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VIA ELECTRONIC FILING

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC, 20554

Re: NOTICE OF EX-PARTE COMMUNICATION

In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications, PS Docket No. 04-35; In the Matter of Amendments to Part of the Commission's Rules Concerning Disruptions to Communications, PS Docket No. 15-80.

Dear Ms. Dortch,

On November 1, Joe Marx, Christi Shewman, and I (of AT&T) spoke via conference call with James Wiley, Julia Tu, Brenda Villanueva, and Tiffany Wong of the FCC's Public Safety and Homeland Security Bureau regarding the above-referenced proceeding. During this conversation, we discussed AT&T's perspectives on permitting direct access to Network Outage Reporting System (NORS) data by state regulatory commissions and other stakeholders, and the possibility of sharing Disaster Information Reporting System (DIRS) data with these parties. No materials were used or distributed during this discussion.

Consistent with AT&T's comments filed in July 2015¹, we expressed our concerns with the disclosure of information from network outage reports filed pursuant to Part 4 of the Commission's rules. We noted, in particular, that public disclosure of the location of network outages and their root cause analyses may have significant implications for national security² and that we would oppose disclosure of such information on that basis. Additionally, we explained that other network outage information (*e.g.*, the number and severity of outages) is of a highly competitively-sensitive

¹ AT&T's July 2015 comments are available at <https://ecfsapi.fcc.gov/file/60001116210.pdf> (pp. 25-30).

² See, *e.g.*, Comments of the Department of Homeland Security, ET Docket No. 04-35, pp. 14-15 (June 2, 2004), available at <https://ecfsapi.fcc.gov/file/6516209228.pdf>.

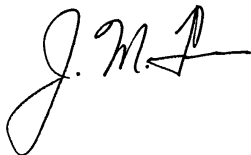
nature, and that we would similarly oppose the public disclosure of this information. If the Commission determines that there is a public interest benefit for requesting state agencies to have direct access to the FCC's NORS database or DIRS data, we believe that the FCC should consider adopting the various credentialing and nondisclosure safeguards specified in our July 2015 comments as a condition of granting direct access.

We also discussed and tentatively agreed that, at a conceptual level, cost savings or efficiencies for the telecommunications industry could be realized if the Commission were to assume the responsibilities of notifying PSAPs in the event of 911-specific outages. However, given the possibility that sensitive information could be shared with PSAPs, it is important to ensure that any information derived from these outage notifications is covered by non-disclosure agreements with each PSAP. Given that PSAPs are not generally subject to the authority of state public utility commissions, we do not believe that a general NDA executed by a state commission on behalf of PSAPs in that state would be sufficient.

Finally, we also discussed that one of our proposed safeguards will require additional consideration. Specifically, AT&T previously proposed that any states receiving direct access to NORS be limited to reviewing outage data pertaining to their state. However, Commission staff pointed out that, in the case of multi-state outages, outage reports do not typically break out data by state. Accordingly, this particular safeguard would prohibit state agencies from reviewing outage data associated with any multi-state event. Consequently, we would permit any state agency receiving direct access to NORS data to review multi-state outage reports affecting their state, provided that such agencies remain subject to the remaining safeguards proposed by AT&T.

In accordance with Section 1.1206(b) of the Commission's rules, I am filing a copy of this letter in the above-referenced dockets. Should you have any questions regarding the above or the attached, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. F.", with a stylized flourish at the end.

Cc. (via electronic mail)

Mr. James Wiley
Ms. Julia Tu
Ms. Brenda Villanueva
Ms. Tiffany Wong