

# FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of )  
 )  
Public Safety and Homeland Security Bureau Seeks ) PS Docket No. 11-60  
Comment on the effectiveness of the Wireless )  
Network Resiliency Framework and for the study on )  
public access to 911 services during emergencies. )  
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## REPLY COMMENTS OF THE CITY OF NEW YORK

The City of New York (“the City”) submits these reply comments in connection with the Federal Communications Commission (“Commission”) proceeding listed above. As the City noted in its previous comments in this docket,<sup>1</sup> a voluntary, self-regulatory framework is not sufficiently viable in such a critical area as wireless network resiliency. The concerns we raised in 2016 regarding the sustainability, enforceability, and reliability of self-regulation remain unassuaged to date. In its Public Notice,<sup>2</sup> the Commission’s Public Safety and Homeland Security Bureau (“PSHSB” or “the Bureau”) proposes to measure the extent of use and effectiveness of the adopted Wireless Network Resiliency Cooperative Framework (the “Framework”). While we are skeptical of the effectiveness of the voluntary framework approach previously adopted by the Commission, we appreciate the Bureau’s recent efforts to review the overall efficacy of the Framework.

### Extent of Use of the Framework

When CTIA, the wireless industry association, convened stakeholders to develop a set of best practices<sup>3</sup> regarding coordination of emergency preparedness and disaster response efforts between wireless providers and local governments, the City participated in the consultative process that developed these proposed measures along with other local government and public safety officials. As we indicated in our earlier comments in the above-captioned proceeding,<sup>4</sup> we welcome the opportunity to work with wireless carriers and other local government representatives to achieve better preparedness and cooperation and will continue to do so in order to maintain and restore wireless

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<sup>1</sup> *Comments of the City of New York* before the Federal Communications Commission, PS Docket No. 11-60, submitted May 31, 2016, <https://ecfsapi.fcc.gov/file/60002089081.pdf>.

<sup>2</sup> *Public Safety and Homeland Security Bureau Seeks Comment on the Effectiveness of the Wireless Network Resiliency Cooperative Framework and for the Study on Public Access to 911 Services During Emergencies*, Federal Communications Commission, PS Docket No. 11-60 (June 13, 2018).

<sup>3</sup> *Best Practices for Enhancing Emergency and Disaster Preparedness and Restoration*, CTIA, <https://api.ctia.org/docs/default-source/default-document-library/best-practices-for-enhancing-emergency-and-disaster-preparedness-and-restoration.pdf>.

<sup>4</sup> *Supra*, note 1.

service continuity.<sup>5</sup> We do note, however, that the City's participation in the aforementioned process should not be construed as an endorsement of the overall wireless network resiliency framework, and does not bind the City to adoption of said best practices in whole or in part. Since the development of the best practices, the City is not aware of any contacts by any carrier that has signed onto the Framework to specifically discuss implementation of the Framework or the recommended best practices.

### **Measuring the Effectiveness of the Framework**

The City supports efforts to measure the implementation and effectiveness of the Framework. Various commenters proposed confidential filings<sup>6</sup> or the use of the existing complaint process<sup>7</sup> to measure the implementation and success of the Framework; the City believes this approach would not provide useful information to the local governments and policymakers that need such information to determine whether to make adjustments or improvements to their resiliency practices. The Commission should adopt rules that require regular reporting from carrier signatories to the Framework regarding specific implementations of best practices, procedures, facilities, and other measures. Narratives and/or after-action reports concerning issues and successes during implementation and application of the Framework before, during, and after severe weather and other events would also prove useful.<sup>8</sup> Such reporting should be accessible to state and local governments to inform their resiliency and adaptation plans and coordination with signatories to the Framework.

The City is greatly concerned that the Commission expects local governments to collaborate with wireless carriers as part of the Framework to increase the resiliency of telecommunications networks while at the same time, in other proceedings, undertaking efforts that limit local governments from exercising their power to make and enforce rules that could provide that resiliency and manage the rights of way.<sup>9</sup> This is more worrisome as the PSHSB suggested in a companion Public Notice that the Commission may loosen requirements intended to ensure 911 reliability.<sup>10</sup>

It is counterproductive to loosen rules that ensure access to a service as important as 911 while proposing to find ways to increase participation in and measure a voluntary framework intended to increase the accessibility and restoration speed of telecommunications networks during and after

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<sup>5</sup> The City has recently taken part in discussions with CTIA and the Commission regarding a consensus framework on the topic of improvements to the Wireless Emergency Alert system. The City believes those discussions helped to move the issue forward, but notes that this consensus decision was still formally adopted by the Commission, with specific timelines and responsibilities.

<sup>6</sup> *Comments of Verizon* before the Federal Communications Commission, pp. 2-4, PS Docket No. 11-60, submitted July 16, 2018.

<sup>7</sup> *Comments of T-Mobile* before the Federal Communications Commission, pp. 4-5, PS Docket No. 11-60, submitted July 16, 2018.

<sup>8</sup> See, e.g., *Comments of the National Association of State 911 Administrators* before the Federal Communications Commission, p. 1, PS Docket No. 11-60, submitted July 16, 2018.

<sup>9</sup> Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, 82 FR 61520, ¶¶ 26-27, WC Docket No. 17-84, ¶¶ 178-79 (adopted Nov. 16, 2017); and *Comments of the City of New York* before the Federal Communications Commission, WC Docket No. 17-84, submitted Jan. 17, 2018, [https://ecfsapi.fcc.gov/file/10117262340010/City%20of%20New%20York\\_Disaster-Related%20Preemption\\_Comment\\_FINAL.pdf](https://ecfsapi.fcc.gov/file/10117262340010/City%20of%20New%20York_Disaster-Related%20Preemption_Comment_FINAL.pdf).

<sup>10</sup> *Public Safety and Homeland Security Bureau Seeks Comment on 911 Network Reliability Rules*, Federal Communications Commission, P.S. Docket 13-75 (June 13, 2018).

disasters. Public access to emergency services depends on the success of both of these approaches. The Commission should adopt an approach that not only ensures 911 reliability, but ensures the resiliency of the networks that the public relies on to access 911 services.

### **911 Access over Wi-Fi**

The City agrees with the commenters<sup>11</sup> that support study and investigation into the standards and practices that would be required to implement the new capability of providing access to emergency services over Wi-Fi networks during service outages. We reserve further comment until more information is available for review.

### **Conclusion**

The City supports the Bureau's goal to increase the resiliency and reliability of telecommunications networks. However, in doing so, the Bureau should refrain from taking any actions that would jeopardize or limit the ability of local governments to ensure the resiliency and reliability of wireless networks for their citizens.

Respectfully,

/s/\_\_\_\_\_

The City of New York

July 31, 2018

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<sup>11</sup> See, e.g., *Comments of NENA: the 9-1-1 Association* before the Federal Communications Commission, PS Docket No. 11-60, submitted July 16, 2018; and *Comments of AT&T* before the Federal Communications Commission, pp. 12-15, PS Docket No. 11-60, submitted July 16, 2018.