deadlines, and revising the types of entities that are defined as "small."⁴⁵ None of these solutions are necessary to ensure compliance with the PRA, so they are best addressed by the FCC in relation to the parties' petition requesting reconsideration of these issues.

In addition to the comments addressed above, the Commission has solicited information from a diverse range of stakeholders regarding the appropriate scope of resiliency measures in a Virtual Field Hearing on Disaster Communications held during the Commission's October Open Commission Meeting on Tuesday, October 26, 2021.⁴⁶

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

The Commission will not provide any payment or gift to respondents.

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

The collection does not require a System of Records Notice (SORN) or Privacy Impact Assessment (PIA).

industry, but the Commission confirms that the item addresses requirements for facilities-based mobile wireless providers only. See Order at 5, para. 11, note 25 (addressing concerns from the PS Docket Nos. 21-346 and 15-80, ET Docket No. 04-35 cited by Next Century Cities, Satellite Industry Association, T-Mobile, Inc., and Public Knowledge.

⁴³ *Resilient Networks Order* at 8, para. 17.

⁴⁴ CCA and CTIA Comments at 9-11; *Resilient Networks Order* at 16, para. 43.

⁴⁵ CCA and CTIA Comments at 11-13.

⁴⁶ *FCC Announces Agenda for October 26 Virtual Field Hearing on Improving Communications Resiliency and Recovery During Disasters*, Public Notice (October 19, 2021); see also <https://www.fcc.gov/disaster-communications-field-hearing> (last accessed Aug. 1, 2022).

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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 burden hours for the collection of information.

Burden estimates are calculated below. As noted above, providers may obtain “safe harbor” as to certain provisions of the MDRI if they implement, or continue their implementation of, corresponding provisions of the Framework. The estimates below assume that all respondents implement the safe harbor provisions. While the Commission does not have an estimate of how many respondents will elect to implement the safe harbor provisions, it notes that the safe harbor provisions implicate the PRA burden whereas implementing those provisions of MDRI does not. Thus, calculations of the estimated burden below are an upper limit on the actual burden to respondents in practice.

a. Provision F2 of the Framework

Provision	Framework
F2	enhancing municipal preparedness and restoration by convening with local government public safety representatives to develop best practices, and establishing a provider/PSAP contact database

Providers who implement the safe harbor are estimated to incur a one-time or initial burden to “establish[] a provider/PSAP contact database.” This represents the burden for entering information that a provider already has available regarding PSAP contact information in database form.

Burden Estimate for Establishing a Provider/PSAP Contact Database

- Number of Respondents: 75
- Frequency of response: One-time
- Total Number of Responses: 75 respondents × 1 response/respondent = 75 total responses
- Average response time per response: 20 hours
- One-Time Hour Burden: 75 responses × 20 hours/response = 1,500 hours

Estimate of cost across all respondents for provision F2:

- One time cost: 1,500 hours × \$87/hour = \$130,500

Method of estimation:

⁴⁷ 47 CFR § 0.459.

We estimate that each provider will incur a one-time burden of 20 hours to enter information it already has on-hand on PSAP contact information into a database. In arriving at this estimate, we have taken into account that such information will likely be entered in electronic form. The Commission estimates the hourly wage of a full-time employee who will be responsible for these efforts as \$87/hour, inclusive of benefits. In developing this estimate, the Commission has relied on data on 2021 national wage information from the Bureau of Labor and Statistics. The median hourly cost for software developers is \$87, which is the median hourly wage of \$58 increased by 50% to include benefits.⁴⁸ In arriving at this estimate, we have assumed that each provider will undertake the step of creating a database for the first time. We note, however, that many providers already likely implement this step as a matter of existing business practices and so will incur no or only minimal incremental costs to implement the provision of the Framework corresponding to provision (a)(3).

b. Provision F3 of the Framework

Provision	Framework
F3	increasing consumer readiness and preparation through development and dissemination with consumer groups of a Consumer Readiness Checklist

Providers who implement safe harbor are estimated to incur a recurring burden to generate and disseminate with consumer groups a Consumer Readiness Checklist.

