

SUPPORTING STATEMENT

**A. Justification:**

1. The Communications Act of 1934, as amended, tasks the Commission with promoting the safety of life and property through the use of wire and radio communication. To do so, the Commission has authority to adopt necessary rules and regulations and issue inquiries to communications carriers for relevant information.<sup>1</sup> The Commission, through its designated Defense Commissioner, has the duty and responsibility to develop preparedness programs for the provision of services by common carriers, broadcasting and cable facilities, satellite, and wireless radio services.<sup>2</sup> See 47 U.S.C. § 0.181.

Pursuant to this authority, the Commission created the Emergency Contact Information System (ECIS) in response to the events of September 11, 2001. The Commission submitted, and OMB approved, an information collection for ECIS permitting communications providers to voluntarily provide their contact information to the Commission.<sup>3</sup> The Commission collected this information to ensure: (1) a rapid restoration of communications in the event of a disaster, such as a terrorist threat or attack, and (2) that public safety, health, and other emergency and defense personnel would have access to effective communications services during times of crisis.

In 2007, the Commission's Public Safety and Homeland Security Bureau (PSHSB) updated ECIS, renaming it the Disaster Information Reporting System (DIRS). Using DIRS, participating communications companies provide the Commission with their emergency contact information and can subsequently inform the Commission of damage to their infrastructure and facilities, as well as request resources for restoration from the Commission. DIRS respondents provide this information using web-based electronic forms tailored to their types of networks and facilities. The Commission coordinates with the Department of Homeland Security (DHS)'s Federal Emergency Management Agency (FEMA) to identify in which areas and situations to activate DIRS. FEMA and the Commission can activate DIRS with or without the DHS's National Coordinating Center for Communications (NCC) activating Emergency Support Function-2 of the National Response Plan (ESF-2). When the NCC activates ESF-2, DIRS additionally complements NCC in support of NCC's role as the primary agency for ESF-2.

During smaller-scale disasters, the Commission activates DIRS-Lite, a limited version of the DIRS collection mentioned above that collects a subset of the information collected in DIRS, to reduce the burden on respondents but also maintain visibility in critical communications

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<sup>1</sup> See 47 U.S.C. §§ 154(i), 218 and 303(r).

<sup>2</sup> See 47 U.S.C. § 0.181.

<sup>3</sup> See OMB Control No. 3060-1003; 02/14/2002.

assets.<sup>4</sup> The Commission designates the DIRS-Lite disaster areas at the request for information from a federal agency, including the Chairman of the Commission.<sup>5</sup> For DIRS-Lite, only DIRS wireline and wireless carrier respondents are asked to provide a set of information to the Commission, and this submission may be done by email or through phone calls.<sup>6</sup> Unlike the full DIRS activation, the DIRS-Lite activation does not supersede the Part 4 mandatory network outage reporting obligations of the Commission's rules.

In light of these updates to DIRS, the Commission accordingly submitted, and OMB approved, a revision of the ECIS information collection in 2007.<sup>7</sup> In 2012, the Commission requested and OMB approved, a revision to DIRS to include forms tailored to collecting information from providers of broadband and interconnected VoIP services, including 911 services.<sup>8</sup>

*Revising the Information Collection to Include Information from Satellite Providers.* Since 2012, the nation's communications are increasingly carried by satellite communications networks. While the OMB's 2007 approval authorized satellite providers to participate in DIRS, they have not participated to date in part because DIRS has not included a form tailored to satellite providers' networks. Collecting this information from satellite providers via DIRS is necessary to meet the Commission's goals of restoring communications quickly and ensuring that emergency and defense personnel have access to effective communications during disaster events. Accordingly, the Commission now requests a revision of the currently approved collection to include a new form for satellite providers and to provide an increased estimate of total burden hours based on the new form and the Commission's observations of the actual respondent burden in 2017 and 2018.

Screenshots of the new form, for which the Commission now requests OMB approval, are attached. These screenshots provide details for each "pull down" menu of the form. The form is similar in style and scope to forms used in the currently approved collection but is specifically tailored to satellite networks.

