

SUPPORTING STATEMENT

A. Justification:

Background: In 2003, the Commission modified 47 CFR former Section 20.18(l) (now Section 9.10(o)) to further improve the ability of public safety answering points (PSAPs) to respond quickly and efficiently to calls for emergency assistance made from non-service initialized wireless mobile handsets.¹ Non-service-initialized wireless mobile handsets (non-initialized handsets) are not registered for service with any Commercial Mobile Radio Service (CMRS) licensee. A non-initialized handset lacks a dialable number, but is programmed to make outgoing 911 calls. The Commission addressed issues arising from the inability of a PSAP operator to call back a 911 caller who becomes disconnected when using a non-service-initialized wireless handset. The following requirements also apply to manufacturers of 911-only handsets that are manufactured after May 3, 2004.

1. *47 CFR Sections 9.10(o)(1)(i) and 9.10(o)(2)(i).* Licensees that donate non-initialized handsets for purposes of providing access to 911 services and manufacturers of “911-only” handsets are required to program each handset with 911, plus the decimal representation of the seven least significant digits of the Electronic Serial Number (ESN), International Mobile Equipment Identifier, or any other identifier unique to that handset (911-xxx-xxxx). This unique number is conveyed to the PSAP when “911” is dialed.

47 CFR Sections 9.10(o)(1)(ii) and 9.10(o)(2)(ii). Licensees that donate non-initialized handsets to enable access to 911 services and manufacturers of “911-only” handsets must affix to each handset a label which is designed to withstand the length of service expected, and which notifies the user that its handset can only be used to dial 911, that a 911 operator will not be able to call the user back, and that the user should convey the exact location of the emergency as soon as possible.

47 CFR Sections 9.10(o)(1)(iii) and 9.10(o)(2)(iii). Licensees that donate non-initialized handsets to provide access to 911 services and manufacturers of “911-only” handsets donating non-initialized phones must institute education programs to inform users of the limitations of non-initialized handsets. An education program must include a notice, giving a detailed explanation of such limitations, including distinctions between service initialized handsets and non-initialized handsets. Wireless carriers may design and execute the education program which best responds to the individual needs of the carriers’ service area.

The Commission requests an extension of this information collection to obtain the full three-year clearance from OMB.

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

This information collection does not affect individuals or households; thus, the Privacy Act does not apply.

¹ In 2019, 47 CFR 20.18 was renumbered as 47 CFR. § 9.10.

2. The burden will assist PSAPs to identify incoming emergency calls originating from non-initialized handsets, thereby prompting PSAP operators to obtain all the necessary information to locate and assist the caller. This is intended to reduce the delays in response time when clear location information is not available. Similarly, the public education requirement, along with the labeling requirement, serves to advise consumers about the limitations of non-initialized handsets. These requirements also serve to advise callers using non-initialized handsets that they must be sure to provide as much specific information to the PSAP operator as soon as possible about the location of the emergency, because there is no call back capability to a non-initialized handset.
3. Before finalizing rulemakings, the Public Safety and Homeland Security Bureau determines whether improved information technology could be used to reduce a rule's burden on the public. The third party disclosure requirement, above, does not lend itself to the use of improved information technology to reduce burden on the public.
4. This agency does not impose a similar information collection on the respondents (CMRS licensees and manufacturers). There are no similar data available on respondents.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission strives to minimize, when and where possible, the burden on all respondents, regardless of size. In this instance, some wireless carriers and manufacturers are small entities. Public service entities and PSAPs are primarily concerned with ensuring the quickest response to an emergency service request. The Commission believes that these requirements represent a fair balancing of the interests of all concerned parties.
6. If non-initialized handsets were not labeled to inform users that there is no call-back capability and that they must give thorough and complete information when seeking emergency service, public safety would continue to be at risk. The inability of PSAP operators to return a call to citizens using a non-initialized handset to obtain additional information or specific needs could have serious consequences.
7. Current data collection is consistent with 5 CFR Section 1320.6.
8. The Commission initiated a 60-day public comment period which appeared in the Federal Register on July 28, 2023 (88 FR 48848). No comments were received as a result of the notice.
9. Respondents will not receive any gifts or payments.
10. There is no need for confidentiality.
11. There are no requests of a sensitive nature considered or those considered a private matter being sought from the applicants on this collection.

