

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Establishment of Rules and Requirements For Priority Access Service)	WT Docket No. 96-86
)	
Revision of Rules and Requirements for Telecommunications Service Priority)	

COMMENTS OF VERIZON

The Commission should take up NTIA’s request to initiate a rulemaking updating the Part 64 Telecommunications Service Priority (“TSP”) rules to reflect today’s marketplace and governance framework.¹ Verizon and its predecessor companies have participated in the TSP program since its inception over 30 years ago, and we have long taken into account TSP provisioning and restoration priorities in how we design, implement, and market new services to government and private sector organizations using the TSP program. Any new or updated requirements should reflect today’s communications services and products, while preserving service providers’ flexibility to configure and market innovative service offerings to eligible government and private sector entities.

I. THE COMMISSION SHOULD MAINTAIN SERVICE PROVIDERS’ ABILITY TO DESIGN AND MARKET SERVICES TO MEET ENTERPRISE CUSTOMERS’ DEMANDS.

The communications marketplace, communications technologies, and the underlying statutory and Commission regulatory framework, have all leapfrogged far ahead of the original TSP rules and orders. Federal, state, and local governments, as well as critical infrastructure and

¹ National Telecommunications and Information Administration, Petition for Rulemaking, WT Docket No. 96-86 (July 17, 2019) (the “Petition”).

other public safety stakeholders, now rely on services beyond traditional voice or other Title II common carrier services when confronted with emergency situations. And service providers have far more flexibility to offer enterprise customers innovative service offerings that meet their particular TSP needs. For the most part, Verizon has been able to adapt its evolving service offerings and internal policies and practices in ways that meet the letter and spirit of the TSP rules. We nonetheless appreciate that beneficiaries and service providers alike could benefit from modernized rules to better reflect today's communications marketplace and to affirm the business practices that have preserved the program's effectiveness over time.

Verizon thus generally supports the NTIA and Department of Homeland Security ("DHS") initiative to bring the TSP rules into the modern era. Many of the recommended changes to the Part 64 rules are common sense updates reflecting changes in Executive Branch agency responsibilities, as well as DHS practices that have evolved over the years without incident. Other proposed rule changes would expand the scope of the services covered by the program and service providers' responsibilities. Many of these more substantive changes will help modernize the rules, but the Commission should retain several important features of the current rules to offer certainty regarding the program's scope and applicability.

For example, the Commission should maintain clarity on the enterprise services and facilities subject to the TSP rules, particularly the distinction between services that would be subject to mandatory versus voluntary TSP treatment under the Petition's proposed framework. The Commission also should reaffirm the limited government and private sector entities eligible for TSP treatment. The TSP program's focus should remain exclusively on those organizations and their officials enumerated in the rules, so that service providers continue to have certainty about how to structure their enterprise service offerings and so provisioning and restoration activities and resources can most effectively serve those entities entitled to prioritization.

Changes should also enable service providers to build upon their existing IT, billing, and provisioning practices so as not to disrupt existing arrangements and to incorporate newly eligible services and facilities into systems as expeditiously and seamlessly as possible.

And the program should preserve opportunities for meaningful input from and collaboration with industry stakeholders as DHS establishes and updates its own practices and procedures. For example, if the Commission were to eliminate the TSP System Oversight Committee and scale back DHS reports to the Commission, it must create an alternative forum to help ensure that DHS's procedures remain consistent with the Commission's overarching rules and reflect service providers' input. That is particularly so given the more prominent role DHS envisions for its Handbook and other procedures in TSP governance.² These are all issues the Commission should address in any subsequent Notice of Proposed Rulemaking.

II. ANY NEW RULES SHOULD CLEARLY DEFINE THE SERVICES SUBJECT TO MANDATORY AND VOLUNTARY TSP TREATMENT, AS WELL AS THE ENTITIES ELIGIBLE FOR TSP BENEFITS.

Verizon supports allowing providers of non-common carrier services to, at their discretion, offer those services with TSP capabilities. We also agree that service providers should disclose where they will not provide a particular TSP-covered circuit on an end-to-end basis, and where prioritization is not available for a particular part or component of a voluntarily-provided service.³ Certainty as to which services and facilities fall into the "voluntary" category, though, is important for service providers and TSP beneficiaries alike. Some wordsmithing changes to the Petition's recommended rule may help promote this goal. For example, the Petition recommends that TSP prioritization voluntarily apply to "services provided by non-

² See Petition at 8-9, 11-12.

³ See Petition at 7.

common carriers offering to provide TSP.”⁴ Many common carriers, however, separately offer non-common carrier services.⁵ The rule should be recast in terms of the “non-common carrier services” voluntarily offered with TSP features, regardless of whether the provider separately offers other services on a common carrier basis. Doing so would better reflect the Commission’s own regulatory classifications, and ensure that comparable services are treated similarly across different service providers.