*Revising DIRS the Information Collection to Require Information from Support Recipients.* During the 2017 hurricane season, Hurricanes Maria and Irma almost totally destroyed Puerto Rico's and the U.S. Virgin Islands' critical infrastructure and communications networks. The major local exchange carrier and cable providers in the Puerto Rico and the U.S. Virgin Islands did not voluntarily report in DIRS, did not take network hardening efforts

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<sup>4</sup> FCC, Standard Operating Procedures DIRS-Lite, [https://transition.fcc.gov/pshs/docs/Standard\\_Operating\\_%20Procedures\\_DIRS-Lite.pdf](https://transition.fcc.gov/pshs/docs/Standard_Operating_%20Procedures_DIRS-Lite.pdf) (last visited Feb. 20, 2018) (*DIRS-Lite Manual*).

<sup>5</sup> *Id.* at 1.

<sup>6</sup> *Id.*

<sup>7</sup> See OMB Control No. 3060-1003; 07/21/2007.

<sup>8</sup> See OMB Control No. 3060-1003; 06/08/2012.

prior to the hurricanes, and were slow in their recovery efforts. As a part of the Commission's response to the 2017 hurricane season, the Commission adopted *The Uniendo a Puerto Rico Fund and the Connect USVI Fund Order* (PR and USVI Funds Order) to improve the resiliency of communications networks in Puerto Rico and the U.S. Virgin and aid recovery efforts, amongst other purposes.<sup>9</sup> Under the *PR and USVI Funds Order*, Stage 2 of the PR and USVI Fund fixed and mobile support recipients (Support Recipients) are required to report in DIRS. Mandatory DIRS reporting will allow the Commission to track networking hardening efforts and increase Support Recipients' accountability, which the Commission expects will improve network hardening efforts and make networks more resilient in future. Accordingly, the Commission requests a revision of the currently approved collection to include mandatory DIRS reporting for Support Recipients. The *PR and USVI Funds Order* does not otherwise alter DIRS.

Statutory authority for this collection of information is contained in 47 U.S.C. 151 *et. seq.*, 154(i), 218, 303(r) of the Communications Act of 1934, as amended. Regulatory authority for this collection of information is contained in 47 CFR 0.181(h), 54.1515(d).

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.<sup>10</sup>

2. The requested information collection is necessary for the Commission to fulfill its public safety mandate. As it already does for information submitted in DIRS pursuant to this collection, the Commission will use the information on satellite providers' and Support Recipients' infrastructure status, restoration efforts, and emergency contact information in the event of a major disaster (or other crisis) to provide public reports on communications status during DIRS activation periods,<sup>11</sup> as well as to help inform investigations about the reliability of communications following disasters. The Commission grants direct access to DHS's National Cybersecurity and Communications Integration Center (NCCIC) on a read-only basis. The Commission prepares and provides aggregated DIRS information, without company identifying information, to the NCCIC, which then distributes the information to ESF-2 participants, including other units in DHS, during an ESF-2 incident. Agencies use the analyses for their situational awareness and for restoration priorities for communications infrastructure in affected areas.<sup>12</sup> The Commission will also use the

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<sup>9</sup> *The Uniendo a Puerto Rico Fund and the Connect USVI Fund, Connect America Fund, ETC Annual Reports and Certifications*, WC Docket No. 18-143, WC Docket No. 10-90, WC Docket No. 14-58, Report and Order, and Order on Reconsideration, FCC 19-95, paras. 1-9 (2019) (*PR and USVI Funds Order*).

<sup>10</sup> 5 U.S.C. § 552(a).

<sup>11</sup> See FCC, *FCC Hurricane Response* (last visited Feb. 7, 2020), <https://www.fcc.gov/fcc-hurricane-response> (presenting a collection of public reports released during DIRS activation periods for recent hurricanes).