Burden Estimate for Generating a Consumer Readiness Checklist

- Number of Respondents: 75
- Frequency of response: One-time
- Total Number of Responses: 75 respondents × 1 response/respondent = 75 total responses
- Average response time per response: 1 hour
- Annual Hour Burden: 75 responses × 1 hours/response = 75 hours

Burden Estimate for Disseminating a Consumer Readiness Checklist

- Number of Respondents: 75
- Frequency of response: Once annually
- Total Number of Responses: 75 respondents × 1 response/respondent = 75 total responses
- Average response time per response: 1 hours
- Annual Hour Burden: 75 responses × 1 hours/response = 75 hours

Estimate of cost across all respondents for provision F3:

- One-time cost for generating: 75 hours × \$53/hour = \$3,975
- Annualized cost for disseminating: 75 hours × \$53/hour = \$3,975

⁴⁸ See Bureau of Labor and Statistics, Occupational Employment and Wages, Software Developers (last visited June 6, 2022), <https://www.bls.gov/oes/current/oes151252.htm>. According to Bureau of Labor Statistics, benefits (including paid leave, supplementary pay, insurance, retirement and savings, and legally required benefits) add approximately 50% to compensation in the information industry as a whole. See Bureau of Labor Statistics, Economic News Release, Private industry workers by occupational and industry group (2021), <https://www.bls.gov/news.release/ecec.t04.htm>.

Method of estimation:

We estimate that providers will, on average, require one hour to gather the necessary information to draft the Consumer Readiness Checklist, reflecting that much of this information has likely already been gathered in the normal course of business and is readily available to respondents.⁴⁹ We estimate that each provider will, on average, engage in dissemination of a Consumer Readiness Checklist once annually and that the burden of dissemination is also one hour. In arriving at these estimates, we have taken into account that such dissemination may occur through electronic distribution lists (e.g., e-mail), social media channels and other forms of communications. The Commission estimates the hourly wage of a full-time employee who will be responsible for these efforts as \$53/hour, inclusive of benefits. In developing this estimate, the Commission has relied on data on 2021 national wage information from the Bureau of Labor and Statistics. The median hourly cost for public relation specialists is \$53, which is the median hourly wage of \$35 increased by 50% to include benefits.⁵⁰

c. Provision (b) of the MDRI Rule

Provision	MDRI Rule
(b)	Providers subject to the requirements of subsection (a) are required to perform annual testing of their roaming capabilities and related coordination processes, with such testing performed bilaterally with other providers that may foreseeably roam, or request roaming from, the provider during times of disaster or other exigency

Providers are estimated to incur a recurring burden to perform annual testing of their roaming capabilities and related coordination processes as described in provision (b) of the MDRI. This testing must be performed bilaterally with other providers that may foreseeably roam, or request roaming from, a given provider including, without limitation, between providers whose geographic coverage areas overlap.⁵¹

Burden Estimate for Annual Testing

- Number of Respondents: 75
- Frequency of response: Once annually
- Total Number of Responses: 75 respondents × 5 responses/respondent = 375 total responses
- Average response time per response: 3 hours
- Annual Hour Burden: 375 responses × 3 hours/response = 1,125 hours

Estimate of cost across all respondents for provision (b):

- Annualized cost: 1,125 hours × \$87/hour = \$97,875

Method of estimation:

This estimate assumes that each provider will perform testing annually, as required in the MDRI’s provision (b), and will conduct the described bilateral testing with five other providers, on average.

⁴⁹ *Report and Order* at paras. 40-42.

⁵⁰ See Bureau of Labor and Statistics, Occupational Employment and Wages, Public Relation Specialists (last visited June 6, 2022), <https://www.bls.gov/oes/current/oes273031.htm>. According to Bureau of Labor Statistics, benefits (including paid leave, supplementary pay, insurance, retirement and savings, and legally required benefits) add approximately 50% to compensation in the information industry as a whole. See Bureau of Labor Statistics, Economic News Release, Private industry workers by occupational and industry group (2021), <https://www.bls.gov/news.release/ecec.t04.htm>.

