

**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	)	ET 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 VERIZON**

The record in this proceeding shows how a calibrated and uniform nationwide approach that uses existing subscriber-based reporting metrics to focus on major consumer-affecting outages would be more effective than the proposed rule changes. By using that approach and maintaining the confidentiality of outage reporting data, the Commission can be faithful to the Communications Act while “keep[ing] pace with technological change and the broadband-based capabilities and uses of today’s evolving networks.”<sup>1</sup>

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<sup>1</sup> See *Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration, 31 FCC Rcd 5817, ¶ 93 (2016) (“*Further Notice*”).

**I. IMPROVED AWARENESS OF CONSUMER-AFFECTING OUTAGES WILL BEST ADVANCE THE COMMISSION’S PUBLIC SAFETY RESPONSIBILITIES.**

*Broadband Services.* Several commenters explained that the throughput-based reporting metrics for broadband services proposed in the *Further Notice* would expand the rules beyond major consumer-affecting outages to cover non-outage events.<sup>2</sup> Supporters of the proposed rules claim that expanding the rules to broadband is necessary for 911 and critical infrastructure.<sup>3</sup> But that is wrong. Outages on facilities used for 911 and other critical services are already covered by the rules for 911, major TSP-supported facilities, and originating access services used to reach 911 (including wireline LEC, wireless, and VoIP providers).<sup>4</sup> The Commission should use its existing subscriber-based reporting thresholds and systems to gather information when these outages also result in broadband outages.<sup>5</sup>

If the Commission adopts a separate metric for broadband providers, however, it should apply only to “hard down” outages affecting non-redundant facilities in their own networks, using: (1) for wireline broadband, the existing 900,000 user minutes formula with a *per se* exclusion for outages of limited geographic impact;<sup>6</sup> and (2) for wireless broadband, the same

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<sup>2</sup> Verizon Comments at 4-6; ACA Comments at 12-13; AT&T Comments at 18-20; ATIS Comments at 13-14; Comcast Comments at 14-16; CTIA Comments at 10-12; ITTA Comments at 10; NCTA Comments at 4-7, 11-13; NTCA Comments at 4, 6; WISPA Comments at 19-22.

<sup>3</sup> See California PUC Comments at 7-8; NASNA Comments at 2-3; NYPSC Comments at 6-7; VSCC Comments at 2.

<sup>4</sup> See 47 C.F.R. §§ 4.5-4.9; 81 Fed. Reg. 45055, 45068 (July 12, 2016).

<sup>5</sup> Verizon Comments at 4-6; CTIA Comments at 5-7; ITTA Comments at 16; see also US Telecom Comments at 3-4.

<sup>6</sup> See ACA Comments at 17-19; ATIS Comments at 11-12; AT&T Comments at 17; CenturyLink Comments at 14; Comcast Comments at 13, 20; NCTA Comments at 9-11, 16.

cell site-based formula it recently updated for wireless providers, with a *per se* exclusion for outages affecting less than 25 macro cell sites.<sup>7</sup>

***Wireless & Wireline Congestion.*** A broad cross-section of commenters confirm and amplify that reporting obligations for mass calling events would neither improve network reliability nor further the Commission’s public safety responsibilities.<sup>8</sup> For wireless and wireline services alike, these entail “one-off events” that are “fleeting in nature”; reporting on them would not provide meaningful information since the networks in question would be performing as designed.<sup>9</sup> And access to this information would not enable Commission staff to do anything to mitigate the events.

***Wireless Geographic Area-Based Reporting.*** Wireless commenters also showed why the Commission should implement the rules adopted just a few months ago that give equal weight to cell sites in rural and urban areas, and assess their impact before considering new additional reporting thresholds.<sup>10</sup> Proponents of new geography-based rules, in contrast, base their concerns on alleged shortcomings or misunderstandings of the previous rules,<sup>11</sup> and provide no example or scenarios (contrary to Verizon’s experience) in which the existing or recently adopted rules would miss significant outages in rural areas. The proposed rule is at best

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<sup>7</sup> See Verizon Comments at 4; AT&T Comments at 10; CTIA Comments at 6; T-Mobile Comments at 4-5.

<sup>8</sup> Verizon Comments at 7; AT&T Comments at 27-30; CTIA Comments at 13; T-Mobile Comments at 7.

<sup>9</sup> See AT&T Comments at 28; T-Mobile Comments at 13; *see also* CTIA Comments at 15-16.

<sup>10</sup> CTIA Comments at 17-18; AT&T Comments at 30-31; T-Mobile Comments at 17-18.

