

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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

**REPLY COMMENTS OF CENTURYLINK**

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April 21, 2015

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CenturyLink files these reply comments in response to the initial comments on the Policy Statement and Notice of Proposed Rulemaking (“NPRM”) issued in the above-referenced dockets on November 21, 2014.<sup>2</sup> A wide variety of service providers, equipment vendors, and public safety entities submitted initial comments on the important issues raised by the NPRM. While the Federal Communications Commission’s (“FCC’s”) goal in this proceeding – to promote 911 reliability by ensuring the Commission’s rules keep pace with evolving technology<sup>3</sup> – is admirable, CenturyLink focuses its reply comments on two proposals that have generated widespread concern: proposed Section 12.5 requiring prior notice and approval of major changes and discontinuances of 911 service, respectively; and proposed Section 12.7 establishing the 911 NOC Provider. In both instances as CenturyLink noted in its initial comments, CenturyLink is concerned about how the proposed rules would work in practice and whether they would meaningfully improve 911 reliability.

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<sup>1</sup> These reply comments are filed by, and on behalf of CenturyLink, Inc. and its subsidiaries.

<sup>2</sup> *In the Matters of 911 Governance and Accountability and Improving 911 Reliability*, Policy Statement and Notice of Proposed Rulemaking, PS Docket Nos. 14-193, 13-75 (rel. Nov. 21, 2014) (“NPRM”).

<sup>3</sup> See NPRM at ¶ 36.

**I. THERE IS WIDESPREAD CONCERN THAT THE PROPOSED REQUIREMENTS FOR MAJOR CHANGES AND DISCONTINUANCES OF 911 SERVICE COULD HAVE NEGATIVE UNINTENDED CONSEQUENCES.**

**A. Notification Process for Major Changes.**

In its initial comments, CenturyLink noted that the proposed 60-day prior notification process would be quite cumbersome in practice, serving little practical benefit to improve 911 reliability while potentially delaying implementation of needed or recommended network improvements.<sup>4</sup> Other commenters not only share this view and echo that PSAPs are indeed already getting sufficient notice of network changes, but raise network security, cost and vagueness concerns that further question whether this proposal would be beneficial, especially when the present lack of a mandated notification process does not seem to have had a harmful effect on 911 reliability.<sup>5</sup> Rather than establish a rigid regulatory process where one does not appear to be necessary, it may be more appropriate for PSAPs and their vendors to address this issue contractually so all parties are better able to tailor processes to meet their specific needs.

Numerous commenters question whether this requirement is even necessary given the current state of communications between PSAPs and their service providers.<sup>6</sup> The record lacks evidence that providers are failing to keep PSAPs apprised of changes that would directly impact their systems or that providers have been implementing changes to their facilities or networks over PSAPs' objections to the detriment of reliable 911 service. As the Industry Council for

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<sup>4</sup> Comments of CenturyLink, PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) (“CenturyLink Comments”) at pp. 22-23.

<sup>5</sup> Comments of AT&T, PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) (“AT&T Comments”) at p. 13 (noting this proposal “would not presently appear to provide any usable information or tangible benefits to the 911 ecosystem, it would unnecessarily delay implementation of beneficial improvements to the 911 system, and it would impose unnecessary costs on providers, PSAPs, and end users”).

<sup>6</sup> See, e.g., Comments of the Alliance for Telecommunications Industry Solution, PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) (“ATIS Comments”) at p. 9.

Emerging Response Technologies (“ICERT”) states, the NPRM erroneously presumes that no notifications are given today when, in reality, 911 providers currently work with state and local emergency authorities when changes are made that are deemed to impact those entities’ operations.<sup>7</sup> Significantly, as noted by AT&T, “the Commission has offered no evidence that the past absence of such notifications has had any deleterious effects on public safety.”<sup>8</sup>

Even if a regulatory response was necessary to address this issue, the proposed rule is also quite vague, leaving providers uncertain as to what would constitute a major change requiring notification. As Intrado observes, “[i]t is virtually impossible to know today the significance of these items on the system (i.e., whether considered ‘major’ or not) or to know rates of adoption that impact how well-accepted a service or product is, which in turn bears on whether it is considered ‘major.’ With NG911, there will be hundreds of issues like this that can’t be predicted today and, more relevant to this NPRM, can’t be readily categorized as ‘major’ (or not) for purposes of instituting regulations.”<sup>9</sup> Others are concerned that changes affecting the “scope” of 911 services is such a broad description that providers will lack an adequate basis for product and resource planning or implementation timelines or related financial investments, since based on the NPRM, this term has the potential to encompass any and everything done to the 911 system.<sup>10</sup> A NG911 provider noted that this proposal could cause

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<sup>7</sup> ICERT Comments, PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) (“ICERT Comments”) at p. 3.

