

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Public Safety and Homeland Security Bureau)	PS Docket No. 11-60
Seeks Comment on Improving the Wireless)	
Resiliency Cooperative Framework)	

REPLY COMMENTS OF AT&T

AT&T Services, Inc., on behalf of itself and its affiliates (collectively, “AT&T”), submits these reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Public Notice*¹ soliciting input on the efficacy of the Wireless Resiliency Cooperative Framework (“Framework”).²

I. INTRODUCTION

AT&T shares the Commission’s commitment to promoting resilient and robust communications networks that can withstand even the most catastrophic disasters to the greatest extent possible, or recover quickly when they cannot. An individual natural disaster or emergency event can impact wireless networks and services in vastly different ways. Thus, affording wireless providers flexibility to tailor their network resiliency and continuity of service plans to meet the unique needs of individual localities is critical to effective disaster response. Imposition of new performance metrics or inflexible roaming requirements would hinder disaster

¹ Public Notice, Public Safety and Homeland Security Bureau Seeks Comment on Improving the Wireless Resiliency Cooperative Framework, PS Docket No. 11-60, DA 19-242 (Apr. 1, 2019) (“*Public Notice*”).

² Federal Communications Commission, Wireless Resiliency Cooperative Framework, *available at* <https://www.fcc.gov/wireless-resiliency-cooperative-framework>.

response and, worse yet, could be counterproductive for fostering cooperation between wireless carriers.

II. COMMENTERS AGREE THAT IMPOSING RIGID METRICS WOULD NOT PROMOTE WIRELESS RESILIENCY EFFORTS.

Every emergency is different, creating complex network challenges that can vary from event to event and from carrier to carrier. For example, the 2017 hurricane season's destructive storms presented different challenges due to the specific attributes of the storms, the locations affected, and the post-disaster environments.³ In the *Public Notice*, the Commission questioned whether metrics would be useful to evaluate the effectiveness of the Framework.⁴ However, the critical differences among emergencies make it nearly impossible to come up with common, meaningful performance metrics that apply to every disaster.

Many commenters noted that a metrics-focused approach to evaluating the Framework would be counterproductive.⁵ For example, a metric involving affected population would not account for factors on the ground in emergencies like whether an evacuation or a shelter-in-place order is in effect. Measuring downed network infrastructure would not account for network coverage overlaps, which prevent or mitigate outages when a single site is lost. In addition,

³ See Reply Comments of AT&T, PS Docket No. 14-344 (filed Feb. 21, 2018) (describing unique challenges posed by Hurricanes, Harvey, Irma, and Maria) ("AT&T 2017 Hurricane Season Reply Comments").

⁴ See *Public Notice* at Sec. B ("What metrics would be most useful in evaluating the effectiveness of the Signatories' roaming during disaster commitments?"), Sec. C ("How can we measure the extent that providers delivered, sought, or received mutual aid during emergencies and the effectiveness of such mutual aid"), Sec. D ("How does one measure the extent to which Signatories are implementing the industry best practices and how communities leverage best practices or not?").

⁵ See Comments of CTIA, PS Docket No. 11-60 at 15-19 (filed Apr. 29, 2019); Comments of Verizon, PS Docket No. 11-60 at 5 (filed Apr. 29, 2019) ("Verizon Comments"); Comments of the Alliance for Telecommunications Industry Solutions, PS Docket No. 11-60 at 4, 5 (filed Apr. 29, 2019) ("ATIS Comments").

temporary assets such as cells on wheels or cells on light trucks are often available to augment network availability where infrastructure is damaged or otherwise unavailable. There is no one-size-fits-all metric that will provide meaningful information about the varied disaster recovery efforts taking place under the Framework.

Mutual aid is also an informal process and does not easily lend itself to measurement. A mutual aid metric would not account for situations when neither aid nor roaming is requested while other forms of beneficial coordination and cooperation may be taking place. Most mutual aid happens at the local level as people on the ground are working to address critical issues to restore service or to help individuals during an event. Mutual aid decisions will necessarily be undertaken in the broader context of the emergency at hand. Stopping these important activities to record such an event would be time consuming and produce no public safety benefit. Indeed, attempting to mandate (or even measure) mutual aid could actually be detrimental to the process and result in carriers second-guessing the implications of their choices in a competitive marketplace.