⁵¹ *Report and Order* at para. 30.

We further assume that the testing will require 3 hours per testing partner. In arriving at these estimates, we have taken into account that such testing will likely take advantage of electronic and other automated means. The Commission estimates the hourly wage of a full-time employee who will be responsible for these efforts as \$87/hour, inclusive of benefits. In developing this estimate, the Commission has relied on data on 2021 national wage information from the Bureau of Labor and Statistics. The median hourly cost for software developers is \$87, which is the median hourly wage of \$58 increased by 50% to include benefits.⁵²

d. Provision (c) of the MDRI Rule

Provision	MDRI Rule
(c)	Providers subject to the requirements of subsection (a) are required to submit reports to the Commission detailing the timing, duration and effectiveness of their implementation of the Mandatory Disaster Response Initiative’s provisions within 60 days of when the Public Safety and Homeland Security Bureau issues a Public Notice announcing such reports must be filed for providers operating in a certain geographic area in the aftermath of a disaster

Providers are estimated to incur a recurring burden to prepare and transmit reports to the Commission as described in provision (c) of the MDRI.

Burden Estimate for Reporting

- Number of Respondents: 75
- Frequency of response: Four times annually
- Total Number of Responses: 75 respondents × 4 responses/respondent = 300 total responses
- Average response time per response: 5 hours
- Annual Hour Burden: 300 responses × 5 hours/response = 1,500 hours

Estimate of cost across all respondents for provision (c):

- Annualized cost: 1,500 hours × \$107/hour = \$160,500

Method of estimation:

This estimate assumes that each provider will be required to complete four reports annually in response to a Public Safety and Homeland Security Bureau issued Public Notice. The exact number of such reports is unknowable given the variation in disaster events and the possibility that the Public Safety and Homeland Security Bureau will take a case-by-case approach on whether to make a request for reports in response to each disaster. The estimate above is therefore an expected upper limit on the total number of responses that the Commission expects to collect from each provider, on

⁵² See Bureau of Labor and Statistics, Occupational Employment and Wages, Software Developers (last visited June 6, 2022), <https://www.bls.gov/oes/current/oes151252.htm>. According to Bureau of Labor Statistics, benefits (including paid leave, supplementary pay, insurance, retirement and savings, and legally required benefits) add approximately 50% to compensation in the information industry as a whole. See Bureau of Labor Statistics, Economic News Release, Private industry workers by occupational and industry group (2021), <https://www.bls.gov/news.release/ecec.t04.htm>.

average, on an annual basis. In arriving at these estimates, we have taken into account that such testing will likely take advantage of electronic and other automated means. The Commission estimates the hourly wage of a full-time employee who will be responsible for these efforts as \$107/hour, inclusive of benefits. In developing this estimate, the Commission has relied on data on 2021 national wage information from the Bureau of Labor and Statistics. The median hourly cost for lawyers is \$107, which is the median hourly wage of \$71 increased by 50% to include benefits.⁵³

e. Provision (d) of the MDRI Rule

Provision	MDRI Rule
(d)	Providers subject to the requirements of subsection (a) are required retain RuDs for a period of at least one year after their expiration and supply copies of such agreements to the Commission promptly upon Commission request

Providers are estimated to incur a recurring burden to retain RuDs and supply them to the Commission upon request.

Burden Estimate for RuDs

- Number of Respondents: 75
- Frequency of response: One time annually.
- Total Number of Responses: 75 respondents × 1 responses/respondent = 75 total responses
- Average response time per response: 1 hour
- Annual Hour Burden: 75 responses × 1 hour/response = 75 hours

Estimate of cost across all respondents for provision (d):

- Annualized cost: 75 hours × \$107/hour = \$8,025

Method of estimation:

