



# COMMONWEALTH OF MASSACHUSETTS

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January 28, 2019

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

### **Ex Parte Letter -- Filed Via ECFS**

*In re Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications*, PS Docket No. 15-80

*In re New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35

*In re The Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Docket No. 11-82

Dear Ms. Dortch:

Pursuant to section 1.1206 of the Federal Communications Commission's ("FCC") rules, the Massachusetts Department of Telecommunications and Cable ("MDTC") respectfully submits this *ex parte* letter to request expeditious FCC action in the above-captioned proceedings. Specifically, a recent nationwide broadband outage disrupted wireline and wireless 911 service in many states, including Massachusetts, offering yet another example highlighting the need for mandatory broadband outage reporting and state-agency access to the FCC's Network Outage Reporting System ("NORS").<sup>1</sup>

The MDTC reiterates its support of the FCC proposals of almost three years ago to expand NORS reporting and access.<sup>2</sup> As the FCC has recognized, and as evidenced by the recent broadband outage, broadband networks are inextricably intertwined with emergency

<sup>1</sup> See Press Release, Ajit Pai, Chairman, Fed. Comm'n's Comm'n, Chairman Pai Announces Investigation into CenturyLink 911 Outage (Dec. 28, 2018).

<sup>2</sup> See *In re Amendments to Part 4 of the Comm'n's Rules Concerning Disruptions to Comm'ns*, Report & Order, Further Notice of Proposed Rulemaking, & Order on Reconsideration, 31 FCC Rcd. 5817 (2016) ("FNPRM"); MDTC Ex Parte Comments (filed Sept. 13, 2016); MDTC Comments (filed July 15, 2015).

communications.<sup>3</sup> Indeed, the recent broadband outage affected both wireline and wireless 911 voice service. Broadband outages have a direct impact on the public's ability to contact 911, belying any claim that the FCC should not implement or might not have authority to implement its proposals.<sup>4</sup>

Further, state agencies need timely, unrestricted access to accurate outage information in order to respond quickly and maintain public safety. Under the current federal reporting requirements, misinformation was disseminated in Massachusetts regarding the extent of the recent outage's effect on 911 calls in Massachusetts.<sup>5</sup> State agencies cannot continue to be left a step behind or in the dark altogether when broadband and other outages occur.<sup>6</sup>

This is not a technology- or service-specific issue. This is a public safety issue. And it is one that the FCC must address as soon as possible. The FCC should not wait for another failed 911 call to act.

Pursuant to section 1.1206 of the FCC's rules, this letter is being filed electronically via ECFS with your office. Please do not hesitate to contact me should you have any questions.

Respectfully,

/s/ Sean M. Carroll

Sean M. Carroll

Deputy General Counsel

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<sup>3</sup> FNPRM, ¶ 93; *see also* Ajit Pai, Chairman, Fed. Comm'n's Comm'n, Remarks at the Maine Heritage Policy Center (Sept. 14, 2018) (lauding the enhanced public safety protections that broadband-based 911 systems enable).

<sup>4</sup> *See* 47 U.S.C. § 151 (directing the FCC to promote "the safety of life and property through the use of wire and radio communication").

<sup>5</sup> *See* Hiawatha Bray & Emily Sweeney, *State officials say 911 issues in Mass. 'have been corrected'*, THE BOSTON GLOBE, Dec. 28, 2018, <https://www.bostonglobe.com/metro/2018/12/28/internet-outage-affecting-wireless-calls-mass/OhYDQH7cgskeN7gugkRpCO/story.html>.

<sup>6</sup> *See In re Facilitating the Deployment of Text-to-911 & Other Next Generation 911 Applications*, Second Report & Order & Third Further Notice of Proposed Rulemaking, 29 FCC Rcd. 9846, 9949 (Comm'r O'Rielly, dissenting) ("[']Good enough['] seems particularly perilous when talking about emergency communications.").