

SUPPORTING STATEMENT

A. Justification:

1. In a *Third Report and Order*, released July 13, 2011 in PS Docket No. 07-114, FCC 11-107, the Commission revises its requirements for E911 Phase II location accuracy to include all new Commercial Radio Service Providers (CMRS) that meet the definition of covered CMRS providers in Section 20.18. A “new CMRS network” is a CMRS network that is newly deployed subsequent to the effective date of the *Third Report and Order* and that is not an expansion or upgrade of an existing CMRS network. The prior *Second Report and Order*, released September 23, 2010, required wireless licensees subject to Section 20.18(h) of the Commission’s rules to satisfy amended location accuracy standards in connection with 911 emergency calls at either a county-based or PSAP-based geographic level. This *Second Report and Order* also adopted timelines and benchmarks for handset-based and network-based wireless carriers to comply with the amended location accuracy requirements. In the *Third Report and Order*, however, the Commission announced that it plans to sunset the implementation period for network-based wireless carriers at a point to be established later and that providers of new CMRS networks must comply with the handset-based location accuracy standard. Accordingly, the *Third Report and Order* adopted a new rule under Section 20.18(h) that requires providers of new CMRS networks to comply with this accuracy standard from the start. Consequently, the rule requires new CMRS providers launching new stand-alone networks during the eight-year implementation period for handset-based CMRS wireless licensees to meet the applicable handset-based location accuracy standard in effect of the time of deployment.

New rule section 20.18(h)(2)(iv) specifies that new CMRS providers must comply with paragraphs (h)(2)((i-iii) of Section 20.18, which are the location accuracy requirements for handset-based carriers. OMB approved the information collection for those rule paragraphs, which the *Second Report and Order* adopted, on March 30, 2011 under OMB Control No. 3060-1147. Consequently, under the new rule section adopted by *Third Report and Order*, all new CMRS providers in delivering emergency calls for Enhanced 911 service, must satisfy the handset-based location accuracy standard at either a county-based or Public Safety Answering Point (PSAP)-based geographic level. Similarly, in accordance with the new rule and under the paragraph provision of Section 20.18(h)(2)(iii), new CMRS providers may exclude up to 15 percent of the counties or PSAP areas they serve due to heavy forestation that limits handset-based technology accuracy in those counties or areas. Therefore, new CMRS providers will be required to file a list of the specific counties or portions of counties where they are utilizing their respective exclusions.

The Commission requests OMB approval for a revision to this collection and reporting requirement to include the lists of exclusions, which new CMRS providers might file, to keep the Commission, public safety organizations, and state and local jurisdictions informed of the specific counties and areas in those counties where all new CMRS providers are unable to

comply with the Commission's location accuracy requirements for handset-based CMRS carriers. The information sought in this information collection is also needed to enable the Commission to ensure that, by the end of the benchmark periods and the eight-year period for handset-based carriers to be fully compliant, such all new CMRS providers are similarly compliant with the amended location accuracy standards. Providers deploying new CMRS networks are free to use network-based location techniques, or to combine network and handset-based techniques, to provide 911 location information, provided that they meet the accuracy criteria applicable to handset-based providers.

In addition, the prior *Second Report and Order* required wireless carriers and other entities responsible for transporting confidence and uncertainty data between the wireless carriers and PSAPs, including LECs, CLECs, owners of E911 networks, and emergency service providers (collectively, System Service Providers (SSPs)) to provide the confidence and uncertainty data to PSAPs on a per call basis upon PSAP request beginning at the end of year two of the benchmark periods for both handset-based and network-based carriers. Thus, providers of new CMRS networks meeting the definition of covered CMRS providers under section 20.18 will be subject to this requirement, and SSPs will be subject to the requirement with respect to those new CMRS providers. The transport of this data is needed to ensure the Commission's effort to achieve the significant improvements in the location accuracy of E911 service.

Further, based on the *Third Report and Order* requirement for all new CMRS providers to meet the implementation period, including the various benchmarks and location accuracy requirements, that handset-based wireless carriers must satisfy, new CMRS providers might have to file waiver requests similar to such requests that the Commission recognized existing wireless carriers might have to file. The Commission's waiver process considers that individual or unique problems may arise that hinder the ability of affected wireless providers to timely comply with the Commission's rules. The waiver process enables the Commission to analyze the particular circumstances and the potential impact to public safety. The Commission has also noted that financial considerations, among others, will be taken into account should a service provider request waiver relief. Therefore, the filing of waiver requests by all new CMRS providers constitutes a revision to the collection and reporting requirement for existing CMRS wireless carriers.

