

and the consequent billing for that work, its PAI expenditures for the current year fail to meet the twelve and one-half percent (12.5%) requirement; or

(6) If, in the reasonable judgment of the recipient's governing body, it would not be economical and efficient for the recipient to expend its full twelve and one-half percent (12.5%) of Corporation funds on PAI activities, provided that the recipient has handled and expects to continue to handle at least twelve and one-half percent (12.5%) of cases brought on behalf of eligible clients through its PAI program(s).

(d)(1) A waiver of special accounting and bookkeeping requirements of this part may be granted by LSC, if the recipient shows to the satisfaction of LSC that such waiver will advance the purpose of this part as expressed in §§ 1614.1 and 1614.2.

(2) As provided in 45 CFR 1627.3(c) with respect to subgrants, alternatives to Corporation audit requirements or to the accounting requirements of this Part may be approved for subgrants by LSC; such alternatives for PAI subgrants shall be approved liberally where necessary to foster increased PAI participation.

(e) Waivers of the PAI expenditure requirement may be full or partial, that is, the Corporation may waive all or some of the required expenditure for a fiscal year.

(1) Applications for waivers of any requirement under this Part may be for the current or next fiscal year. All such applications must be in writing. Applications for waivers for the current fiscal year must be received by the Corporation during the current fiscal year.

(2) At the expiration of a waiver a recipient may seek a similar or identical waiver.

(f) All waiver requests shall be addressed to LSC. The Corporation shall make a written response to each such request postmarked not later than thirty (30) days after its receipt. If the request is denied, the Corporation will provide the recipient with an explanation and statement of the grounds for denial. If the waiver is to be denied because the information submitted is insufficient, the Corporation will inform the recipient as soon as possible, both orally and in writing, about what additional information is needed. Should the Corporation fail to so respond, the request shall be deemed to be granted.

#### § 1614.10 Failure to comply.

(a)(1) If a recipient fails to comply with the expenditure required by this part and that recipient fails without good cause to seek a waiver during the

term of the grant or contract, the Corporation shall withhold from the recipient's grant payments an amount equal to the difference between the amount expended on PAI and twelve and one-half percent (12.5%) of the recipient's basic field award.

(2) If the Corporation determines that a recipient failed without good cause to seek a waiver, the Corporation shall give the recipient written notice of that determination. The written notice shall state the determination, the amount to be withheld, and the process by which the recipient may appeal the determination.

(3) The appeal process will follow the procedures for the appeal of disallowed costs set forth at 45 CFR 1630.7(c)-(g), except that:

(i) The subject matter of the appeal shall be limited to the Corporation's determination that the recipient failed without good cause to seek a waiver; and

(ii) Withholding of funds shall be the method for the Corporation to recover the amount to be withheld.

(b) If a recipient fails with good cause to seek a waiver, or applies for but does not receive a waiver, or receives a waiver of part of the PAI requirement and does not expend the amount required to be expended, the PAI expenditure requirement for the ensuing year shall be increased for that recipient by an amount equal to the difference between the amount actually expended and the amount required to be expended.

(c)(1) Any funds withheld by the Corporation pursuant to this section shall be made available by the Corporation for use in providing legal services through PAI programs. When such funds are available for competition, LSC shall publish notice of the requirements concerning time, format, and content of the application and the procedures for submitting an application for such funds.

Disbursement of these funds for PAI activities shall be made through a competitive solicitation and awarded on the basis of efficiency, quality, creativity, and demonstrated commitment to PAI service delivery to low-income people. Competition for these funds may be held in the recipient's service area, or if the recipient from which funds are withheld is the only LSC recipient applying for the funds in the competitive solicitation, in additional service areas.

(2) Recipients shall expend funds awarded through the competitive process in paragraph (c)(1) of this section in addition to twelve and one-

half percent (12.5%) of their Basic Field-General awards.

(d) The withholding of funds under this section shall not be construed as any action under 45 CFR parts 1606, 1618, 1623, or 1630.

Dated: October 9, 2014.

**Stefanie K. Davis,**

*Assistant General Counsel.*

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**BILLING CODE P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 12

[PS Docket Nos. 13-75, 11-60; FCC 13-158]

### Improving 9-1-1 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, an information collection associated with the Commission's *Report and Order*, FCC 13-158, published at 79 FR 3123 on January 17, 2014, and at 79 FR 7589 on February 10, 2014. This notice is consistent with the *Report and Order*, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of requirements subject to OMB approval. Specifically, this document announces the effective date of initial and annual reliability certification requirements for covered 911 service providers, including any associated record retention requirements.

