

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matters of	)	
911 Governance and Accountability	)	
Improving 911 Reliability	)	PS Docket No. 14-193
	)	
	)	PS Docket No. 13-75

**COMMENTS OF THE NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER  
ADVOCATES ON NOTICE OF PROPOSED RULEMAKING**

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The Federal Communications Commission (FCC or Commission) offers compelling reasons in support of its November 21, 2014 policy statement and notice of proposed rulemaking (NPRM). As the Commission observes, a recent trend of 911 “sunny day” outages, occurring under routine-use conditions, provides a “vivid example of the vulnerabilities that IP-supported architectures may present,” absent sufficient network safeguards and clear lines of accountability. Evolving technologies have allowed a growing number of entities, including third-party routing vendors, to offer specialized components within the chain of call connectivity. The changes have increased the number of potential failure points in the delivery of 911 calls. There has been a growing number of outages caused not by natural disasters but by preventable software malfunctions (including seemingly routine but trouble-ridden software updates), database failures and errors in conversion to IP-based protocols. When outages occur, inadequate alarm management exacerbates the difficulties, resulting in needless delays in identifying the software fault and restoring service. The consolidation of critical resources in a small number of databases increases the risk of a catastrophic failure affecting numerous customers. NPRM, ¶¶ 3, 7, 13, 14, 17-22, 26, 32, 45.

The National Association of State Utility Consumer Advocates (NASUCA)<sup>1</sup> agrees with and supports the Commission’s policy statement and the proposed regulations. The

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<sup>1</sup>NASUCA is a voluntary association of advocate offices in more than 40 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA’s members are designated by laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. Members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., the state Attorney General’s office). NASUCA’s associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority.

(continued...)

Commission's factual analysis and conclusions are, again, compelling. The safety and health implications associated with unreliable 911 service are reason for grave concern. Unless action is taken, it is only a matter of time before tragedy strikes. The time to act is now. Network safeguards and clear lines of accountability are exactly what is needed. As the Commission has observed in a related context, no single provider – even with strong commercial incentives to ensure that its network performance attracts and retains customers – has the data to spot trends across industry and lead efforts to coordinate effectively with other governmental entities and industry working groups. Indeed, the Commission has seen that individual providers do not always take steps within their own operations to address reliability problems unique to themselves. *In the Matter of the Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected VOIP Providers . . .*, 27 F.C.C.R. 2650, 27 F.C.C.R. 16158 (2012), ¶ 35.

In addition to providing solutions for 911 calls, the Commission's policy statement and proposed regulations, if adopted, can in time point the way toward solutions for the public telephone network as a whole. In that regard, the challenges to network reliability and resilience identified in the NPRM are not unique to the 911 network. The entire public telephone network is transitioning to IP (Internet Protocol). The entire public telephone network relies for call completion on multiple entities, each providing a link in a chain of call connectivity. The entire public telephone network is prone to preventable software glitches that threaten call completion and network reliability. The entire public telephone network is thus subject to the vulnerabilities

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the Commission identifies. See *In the Matter of Rural Call Completion*, 28 F.C.C.R. 16154 (2013). The reliability of the 911 network, moreover, is itself dependent on the reliability of the network generally. *In the Matter of the Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected VOIP Providers . . .*, 27 F.C.C.R. 2650, 27 F.C.C.R. 16158 (2012) ¶¶ 6, 16, 20, 30, 35, 41, 67, 115. Nor would it be accurate to say that all calls of an emergent nature are 911 calls.<sup>2</sup> For these reasons, the solutions worked out in these dockets for the 911 network should in time also serve as solutions for the public telephone network generally.

NASUCA similarly supports the Commission's expressed intention to work in partnership with state regulators and local emergency response agencies in addressing the difficulties. As the Commission observes, these agencies play critical roles in ensuring that 911 service is available when needed and that every 911 call will be answered. NPRM, ¶¶ 2, 4, 7, 22, 28, 30, 34, 38. The states are close to the individuals who suffer the adverse effects of the outages. They have intimate knowledge of the local links in the chains. They have resources that are vital to securing solutions.

For the reasons stated above, NASUCA supports the Commission's policy statement and proposed regulations.

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<sup>2</sup>The Commission has received examples of life-threatening non-911 call failures, including a situation where an on-call surgeon was unable to receive a call from a hospital for emergency surgery and a 911 call center was unable to do emergency call backs. *In the Matter of Rural Call Completion*, 28 F.C.C.R. 15164 (2013), ¶ 14. The Board of Supervisors in Mendocino County, California, recently noted the potential need to make "reverse 911" calls to notify residents to evacuate under threat of advancing fire. Cover letter to California Public Utilities Commission, <http://www.co.mendocino.ca.us/bos/incidentreport.htm> (Nov. 19, 2014).

Respectfully submitted,

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