

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

824

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

October 26, 2018

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai:

As the Florida Panhandle and other areas of the south continue to recover from Hurricane Michael, I am writing to encourage you to commence a rulemaking before the end of the year to expand and make enforceable the Wireless Network Resiliency Cooperative Framework (Framework). The frailty of some communications networks has caused customers in Michael's footprint to suffer long service outages, depriving people of vital tools to keep in touch with first responders, friends, and loved ones. This is simply unacceptable.

During my tenure as Ranking Member, I have argued for stronger, enforceable protections for consumers that would better ensure that Americans in the path of major disasters continue to have access to vital and lifesaving communications networks. Major weather-related disasters are becoming more and more frequent, and I have seen firsthand how communities suffer when communications networks fail following storms like Superstorm Sandy in my own district. For those reasons, I have consistently called on the Commission to prioritize network resiliency in hearings,¹ and as reflected in the SANDy Act, both as introduced² and as signed into law as part of the RAY BAUM'S Act.³ While the Framework that was ultimately adopted made meaningful progress toward that goal, more needs to be done. Unfortunately, my past calls on

¹ House Committee on Energy and Commerce, *Pallone Stresses Network Resiliency During Emergencies at Broadcast Incentive Auction Hearing* (Sept. 7, 2017).

² H.R. 3998, 114th Cong. (2015).

³ Pub. L No. 115-141, Title III, Division P (2018).

the Commission to review and update the Framework were not heeded⁴ even after the Government Accountability Office made similar recommendations in a report earlier this year.⁵

I am encouraged by your recent acknowledgement that a “comprehensive reevaluation” of the Framework and network resiliency needs to be done, including expanding network resiliency requirements to other network providers beyond wireless. But words without action are insufficient. Resilient communications networks can mean the difference between life and death during and after a storm. I hope that your concern is not driven by the upcoming election, but instead on the needs of consumers. To that end, I urge you to begin a rulemaking before the end of the year to ensure that Americans can count on more resilient communications networks by next hurricane season. With the lives and property of Americans at stake, I am hopeful that these recent statements embody a genuine shift in policy and priorities within your Administration.

Finally, given the devastating damage that category 5 Typhoon Yutu inflicted on the U.S. Commonwealth of the Northern Mariana Islands, I urge the Commission to monitor and assist in the restoration of communications. Public updates, as you have done for recent hurricanes, are warranted as well.

I appreciate your attention to this important matter. Please provide an update regarding any and all Commission activity related to this request by November 16, 2018. Should you have any questions, please contact Gerald Leverich of the Democratic Committee staff at (202) 225-3641.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." with a stylized flourish at the end.

Frank Pallone, Jr.
Ranking Member

⁴ House Committee on Energy and Commerce, *Pallone Calls for FCC Review of Nation's Wireless Network Resiliency Following Devastating Hurricanes* (Oct. 17, 2017).

⁵ House Committee on Energy and Commerce, *GAO Admonishes FCC for Failure to Promote Network Resiliency Framework* (Jan. 9, 2018).



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515

Dear Congressman Pallone:

I agree with you that it is time for a comprehensive re-evaluation of the Wireless Resiliency Cooperative Framework. Americans must have access to essential communications networks in times of emergencies and natural disasters. Maintaining and restoring these vital networks must be a priority.

I have taken concrete steps to address these issues after Hurricane Michael. As soon as it became apparent on October 16 that actions to restore wireless service in the Florida Panhandle were too slow in the immediate aftermath of the storm, I called on carriers to publicly disclose how quickly service would be restored and encouraged those carriers to waive consumer bills and fees to customers seeking to change carriers, if necessary. Although we have since learned of some specific challenges, such as unintended fiber cuts, it is still important to gather all the facts of what happened to better inform any actions that we may need to take in the future. To this end, the Commission's Public Safety and Homeland Security Bureau has sought comment on the preparation for and response to Hurricane Michael.

And after seeing firsthand the impact of natural disasters in Florida, Puerto Rico, the U.S. Virgin Islands, and Texas over the last two years, I decided that it is time for a comprehensive re-evaluation of the Framework. I am certain that we can improve upon it by collecting additional data, such as the extent to which carriers are using the Framework, and by inquiring into whether the Framework should be expanded to include backhaul facilities and what role, if any, power companies should play.

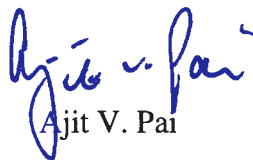
As a starting point, I directed the Bureau to send letters to all participating carriers seeking data on the effectiveness of the current Framework. While those responses are being reviewed, the Bureau has next sought comment on the role of backhaul providers in preparing for and responding to natural disasters. In the new year, I expect the Bureau will seek comment on the appropriate role of electric utilities. The responses to this information-gathering process will help us formulate what rule changes, if any, we might need to ensure the Framework is serving the American people. And working in parallel is the newly-formed Disaster Response and Recovery Working Group of the FCC's Broadband Deployment Advisory Committee. This new Working Group is tasked with developing best practices for coordinating among wireless providers, backhaul providers, and power companies during and after a disaster. It is my

expectation that all these actions will provide valuable inputs for the Commission's re-evaluation of the Framework, and I look forward to working with you on this matter as we move forward.

With respect to the impacts from Typhoon Yutu, the FCC has been in close coordination with response officials on the ground in the Commonwealth of the Northern Mariana Islands. Before landfall, FCC staff contacted the Emergency Operations Centers on Saipan and Tinian to check on status and offer any assistance. After landfall, staff contacted the two FCC-licensed submarine cable systems that land in the Northern Mariana Islands and verified that the systems remained operational and sustained no damage from the typhoon. FCC staff remained in contact with the two primary wireless companies in the Northern Mariana Islands to monitor wireless coverage on the islands after the storm. Staff also engaged in nightly teleconferences with government partners including FEMA, DHS/NCC, and NTIA, as well as on-the-ground territorial partners, to gain situational awareness of events as they unfolded and to be responsive to any requests from the ground for Special Temporary Authority, waivers, spectrum management, or outage reporting. Latest reports indicate that telecommunications service has been restored and that three damaged cell sites are still undergoing repairs. We continue to monitor the situation and provide assistance as needed.

Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai