

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

In the Matter of

Public Safety and Homeland Security Bureau
Seeks Comment on 911 Network Reliability
Rules

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PS Docket No.13-75

REPLY COMMENTS OF AT&T

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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* seeking comment on the Commission’s rules regarding the reliability of the nation’s 911 networks.¹

I. INTRODUCTION AND SUMMARY

AT&T places the highest priority on network reliability and resiliency, especially as it relates to delivering emergency calls. AT&T has invested billions of dollars to engineer its network to the highest standards, with redundancies to route around disruptions in real time and avoid network outages. AT&T is also an industry leader in the public safety marketplace and in multiple public safety and network reliability standards development bodies, and we are continuously investing in our networks to ensure that they can seamlessly handle 911 calls. These efforts have yielded improved network reliability and resiliency for all consumers.

With the benefit of three years of experience with the current rules, the Commission’s call for feedback on potential areas for improvement is timely. The underlying network

¹ Public Safety and Homeland Security Bureau Seeks Comment on 911 Network Reliability Rules, *Public Notice*, PS Docket No. 13-75, DA 18-612 (rel. Jun. 13, 2018) (“*Public Notice*”).

reliability and resiliency rules continue to serve a valuable public safety purpose. However, the related reporting requirements are in need of revision.² AT&T favors revising the rules to eliminate wasteful, low-utility reporting practices. It is AT&T's experience that the information provided pursuant to the reporting requirements is almost never used by any of the intended beneficiaries, demonstrating its low value to their public safety missions. Accordingly, the reporting requirements should be eliminated. Alternatively, the Commission should narrow the scope of the information to be reported and reduce the frequency of reporting to every three years.

In addition, the Commission should continue to support efforts to improve and standardize the outage notification information provided to Public Safety Answering Points ("PSAPs") and minimize duplicate notifications. The Communications Security, Reliability and Interoperability Council ("CSRIC") and the Alliance for Telecommunications Industry Solutions Network Reliability Steering Committee ("ATIS NSRC") – with the support of industry and the public safety community – are taking the lead in developing standards in this area. AT&T supports these efforts and urges the Commission to do so as well. These existing bodies are the organizations best situated to develop solutions.

² See 47 C.F.R. § 12.3 (requiring covered providers to “analyze their 911 and E911 networks and/or systems and provide a detailed report to the Commission on the redundancy, resiliency, and reliability of those networks and/or systems”); 47 C.F.R. § 12.4(c) (describing components of annual certification). These rules were adopted in the *911 Reliability Report & Order*. Improving 911 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies, *Report and Order*, 28 FCC Rcd 17476, ¶ 78 (2013) (“*911 Reliability Report & Order*”).

II. THE COMMISSION SHOULD ELIMINATE OR MODIFY THE ANNUAL REPORTING REQUIREMENT.

The Commission's network reliability and resiliency rules advance important public safety objectives but would benefit from streamlining to ensure that limited resources are dedicated in a manner that delivers the greatest public safety benefit. AT&T favors revising the rules to eliminate wasteful, low-utility reporting practices and return the focus – and resources – to ensuring that the nation's 911 networks are resilient and reliable. The annual reporting requirements have proven to be a resource drain for providers while delivering little or no known value to PSAPs, the intended beneficiaries of this data collection.³ Accordingly, the time is ripe for the Commission to eliminate, or modify, the reporting requirements.

The existing reporting requirements deliver little public interest benefit. The *Public Notice* seeks comment on the effectiveness of the Commission's 911 network reliability rules and whether the provisions should be modified.⁴ The current rules require "covered 911 service providers" to certify annually that they have conformed with a number of elements with respect to circuit auditing, provision of backup power, and network monitoring or have taken alternative measures to ensure reliable 911 service.⁵ For each element where the provider certifies to taking alternative measures, it must include detailed additional information explaining those measures. For example, in the circuit auditing context, if a provider does not conform with the enumerated elements, it must certify with respect to each PSAP:

³ We recognize that the Commission may also have been an intended beneficiary of this data collection, but in the nearly five years since the adoption of the *911 Reliability Report & Order*, AT&T has not received a single substantive question or any feedback regarding this data. Whatever purposes are served by the collection of this data, they are completely opaque to AT&T.

