

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	PS Docket No. 15-80
)	
New Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	PS Docket No. 04-35
)	
The Proposed Extension of Part 4 of the Commission’s Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers)	PS Docket No. 11-82
)	
)	

REPLY COMMENTS OF WEST SAFETY SERVICES, INC.

West Safety Services, Inc. (f/k/a Intrado Inc.) (“West Safety Services”) respectfully submits these reply comments in response to the Further Notice of Proposed Rulemaking (*FNPRM*) issued in the above-referenced proceeding.¹

INTRODUCTION

West Safety Services supports the efforts of the Commission to ensure network resiliency, reliability and security for emergency broadband systems. However, West Safety Services shares the widespread concern expressed in the initial comments by other communications providers that many of the proposals in the *FNPRM* will create more confusion over the Part 4 network outage reporting obligations by adding new categories of covered

¹ *Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications, New Part 4 of the Commission’s Rules Concerning Disruptions to Communications, The Proposed Extension of Part 4 of the Commission’s Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Docket No. 15-80, ET Docket No. 04-35, PS Docket No. 11-82, Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration, FCC 16-63 (rel. May 26, 2016).

providers and outage measurements to an already complex rule.² To the extent the Commission adopts new outage reporting requirements for Broadband Internet Access Service (BIAS) and/or dedicated services, West Safety Services urges the Commission to take note of the broad support expressed by communications providers and industry groups in the initial comments for streamlining reporting in the Network Outage Reporting System (NORS).³ By adopting a uniform and technology-neutral approach to NORS reporting that aligns the reporting process for all services with the current two-step reporting rule applicable to interconnected Voice over Internet Protocol (VoIP), the Commission would improve the quantity and quality of outage data collected while enabling providers to focus their resources on addressing the cause of the outage and restoring service.

West Safety Services also reaffirms its comments in last year's Part 4 proceeding that it supports the concept of state regulators having read-only access to NORS data so long as confidentiality can be guaranteed and the requesting state limits disclosure to those personnel with a legitimate need to the data. However, as West Safety Services explained in its previous comments and as acknowledged by the Commission in its Report and Order⁴, the Part 4 sharing proposals offered by the Commission to date raise significant issues. Until the Commission sets forth a proposal that adequately addresses the compelling need to keep NORS data confidential for national security and proprietary reasons, West Safety Services opposes providing state access to network outage reports.

² Comments of AT&T Services, Inc. ("AT&T") at 8-21; Comments of CenturyLink, Inc. ("CenturyLink") at 13-22; Comments of Comcast Corporation ("Comcast") at 11-18, 23-27; Comments of United States Telecom Association ("USTelecom") at 6-10.

³ AT&T Comments at 13-17; CenturyLink Comments at 20-21; Comcast Comments at 23-27; USTelecom Comments at 8-10; Comments of the Alliance for Telecommunications Industry Solutions ("ATIS") at 17-19; Comments of ITTA at 14-16; Comments of American Cable Association ("ACA") at 26-32.

⁴ Report and Order ¶ 89.

DISCUSSION

I. Streamlining Outage Reporting in NORS to a Two-Step System for All Covered Services Will Better Serve the Commission's Reliability and Resiliency Goals.

The initial comments reflect unanimous support by communications providers and the industry in favor of the Commission's request for comment in the *FNPRM* to adjust NORS reporting to a streamlined, two-step reporting process.⁵ West Safety Services joins the support for streamlined and standardized reporting across all covered services and endorses the recommendation to harmonize all existing and proposed reporting obligations with the current two-step process applicable to interconnected VoIP service.

West Safety Services, like CenturyLink and other commenters, believes that the Notification and Final Report are the two most important sources of information provided to the Commission.⁶ The Notification alerts the Commission to a possible problem and the Final Report provides more detailed information relevant to addressing network vulnerabilities, developing best practices and preventing future outages. In contrast, the Initial Report filed 72 hours after discovery of a reportable outage offers little additional assistance to the Commission's effort to respond and react to an outage. Unlike the Final Report, the Initial Report generally does not provide the Commission with the level of detail required to identify the source of the outage or to take remedial actions.

Moreover, as USTelecom comments, in an all Internet Protocol (IP)-environment, minimal information may be known to the covered provider upon the filing of an Initial Report.⁷ The transition from circuit-switched to packet-switched networks has significantly impacted a

⁵ FNPRM ¶ 127; *see supra* footnote 3.