<sup>12</sup> Chris Anderson, Chief, Operations and Emergency Management Division, Public Safety and Homeland Security Bureau, FCC, Response to Hurricanes Harvey, Irma, and Maria, Presentation at Commission Open Meeting at 2, (PSHSB 2017), <https://docs.fcc.gov/public/attachments/DOC-346920A2.pdf> (describing FEMA and other federal

requested information in the aftermath of a disaster to provide reports to the public based on aggregated and anonymized versions of the collected information. The Commission staff will further use the emergency contact information portion of the information collection to contact satellite provider respondents or Support Recipients, as relevant, during or in close proximity to disaster events for information that will aid restoration and mitigation efforts.

The requested information collection on Support Recipients will have additional utility. The Commission will use the requested information collection to track Support Recipients' recovery efforts, which is expected to encourage network hardening efforts in Puerto Rico and the U.S. Virgin Islands. Also, since some service providers did not report detailed information in DIRS during Hurricanes Maria and Irma, coordination between federal, state, and local authorities became more difficult. Requiring Support Recipients to report in DIRS will help address these specific shortfalls.

3. DIRS utilizes a secure, web-based form similar to other forms that the Commission has found to be efficient, user-friendly, and minimally burdensome to respondents in prior collections. If the Commission activates DIRS, it accepts electronic submissions through the Commission's dedicated web portal.<sup>13</sup> The collected information is available to authorized personnel within the Commission and, via password-protected electronic means, to select federal and potential state agency partners. DIRS respondents may access their submissions but cannot view other parts of the DIRS database nor edit other respondent's submissions. If the Commission activates DIRS-Lite, it accepts email and phone submissions; there are no web portal submissions or hardcopy collections.
4. The requested information is not available elsewhere. DIRS was created to meet the requirements at 47 CFR. § 0.181(h) of the Commission's rules. This is a unique collection with no duplication.
5. In compliance with the Paperwork Reduction Act of 1995, the Commission has made an effort to minimize the burden on all respondents, regardless of size. Inputting the requested information into DIRS will have minimal impact on small businesses because the information will be provided over an efficient web-based interface. The DIRS web-based interface also accepts batch submissions rather than only single-entry submissions. Additionally, the Commission provides a limited waiver to the Commission's Part 4 network outage reporting rules for service providers that participate in DIRS when DIRS is active.<sup>14</sup> DIRS respondents are also only required to update information as conditions change, not on a prescribed timeframe. Moreover, for DIRS respondents that are not

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agencies' use of DIRS information "to understand the status of communications infrastructure in...impacted areas and to set restoration priorities").

<sup>13</sup> *Disaster Information Reporting System-Login*, <https://www.fcc.gov/nors/disaster/Login.cfm> (last visited Nov. 26, 2019).

Support Recipients, reporting in DIRS is voluntary.<sup>15</sup> Additionally, DIRS-Lite submissions require only a subset of the information collected in DIRS and are accepted via a phone call or email. In these ways, the Commission has taken efforts to minimize the burden on all respondents while still fulfilling its public safety mandate.

The Commission has taken additional steps to minimize the burden on satellite providers and Support Recipients. The proposed new form for satellite providers has been carefully designed to minimize the time and amount of data needed for the Commission to achieve its public safety objectives. Moreover, the Commission will not impose penalties on Support Recipients that fail to report in DIRS for reasons reasonably beyond their control.<sup>16</sup>

6. Failure to collect this information, at all or less frequently than requested, will adversely impact the Commission's ability to carry out its congressionally mandated objective of promoting the safety of life and property. Without the requested information, the Commission will not obtain and share critical outage information with authorities, including FEMA. This will significantly frustrate the ability of these authorities to effectively deploy their resources to maintain and restore critical communications in the aftermath of a disaster. The Commission will also be unable to provide situational awareness through comprehensive public reports related to disasters and unable to easily identify and contact satellite provider respondents during (or in close proximity to) disaster events to obtain information that would aid the Commission and its partners in restoration and mitigation efforts.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2). Information may be provided by respondents to the Commission more often than quarterly in the event that DIRS is activated for more than one emergency or disaster in the same quarter. Information will almost always be provided by respondents to the Commission in fewer than 30 days following a DIRS activation, as it is critical that the Commission collect timely information for the duration, or in the immediate aftermath, of emergencies to facilitate its public safety mission. The Commission has instituted procedures to protect the confidentiality of requested collection of information, regardless of whether the information is collected from Support Recipients or voluntary DIRS participants. All collected information is presumed confidential and handled with appropriate safeguards. As noted in the *DIRS User Manual*, "[b]ecause the information that communications companies input to DIRS is sensitive for national security and/or commercial reasons, [the collected information] shall be treated as presumptively confidential upon filing."<sup>17</sup> The Commission will apply this same standard to this proposed revision to the collection.