This estimate assumes that each provider will store a copy of RuDs by paper or electronic methods and supply a copy to the Commission once annually. While the Commission expects that providers will submit copies to the Commission less than once annually on average, this assumption is used for simplicity and is expected to yield an upper limit on actual burden. In arriving at these estimates, we have taken into account that such retaining and supplying of RuDs will likely take advantage of electronic and other automated means. The Commission estimates the hourly wage of a full-time employee who will be responsible for these efforts as \$107/hour, inclusive of benefits. In developing this estimate, the Commission has relied on data on 2021 national wage information from the Bureau of Labor and Statistics. The median hourly cost for lawyers is \$107, which is the median hourly wage of \$71 increased by 50% to include benefits.⁵⁴

⁵³ See Bureau of Labor and Statistics, Occupational Employment and Wages, Lawyers (last visited June 6, 2022), <https://www.bls.gov/oes/current/oes231011.htm>. According to Bureau of Labor Statistics, benefits (including paid leave, supplementary pay, insurance, retirement and savings, and legally required benefits) add approximately 50% to compensation in the information industry as a whole. See Bureau of Labor Statistics, Economic News Release, Private industry workers by occupational and industry group (2021), <https://www.bls.gov/news.release/ecec.t04.htm>.

⁵⁴ See Bureau of Labor and Statistics, Occupational Employment and Wages, Lawyers (last visited June 6, 2022), <https://www.bls.gov/oes/current/oes231011.htm>. According to Bureau of Labor Statistics, benefits (including paid leave, supplementary pay, insurance, retirement and savings, and legally required benefits) add approximately 50% to compensation in the information industry as a whole. See Bureau of Labor Statistics, Economic News Release,

f. Written Denial of Roaming Requests

The MDRI specifies that when a provider receiving a roaming request denies the request, it must specify so in writing to the requesting provider, preferably with the specific reasons why roaming is infeasible.⁵⁵ Providers are estimated to incur a recurring burden to prepare and transmit such written denial requests.

Burden Estimate for Written Denials

- Number of Respondents: 75
- Frequency of response: 12 times annually
- Total Number of Responses: 75 respondents × 12 responses/respondent = 900 total responses
- Average response time per response: 2 hours
- Annual Hour Burden: 900 responses × 2 hours / response = 1,800 hours

Estimate of cost across all respondents for this provision:

- Annualized cost: 1,800 hours × \$87/hour = \$156,600

Method of estimation:

This estimate assumes that each provider will deny up to 12 roaming requests per year. The exact number of such denials is unknowable given the variation in disaster events and the inability to know exactly how a given provider's network capabilities will be impacted by specific disaster events. The estimate above is an expected upper limit on the total number of denials that the Commission expects providers will issue, on average, on an annual basis. In arriving at these estimates, we have taken into account that preparation and transmittal will likely take advantage of electronic and other automated means. The Commission estimates the hourly wage of a full-time employee who will be responsible for these efforts as \$87/hour, inclusive of benefits. In developing this estimate, the Commission has relied on data on 2021 national wage information from the Bureau of Labor and Statistics. The median hourly cost for software developers is \$87, which is the median hourly wage of \$58 increased by 50% to include benefits.⁵⁶

g. Safe Harbor Letters

As noted above, providers may obtain "safe harbor" as to certain provisions of the MDRI if they implement, or continue their implementation of, provisions of the Framework. Namely, a provider that files a letter with the Commission truthfully and accurately asserting, pursuant to section 1.16 of the Commission's rules,⁵⁷ that it complies with the Framework's existing provisions corresponding to MDRI provisions (a)(2)-(a)(5) and has implemented internal procedures to ensure that it remains in compliance with these provisions, is presumed by the Commission to have complied with the MDRI's provisions (a)(2)-(a)(5).⁵⁸ Providers are estimated to incur a one-time burden to prepare and transmit such letters to the Commission.

Private industry workers by occupational and industry group (2021), <https://www.bls.gov/news.release/ecec.t04.htm>.

⁵⁵ *Report and Order* at para. 22.