⁶ CenturyLink Comments at 20-21

⁷ USTelecom Comments at 9.

covered provider's ability to isolate and identify the cause of an outage. IP-based networks, unlike the public-switched telephone network (PSTN), break up information into data packets that run across multiple routes and communication platforms. Because of this critical distinction in design and complexity, identifying failure points or specific elements can be a multifaceted and time consuming process that takes well over 72 hours, which means the utility and value of the Initial Report is often highly questionable. Meanwhile the relative burden on covered providers is significant, especially considering that these expert resources preparing Initial Reports could be directed solely at restoring service and gathering comprehensive information for the Final Report.

Transitioning to a uniform two-step approach in alignment with the current interconnected VoIP service rule would also afford communications providers with adequate time to file more accurate Notifications by extending the deadline from 120 minutes to 240 minutes after discovery of a reportable outage affecting 911 special facilities and from 120 minutes to 24 hours for other reportable outages. Faced with the potential of significant penalties for failing to report a potential event within 120 minutes of discovery under the current rule, many legacy communications providers have chosen to file their Notification when it is not definite that a reporting threshold has been met to only later withdraw some of these notifications as non-reportable disruptions. In fact, Comcast estimates that under the 24 hour rule applicable to interconnected VoIP service disruptions on non-911 special facilities, it has withdrawn up to 50% of its Notifications.⁸ Based on its own difficulties with withdrawn Notifications, West Safety Services strongly believes that an extension of the legacy reporting timelines would significantly increase the usefulness and accuracy of Notifications without any material impairment to the Commission's ability to respond to an outage.

⁸ Comcast Comments at 25.

Rather than creating new and more onerous reporting obligations, the Commission should use this rulemaking as an opportunity to introduce consistency and simplicity to its rules with the aim of enabling providers to develop standardized reporting policies and protocols that produce high quality Notifications and Final Reports. Alternatively, should the Commission move forward with a three-step reporting approach for all services, it should at least extend the current legacy services deadline for the Notification from 120 minutes to 240 minutes after discovery of a reportable outage.

II. States Should Not be Given Access to NORS Unless the Commission Crafts a Proposal That Adequately Addresses the Compelling Need to Keep NORS Data Confidential.

Similar to other communications providers, West Safety Services was surprised and troubled by the Commission's suggestion in the *FNPRM* that its approach of presumed confidentiality of outage reports filed in NORS may need to evolve as networks and consumer expectations of transparency also evolve.⁹ If any change in security needs to occur with respect to access to NORS data, the Commission should make its rules more protective and restrictive not less in response to the transition from TDM- to IP-based networks. Because of their interconnectedness, wide geographic reach and highly competitive offerings, IP-based networks produce critically sensitive outage information that if disseminated could restrain competition and expose public safety to large-scale attacks and vulnerabilities. The public is acutely aware of the potential for cyber attacks and the importance of network security, and fully expects their providers and the government to take all security and privacy steps necessary to ensure critical infrastructure data remains secure.

Nevertheless, West Safety Services supports the concept of states having read-only access to NORS data provided appropriate confidentiality protections are put in place. Because

⁹ FNPRM ¶ 145; CenturyLink Comments at 19; AT&T Comments at 21-22; Comcast Comments at 27-28.

the Commission has been unable to design a proposal that provides the appropriate level of protection, West Safety Services has adamantly opposed NORS sharing to date.¹⁰

Without waiving or conceding this opposition, West Safety Services reaffirms its 2015 Reply Comments that any rule requiring the sharing of NORS data with state regulators must be conditioned on a legitimate need to access and should include changes to the NORS database and remedial and punitive measures for violations. Specifically, in its 2015 Reply Comments, which West Safety Services incorporates herein by reference, West Safety Services noted that any sharing rule should: (1) ensure providers' outage reports are not subject to any state open-record laws, (2) restrict access to NORS data to a small group of critical state personnel who have been trained on how to properly handle NORS data, (3) restrict use of NORS data to public safety purposes, (4) prohibit disclosure to non-authorized agencies, private contractors or any third-parties, (5) require states to take the maximum care to prevent release of NORS data and have in place civil and/or criminal penalties for breach of these conditions and (6) preempt independent state outage reporting rules or condition access to NORS data on the elimination of such duplicative state-specific rules. In addition, the Commission would need to make changes to the NORS database to ensure it can accommodate non-FCC use and it is organized so that state-specific data can be easily available and confidential information protected. This change process should include thorough joint industry/Commission review of the NORS structure and function, and appropriate modifications should be considered and made so that only essential relevant information, specific just to the state in question, is accessible.

¹⁰ 2015 West Safety Services Reply Comments at 12-26 (filed under former name Intrado Inc.).

CONCLUSION

West Safety Services appreciates the opportunity to provide these reply comments and respectfully requests that the Commission take action consistent with the matters raised herein.

Dated: September 12, 2016

Respectfully submitted,

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