<sup>11</sup> See BRETSA Comments at 3, 16; NASNA Comments at 4; NYPSA Comments at 11-12; WUTC Comments at 3.

premature; the Commission should see how effectively the new rules capture significant outages in rural areas before adding to them.

## **II. NO ADDITIONAL RULES ARE NECESSARY TO CAPTURE OUTAGES OF BDS AND INTERCONNECTED VOIP SERVICES.**

The record also confirms new outage reporting rules are unnecessary for BDS and interconnected VoIP because significant events are already captured by existing requirements for OC3, TSP Level 1 and 2, wireless cell site, 911 and VoIP outages.<sup>12</sup> Customer expectations and business practices for BDS arrangements in particular generally are already covered by SLAs and tariff protections, and outage reporting is unnecessary to improve services for these customers.<sup>13</sup> If new BDS rules are adopted, however, only “hard down” outages of non-redundant facilities with *higher than* 10 Gbps capability should be reportable, and only to the extent they are not already reported as other outages.<sup>14</sup> And the Commission should not use packet loss or latency as a reporting threshold. To the extent that outages on certain facilities are *per se* exempted from the rules,<sup>15</sup> such exclusions should apply to all BDS providers, regardless of size.

## **III. IF OUTAGE REPORT INFORMATION IS SHARED WITH STATES, CONFIDENTIALITY PROTECTIONS ARE ESSENTIAL.**

Verizon agrees with several industry and PUC commenters that it may be appropriate to share NORS reports with state commissions, provided that critical confidentiality and use

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<sup>12</sup> AT&T Comments at 11, 25; ATIS Comments at 6.

<sup>13</sup> ACA Comments at 23-25; Comcast Comments at 21-23; ITTA Comments at 4-6; NCTA Comments at 18-19; USTelecom Comments at 14-15.

<sup>14</sup> See AT&T Comments at 11; CenturyLink Comments at 8-10.

<sup>15</sup> See ACA Comments at 26 (“best efforts” services should be exempt); ITTA Comments at 6 (services subject to SLAs should be exempt).

restrictions are maintained.<sup>16</sup> Industry and state commission commenters agree that outage reporting data should remain confidential for security and competitive reasons.<sup>17</sup> Verizon's recommended approach described earlier in the proceeding reasonably balances state governments' information-gathering interests with Federal government and industry security and competitive concerns.<sup>18</sup> Contrary to NARUC's suggestion, though, the proposed nondisclosure and use conditions are just that—conditions—that would not preempt state mini-FOIA laws.<sup>19</sup> And more expansive disclosure of NORS reports and outage information to state and local government entities other than PUCs is unnecessary; the Commission's rules already require that PSAPs be notified when outages affecting 911 services occur. These rules, together with conditional disclosure of NORS information to state commissions, would afford providers' operations personnel consistent, targeted and uniform channels of communication to state governments and PSAPs, while also enabling them to focus on their primary service restoration responsibilities.

Public Knowledge's recommendation for broad public disclosure of outage information gives short shrift to federal government concerns for critical infrastructure protection, and by its own admission has nothing to do with situational awareness or even the Commission staff's own

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<sup>16</sup> AT&T Comments at 21-24; ATIS Comments at 19-20; CenturyLink Comments at 18; CTIA Comments at 19-20; ITTA Comments at 19.

<sup>17</sup> AT&T Comments at 21; California PUC Comments at 16; Comcast Comments at 27; Comtech Comments at 5-6; CTIA Comments at 20; NARUC Comments at 4; NCTA Comments at 23; NYPSC Comments at 3; USTelecom Comments at 16-17; VSCC Comments at 7; WUTC Comments at 2.

<sup>18</sup> *See* Verizon Comments at 12-13 (July 16, 2015) and Reply Comments at 7-8 (July 31, 2015); *see also* ATIS Comments at 19-20; CTIA Comments at 18-21; ITTA Comments at 19-20; NCTA Comments at 23-24; USTelecom Comments at 16-17.

<sup>19</sup> *See* NARUC Comments at 5-6.

ability to contribute to best practices.<sup>20</sup> Such a disclosure requirement would thus conflate outage reporting into a service quality regime, even as it would confuse the few (if any) consumers that might rely on that information—rather than the non-government information already available in the marketplace—in their purchasing decisions.

#### IV. CONCLUSION.

The Commission should work within its existing subscriber-based outage reporting thresholds and systems to ensure that it has timely information on major consumer- and public safety-affecting broadband and wireless network failures. Outage reporting content should remain directly connected to the Commission’s public safety responsibilities and confidential.

Respectfully submitted,

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<sup>20</sup> Public Knowledge Comments at 1 (supporting public disclosure for “news reporters, policy advocates and others engaged in public debate”); *see also* BRETSA Comments at 10-11.