



**Competitive Carriers Association**  
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February 13, 2015

**Via ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**RE: EX PARTE NOTICE**

**PS Docket No. 13-239:** *Improving the Resiliency of Mobile Wireless Communications Networks*  
**PS Docket No. 11-60:** *Reliability and Continuity of Communications Networks, Including Broadband Technologies*

Ms. Dortch:

On February 11, 2015, Bradley Blanken, C. Sean Spivey and I, representing Competitive Carriers Association (“CCA”) met with the Federal Communications (“FCC” or “Commission”) staff listed in the enclosed Attachment A to discuss the Commission’s Notice of Proposed Rulemaking (“NPRM”) in the above-referenced proceedings.<sup>1</sup> During the meeting, CCA asked several questions to help better understand the objectives that the Commission is attempting to achieve through its proposed rules.<sup>2</sup> CCA discussed the Commission’s stated objectives in the NPRM, and how the proposed reporting requirements may not be well-suited to achieving these goals.

Initially, CCA urged the Commission to “first do no harm” by its requirements, as smaller, resource-constrained providers need to concentrate their efforts during outages on restoring service to their subscribers. CCA discussed the competitive, proprietary nature of certain network data, the various means by which CMRS providers may potentially provide outage information to the Commission, and how this reporting could be simplified and streamlined to reduce burdens on CCA members.

CCA and the Commission discussed both short-term and long-term goals of this proceeding. Regarding the Commission’s stated goal of providing consumers with useful information, CCA argued that the proposed reporting metric in the NPRM (the percentage of cell sites in operation during

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<sup>1</sup> *Improving the Resiliency of Mobile Wireless Communications Networks, Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket Nos. 13-239, 11-60, Notice of Proposed Rulemaking, 28 FCC Rcd 14373 (2013) (“NPRM”).

<sup>2</sup> *Id.* ¶ 2 (suggesting as two primary motivating factors for the proposed rules to “provide consumers with useful information for making comparisons about mobile wireless products and services;” and “incentivize improvements to network resiliency while allowing providers flexibility in implementing such improvements . . .”).

emergencies) would likely be unhelpful to consumers during an emergency, and in fact could exacerbate consumer confusion. In the first instance, consumers in impacted areas most likely will not have electrical power and, therefore, will not be able to access any information made available on a provider's or the FCC's website. But more importantly, a flat percentage of operational cell sites will not inform consumers of the *places* or *locations* where they can expect to complete a call or access mobile Internet service.<sup>3</sup> Similarly, providing maps that “document the availability of coverage within [providers'] service territories on an ongoing basis”<sup>4</sup> would lead to similar confusion, as “it is virtually impossible to collect or present real-time operational coverage maps to customers in any meaningful manner, particularly during an emergency.”<sup>5</sup>

CCA also noted that outages impacting a cell site could be caused by upstream failures, and that requiring facilities-based CMRS providers to report towers as nonoperational as a result of these failures could add to the confusion and would be inequitable in these circumstances.<sup>6</sup>

As to the goal of incentivizing improvements to network resiliency, CCA noted that many of its members currently consider network resiliency to be a competitive differentiator and, therefore, are already incentivized to harden their networks.<sup>7</sup> Indeed, because many of these networks are owned by and are integral parts of their communities, their operators are particularly motivated to restore service as quickly as possible to their subscribers. Additionally, CCA noted that many of its members utilize temporary emergency equipment and that the Commission should not discourage carriers from deploying these critical resources, as they further the Commission's goal of improving overall network availability during emergencies.<sup>8</sup>

CCA and the Commission also discussed other potential uses for outage information, including the FCC providing some form of information downstream to other stakeholders such as state and local leaders and first responders, to assist communities in directing other response efforts. CCA raised initial concerns with this proposal, including the level of granularity of information the Commission would want to provide to other stakeholders, the proprietary nature of this information, and the costs to comply. CCA did, however, offer to engage in further discussions with the Commission on the specific proposals around this potential use of outage information.

Finally, CCA and the Commission briefly discussed the Commission's longer term goals for network resiliency, including how network providers' operating systems may provide information to Public Safety Answering Points in the future, as well as prospective alternate power options for networks, and how the Commission can further incentivize carriers to make these investments.

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<sup>3</sup> Joint Comments of Competitive Carriers Association and NTCA—The Broadband Association, PS Docket Nos. 13-239, 11-60 at 3 (filed Jan. 17, 2014) (“Joint Comments”).

<sup>4</sup> NPRM ¶ 58.

<sup>5</sup> Joint Comments at 7. Propagation characteristics, environmental characteristics, and an innumerable amount of other factors make this information difficult to collect and display under the best of circumstances, and adverse weather conditions, debris and other unknowns create additional complications. *Id.*

<sup>6</sup> *Id.* at 14.

<sup>7</sup> *Id.* at 4-6.

<sup>8</sup> *Id.* at 10-11.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules.

Regards,

*/s/ Rebecca Murphy Thompson*

Rebecca Murphy Thompson  
General Counsel

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## ATTACHMENT A

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