For the existing information collection requirements that have not changed and were previously approved by OMB, the Commission is requesting continued OMB approval for those requirements.

Statutory authority for this collection is contained in Sections 1, 4(i), and 332 of the Communications Act, as amended, 47 U.S.C. §§ 151, 154, and 332.

As noted on the Form OMB 83-i, this collection of information does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The information provided by wireless carriers deploying new CMRS networks to report the counties or PSAP service areas where the carriers cannot provide E911 location accuracy at

either the county or the PSAP level will furnish the Commission, affected PSAPs, state and local emergency agencies, public safety organizations and other interested stakeholders the supplementary data necessary for public safety awareness of those areas where it is most difficult to measure location accuracy during the benchmark periods for handset-based wireless carriers.

The provision of confidence and uncertainty data to PSAPs by the new CMRS providers and the SSPs responsible for transporting that data between them and PSAPs will enhance the PSAPs' ability to efficiently direct first responders to the correct location of emergencies to achieve the emergency response goals of the nation in responding expeditiously to emergency crisis situations and in ensuring homeland security.

Further, the requirement under the new rule adopted *Third Report and Order* for new CMRS providers to comply with the handset-based criteria would allow such new providers to claim exclusions for areas where they cannot meet the handset-based location accuracy criteria. These exclusions should minimize the need for waiver relief similar to the Commission's finding in the *Second Report and Order*. As the Commission recognized in the *Second Report and Order*, however, the filing of waiver requests may be needed to provide the Commission and the public safety community, including public safety organizations and state and local jurisdiction and PSAPs, awareness of the wireless carriers and SSPs that are experiencing an inability to comply with the amended location accuracy requirements. Similarly, new CMRS providers may need to file waiver requests in meeting those accuracy requirements for handset-based CMRS carriers. The benchmarks for all new CMRS providers will be based on the eight-year compliance period applicable to existing handset-based CMRS wireless carriers. Also, the handset-based location accuracy requirements that new CMRS providers must comply with do not apply to indoor use cases.

3. The information may be filed electronically. In conformance with the Paperwork Reduction Action of 1995, the Commission allows 100% of respondents to file their information electronically.
4. No similar data is available elsewhere.
5. The Commission has limited the information requirements to that necessary for evaluating the incoming data.
6. The information collected will continue to assist the Commission in ensuring public safety and administrative objectives for the different parts of the collection that improve the capabilities of Public Safety Answering Points (PSAPs) throughout the nation. If the collections seeking information from all new CMRS wireless carriers on which counties and parts thereof they seek to exclude from the location accuracy requirements were not approved, based on upon the previous review of the record by the Commission, more open-ended approaches might lead to overuse or abuse of exceptions and potentially harm public safety. Without the required filing of exclusions, the public safety community and the general public would not be aware of the instances where all new CMRS carriers cannot meet the Phase II location accuracy requirements. Moreover, absent the collection of exclusion reports, the

Commission would lack the capability to monitor progress at each benchmark and to seek the necessary status information. Further, timely monitoring by the Commission requires that new CMRS providers must submit in the same manner any changes to their exclusion lists within thirty days of discovering such changes.

In addition, in the prior *Second Report and Order*, the Commission found that confidence and uncertainty data in delivering wireless 911 calls is useful for PSAPs in all cases, and that it is both technologically feasible and in the public interest to require both handset-based and network-based carriers to provide confidence and uncertainty data. The record indicated to the Commission that the use of confidence and uncertainty data improved PSAPs' ability to assess the validity of each call's location information based on real time information about the quality of the location calculation and to deploy public safety resources based on the improved reliability of the location fix. Similarly, the *Third Report and Order* treats new CMRS providers, as defined, as carriers subject to Section 20.18; and accordingly, new CMRS providers will be subject to delivering confidences and uncertainty data upon OMB approval of this information collection.

7. The proposed revised data collection is consistent with 5 CFR 1320.6. Concerning the list of exclusions that the collection requires new CMRS providers to report, these carriers must submit in the same manner as existing CMRS carriers any changes to their exclusion lists within thirty days of discovering such changes.

8. As required by 5 CFR 1320.8(d) of OMB's rules, the Commission published a 60-day notice soliciting public comment which appeared in the Federal Register on January 23, 2012 (77 FR 3266). No PRA comments were received.