<sup>8</sup> AT&T Comments at p. 13.

<sup>9</sup> Comments of Intrado Inc. and Intrado Communications Inc., PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) (“Intrado Comments”) at p. 49.

<sup>10</sup> ICERT Comments at p. 3.

substantial additional steps to be introduced in the product development lifecycle which may negatively impact innovation and inject additional costs that will need to be borne by PSAPs.<sup>11</sup>

Even if this process were necessary and the definitions made more clear to eliminate vagueness, there are also network security concerns about making this type of information public. As Intrado describes, “[i]n order for the notice envisioned by the Commission to have its intended effect, it would need to contain explicit data about locations of facilities and capabilities.”<sup>12</sup> “The Commission should consider the implications of making such notifications public, including the possibility that people intending to harm the country’s critical telecommunications infrastructure might be able to use the information to unlawful and harmful ends.”<sup>13</sup> Obviously, such unnecessary risks to the 911 network should be avoided.

Finally, it seems that PSAPs should be able to address any concerns about major change implementation processes in their contracts with 911 service providers. This step would avoid the potential harms mentioned above, while enabling PSAPs to customize solutions specific to their needs. Given that there does not appear to be a current problem with how major changes are presently handled and the potential unintended consequences, letting parties handle this contractually would be a more effective and preferable solution to additional regulatory mandates.

#### **B. Prior Approval for Discontinuances.**

In initial comments, CenturyLink stated that it would be premature to adopt a prior approval process for 911 service discontinuance, but if the Commission concluded to move forward, that any discontinuance, reduction or impairment of service that is coordinated with a

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<sup>11</sup> Intrado Comments at p. 48.

<sup>12</sup> Intrado Comments at p. 44.

<sup>13</sup> AT&T Comments at p. 17.

PSAP should be exempt from federal approval requirements.<sup>14</sup> Other commenters agree that such a requirement is unnecessary and stands to have negative unintended consequences. The NPRM does not cite any examples of PSAPs being harmed due to a 911 service provider's decision to discontinue, reduce or impair service,<sup>15</sup> or that the current market is so ineffective or dysfunctional so as to warrant a federal rule to dictate when products and services may be withdrawn in whole or in part.<sup>16</sup> While the NPRM does not demonstrate a need for this rule, the comments reflect that adopting this rule would have potentially harmful consequences.

Numerous entities observe that the requirement to have Covered 911 Service providers file an application to discontinue, reduce, or impair existing 911 service will have the unintended consequence of driving providers from the market and, thereby, raising costs and discouraging innovation.<sup>17</sup> In light of these concerns, the Commission should refrain from adopting this proposal at this time and perhaps revisit it in a future proceeding to see if the need for the rule outweighs the potential harm.

## **II. NUMEROUS COMMENTERS RAISE SERIOUS CONCERNS ABOUT THE PROPOSED 911 NOC PROVIDER ROLE.**

During initial comments, CenturyLink questioned whether the 911 NOC Provider proposal would be workable and recommended, if the Commission were to move forward, that it adopt an actual knowledge standard so the 911 NOC Provider's role would be commercially reasonable, limit those outages to which the role would apply, and adopt a liability standard

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<sup>14</sup> CenturyLink Comments at pp. 23-25.

<sup>15</sup> ICERT Comments at p. 3; AT&T Comments at p. 18.

<sup>16</sup> ICERT Comments at p. 3.

<sup>17</sup> AT&T Comments at pp. 18-19; Comments of Motorola Solutions Inc., PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) ("Motorola Comments") at p. 7; Comments of Verizon, PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) ("Verizon Comments") at p. 3.

similar to those in state 911 statutes for those performing this function.<sup>18</sup> Numerous commenters were also troubled by various aspects of this proposal and raise concerns about whether it is feasible for this information to be shared, especially among competitors, whether this coordination function will detract from efforts to resolve outages, and whether the risk of liability will result in PSAP cost increases.

The record reflects that there is widespread concern and opposition from those entities that risk being required to perform the 911 NOC Provider function.<sup>19</sup> Indeed, the only firm support for the proposal comes from those entities that would not be immediately tasked with performing this role.<sup>20</sup> Even The Association of Public-Safety Communications Officials-International, Inc. (“APCO”), while lauding the Commission’s attempt to improve situational awareness, recognizes the challenges with the proposal, noting that it “raises numerous jurisdictional, contractual and information sharing issues, and could add unnecessary and costly levels of operation” and concluding that “[o]ther approaches may be more fruitful avenues to address the problem.”<sup>21</sup>

The Alliance for Telecommunications Industry Solution’s (“ATIS”) position is that “it is not reasonable or even feasible for one carrier to monitor, control, or repair another carrier’s network, particularly given the number of PSAPs serviced by many large service providers.”<sup>22</sup>

Verizon agrees, asserting that it would be “virtually impossible” for a designated entity to serve

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<sup>18</sup> CenturyLink Comments at pp. 14-18.

