

11 July 2018

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

*Re: GN Docket No. 15-206
Notice of Ex Parte Presentation*

Dear Ms. Dortch:

Pursuant to 47 C.F.R § 1.1206(b), the North American Submarine Cable Association (“NASCA”) notifies the Commission of an *ex parte* presentation in the above-referenced proceeding. On July 9, 2018, James Talbot (AT&T Inc.), Mike Tan (AT&T Inc.), Robert Morse (Verizon Communications, Inc.), and Kent Bressie and Susannah Larson (Harris, Wiltshire & Grannis LLP, as counsel for NASCA) met with Zenji Nakazawa, Justin McCuen, and Kevin Costello of Chairman Pai’s office. During the meeting, we discussed NASCA’s petition for reconsideration of the submarine cable outage reporting requirements.¹

Consistent with NASCA’s Petition and Supplement, we explained that the outage reporting rules are a burdensome reporting regime lacking sufficient justification on the record. Specifically, the record remains deficient regarding any concerns that executive branch agencies may have raised regarding the need for information about submarine cable faults.

NASCA discussed its recently-filed consensus proposal (attached), which draws an appropriate balance between the industry’s need for less onerous reporting with the Commission’s expressed interest in situational awareness. In particular, NASCA reiterated the need for a sufficient implementation period of at least 18 months for any reporting rules, and at least four days to report an outage after discovery of a reportable event. NASCA also confirmed its position in its Supplement that any reporting rules should not be based on whether the outage impacts customers, as many submarine cable operators do not have insight into customer impact.

¹ See Petition for Reconsideration of the North American Submarine Cable Association, GN Docket No. 15-206 (filed Sept. 7, 2016) (“Petition”); Supplement to Petition for Reconsideration, GN Docket No. 15-206 (filed Sept. 1, 2017) (“Supplement”).

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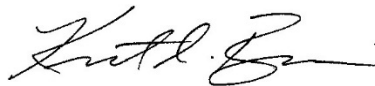
NASCA also discussed submarine cable systems' three basic models of ownership (the single owner model; the traditional consortium model; and the joint build model), which have their own restoration methods, as well as unique challenges to implementing the prospective reporting requirements.

With respect to the possibility of creating an industry-led clearinghouse for submarine cable outage information, NASCA noted the need for development of such a proposal on the record prior to any such adoption and implementation, as the record is currently silent on the subject. Further, NASCA noted the importance of creating a single unified reporting regime for submarine cable operators—if at all—rather than developing separate reporting requirements under Part 4 and for a clearinghouse. Multiple reporting regimes could be burdensome and unnecessarily duplicative.

Accordingly, NASCA urged the Commission to reconsider broadly the submarine cable outage reporting rules.

Should you have any questions, please contact me by telephone at +1 202 730 1337 or by e-mail at kbressie@hwglaw.com.

Respectfully submitted,



Kent Bressie
Susannah Larson

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North American Submarine Cable Association*

cc: Zenji Nakazawa
Kevin Costello
Justin McCuen

NASCA OUTAGE REPORTING PROPOSAL

Outage Definition

FCC Order: Outage (“significant degradation in performance”) in cable between the SLTEs at each end for at least 30 minutes, or

Loss of any fiber pair for 4 hours or more (including due to terminal equipment).

Proposal: Fault between SLTEs resulting in the loss of all connectivity on a fiber pair (excluding routine maintenance) for 4 hours or more, regardless of whether traffic can be re-routed to an alternative path.

Explanation: Proposal would require reporting of unforeseen outages involving major cable failures and long-duration repairs, while avoiding reporting of planned outages or where cable operations resume within 4 hours.

Reporting Time

Initial Report:

FCC Order: Within 8 hours of determining event is reportable for first 3 years, then within 4 hours.

Proposal: 4 days after determining event is reportable.

Explanation: Many cable landing stations (including many foreign stations for U.S.-landed cables controlled by non-U.S. parties) do not operate 24/7 and should prioritize repair duties over reporting. Many systems do not have automated processes for reporting, and have limited staff overseeing the cable system, so such a short turnaround for reporting is not feasible. The proposed period is consistent with the required four-day period for reporting of simplex outage events (OC-3 circuits with built-in path protection where one of these paths is not available).

Interim Report:

FCC Order: Within 24 hours of receipt of Plan of Work.

Proposal: No interim report.

Explanation: The interim report imposes an additional, unnecessary burden on licensees which will take the focus away from repairing the outage; these details can be included in the final report.

Transition Period

FCC Order: 6 months after OMB approval.

Proposal: 18 months after OMB approval.

Explanation: Development/implementation of required systems and procedures by licensees and their consortium partners to make these reports will take at least 18 months.