9. There are no payments or gifts to respondents.

10. No questions of a confidential nature are asked.

11. There are no questions of a sensitive nature.

12. The following is provided for burden estimates. These estimates are based on FCC staff's knowledge and familiarity with the availability of the data, information, and showings required. The new rule will take effect only after OMB approval of this revision to the information collection requirements.

First, the new CMRS providers must submit initial reports, as the Commission will announce after OMB approval of this revised information collection, with a list of the areas that they are permitted to exclude, because the new rule specifies this requirement as one of the location accuracy requirements for handset-based carriers that new CMRS providers must comply with. For purposes of this PRA analysis, the Commission assumes that these new CMRS providers will be filing reports listing these areas. The initial reports listing the areas excluded must be submitted electronically into the required docket in this proceeding with copies also sent either in electronic or paper form to three public safety organizations. The Commission assumes that carriers making the exclusion reports will provide at least twice a year (including initial report

in the first year) the necessary updated reports within 30 days of any changes. The reports submitted into the docket and the copies to the public safety organizations can be made at the same time and submitted at the same time, meaning that the burden hours and costs will be all-inclusive for a submission listing the exclusions or any changes.

For purposes of estimating the PRA burdens, the Commission predicts that, until the end of the implementation period, January 19, 2019, for CMRS wireless carriers using handset-based technologies, there will be 15 providers of new CMRS networks filing exclusion reports. Further, the Commission is revising its initial estimate that its amended location accuracy requirements will affect 2,500 wireless carriers. As indicated the *Third Report and Order*, Final Regulatory Flexibility Act Appendix, the Commission is using the figure of 1,383 wireless carriers, because the latest figure based on 2007 Census data obtained by the Commission shows 1,383 wireless carriers providing service. Accordingly, the Commission is using this latter figure to revise the burden estimates of existing wireless carriers (CMRS providers) covered under section 20.18 of its rules.

The Commission estimates that each exclusion report filed by the revised number of 1,383 existing wireless carriers and by the 15 new CMRS providers will take an in-house staff engineer and a staff clerical assistant on average approximately three hours together. The average of three hours assumes that (1) the initial exclusion report will take more time but subsequent reports providing changes will take less and (2) the in-house staff engineer at \$150 an hour and a staff clerical at \$15 an hour assistant will each spend an hour and a half. At 3 hours per report, the total revised burden hours for existing wireless carriers would then be $1,383 \times 2 \text{ reports per year} = 2,766 \text{ reports} \times 3 \text{ hours per report} = 8,298 \text{ total annual burden hours}$ for existing wireless carriers. This burden hour estimate is less than the initial estimate of 15,000 total burden hours annually for existing wireless carriers. In addition, for new CMRS providers, although the Commission predicts that not all of the estimated 15 new CMRS providers will immediately deploy their new networks as of the effective date of the adopted rule, the Commission estimates out of caution that each of the 15 new CMRS providers will file two reports per year = $30 \text{ reports per year} \times 3 \text{ hours per report} = 90 \text{ total annual burden hours}$. Consequently, the revised total burden hours ($8,298 + 90$) are 8,388 burden hours. The total cost per submission remains $\$150 \times 1.5 \text{ hrs.} + \$15 \times 1.5 \text{ hrs.} = \$247.50 \text{ burden per party}$. The revised total cost burden then would be $\$247.50 \times 2,796 \text{ reports} (2,766 + 30) = \$691,970$, which is less than the total \$1,237,500 originally estimated.

Second, the requirements to deliver confidence and uncertainty data on a per call basis to each PSAP after year two of the interim benchmarks encompasses the collection of information pertaining to the reliability of the location fix of an emergency wireless call and, therefore, constitutes a collection and reporting requirement. The Commission estimates that all of the 1,383 existing wireless carriers plus the 15 providers of new CMRS networks will use an in-house staff engineer at approximately \$150 per hour to establish the baseline levels for delivering the confidence and uncertainty data. If each set-up takes about eight hours to establish a baseline for the data, the total burden hours would then be $8 \text{ hrs.} \times 1,398 \text{ existing carriers} = 11,184 \text{ burden hours} + 8 \times 15 \text{ new CMRS providers} = 120 \text{ total burden hours}$ or 11,304 total burden hours, which is less than the 20,000 total burden hours originally estimated. The cost per submission will be $\$150 \times 8 \text{ hrs.} = \$1,200 \text{ burden per party}$. The total revised cost

burden then would be $\$1,200 \times 1,398$ carriers = $\$1,677,600$, which is less than the $\$3,000,000$ originally estimated.