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<sup>14</sup> *Public Safety and Homeland Security Bureau Announces Limited Waiver of Sections 4.9 and 4.11 of the Commission's Rules During Activations of the Disaster Information Reporting System*, Public Notice, DA 09-1319 (PSHSB 2009).

<sup>15</sup> *PR and USVI Funds Order*, FCC 19-95 at para. 138.

<sup>16</sup>*Id.*

Namely, the filings and the information contained therein would be withheld from public disclosure, shared only with NCCIC at DHS, and provided to others in summarized and aggregated form and only in narrow circumstances. The Commission will also continue to work with respondents to ensure that any concerns regarding the confidentiality of their filings are resolved in a manner consistent with Commission rules.

8. The Commission published a 60-day notice in the Federal Register seeking comments from the public on March 26, 2020 (85 FR 16626). No PRA Comments were received from the public.
9. The Commission will not provide any payment or gift to respondents.
10. The Commission provides respondents with assurances that their collected filings reports will be treated with a presumption of confidentiality. As noted in the *DIRS User Manual*, “[b]ecause the information that communications companies input to [their collected filings] is sensitive for national security and/or commercial reasons, [the collected filings] shall be treated as presumptively confidential upon filing.”<sup>18</sup> The Commission will apply this same standard to this proposed revision to the collection. The Commission will also work with respondents to ensure that any concerns regarding the confidentiality of their collected filings subject to the proposed collection are resolved in a manner consistent with Commission rules. Moreover, the proposed information collection does not involve personally identifiable information and does not involve individuals. Thus, there are no impacts under the Privacy Act.<sup>19</sup>
11. There are no questions of a sensitive nature involved with this proposed information collection.
12. The Commission has observed an increase in the number of responses received subject to the existing information collection in recent years compared to the Commission’s previous estimates. This is attributable in part to active hurricane and wildfire seasons during the time period but may also be indicative of general trends in the industry. The Commission now updates its burden estimates for this information collection, overall and inclusive of the proposed use of the proposed new form for satellite providers.

Disaster events (e.g., hurricanes and wildfires) are unpredictable in their frequency and/or magnitude. For example, during Hurricane Irma in 2017, the Commission collected 24,442

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<sup>17</sup> FCC, Disaster Information Reporting System (DIRS) User Manual – Version 5, February 24, 2014 at 3, (available at [https://transition.fcc.gov/pshs/disaster/disaster\\_manual.pdf](https://transition.fcc.gov/pshs/disaster/disaster_manual.pdf)) (*DIRS User Manual*); *The FCC’s Public Safety and Homeland Security Bureau Launches Disaster Information Reporting System (DIRS)*, Public Notice, DA 07-3871, 22 FCC Rcd 16757 (PSHSB 2007).

<sup>18</sup> *Id.*

<sup>19</sup> 5 U.S.C. § 552(a).

DIRS reports over 11 days. This is an average of approximately 2,222 reports per day during that span. Contrastingly, during Hurricane Nate that same year, the Commission collected 82 DIRS reports over one day. While DIRS is typically activated for 15 days or fewer around a disaster event, there have been circumstances where DIRS has been activated for a longer period of time. For example, due to the prolonged recovery effort in Puerto Rico after Hurricane Maria, DIRS was activated for 182 days. In preparing these estimates, the Commission has analyzed data from recent hurricane seasons and sought to err on the side of over-estimating potential burdens, taking into account actual burdens from recent major disaster events. The estimates provided below reflect the possibility that disaster event(s) of a similar or greater magnitude than those recently observed may occur again in the future.