<sup>19</sup> See, e.g., AT&T Comments at pp. 26-31; Verizon Comments at pp. 5-6.

<sup>20</sup> See, e.g., Comments of Airbus DB Communications, PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) at pp. 12-13; Comments of the National Association of State 911 Administrators, PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) at pp. 2-3.

<sup>21</sup> Comments of APCO, PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) at pp. 5-6.

<sup>22</sup> ATIS Comments at p. 8. See also Comments of Alaska Rural Coalition, PS Docket Nos. 14-193, 13-75 (filed March 23, 2015) at p. 8.

as a clearinghouse of information regarding all aspects of a 911 call, including the portions of call delivery on the originating network (from the 911 caller) and on the terminating network (for routing and delivery to the PSAP).<sup>23</sup> Even if it were technically feasible to share such information among various providers in the 911 ecosystem, the parties involved may be competitors that are reluctant or unwilling to freely exchange proprietary information. Another risk is that providers may fail to be fully open and forthcoming about the nature, extent, or cause of an outage to a third party competitor because of concern that the information will harm the provider's perception in the marketplace.<sup>24</sup> The record shows that these challenges are present and even exacerbated in an IP environment. As Intrado explains:

IP networks do not necessarily abide by point-to-point circuits and are often represented as mesh or cloud configurations with multiple paths between communicating entities. It is difficult, if not sometimes impossible, to isolate NG911 traffic or to identify a '911 circuit.' Unless the Commission plans to give the 911 NOC provider omnipotent authority over all other providers' IP traffic - - traffic that likely entails non-911 content, it will not be possible for the 911 NOC provider to perform the functions envisioned in the NPRM. . . Nor will providers be inclined to allow that kind of unfettered access to their proprietary network landscapes for a competitor's viewing or use.<sup>25</sup>

In addition to concerns about whether it would be feasible to obtain and share this information, this rule adds more work onto providers at a time when their primary focus should be restoring service.<sup>26</sup> Covered 911 Service Providers and other carriers are already under intense pressure to timely diagnose and report disruptions in communications services to PSAPs and state and federal regulators. To best promote 911 reliability during this time, resources should be directed towards restoring services, not diverted. Moreover, the type of outage that

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<sup>23</sup> Verizon Comments at p. 5.

<sup>24</sup> AT&T Comments at p. 30.

<sup>25</sup> Intrado Comments at p. 65.

<sup>26</sup> AT&T Comments at p. 31.

would trigger this enhanced coordination function – those that “substantially impair service quality or public access to 911 without a complete loss of service”<sup>27</sup> – is so vaguely defined that it will require a devotion of resources to determine whether a particular event meets the “substantially impair” standard. This vagueness is likely to lead to inefficient and confusing over-reporting, as 911 NOC Providers err on the side of caution to avoid potentially violating Commission rules.

Even if these challenges could be overcome, there is evidence in the record that this proposal risks increasing costs to PSAPs and ultimately to end users. As AT&T observes, “providers would justifiably be concerned about increased liability exposure both to the 911 stakeholders and to regulators. The mere threat of possible court actions for liability arising out of the acts or failures to act during a disruption, as well as potential increased regulatory enforcement actions, will certainly drive up the cost of services.”<sup>28</sup> These additional costs stand to be borne by PSAPs and, by extension, end users in the form of higher fees, charges or taxes.<sup>29</sup> Given all the drawbacks in the record associated with this proposal, the Commission should, at a minimum, amend its proposal as recommended by CenturyLink to mitigate its potentially unintended and undesirable effects and better improve 911 reliability.

### **III. CONCLUSION**

CenturyLink looks forward to continuing its work with the Commission to improve 911 reliability, protect against large-scale outages, provide greater accountability, and transition smoothly to NG911 for the benefit of public safety. While the NPRM contains many proposals designed to achieve these goals, CenturyLink urges the Commission to reconsider or modify the

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<sup>27</sup> See NPRM Appendix A, Proposed Section 12.7(b).

<sup>28</sup> AT&T Comments at p. 29; Motorola Comments at pp. 9-10.

<sup>29</sup> AT&T Comments at p. 6; Intrado Comments at p. 66.

NPRM's proposals addressed herein to avoid unintended consequences that may frustrate these important objectives.

Respectfully submitted,

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April 21, 2015