12. BURDEN HOURS:

The Commission currently has approval for 968 respondents and a total of 2,843 burden hours annually for the programming requirement, labeling requirement, and the time spent executing a public education program. For the extension of this collection in 2008, we reduced the overall burden hours by removing the hours previously attributable to the software modification to program non-initialized handsets with the 911-xxx-xxxx (number code). The number code had been an industry standard for more than five years. It is no longer an independent programming effort, but rather is included in the necessary functionality software for non-initialized handsets. In prior requests for extension of this collection, we have reduced the overall burden hours by adjusting the number of wireless carriers based on data from the most recent U.S. Census Bureau, Economic Census, for the category of Wireless Telecommunications Carriers (except Satellite). For the extension of this collection in 2020, we maintained the overall burden hours as the number of wireless carriers remained at 967 based on the data from the U.S. Census Bureau, 2017 Economic Census, Sector 51, 2017 NAICS code 517312 for the category of Wireless Telecommunications Carriers (except Satellite).

For this extension, the Commission estimates the updated number of wireless carriers to be 594. This number is based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, indicating that 594 providers reported that they were engaged in the provision of wireless services.² The Commission still estimates that the public education burden placed on wireless carriers and manufacturers of “911-only” handsets (594 carriers and 1 manufacturer), including the burden of creating and producing a notice to accompany the handset, is one hour per entity. This includes composing the literature and reproducing the pamphlet or notice. This duty to inform the public is a disclosure of information designed to forewarn consumers of the limitation of non-initialized handsets. If each entity has a burden of one hour to complete the education and notice requirement, the total burden will be 595 burden hours. Consumers are also alerted by the required placement of labels on “911-only” new, refurbished, or repurposed handsets. The total number of such handsets placed in circulation each year is still estimated to be approximately 225,000 handsets. The burden is estimated at thirty seconds per handset unit, for a total of 225,000 handsets x .5 minutes = 112,500 burden minutes (1,875 burden hours) for labeling.

Summary of Burden Hours:

Existing labeling requirement	1,875 hours
Wireless carrier and manufacturer education programs	595 hours

TOTAL ANNUAL BURDEN: **2,470 hours**

Average burden per response: $2,470 \text{ hours} \div 225,595 \text{ responses (595 + 225,000)} = 0.01094882 \text{ hours}$

IN-HOUSE COSTS TO RESPONDENTS:

The 594 wireless carriers and 1 manufacturer of “911-only” phones can all be expected to assign a staff member at \$70 per hour to design a public education program, draft and reproduce the required notice. The Commission expects a burden of \$70 per entity and a total burden of \$70 x

² Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

595 = \$41,650. Label placement on new, refurbished, or repurposed handsets could be assigned to non-technical staff at \$17.91³ hour x 1,875 burden hours = \$33,581.

Summary of In-House Costs:

Existing labeling costs (annual)	\$33,581
Public education program	\$41,650

TOTAL IN-HOUSE COST	\$75,231
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13. CAPITAL, START-UP, OPERATION AND MAINTENANCE, AND PURCHASE OF SERVICES COSTS.

None.

14. There is no cost to the Commission.

15. The Commission is reporting adjustments/decreases to this information collection from the last submission to OMB. The total number of respondents decreased from 968 to 595 (-373), total annual responses decreased from 225,968 to 225,595 (-373), and total annual burden hours decreased from 2,843 to 2,470 (-373). These adjustments are based on the most currently available data to the Commission.

There are no program changes.

16. The data will not be published for statistical use.

17. OMB control numbers and expiration dates for the Commission's information collection requirements assigned by OMB pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13, can be found at <https://www.reginfo.gov/public/do/PRAMain>. See 47 CFR § 0.408.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.

³ This wage is based on data from the U.S. Bureau of Labor and Statistics for general office clerks for professional, scientific, and technical services. See <https://www.bls.gov/ooh/office-and-administrative-support/general-office-clerks.htm#tab-5> (last visited June 7, 2023).