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Ex Parte

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

Re: *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, PS Docket No. 15-80, New Part 4 of the Commission's Rules Concerning Disruptions to Communications, ET Docket No. 04-35, and 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:

On October 29, 2018, I participated in a teleconference with James Wiley, Brenda Villanueva, Julia Tu and intern Madeline Meckes of the Public Safety and Homeland Security Bureau to discuss issues regarding the sharing of state-specific NORS and DIRS data with state regulatory commissions. The criteria for sharing NORS data with any third party (including state commissions) that Verizon described in its July 2015 comments remain relevant, *i.e.*: confidentiality protections at least as strong as those under federal law; information technology (IT) safeguards such as read-only password-protected format and a log of the agencies and individuals who accessed a report; notification of service providers when an agency has requested authorization and accessed the report(s); and use of the information for situational awareness purposes.¹

The procedures used for sharing competitively sensitive FCC Form 477 broadband deployment and local services data with state commissions are potentially helpful as a starting point, but not sufficient.² Those rules are helpful insofar as they expressly require that state-level safeguards be at least as rigorous as those under Federal law, and are enforced by requiring an

¹ See Verizon Comments, PS Docket No. 15-80 and ET Docket No.04-35, at 12-13 (July 16, 2015); *see also* Verizon Comments, PS Docket No. 15-80 and ET Docket No.04-35, at 8-9 (July 31, 2015); Verizon Reply Comments, PS Docket Nos. 15-80 and 11-82 and ET Docket No.04-35, at 4-6 (Sept. 12, 2016).

² See *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration, 31 FCC Rcd 5817, ¶ 88 (2016) ("2016 Order").

appropriate state official to sign an agreement regarding the terms of disclosure.³ And the Bureau can, as appropriate, withdraw and direct a state that has not met its obligations to destroy all Form 477 records.⁴ NORS and DIRS data is not just competitively sensitive, however, but sensitive for national security purposes.⁵ Additional safeguards that, for example, record who accessed a report, and parameters on the individuals with access to (and the use of) the information are appropriate to meet this important policy objective. And these same considerations are just as relevant to any sharing of DIRS information.

Teleconference participants also discussed the need for flexibility in determining the extent to which a multi-state outage affects a particular state. Wireless outages, for example may involve cell sites with coverage that straddles state boundaries, and a single softswitch facility may serve nomadic VoIP subscribers across several states. Service providers should be expected to determine in good faith whether and to what extent a multi-state outage affects a particular state, utilizing their existing monitoring, billing and other relevant systems. Even so, Verizon expects it would take industry several months of IT work to incorporate these capabilities into their reporting systems, and would need to be coordinated with development of the Commission's own platform.

Verizon's recommended approach reflects a careful balance of interests. A Commission-administered read-only platform for state regulators to conditionally access NORS and DIRS reports would provide them with a standardized method of accessing that information for situational awareness purposes. And service providers' operations personnel would have a single method of providing that information across all states that also enables them to focus on their primary service restoration responsibilities.⁶

This letter is submitted in accordance with Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b). Please contact me if there are questions concerning this filing.

Sincerely,



cc: James Wiley
Brenda Villanueva
Julia Tu

³ See 47 C.F.R. §§ 1.7001(d)(4), 43.11(c)(4); *Wireline Competition Bureau Announces Revised Procedures for State Public Utility Commissions to Access Non-Public FCC Form 477 Data for Their Respective States*, Public Notice, DA 16-1177 (WCB 2016) ("*Form 477 Sharing PN*").

⁴ *Form 477 Sharing PN*, Attachment.

⁵ See 2016 Order ¶ 89.

⁶ See Verizon 2016 Reply Comments at 5.