⁴ *Public Notice* at 1.

⁵ See 47 C.F.R. §§ 12.4(c)(1)(i), 12.4(c)(2)(i), 12.4(c)(3)(i).

(A) Whether it has taken alternative measures to mitigate the risk of critical 911 circuits that are not physically diverse or is taking steps to remediate any issues that it has identified with respect to 911 service to the PSAP, in which case it shall provide a brief explanation of such alternative measures or such remediation steps, the date by which it anticipates such remediation will be completed, and why it believes those measures are reasonably sufficient to mitigate such risk; or

(B) Whether it believes that one or more of the requirements of this paragraph are not applicable to its network, in which case it shall provide a brief explanation of why it believes any such requirement does not apply.⁶

The reporting requirements are similar for backup power, where the provider must supply information regarding each central office that directly serves a PSAP, and for network monitoring, where the provider must supply information regarding each “911 Service Area” it serves.⁷ In AT&T’s case, these reporting requirements cumulatively result in submission of multiple spreadsheets with nine tabs and thousands of rows of data. While imposing significant compliance burdens on carriers, these reporting requirements have proven to deliver little benefit to PSAPs or the general public.

As an initial matter, the burden of reporting has exceeded the Commission’s estimates, despite the fact that the Commission projected a significant burden. The Commission initially assessed the annual average reporting burden as 170 hours per certification and related reporting for a total annual burden of 169,982 hours.⁸ The estimated total annual incremental compliance

⁶ 47 C.F.R. § 12.4(c)(1)(ii).

⁷ 47 C.F.R. §§ 12.4(c)(2)(ii), 12.4(c)(3)(ii).

⁸ *Improving 911 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies*, 79 Fed. Reg. 61785, 61786 (Oct. 15, 2014).

spend was projected to be approximately \$9 million, which included \$6.4 million for circuit audit costs, \$1.9 million for backup power costs, and \$732,000 for monitoring costs.⁹

The past three years have shown the compliance burden to exceed those estimates by a wide margin. Covered providers “have invest[ed] thousands of hours and tens of millions of dollars to achieve compliance.”¹⁰ The initial effort to conduct the diversity audit for the 2015 report required “an investment many-times over the Commission’s \$9 million annual cost of compliance estimate.”¹¹ Given the high burdens of compliance with the reporting requirements, the Commission should consider whether these reporting requirements are still justified.

This expenditure of resources does not appear to deliver any public safety benefit. Indeed, while great effort and care goes into reporting, it is not clear that any party – Commission staff, PSAPs, or states¹² – derives any benefit from the information supplied. In adopting the rules, the Commission expressed the belief that PSAPs and state 911 authorities would “have a strong interest” in reviewing provider 911 data and encouraged providers to respond to data requests from such entities.¹³ This expectation has proved incorrect. While AT&T has received communications regarding whether it has complied with its reporting requirements – *e.g.*, that reports are timely and in the correct form – it has never received a

⁹ 911 Reliability Report & Order ¶ 78. See Supporting Statement, Improving 911 Reliability; Reliability and Continuity of Communications Including Networks, Broadband Technologies, OMB Control No. 3060-1202 at 11 (2017), <https://www.reginfo.gov/public/do/DownloadDocument?objectID=77407301>.

¹⁰ Comments of USTelecom – The Broadband Association, PS Docket No. 13-75, at 3 (filed Jul. 16, 2018) (“USTelecom Comments”).

¹¹ *Id.*

¹² In the nearly five years since the adoption of the Order, we are aware of only one state regulatory commission request for this data. In response, AT&T has received no questions or feedback associated with this production of data.

¹³ 911 Reliability Report & Order ¶¶ 157-58.

substantive question about the information supplied. As an exercise in revealed preferences, the lack of questions demonstrates the low-utility of the reports to the parties for whom the information is supplied.

While reporting delivers little benefit for the intended beneficiaries, it puts sensitive information at risk. Data submitted under the current reporting requirements is competitively sensitive and reveals potential vulnerabilities in 911 communications networks. The production of such data raises the risk of inadvertent or even malicious disclosure. In evaluating the utility of these reporting requirements, the Commission should consider the potential for unintended negative consequences for network security.