Also, the Commission continues to estimate that there are approximately 3,500 System Service Providers (SSPs), including LECs, CLECs, owners of E911 networks, and emergency service providers, responsible for transporting confidence and uncertainty data between the wireless carriers, now including the predicted 15 new providers of all new CMRS networks, and PSAPs. The Commission estimates that all of the 3,500 SSP entities will use an in-house staff engineer at approximately $\$150$ per hour to establish the capability for transporting the confidence and uncertainty data. If each set-up takes about eight hours to prepare, install, and test, the total burden hours would then be $8 \text{ hrs.} \times 3,500 \text{ SSPs} = 28,000$ total burden hours. The cost per submission will be $\$150 \times 8 \text{ hrs.} = \$1,200$ burden per party. The total cost burden then would be $\$1200 \times 3,500 \text{ SSP entities} = \$4,200,000$. The capability to transport the required data to numerous PSAPs within a carrier's service area(s) reports must be effectuated at the same time (after year two as mentioned above), meaning that the burden hours and costs will be all-inclusive for the delivery of the data to tens, hundreds, or even thousands of PSAPs depending on the size and coverage of the carrier. Consequently, because the Commission continues to assume that the deployment of the capability comprises a single collection and reporting submission, the total originally estimated cost burden for all affected entities to transport confidence and uncertainty data remains $\$7,200,000$.

Third, concerning waivers of the compliance with the amended location accuracy requirements and the interim benchmarks for carriers to achieve them, for purposes of estimating the PRA burdens and similar to its initial prediction, the Commission predicts that in view of the lead-time and phase-in provided by the benchmarks and of the flexibility provided by the exclusions, three-fifths of the 15 new CMRS providers carriers—nine (9) carriers—will request a waiver of the E911 location accuracy requirements and that all will use staff attorneys or engineers to prepare their submission. The request should take an average of approximately 3 hours to prepare. The revised estimate of burden hours is three-fifths of 1,383 existing carriers, or 831 existing carriers $\times 3$ hours = 2,493 hours total burden + 9 new CMRS carriers $\times 3$ hours = 27 hours total burden. As a result, the revised burden hours estimate is 2,520 total burden hours, which is less than the originally estimated 4,500 hours total burden.

Regarding compliance with the transporting of confidence and uncertainty data after year two of the period, the Commission determined that the record in the proceeding showed that it is technologically feasible to require handset-based carriers to provide confidence and uncertainty data. Out of caution, however, similar to its original estimate, the Commission estimates that one-fifth of the 15 new CMRS providers—three (3)—will request a waiver of the requirements to transport such data to PSAPs. The Commission estimates that the potential three (3) carriers filing will use staff attorneys or engineers to prepare their submission. The request should take an average of approximately 3 hours to prepare. The revised estimate of burden hours is one-fifth of 1,383 existing carriers, or 277 existing carriers, $\times 3$ hours = 831 hours total burden + 3 carriers $\times 3$ hours = 9 hours total burden. As a result, the revised burden hours estimate is 840 total burden hours, which is less than the 1500 hours total burden originally estimated.

The previous *Second Report and Order* also addressed the possibility that SSPs might seek waiver of transporting confidence and uncertainty data. The Commission retains its estimate that one-fifth of the 3,500 SSP entities—700 SSPs—will request a waiver of the E911 location accuracy requirements and that all will use staff attorneys or engineers to prepare their submission. Based on estimating that the request should take an average of approximately 3 hours to prepare, the following computation—700 SSPs x 3 hours = 2,100 hours total burden—remains the same.

A. The March 2011 submission to OMB, the Commission estimated the following:

Annual carrier burden to file exclusion reports	=	15,000 hours
Carrier burden to transmit confidence and uncertainty data	=	20,000 hours
SSP burden to transmit confidence and uncertainty data	=	28,000 hours
Carrier burden to draft and submit requests for waiver of amended location accuracy requirements and benchmarks	=	4,500 hours
Carrier burden to draft and submit requests for waiver of requirement for confidence and uncertainty data	=	1,500 hours
SSP burden to draft and submit requests for waiver of requirement for confidence and uncertainty data	=	2,100 hours
Total Annual Burden Hours		71,100 hours

Summary of cost burden (as estimated in the initial March 2011 Supporting Statement):

For the drafting and submission of all waiver requests, the Commission estimates that the carriers and SSPs likely to file waiver requests will use an in-house staff attorney or engineer at approximately \$150 per hour to draft their waiver requests. If each waiver petition takes about 3 hours to prepare, that the cost per submission will be \$150 x 3 = \$450 burden per party.