⁵⁶ See Bureau of Labor and Statistics, Occupational Employment and Wages, Software Developers (last visited June 6, 2022), <https://www.bls.gov/oes/current/oes151252.htm>. According to Bureau of Labor Statistics, benefits (including paid leave, supplementary pay, insurance, retirement and savings, and legally required benefits) add approximately 50% to compensation in the information industry as a whole. See Bureau of Labor Statistics, Economic News Release, Private industry workers by occupational and industry group (2021), <https://www.bls.gov/news.release/ecec.t04.htm>.

⁵⁷ 47 CFR § 1.16.

⁵⁸ *Report and Order* at paras. 28-29.

Burden Estimate for Safe Harbor Letters

- Number of Respondents: 75
- Frequency of response: One-time, on occasion and annual reporting requirements.
- Total Number of Responses: 75 respondents \times 1 response/respondent = 75 total responses
- Average response time per response: 3 hours
- One-Time Hour Burden: 75 responses \times 3 hours/response = 225 hours

Estimate of cost across all respondents for this provision:

- One time cost: 225 hours \times \$107/hour = \$24,075.

Method of estimation:

This estimate assumes that 75 providers will apply for safe harbor, and hence file a letter. This is an expected upper estimate on the number of providers that will seek safe harbor and thus an upper estimate on total burden. In arriving at these estimates, we have taken into account that preparing and transmitting letters will likely take advantage of electronic and other automated means. The Commission estimates the hourly wage of a full-time employee who will be responsible for these efforts as \$107/hour, inclusive of benefits. In developing this estimate, the Commission has relied on data on 2021 national wage information from the Bureau of Labor and Statistics. The median hourly cost for lawyers is \$107, which is the median hourly wage of \$71 increased by 50% to include benefits.⁵⁹

Cumulative Estimated One-Time Burden (Totals)

- Total one-time respondents: 75
- Total one-time responses: 75 + 75 + 75 = 225
- Total one-time hours burden = 1,500 + 75 + 225 = **1,800 hours**
- Total one-time costs = \$130,500 + \$3,975 + \$24,075 = **\$158,550**

Cumulative Estimated Annual Burden (Totals)

- Total annual respondents: 75
- Total annual responses: 75 + 375 + 300 + 75 + 900 = **1,725**
- Total recurring hours burden on an annualized basis = 75 + 1,125 + 1,500 + 75 + 1,800 = **4,575 hours**
- Total recurring costs on an annualized basis = \$3,975 + \$97,875 + \$160,500 + \$8,025 + \$156,600 = **\$426,975**

As such, the Commission estimates the cumulative burden as follows:

- For the initial year:
 - 225 responses (one-time) + 1,725 responses (annual) = 1,950 responses
 - 1,800 hours (one-time hours burden) + 4,575 hours (recurring-annual hours burden) = 6,375 hours
- For subsequent years:
 - 1,725 responses (annual only)

⁵⁹ See Bureau of Labor and Statistics, Occupational Employment and Wages, Lawyers (last visited June 6, 2022), <https://www.bls.gov/oes/current/oes231011.htm>. According to Bureau of Labor Statistics, benefits (including paid leave, supplementary pay, insurance, retirement and savings, and legally required benefits) add approximately 50% to compensation in the information industry as a whole. See Bureau of Labor Statistics, Economic News Release, Private industry workers by occupational and industry group (2021), <https://www.bls.gov/news.release/ecec.t04.htm>.

- o 4,575 hours (annual only)

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

There is no outside cost to the respondents.

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

The Commission does not expect to incur costs beyond the normal labor costs for staff.

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

This is a new information collection resulting in a program change/increase to the total number of respondents of 75, total annual responses of 1,725 and total annual burden hours of 4,575 hours. These estimates will be added to OMB's Active Inventory.

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

The Commission does not have any current plans to publish results from this information collection.

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.

The Commission is requesting a waiver of the requirement to display the OMB expiration date on the surveys because the Commission is not producing any survey forms associated with this collection. The Commission displays the OMB expiration date, title and OMB control number in 47 CFR § 0.408 of the Commission's 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) (Item 19, OMB Form 83-i).

There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

The Commission does not anticipate that the collections of information will employ statistical methods.