Rather than imposing inflexible performance metrics, the Commission and providers could assess the Framework in a meaningful way through periodic reviews.⁶ The Commission's re-chartering of the Broadband Deployment Advisory Committee's Disaster Recovery Working Group could help facilitate post-disaster evaluation of what worked and lessons learned. While AT&T appreciates Verizon's sentiments that the Framework should remain a living document that may periodically be refined to ensure that the wireless industry can continue to improve disaster preparedness and restoration,⁷ it is not the case that every improvement to disaster

⁶ See Verizon Comments at 2-3.

⁷ Verizon Comments at 2.

response needs to be shoehorned into a framework designed mostly to facilitate mutual cooperation in the wireless industry. Many productive outcomes are the result of discussions with the Commission that take place outside of the context of the Framework (*e.g.*, ongoing improvements to DIRS), discussions that help ensure broader participation on these topics, rather than by just the seven carriers that are party to the Framework. These discussions often lead to improvements to best practices that are beneficial to everyone in the industry.

III. THE RECORD SHOWS THAT ADDITIONAL ROAMING REQUIREMENTS OR METRICS ARE UNNECESSARY.

AT&T agrees with other commenters that “automatic” roaming and other additional roaming requirements and metrics are not necessary.⁸ The *Public Notice* sought comment on the Framework’s roaming commitments,⁹ with one commenter recommending the Commission implement new roaming requirements.¹⁰ Imposing inflexible roaming requirements would frustrate the purpose of the Framework, which is to facilitate carrier cooperation. Rather than increasing regulation in disaster situations, the Commission should continue its successful approach of liberalizing and waiving requirements to facilitate disaster relief.

“Automatic roaming,” as characterized in the *Public Notice* does not exist in the disaster context today. Handsets are updated (usually over the air) to roam on networks in the discrete geographic areas for which the consumer’s carrier has a roaming agreement. In non-disaster conditions, when there is overlapping coverage in a specific geography, access to roaming partner networks is typically restricted to ensure that carriers, and ultimately, consumers, do not

⁸ See, *e.g.* ATIS Comments at 4; CTIA Comments at 18; Verizon Comments at 5.

⁹ *Public Notice* at 3-4.

¹⁰ Comments of NTCA-The Rural Broadband Association and the Rural Wireless Association, PS Docket No. 11-60 (filed Apr. 29, 2019) (“NTCA et. al. Comments”).

incur unintended or unnecessary roaming charges. Conversely, if roaming is enabled, then subscribers may roam on other carriers' networks. Under disaster conditions, a requesting carrier that needs open roaming must provide detailed information about the location (*e.g.*, specific location area codes) where its networks are damaged or otherwise unavailable. This information allows the inbound network provider to ensure that its network can support the requesting provider's customer traffic in the specific location to avoid overloading the network.¹¹ An automatic roaming regime would take away a carrier's ability to assess the health of its network and determine whether it could accommodate the additional traffic load from another carrier. Absent these important steps, automatic roaming could have the exact opposite result than the Commission intends. Opening up a potentially impaired network during an emergency (*i.e.*, when network usage is at its highest) to an unknown number of customers from another network could deprive all customers located in the affected area of life saving communications. Post-disaster roaming arrangements require an active coordination process between carriers that cannot be automated or time limited.¹²

Further, the record reflects that carriers do not frivolously or unreasonably decline to provide open roaming to the customers of other carriers,¹³ making regulation or over-formalizing

¹¹ See also Verizon Comments at 4 (“[B]oth service providers in a roaming arrangement will also need the ability to clearly and quickly define the disaster-affected area in which roaming will be enabled. This is necessary to minimize any adverse impact outside the affected area . . . And, of course, the inbound provider will always need to assess whether its network has the capacity to handle additional roaming traffic, as well as the impact on its public safety customers.”).

¹² But see NTCA et. al. Comments at 2 (proposing a requirement that any roaming restrictions be capable of being lifted within a two-hour window).