Respondents will enter emergency contact information and, when necessary, critical information (*i.e.* related to infrastructure damage and restoration) in DIRS. Respondents often submit many unique DIRS reports per disaster event because their networks cover a large geographic area (e.g. a network covers several effected counties and reports one DIRS report for each county) or provide a variety of services (e.g. wireline, cable system, broadcast, IXC blocking, etc.). We estimate that each respondent will enter 37 unique reports of critical information over an average of five DIRS activations per year. The critical information will be entered as an initial entry with subsequent update(s) as required. We estimate that each respondent will update each unique entry of critical information six times, on average. We anticipate that data entry will take 0.1 hours for initial entry of contact information; 0.5 hours for initial input of critical information, and 0.1 hour for updates of critical information. This estimate is based on the Commission staff's knowledge and familiarity with the availability of the data required.

Total burden hours for the proposed revised collection for all respondents (whether satellite providers, Support Recipients, or otherwise) is provided below:

**Initial Entry of Contact Information for All Respondents**

**Number of Respondents Annually: 400**

**Frequency of response: Annually.**

**Total Number of Responses Annually:**  $400 \text{ respondents} \times 1 \text{ response/respondent} = 400 \text{ total responses.}$

**Average response time per response: 0.1 hours**

**Total Annual Burden Hours:**  $400 \text{ respondents} \times 1 \text{ response/respondent} \times 0.1 \text{ hours/response} = 40 \text{ hours.}$

**Method of estimation of burden:** We estimate that each respondent entity to DIRS will enter (or update) their contact information once annually.

**Total Annual “In-House” Costs:** The Commission estimates the hourly wage of a full-time employee who will be submitting this information is \$80/hour, inclusive of overhead and fringe benefit costs. Therefore, the estimated in-house costs to the respondents are as follows:

40 total annual burden hours × \$80/hour = **\$3,200 total annual “in-house” costs.**

### Initial Entry of Critical Information for All Respondents

**Number of Respondents: 400 (same group of respondents as above)**

**Frequency of response:** Annually.

**Total Number of Responses Annually:** 400 respondents × 37 responses/respondent = 14,800 responses.

**Average response time per response:** 0.5 hours

**Total Annual Burden Hours:** 14,800 total responses × 0.5 hours/response = 7,400 hours.

**Method of estimation of burden:** Exact numbers of respondents and responses are inherently unpredictable as they reflect disaster and emergency scenarios that are not known in advance. In preparing these estimates, the Commission has analyzed data from recent hurricane seasons and erred on the side of overestimating potential burden.

**Total Annual “In-House” Costs:** The Commission estimates the hourly wage of a full-time employee who will be submitting this information is \$80/hour, inclusive of overhead and fringe benefit costs. Therefore, the estimated in-house costs to the respondents are as follows:

7,400 total annual burden hours × \$80/hour = **\$592,000 total annual “in-house” costs.**

### Updates of Critical Information for All Respondents

**Number of Respondents: 400 (same group of respondents as above)**

**Frequency of response:** Annually.

**Total Number of Responses Annually:** 400 respondents × 37 responses/respondent × 6 updates = 88,800 total responses.

**Average response time per response:** 0.1 hours

**Total Annual Burden Hours:** 88,800 total responses × 0.1 hours/response = 8,880 hours.

**Method of estimation of burden:** Exact numbers of respondents and responses are inherently unpredictable as they reflect disaster and emergency scenarios that are not known in advance. In preparing these estimates, the Commission has analyzed data from recent hurricane seasons and erred on the side of over estimating potential burden.