Given these considerations, the Commission should eliminate or, at a minimum, revise the 911 network reliability reporting requirements.¹⁴ Eliminating or modifying the reporting requirements would not undermine the Commission's important public safety goals, as covered providers would still be obligated to comply with the Commission's 911 network reliability and resiliency rules and certify their compliance.¹⁵ By eliminating or streamlining the reporting requirements, the Commission would significantly reduce administrative burdens while still retaining oversight of 911 network reliability and resiliency.

Eliminating reporting requirements would in no way compromise 911 network reliability or resiliency. Even in the absence of reporting requirements, covered providers still would be required to (i) make an annual certification that the provider has taken all reasonable measures to provide reliable 911 service with respect to circuit diversity, central-office backup power, and diverse network monitoring; and (ii) retain records supporting its certification for a two-year

¹⁴ See 47 C.F.R. § 12.3.

¹⁵ See 47 C.F.R. §§ 12.4(c), 12.4(d)(3).

period, making such materials available upon Commission request.¹⁶ Such an approach strikes the appropriate balance between Commission oversight and administrative burdens.

An approach that requires a compliance certification without submission of supporting documentation is consistent with existing Commission practice. In the disability access context, section 717 of the Communications Act requires covered entities to submit an annual compliance certification and maintain, but not submit, compliance records for a two-year period.¹⁷ This framework has proven successful and may be relied upon in the 911 reliability and resiliency context as well. The Commission should eliminate its 911 reporting requirements where, as here, the rules are overly burdensome and result in reports that are of limited utility.

Alternatively, the Commission should revise its reporting and certification rules to reduce administrative inefficiency. *First*, the Commission should narrow the scope of the information covered providers are required to report. Rather than requiring a voluminous and unwieldy spreadsheet, for example, the Commission could require a high-level summary of the provider's efforts to provide reliable 911 service with respect to circuit diversity, central-office backup power, and diverse network monitoring. Such an approach would facilitate Commission oversight while significantly easing the complexity and burden of reporting.

Second, if reporting requirements are retained, AT&T agrees with commenters that the Commission should reduce the frequency of the submission to every three years.¹⁸ As

¹⁶ *See id.*

¹⁷ *See* 47 U.S.C. § 618(a)(5); 47 C.F.R. § 14.31.

¹⁸ *See* Comments of the Alliance for Telecommunications Industry Solutions, PS Docket No. 13-75, at 4 (filed Jul. 16, 2018) (“ATIS Comments”) (arguing that, to the extent the Commission retains the certification requirement, the frequency should be reduced to every two years, three years, or even every five years); USTelecom Comments at 3-4.

commenters have confirmed, a reduction in the frequency of the reporting requirements is merited because much of the 911 reliability data has stabilized and does not change materially from year to year.¹⁹ Indeed, as USTelecom explains, the current rules require companies to “analyze and prepare very large data files” on an annual basis even though “very little of the data changes from year to year.”²⁰ With minimal yearly data changes, requiring annual reports and certifications is unnecessary.

Third, the Commission should eliminate the officer-level certification requirement.²¹ The record confirms that there is no need for a corporate officer to certify a covered provider’s annual reliability reports.²² Providers are responsible for compliance with the Commission’s 911 reliability rules regardless of whether a corporate officer certifies the reports. Moreover, in many cases, non-officer employees are more familiar with the subject matter of the reports than a corporate officer. The Commission accepts certifications or attestations in a number of other contexts without an officer-level signatory and it should do so here.²³

¹⁹ See Comments of Alaska Communications, PS Docket No. 13-75, at 5 (filed Jul. 16, 2018) (“Alaska Communications Comments”) (explaining that the content of its annual certification has changed very little since its initial filing).

²⁰ USTelecom Comments at 3-4.

²¹ See 47 C.F.R. § 12.4(a)(3) (defining permissible certifying officials as “a corporate officer...with supervisory and budgetary authority over network operations in all relevant service areas”).