In a related vein, the proposed rule changes would redefine “public switched services” from the traditional PSTN-based common carrier services enumerated in the current Part 64 rule, to different transport methods that may be used for these services today such as DS-1, optical carrier services, and Ethernet.⁶ But companies may offer some of those services and their equivalents on both a common carrier and non-common carrier basis, and along with either common carrier telecommunications services, information services, or both. And the broadband Internet access and digital video services described in the Petition are clearly not services on the public switched network.⁷ The rules should thus describe the covered services more simply in terms of “*Mandatory*” telecommunications or common carrier service offerings, and other “*Voluntary*” non-common carrier services, such as broadband Internet access and video. That would obviate the need to micromanage which particular facilities and services fall into which

⁴ See Petition at Appendix (draft rule § 3.a.3).

⁵ See 47 U.S.C. § 153(51) (“A telecommunications carrier shall be treated as a common carrier under this chapter only to the extent that it is engaged in providing telecommunications services”).

⁶ See Petition at Appendix (draft rule § 3.a.3 Note).

⁷ See *id.* at 12.

category.⁸ Program participants could instead rely on the Commission’s established service classifications for that purpose.

Finally, the Petition appropriately affirms the current rules’ limited applicability to organizations eligible for TSP benefits, and the proposed rule would retain the current “service user” definition. This would help preserve service providers’ ability to continue to offer specialized capabilities for services offered to government agencies and other public safety and critical infrastructure stakeholders, and to focus provisioning and restoration efforts on the critical enterprise customers identified in the current rules and by the Petition.

III. REPORTING OF SERVICE PROVISIONING AND RESTORATION PERFORMANCE SHOULD BUILD UPON SERVICE PROVIDERS’ EXISTING MONITORING SYSTEMS AND CUSTOMER SERVICE ARRANGEMENTS.

The Petition would require covered service providers to provide DHS “the performance data necessary to assess TSP effectiveness as a component of nationwide NS/EP priority telecommunications service,” limited to “areas covered by the activation of the [Commission’s] Disaster Information Reporting System (DIRS).”⁹ The Petition rightly calls for a collaborative effort between service providers, the Commission, and DHS to address the details of such a system,¹⁰ but the parameters recommended in the proposed rule raise methodological and IT implementation issues that make such an approach challenging.

For example, the transport facilities of concern in the Petition that serve a particular DIRS activation area may not be located in that area. Each DIRS event also raises unique

⁸ This distinction could be relevant if, for example, TSP circuits must be serviced exclusively within the U.S., so a provider can distinguish between the different non-common carrier services for which it will or will not provide TSP service, depending on its support model for a particular service.

⁹ Petition at Appendix (draft rule § 5.g.14).

¹⁰ *Id.* at 4-5.

implementation issues that affect provisioning and restoration times. And in many cases, prompt TSP service restoration may coincide with restoration of commercial services when both are served on a common facility—which does not make restoration any less “prompt.” The Commission would thus need to consider incident-specific factors to determine whether a service provider has endeavored in good faith to meet the Petition’s new proposed “promptly” threshold for provisioning and restoring service.¹¹

Tying any new TSP-based reporting system to DIRS activations also raises practical implementation concerns. Service providers will need to assess whether and how their existing IT capabilities can timely capture more granular facility-specific restoration information for a covered service, tie that facility to a particular DIRS-covered geographic area and timeline, and compile it in DHS’s desired format. DIRS participation is voluntary, though, and its reporting systems have developed separately from the mandatory NORS system. DIRS notifications are typically handled by network operations centers through automated processes (to the extent possible). Interactions between service providers and TSP users, in contrast, may be governed by contracts and service level agreement conditions, and handled through communications with responsible officials and company account representatives. And DIRS monitoring and reporting is limited to services and facilities subject to the Commission’s Part 4 network outage reporting rules. But some of the services for which the Petition would allow TSP treatment voluntarily are not subject to DIRS reporting at all.

¹¹ The proposed rule would replace providers’ “best efforts” provisioning and restoration obligation with one to “promptly” allocate resources for those purposes. In practice, Verizon anticipates that the two standards will prove synonymous, but in all cases should account for event-specific circumstances and resource demands—as the draft rule seems to recognize to some degree. *See id.* (draft rule § 5.g.2, “circumstances beyond the service vendor’s control” may affect restoration abilities).

DHS understandably wants the ability to assess service providers' performance to ensure that they meet their obligations and commitments. To determine an approach that meets DHS's objective while minimizing the burdens on service providers, though, service providers need a better sense of DHS's desired content, scope, and frequency of the reports. The Commission should thus consider convening a more informal workshop of different service providers and FEMA to discuss how to achieve DHS's objectives most effectively.

CONCLUSION

For the foregoing reasons, the Commission should modernize the Part 64 TSP rules to reflect today's communications marketplace, while preserving service providers' ability to offer innovative service offerings to the public and private organizations the rules are intended to benefit.

Respectfully submitted,

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