**Total Annual “In-House” Costs:** The Commission estimates the hourly wage of a full-time employee who will be submitting this information as \$80/hour, inclusive of overhead and fringe benefit costs. Therefore, the estimated in-house costs to the respondents are as follows:

8,880 total annual burden hours × \$80/hour = **\$710,400 total annual “in-house” costs.**

### **Cumulative Totals for All Respondents**

- Total Respondents Annually: 400
- Total Annual Responses: 400 (initial entry of contact information) + 14,800 (initial entry of critical information) + 88,800 (updates of critical information) = 104,000 responses;
- Total Annual Hours Burden: 40 (initial entry of contact information) + 7,400 (initial entry of critical information) + 8,880 (updates of critical information) = 16,320 hours;
- **Total Annual “In-House” Costs:** \$3,200 (initial entry of contact information) + \$592,000 (initial entry of critical information) + \$710,400 (updates of critical information) = **\$1,305,600.**

The total burden hours for satellite providers only and Support Recipients only, i.e., a fraction of the total above, are calculated as follows:

### **Satellite Provider Totals**

- Total Respondents Annually: 50
- Total Annual Responses: 50 (initial entry of contact information) + 1,850 (initial entry of critical information) + 11,100 (updates of critical information) = 13,000 responses;
- Total Annual Hours Burden: 5 (initial entry of contact information at 0.1 hr per response) + 925 (initial entry of critical information at 0.5 hr per response) + 1,110 (updates of critical information at 0.1 hr per response) = 2,040 hours;
- Total Annual “In-House” Costs: 2,040 hours x \$80 / hour = \$163,200.

### **Support Recipients Totals**

- Total Respondents Annually: 30
- Total Annual Responses: 30 (initial entry of contact information) + 1,110 (initial entry of critical information) + 6,660 (updates of critical information) = 7,800 responses;
- Total Annual Hours Burden: 3 (initial entry of contact information at 0.1 hr per response) + 555 (initial entry of critical information at 0.5 hr per response) + 666 (updates of critical information at 0.1 hr per response) = 1,224 hours;
- Total Annual “In-House” Costs: 1,224 hours x \$80 / hour = \$97,920.

13. There is no outside cost to the respondents.
14. The Commission does not expect to incur costs beyond the normal labor costs for staff.
15. The Commission is reporting adjustments and program changes to this information collection since the last submission to OMB. The Commission has re-evaluated its previous figures and is reporting an adjustment/decrease of -4,650 to the total number of respondents because the Commission defined “respondents” as companies that use DIRS per annum rather than the total number of companies enrolled in DIRS. Also, the Commission is reporting adjustments/increases to the total annual responses of +50,100 and +7,330 to the total annual burden hours.

In addition, there are program changes/increases to the total number of respondents of +50, total annual responses of +13,000 and total annual burden hours of +2,040. These program changes and adjustments in this revised collection are based off the Commission’s analysis of recent DIRS-based reports, which reflect highly active 2017 and 2018 hurricane seasons and accounts for the participation of satellite providers using the proposed new form.

16. The Commission treats DIRS and DIRS-Lite submissions as presumptively confidential and will not publish the individual submissions but may publish this information on an aggregated basis. For example, the Commission may publish this information on an aggregated basis pursuant to the Wireless Resiliency Cooperative Framework (Framework) or in daily communications status reports during DIRS activations.<sup>20</sup> The reports detail the operational status of communications services in the areas experiencing a disaster, providing the public with situational awareness.<sup>21</sup>
17. The Commission requests a waiver of the requirement to display the OMB expiration date on the electronic survey form because each time this collection is submitted to OMB for extension, the Commission must update the forms in DIRS. This is not cost effective for the Commission. Additionally, the Commission displays the OMB expiration date, title and OMB control number in 47 CFR 0.408 of the Commission’s rules.
18. There are no exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods:**

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<sup>20</sup> *Improving the Resiliency of Mobile Wireless Communications Networks; Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket Nos. 13-239 and 11-60, Order, 31 FCC Rcd 13745 (2016); *See, e.g.*, FCC, Hurricane Maria Communications Status Report for March 21, 2018 at 2 (2018), <https://www.fcc.gov/document/hurricane-maria-communications-status-report-march-21-2018> (including information from Framework Signatories in its status report for wireless services).

<sup>21</sup> *See id.*

This information collection does not employ any statistical methods.