²² See Alaska Communications Comments at 5; USTelecom Comments at 4

²³ For example, applications for competitive bidding require “[c]ertification that the individual submitting the application to participate and providing the certifications is authorized to do so on behalf of the applicant, and if such individual is not an officer, director, board member, or controlling interest holder of the applicant, evidence that such individual has the authority to bind the applicant.” 47 C.F.R. § 1.2204(c)(9). In addition, telecommunications carriers maintaining records of interception of communications or access to call-identifying information pursuant to the Communications Assistance for Law Enforcement Act must make

Finally, AT&T notes that some commenters have proposed clarifications to the reporting and certification requirements that would introduce undue rigidity into the process.²⁴ Motorola, for example, asks the Commission to establish concrete dates for the period covered by the annual certification.²⁵ But doing so would be unnecessarily restrictive. The Commission should resist this proposal and preserve covered providers' flexibility to define their own reporting periods.

III. THE COMMISSION SHOULD SUPPORT CONSENSUS-BASED EFFORTS TO IMPROVE OUTAGE NOTIFICATIONS.

The Commission, in partnership with industry and the public safety community, should support efforts to improve and standardize the outage notification information provided to PSAPs and minimize duplicate notifications. The *Public Notice* states that public safety representatives participating in the Bureau's 911 workshop indicate that they periodically receive multiple notifications of a single outage, conveying the mistaken impression that separate 911 outages have occurred simultaneously.²⁶ This may result in inaccurate public messaging about the outage, misallocation of resources, and inappropriate remedial steps.²⁷ AT&T shares these concerns and is working within existing fora, such as CSRIC and the ATIS NRSC, to develop solutions.

certifications "by the individual who is responsible for overseeing" such activity. 47 C.F.R. § 1.20004(a)(2).

²⁴ See, e.g., Comments of Motorola Solutions Inc., PS Docket No. 13-75, at 2, 5 (filed Jul. 16, 2018) ("Motorola Comments") (calling on the Commission to define the reporting period covered by the annual certification).

²⁵ *Id.* at 5.

²⁶ *Public Notice* at 4.

²⁷ *Id.*

Ongoing efforts to improve PSAP notification merit Commission support. CSRIC has a working group tasked with development of additional guidance on best practices regarding notifications in transitional NG-911 environments.²⁸ In addition, the ATIS NRSC has produced a joint technical report proposing standards to improve PSAP notification in the event of service outage.²⁹ This joint technical report and the associated PSAP notification template represent a consensus effort achieved by a broad working group that included representatives from carriers, third-party providers, 911 industry associations, and the PSAP community.³⁰ The Commission should continue to encourage and support these kinds of consensus-based efforts, which can help reduce PSAP confusion, minimize duplicate reporting and free up resources to promote an efficient outage response.

IV. CONCLUSION

AT&T is committed to ensuring network reliability and resiliency for all wireless consumers. Consistent with that objective, AT&T favors revising existing rules to eliminate wasteful, low-utility reporting requirements and put the focus – and resources – back on ensuring that the nation’s 911 networks are resilient and reliable. Alternatively, the Commission should narrow the scope of the information to be reported and reduce the frequency of reporting to every three years. In addition, the Commission should continue to support collaborative efforts to

²⁸ CSRIC VI, Working Group 1, June 29, 2018 Presentation at 4 (2018), <https://www.fcc.gov/files/wg1-presentation-june-2018-reportpptx>.

²⁹ See ATIS Comments at 5-6 (explaining the report and the involvement of the public safety community); Comments of West Safety Services, Inc., PS Docket No. 13-75, at 2 (Jul. 16, 2018) (endorsing ATIS NRSC’s efforts); Comments of Verizon, PS Docket No. 13-75, at 4 (Jul. 16, 2018) (same)

³⁰ See ATIS Comments at 5-6 (noting that the Association of Public-Safety Communications Officials (“APCO”), the National Association of State 911 Administrators (“NASNA”), and the National Emergency Number Association (“NENA”) all participated in the ATIS NRSC initiative).

improve and standardize the outage reporting information provided to PSAPs and minimize duplicate reporting.

Respectfully submitted,

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