

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

Amendments to Part 4 of the Commission’s Rules )	PS Docket No. 15-80
Concerning Disruptions to Communications )	
)	
New Part 4 of the Commission’s Rules )	ET Docket No. 04-35
Concerning Disruptions to Communications )	

**REPLY COMMENTS OF THE  
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA) submits these reply comments to address a variety of issues raised in the *Notice* in the above-referenced proceeding.<sup>1</sup> The Commission should proceed with caution when considering imposing new or expanded outage reporting obligations on the industry and should keep in mind that a provider’s primary role during an outage should be restoration of service, not reporting of the outage. In particular, the Commission should either reject or modify a number of proposals advanced in the *Notice* for the reasons explained below.

*1. Threshold for reporting call failures.* The *Notice* proposed to require reporting when there is a significant degradation of service to a PSAP, rather than a complete outage.<sup>2</sup> NCTA agrees with other parties that implementation of such a proposal would be difficult unless the Commission is crystal clear in defining when reporting is required. In particular, as recommended by Comcast, “reporting should be required only when a service outage that meets

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<sup>1</sup> *Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, PS Docket No. 15-80, Notice of Proposed Rulemaking, Second Report and Order and Order on Reconsideration, 30 FCC Rcd 3206 (2015) (*Notice*).

<sup>2</sup> *Id.* at ¶ 12.

the 30 minutes/900,000 user minutes threshold actually impacts the handling or completion of emergency calls.”<sup>3</sup> Conversely, reporting should not be required in situations where there is a degradation that does not affect the completion of calls, such as when a primary route experiences an outage and calls automatically are rerouted to a secondary facility.<sup>4</sup>

Furthermore, as explained by ATIS, it is critical that this rule not be applied in a manner that “could impose an obligation on service providers to report events that fall outside of their control and knowledge.”<sup>5</sup> Completion of an emergency call necessarily depends on multiple networks, including the PSAP, and a service provider should only be held responsible for reporting an outage or significant degradation affecting its own network.

2. *Special offices and facilities.* The proposal in the *Notice* to update the definition of “special offices and facilities” under Section 4.5(b) of the rules to include facilities enrolled in or eligible for the Telecommunications Service Priority (TSP) program also raises concerns.<sup>6</sup> In particular, a number of parties explain that this proposal is overly broad because there is no way for a service provider to identify all of the entities that may be eligible to participate in TSP.<sup>7</sup> Even expanding the definition to include only parties enrolled in TSP would result in a significant expansion of the entities that are covered by the rule and a corresponding increase in reports related to outages that do not actually impact a special office or facility.<sup>8</sup> NCTA agrees with AT&T that there is no need for the Commission to make the proposed changes,<sup>9</sup> but if the Commission nevertheless decides to use the TSP regime as a basis for defining special offices

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<sup>3</sup> Comcast Comments at 3.

<sup>4</sup> *Id.*

<sup>5</sup> ATIS Comments at 5.

<sup>6</sup> *Notice* at ¶ 39.

<sup>7</sup> Comcast Comments at 8; AT&T Comments at 20-21.

<sup>8</sup> Comcast Comments at 8.

<sup>9</sup> AT&T Comments at 18-22.

and facilities, it should limit the definition only to entities enrolled in TSP at Level 1 or Level 2 priority, as proposed by Comcast.<sup>10</sup>

3. *Transport facility outages.* As explained by a number of parties, the Commission should not move forward with some of its proposals regarding the reporting of outages on major transport facilities. The current rules establish a threshold based on DS3 circuits,<sup>11</sup> an approach that is at odds with the shift to IP-based networks that has been taking place over the last decade. While the *Notice* acknowledges this shift, its proposal to establish a reporting threshold of 667 OC3 minutes is “likely to become obsolete after only a few years” and again create a situation where companies are required to report relatively minor outages.<sup>12</sup> To reflect modern transport networks, the Commission instead should consider alternative approaches, such as AT&T’s suggested approach of using a threshold based on OC12 minutes.<sup>13</sup>

The Commission also should decline to adopt its proposal to change the reporting schedule for “simplex events” from five days to 48 hours.<sup>14</sup> Because these events do not result in a loss of service to consumers, there is no need for them to be treated with the same priority as outages.<sup>15</sup> Moreover, as ATIS and AT&T explain, the evidence cited in the *Notice* does not support the Commission’s 48-hour proposal.<sup>16</sup> Therefore, there is no reason for the Commission to change the current standard of five days.

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<sup>10</sup> Comcast Comments at 8.

<sup>11</sup> *Notice* at ¶ 19.

<sup>12</sup> Comcast Comments at 6.

<sup>13</sup> AT&T Comments at 11-12.

<sup>14</sup> *Notice* at ¶ 24.

<sup>15</sup> AT&T Comments at 14; COMPTTEL Comments at 2-3.

<sup>16</sup> ATIS Comments at 7-8; AT&T Comments at 12-13.

4. *Burden of reporting requirements.* NCTA agrees with ATIS and AT&T that there is cause for concern that the Commission is underestimating the burdens associated with the outage reporting regime and proposed changes to that regime.<sup>17</sup> For example, while the *Notice* focuses on the cost of filing reports,<sup>18</sup> it ignores the fact that there are significant costs associated with setting up and implementing a monitoring regime and determining whether any particular incident rises to the level at which a report would be required.<sup>19</sup> AT&T, for example, has demonstrated the numerous steps involved in compiling the data that goes into each report and the significant time and effort required to submit reports that are timely and accurate.<sup>20</sup> As the Commission moves forward in considering whether to update the outage reporting rules, its analysis should reflect the significant burdens associated with outage reporting.

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The Commission must “carefully weigh its interest in collecting and analyzing outage reporting data against the burdens of the data collection on service providers, whose primary responsibility during an outage is the timely restoration of service.”<sup>21</sup> As discussed in these reply comments, in many cases the Commission should decline to adopt the proposals contained in the

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<sup>17</sup> ATIS Comments at 3.

<sup>18</sup> *Notice* at ¶ 13.

<sup>19</sup> AT&T Comments at 6-7.

<sup>20</sup> *Id.* at 7-9.

<sup>21</sup> ATIS Comments at 3.

*Notice*, while in other cases those proposals should be modified to more effectively achieve the Commission's objectives.

Respectfully submitted,

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