Annual carrier cost burden to file exclusion reports: \$247.50 x 5,000 reports = \$1,237,500

Carrier burden for confidence and uncertainty data:

\$1200 per party x 2,500 carriers = \$3,000,000

SSP burden for confidence and uncertainty data:

\$1200 per party x 3,500 SSPs = \$4,200,000

Carrier burden for waiver requests – location

accuracy requirements and benchmarks: 3 hrs. x \$150 x 1,500 carriers = \$675,000

Carrier burden for waiver requests – requirement

for confidence and uncertainty data: 3 hrs. x \$150 x 500 carriers = \$225,000

SSP burden for waiver requests – requirement

for confidence and uncertainty data: 3 hrs. x \$150 x 700 carriers = \$315,000

Total Annual In-House Cost Burden (as initially estimated) = \$9,652,500

B. Summary of revised total number of burden hours to reflect a revised estimate of 1,383 existing wireless carriers plus an estimated 15 new CMRS providers

Annual carrier burden for existing and new CMRS providers to file exclusion reports = 8,388 hours

Existing plus new CMRS providers burden to transmit confidence and uncertainty data = 11,304 hours

SSP burden to transmit confidence and uncertainty data = 28,000 hours

Existing carrier and new CMRS provider burden to draft and submit requests for waiver of amended location accuracy requirements and benchmarks = 2,520 hours

Carrier burden to draft and submit requests for waiver of requirement for confidence and uncertainty data = 840 hours

SSP burden to draft and submit requests for waiver of requirement for confidence and uncertainty data = 2,100 hours

For this revision to the OMB, the Total Annual Burden Hours = 53,152 hours

Summary of cost burden to reflect a revised estimate of 1,383 existing wireless carriers plus an estimated 15 new CMRS providers:

Annual carrier cost burden for existing and new CMRS carriers to file exclusion reports: \$247.50 x 2,796 reports = \$691,970

Existing carrier and new CMRS provider burden for confidence and uncertainty data: \$1200 per party x 1,398 carriers = \$1,677,600

SSP burden for confidence and uncertainty data: \$1200 per party x 3,500 SSPs = \$4,200,000

Existing and new CMRS carrier burden for waiver requests – location accuracy requirements and benchmarks: 3 hrs. x \$150 x 840 carriers = \$378,000

Carrier burden for waiver requests – requirement for confidence and uncertainty data: 3 hrs. x \$150 x 280 carriers = \$126,000

SSP burden for waiver requests – requirement for confidence and uncertainty data: 3 hrs. x \$150 x 700 carriers = \$315,000

Annual In-House Cost Burden for existing and new CMRS providers = \$7,388,570

C. Revised Total Estimates:

Total Annual Burden Hours 53,152 hours

Total Annual In-House Cost Burden \$7,388,570

13. There are no start-up and capital cost or operation and maintenance cost burdens to respondents resulting from the collection of information.

14. The revised cost to the Commission to review the exclusion reports is now estimated to be: GS-15 engineer or attorney (\$65.83 per hour) to review approximately 2,796 reports for about 30 minutes for each report = \$92,044.32.

The Commission does not anticipate that it will incur costs pertaining to the requirement to transmit confidence and uncertainty data.

Concerning potential waiver requests, the cost to the Commission is now estimated to be: GS-15 engineer and attorney (\$65.83 per hour) to review approximately 1,820 waiver requests for about 2 hours per petition = \$239,621.20.

Total cost to the government: $92,044 + 239,621 = \$331,665$.

15. This is a revised collection resulting in a program change decrease of 17,948 annual burden hours under the originally estimated 71,100 total annual burden hours, resulting now in 53,152 hours total annual burden hours. This program change reflects the new requirements on providers of new CMRS networks to comply with the recently adopted location accuracy requirements for carriers that selected using handset-based location technologies in the Third Report and Order, FCC 11-107. See item 12 for a complete explanation.

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

17. We do not seek approval not to display the expiration date for OMB approval of the information collection.

18. There were no exceptions to the Certification Statement in Item 19 on PRA Form OMB 83i.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.