

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matters of

New Part 4 of the Commission's Rules
Concerning Disruptions to
Communications

ET Docket No. 04-35

Petition of California Public Utilities
Commission and The People of the
State of California for Rulemaking On
States' Access to the Network Outage
Reporting System ("NORS") and a
Ruling Granting California Access to
NORS

RM-11588

**MOTION OF
THE CALIFORNIA PUBLIC UTILITIES COMMISSION
AND THE PEOPLE OF THE STATE OF CALIFORNIA TO WITHDRAW
CALIFORNIA'S REQUEST FOR A RULING GRANTING CALIFORNIA
ACCESS TO THE NETWORK OUTAGE REPORTING SYSTEM ("NORS")
DATABASE**

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I. INTRODUCTION

Pursuant to 47 Code of Federal Regulations § 1.401, the California Public Utilities Commission (“CPUC” or “California”) submits this Motion to the Federal Communications Commission (“FCC” or “Commission”) to withdraw California’s specific request for access to the FCC’s Network Outage Reporting System (“NORS”) database, which the CPUC sought as part of the CPUC’s Petition for Rulemaking,¹ filed November 12, 2009 in the FCC’s *New Part 4 of the Commission’s Rules Concerning Disruptions to Communications; ET Docket No. 04-35*. As explained below, the CPUC’s request for access to California-specific NORS reports is now moot.

In the CPUC’s Petition, the CPUC requested that the FCC grant state public utilities commissions password-protected access to each state’s outage reports that carriers submit to the FCC via the NORS.² California petitioned the Commission for California-specific access to the NORS database for two reasons: to monitor and

¹ See *Petition of the California Public Utilities Commission And The People of the State of California for Rulemaking on States’ Access to the Network Outage Reporting System (NORS) Database and a Ruling Granting California Access to NORS*, ET Docket No. 04-35 (Nov. 12, 2009) (“CPUC Petition”). In response to the CPUC Petition, the FCC solicited comments from stakeholders, and parties filed comments and reply comments, on March 4, 2010 and March 19, 2010, respectively. The CPUC submitted reply comments. The FCC solicited further comments on the CPUC’s Petition as part of a Notice of Proposed Rulemaking (NPRM), issued March 30, 2015. Parties, including the CPUC, submitted comments and reply comments on July 16, 2015 and July 31 2015, respectively. On May 26, 2016, the FCC issued a Further Notice of Proposed Rulemaking (FNPRM) and solicited comments on certain restrictions or conditions regarding states’ access to the NORS database. Parties, including the CPUC, submitted comments and reply comments on August 26, 2016 and September 12, 2016, respectively. Since then, the FCC has not taken further action on the CPUC Petition.

² See CPUC Petition.

verify service outages and disruptions of communications networks that carriers report to the CPUC and to simplify the reporting process for carriers.³ As discussed below, while California continues to gather state-specific carrier outage information, the CPUC's need for access to the FCC's NORS database to obtain this information is no longer necessary. California's request here, however, should not be construed against any other state's request for access to the NORS database, as each state has its own specific needs and processes for obtaining outage information.

II. CALIFORNIA NO LONGER HAS A NEED TO ACCESS THE FCC'S NORS DATABASE BECAUSE IT HAS DEVELOPED ITS OWN OUTAGE DATABASE

In 2008, the CPUC began requiring carriers to provide copies of their NORS reports to the CPUC at the same time carriers submitted them to the FCC.⁴ At that time, California did not have its own database for electronic submission of outage reports. During the time the CPUC's Petition has been pending at the FCC and while the CPUC has been receiving outage reports directly from California carriers, the CPUC has been developing its own outage database. California has taken the step to develop a database because of the very real need to have available, in electronic format, specific and detailed information about loss of communications service and infrastructure, particularly during times of emergency. Monitoring and protecting

³ See e.g., CPUC Petition at 7 & 13-14.

⁴ *Decision Adopting General Order 133-C and Addressing Other Telecommunications Service Quality Reporting Requirements*, D.09-07-019, 2009 Cal. PUC LEXIS 320 ("Service Quality Decision").

critical infrastructure is an important exercise of our police powers to protect the public health and welfare (e.g., ensure that providers provide safe and reliable service as required by Cal. Pub. Util. Code § 451). Having specific, detailed and near real-time outage information is essential to the performance of that vital function. The FCC, of course, still may consider granting other states' requests for access to the NORS database, as the record in the proceeding demonstrates that state public utilities have a real need for outage information.⁵

III. CONCLUSION

California has been obtaining California-specific outage information directly from carriers for the past 10 years. Through that effort, the CPUC has developed its own outage database. This information gathering is independent of NORS. For these reasons, the CPUC submits this Motion to withdraw its specific request for pass-word protected access to California-only NORS reports. This request should not be construed as against any other state's request for access to NORS.

⁵ See e.g., DCPSC Comments, ET Docket 04-35 (filed Mar. 4, 2010) at 2; see also MDTC Comments, ET Docket 04-35 (filed Mar. 4, 2010) at 2; see also NYPSC Comments, ET Docket No. 04-35 (filed Mar. 4, 2010) at 1; see also MoPSC Comments, ET Docket No. 04-35 (filed Feb. 26, 2010) at 1-2; and see also New York Comments, ET Docket No. 04-35 (filed Mar 4, 2010) at 2-3.

Respectfully submitted,

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