Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
9-1-1 Governance and Accountability	)	PS Docket No. 14-193
	)	
	)	PS Docket No. 13-75
Improving 9-1-1 Reliability	)	
	)	

COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION

I. INTRODUCTION AND SUMMARY

NTCA–The Rural Broadband Association[1] ("NTCA") hereby submits comments in response to the Federal Communications Commission's ("Commission") Policy Statement and Notice of Proposed Rulemaking ("NPRM") that proposes new guidelines to ensure the reliability and resiliency of communications infrastructure necessary to support the continued availability of the nation's 9-1-1 ("911") system as the ecosystem transitions to IP-based technology.[2]

All communications providers have a regulatory and a social interest obligation to ensure that Americans can access state-of-the-art public safety services at all times. As community-based providers, NTCA's members understand the responsibility associated with connecting 911 callers with emergency assistance. Likewise, NTCA appreciates the Commission's diligence to ensure that public safety services are not negatively affected during the IP transition.

---

[1] NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers. All of NTCA's members are full service rural local exchange carriers ("RLECs") and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities. Each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended.

[2] *In the Matter of 9-1-1 Governance and Accountability, Improving 9-1-1 Reliability*, PS Docket Nos. 14-193 and 13-75 (Nov. 21, 2014) ("NPRM").

However, the approach taken by the NPRM, even if well-intentioned, is overly board and ambiguous. The Commission has suggested new reliability and resiliency requirements that arbitrarily blanket the entire 911 ecosystem, regardless of a specific provider's role or function. Given the ambiguity inherent in the NPRM, it is impossible for a provider to determine how the new obligations might apply and, therefore, under what circumstances the provider may be responsible for additional infrastructure, equipment, and/or oversight. Further, certain of the proposed requirements may extend outside the scope of an operator's network and its control. The NPRM also fails to properly consider the limited resources of small RLECs, as required by the Regulatory Flexibility Act ("RFA").

Finally, before proceeding forward with new certification requirements, NTCA urges the Commission to resolve outstanding ambiguity with respect to Rule 12.4. The Commission should also allow more time for the existing reliability and resiliency requirements to take effect, and for the Commission to analyze the impact of the new requirements on 911 services.

II. THE PROPOSED RULES SHOULD BE CONSIDERED AND THEN APPLIED ON A MORE GRANULAR BASIS

NTCA urges the Commission to create clear and unambiguous "rules of the road," and to take a more granular approach to 911 governance and accountability than is set forth in the NPRM. To maximize the chances of achieving desired goals, rather than casting a wide net in an unfocused manner, the Commission should take a measured approach to crafting new rules. It should first identify each provider in the ecosystem and its specific, unique role with respect to public safety services, and *only then* analyze, design, and implement the obligations that should apply specifically to each. Any new responsibilities should be appropriately tied to the function of each participant in the 911 ecosystem. Such a measured, controlled, and systematic approach

to creating new rules will provide much needed clarity to participants in the 911 ecosystem, ensuring that obligations are clear and unambiguous, related to the functionality of the participant, and assigned appropriately. To analogize, rather than putting an entire team out on a playing field and simply telling the players that they are responsible to "go win the game," the Commission will ensure a much better likelihood of success if it clarifies the role of each player and communicates clear expectations as to the responsibilities and specific contributions expected of that player in achieving victory.

NTCA objects, for example, to the expansion of the definition of "covered 911 service provider" and a number of the additional requirements proposed in the NPRM. Although the Commission is motivated by an admirable goal – to ensure the continued reliability and resiliency of the 911 network as it transitions to IP-based technology – the suggested obligations are overly broad and burdensome. The Commission is attempting to arbitrarily blanket the entire 911 ecosystem with new responsibilities, hoping that this will resolve any future outages to 911 connectivity. Further, the Commission has not adequately identified or measured the burdens that will be placed upon RLECs and, therefore, how the NPRM will impact their continued operations in high-cost areas of the country. NTCA urges the Commission to consider the unique circumstances of small rural operators before enacting new requirements, and to undertake much-needed (and mandatory) Regulatory Flexibility Act[3] analyses in designing, adopting, and implementing any rules – indeed, the duty to comply with the RFA only underscores the need for a much more granular approach to identifying roles and establishing obligations than the NPRM currently proposes.

---

[3] 5 U.S.C. § 601, *et seq*.

For example, the new certification requirements with respect to circuit diversity and diverse network monitoring may necessitate obligations that fall outside of a provider's control and its network boundaries, or be utterly inapplicable altogether depending upon what kind of "covered 911 service provider" the entity really is. Although the processing of 911 calls varies from region-to-region, RLECs typically rely upon limited transport options that may be available to the small towns and countryside they serve to connect to selective routers. In most cases, due to challenging terrain, geographic distances, and limited customer bases across which to spread costs, deploying physically diverse facilities would be cost prohibitive for small rural providers and divert limited resources toward expensive transport facilities for a narrow purpose and limited traffic. On the transport side of the RLEC network, communications providers often face limited routing options and arrangements that are defined in significant part by the regional tandems with which they connect, including the terms and the cost of interconnection. Deploying additional fiber facilities or rings on the transport side of the network may not be possible and, if so, would result in significant unrecoverable costs at a time when RLECs generally are being asked to "do more with less."