**DATES:** 47 CFR 12.4(c), 12.4(d)(1), and 12.4(d)(3) are effective October 15, 2014. The effective date of 47 CFR 4.9(h), which requires a modification of existing OMB information collection 3060-0484, will be published separately in the **Federal Register** once approved by OMB.

**FOR FURTHER INFORMATION CONTACT:** For additional information contact Cathy Williams, *Cathy.Williams@fcc.gov*, (202) 418-2918.

**SUPPLEMENTARY INFORMATION:** This document announces that, on October 1, 2014, OMB approved information collection requirements contained in the Commission's *Report and Order*, FCC

13–158, Improving 9–1–1 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies, published at 79 FR 3123 on January 17, 2014 and at 79 FR 7589 on February 10, 2014. These requirements involve initial and annual reliability certifications for covered 911 service providers and associated record retention requirements. The OMB Control Number is 3060–1202. The Commission publishes this notice as an announcement of the effective date of the certification requirements.

The *Report and Order* also amended § 4.9 of the Commission's rules regarding outage notification to public safety answering points (PSAPs). The effective date of 47 CFR 4.9(h), which requires a modification of existing OMB information collection 3060–0484, will be published separately in the **Federal Register** once approved by OMB.

If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–1202, in your correspondence. The Commission will also accept your comments via the Internet if you send them to *PRA@fcc.gov*.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on October 1, 2014, for new information collection requirements contained in the Commission's rules at 47 CFR 12.4(c), 12.4(d)(1), and 12.4(d)(3). Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1202. The foregoing notice is required by the Paperwork Reduction Act of 1995, Pub. L. 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060–1202.

*OMB Approval Date:* October 1, 2014.

*OMB Expiration Date:* October 31, 2017.

*Title:* Improving 9–1–1 Reliability, Reliability and Continuity of Communications Including Networks, Broadband Technologies.

*Form Number:* Not applicable (annual online certification).

*Respondents:* Business or other for-profit entities; not-for-profit institutions.

*Number of Respondents and*

*Responses:* 1,000 respondents, 1,000 responses.

*Estimated Time per Response:* Varies by respondent. Average of 170 hours per annual certification.

*Frequency of Response:* Annual reporting requirement and recordkeeping requirement.

*Obligation to Respond:* Mandatory.

The statutory authority for the collection of this information is contained in sections 1, 4(i), 4(j), 4(o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 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(r), 307, 309(a), 316, 332, 403, 615a–1, and 615c.

*Total Annual Burden:* 169,982 hours.

*Total Annual Cost:* \$0.

*Nature and Extent of Confidentiality:* The Commission will treat as presumptively confidential and exempt from routine public disclosure under the federal Freedom of Information Act: (1) Descriptions and documentation of alternative measures to mitigate the risks of nonconformance with certification standards; (2) information detailing specific corrective actions taken; and (3) supplemental information requested by the Commission or Bureau with respect to a certification. The Commission does not consider confidential the fact of filing a certification or the responses provided on the face of the certification.

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* On December 12, 2013, the Commission released a *Report and Order*, PS Docket Nos. 13–75, 11–60; FCC 13–158 (the *Report and Order*) adopting rules. These rules are codified at 47 CFR 12.4. The *Report and Order* requires covered 911 service providers, defined in § 12.4(a)(4), to certify annually whether they comply with specified best practices with respect to critical 911 circuit diversity, central office backup power, and diverse

network monitoring. If a covered 911 service provider does not comply with specific certification elements set forth in § 12.4(c), it must provide a brief explanation of what alternative measures it has taken, in light of the provider's particular facts and circumstances, to ensure reliable 911 service with respect to those elements. A service provider may also respond by demonstrating that a particular certification element is not applicable to its network, but must include a brief explanation of why the element does not apply.

The information will be collected through an online system administered by the Commission's Public Safety and Homeland Security Bureau for review and analysis to verify that covered 911 service providers are taking reasonable measures to maintain reliable 911 service, as required under § 12.4(b). In certain cases, based on the information included in the certifications and on subsequent coordination with individual providers, the Commission may require remedial action to correct vulnerabilities in a service provider's 911 network if it determines that the service provider has not, in fact, adhered to the best practices incorporated in the certification, or in the case of providers employing alternative measures, that those measures were not reasonably sufficient to mitigate the associated risks of failure in these key areas.

The purpose of this information collection is to verify that covered 911 service providers are taking reasonable measures to provide reliable service, as evidenced by their certification of compliance with specified best practices or reasonable alternative measures. The Commission adopted these rules in light of widespread 911 outages during the June 2012 derecho storm in the Midwest and Mid-Atlantic states, which revealed that multiple service providers did not take adequate precautions to maintain reliable service. By holding covered 911 service providers accountable for reliable service, the Commission seeks to ensure that all Americans have access to critical 911 communications during emergencies and other times of need.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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