¹³ See CTIA Comments at 18 (“CTIA is not aware that any party has been denied a request for disaster-based roaming. In light of this record, there is no compelling public interest rationale to pursue metric reporting requirements or additional mandates.”).

of the Framework unnecessary. In post-disaster situations, AT&T has endeavored to quickly facilitate roaming arrangements, with both Framework signatories as well as other carriers and service providers. For example, following Hurricane Maria, AT&T allowed Framework signatories and non-signatories alike to roam on its network.¹⁴ The Framework signatories did not stop to check which wireless carriers had opted into the Framework before deciding to extend open roaming to them. Attempting to over-formalize the Framework with respect to roaming would only serve to inhibit this well-functioning system.

Finally, the Commission should recognize the potential for causing unintended effects on carrier investment if it seeks to preempt carriers' discretion in roaming under disaster situations. Capital is inherently scarce and determining the appropriate level of investment in network capacity and network resiliency is a decision that carriers have to make in a competitive marketplace. An automatic roaming regime may discourage carriers from making investments to augment their own network resiliency if they know that they are categorically entitled to roam on other carriers' networks.¹⁵

The Commission itself has relaxed and waived its regulations to account for the challenges in post-disaster recovery—indicating that imposition of new, inflexible requirements on carriers during this critical time would be counterproductive. For example, following the 2017 hurricanes, the Commission:

¹⁴ AT&T 2017 Hurricane Season Reply Comments at 9.

¹⁵ See Improving the Resiliency of Mobile Wireless Communications Networks, *Order*, 31 FCC Rcd 13745 at Statement of Commissioner Ajit Pai (2016) (“[W]e should instead focus on encouraging carriers to continue to invest in strengthening their networks.”).

- Extended construction and regulatory deadlines and waived requirements related to the environmental notification process;¹⁶
- Deactivated the Disaster Information Reporting System for a period,¹⁷ later amending the reporting schedule to be three days per week rather than seven;¹⁸
- Extended the filing window for regulatory fees¹⁹ and other annual reports;²⁰
- Waived its rules to facilitate use of two nationwide interoperability channels by public safety agencies;²¹ and
- Issued other regulatory relief to entities affected by the storms.²²

These examples highlight the need for flexibility and adaptability in disaster recovery situations, and they are doubly important during the disaster response phase. The Commission should continue its liberalized approach to regulation, which facilitates disaster relief overall.

¹⁶ Public Notice, Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Briefly Extend and Remind Licensees of Filing and Regulatory Deadlines and Streamline Environmental Notifications Process for Areas Affected by Hurricane Maria, 33 FCC Rcd 2817 (2018).

¹⁷ *See, e.g.* Public Notice, Public Safety and Homeland Security Bureau Announces Deactivation of the Disaster Information Reporting System for Hurricane Harvey, 32 FCC Rcd 6816 (2017).

¹⁸ Public Notice, FCC Amends Schedule for Communications Providers to File Reports Concerning Hurricane Maria to its Disaster Information Reporting System (DIRS), 32 FCC Rcd 9456 (2017).

¹⁹ Public Notice, Regulatory Fee Filing Window for Those Regulatees Affected by Hurricanes Harvey or Irma Is Extended to Friday, September 29, 2017, 32 FCC Rcd 6968 (2017).

²⁰ Public Notice, Public Safety and Homeland Security Bureau Extends Annual Reliability Certification Deadline, 32 FCC Rcd 7340 (2017).

²¹ Commonwealth of Puerto Rico and United States Virgin Islands, Waiver of Section 90.20(d)(28) of the Commission's Rules, *Order*, 32 FCC Rcd 7327 (2017).

²² *See, e.g.* Public Notice, ETRS Filing Dates for EAS Participants Affected by Hurricanes Harvey, Irma, or Maria Extended to Monday, November 13, 2017, 32 FCC Rcd 7015 (2017); Telephone Number Portability, Numbering Resource Optimization, *Order*, 32 FCC Rcd 6831 (2017) (waiving the number assignment rules).

The comments in this proceeding illustrate that the Framework has been a remarkable success, helping bring stakeholders together to ensure communications continuity and restoration in the face of severe natural disasters and emergencies. The Commission should not imperil this successful paradigm by imposing new requirements or rigid performance metrics on providers.

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