Similar to urban providers, many RLECs operate monitor and control links that remotely observe the network and report status information back to a network operations center ("NOC"). However, these monitoring systems use the same transmission paths that connect network elements together and facilitate two-way communication. Currently, there are no equipment options available for rural service providers to connect a second physical facility to transmit status data back to the NOC. As a result, when feasible and cost-effective, RLECs have deployed ring technology, so that if the clockwise path is interrupted by a failure, than the

counter-clockwise path assumes the transmission load as well as the network control capabilities. However, once again, small carriers encounter difficulty in convincing larger interconnecting carriers to agree to ring connectivity and, as a result, this topography is often limited to the access portion of the RLEC's network. Creating additional physical diversity in networking monitoring capabilities would require RLECs to deploy redundant cabling in their last-mile and middle-mile networks, resulting in an exponential increase in capital and operating expenses, with RLECs subject to the interconnecting carrier's restrictions, terms, and conditions.

In regard to additional backup power requirements, rural service providers already maintain sufficient backup power to accommodate rural emergences and comply with local regulations. Due to weather-related conditions such as tornados, floods, and ice storms, backup power is already a primary concern for rural service providers.

RLECs typically have on-hand uninterruptible power supply systems, backup batteries, and portable and on-site generators. Periodic tests are performed such as auto-start functionality and load handle as well as verifying sufficient fuel reserves are available to meet current regulations. Were the FCC to increase the minimum standard for central office backup power, this would necessitate that the telco increase its fuel reserves. However, state and local regulations often dictate the amount of fuel that can be kept on hand, and any FCC regulation would need to ensure it does not conflict with the existing regulatory environment.

Finally, there is no evidence that RLECs and are in need of any additional requirements or regulatory oversight in regard to 911 reliability and resiliency. Based largely in the communities they serve, America's small rural communications providers have always displayed a strong commitment to responding effectively to the interests and needs of consumers, while

simultaneously planning for, and appropriately reacting to, both potential and actual public safety emergencies and threats involving their infrastructure and services.

III. BEFORE PROCEEDING FORWARD WITH NEW OBLIGATIONS, THE COMMISSION SHOULD RESOLVE OUTSTANDING AMBIGUITY WITH RESPECT TO RULE 12.4, AND ALLOW MORE TIME FOR THE RULES TO TAKE AFFECT

Rule 12.4 includes two components: (1) a substantive requirement that "covered 911 service providers shall take reasonable measures to provide reliable 911 service with respect to circuit diversity, central-office backup power, and diverse network monitoring" and (2) a reporting requirement that such providers certify annually whether they have implemented specified best practices or reasonable alternative measures in each of those substantive areas.[4]

The Commission has acknowledged that Rule 12.4 is the foundation of this NPRM.[5] Before the Commission proceeds forward with additional requirements, it should resolve outstanding ambiguity with respect to the current obligations placed on RLECs. It is still not clear where the reliability requirements apply within an operator's network, and which participant in the 911 ecosystem is liable for installing, maintaining, and monitoring new facilities or equipment. Given their diverse network architectures, the variety of ways in which they interconnect with PSAPs, and their extremely limited resources, RLECs operate within unique parameters. Rural service providers need specific examples of where additional reliability and resiliency requirements are required within their networks. In addition, the

---

4 *See* 47 C.F.R. §12.4.

5 *See* NPRM at ¶40-42.

Commission should allow for more time for providers to enact the new requirements, and determine how the new rules are impacting the delivery of 911 services.

IV. CONCLUSION

Before proceeding forward with new requirements, NTCA urges the Commission to resolve outstanding ambiguity with respect to Rule 12.4. The Commission should also allow more time for the existing reliability and resiliency requirements to take effect. However, if the Commission determines that it must move forward with additional 911 reliability and resiliency requirements, it should consider the unique parameters and limitations of RLECs as it crafts new obligations. Most importantly, the Commission should create "rules of the road" which are tied to a provider's role and function within the 911 ecosystem.

Respectfully submitted,

By: /s/ Jill Canfield
Jill Canfield
Vice President, Legal & Industry & Assistant General Counsel

/s/ Jesse Ward
Jesse Ward
Industry & Policy Analysis Manager

/s/Brian Ford
Brian Ford
Regulatory Counsel

4121 Wilson Boulevard, Suite 1000
Arlington, VA 22203
jcanfield@ntca.org
703-351-2000 (Tel)
703-351-2036 (Fax)

March 18, 2015