

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

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

**COMMENTS OF VERIZON**

Commenters described a number of ways the Commission can update the Part 4 outage reporting rules to make them simpler, better reflective of today’s communications networks, and targeted at the network-level incidents with the most impact on consumers and PSAPs. The record shows that the Commission can achieve these objectives by refining the *NPRM*’s proposals as follows: (1) clarifying the existing rule for partial 911 outages and encouraging stakeholder efforts to identify when those events may occur; (2) raising the capacity threshold for major transport facility outages to reflect modern networks without including the proposed 48-hour period for reportable simplex events; (3) replacing the wireless 900,000 user minutes threshold with a simpler cell site-based geographic metric, with no separate requirement for non-outage high volume calling events; (4) rejecting calls to expand the rules to cover outages of Telecommunications Service Priority (“TSP”) facilities; and (5) bolstering the confidentiality and use restrictions that would accompany any third party government agency access to Network Outage Reporting System (“NORS”) reports.

**I. STAKEHOLDER-DRIVEN PRACTICES WILL BEST ACHIEVE CONSISTENT REPORTING OF PARTIAL 911 OUTAGES.**

The Commission should reject the proposal to change the rules to cover “partial” 911 outages. Existing rules already capture partial 911 outages to the extent they meet reporting thresholds.<sup>1</sup> And these additional thresholds to capture partial 911 outages cannot be crafted in a technology-neutral way because service providers’ 911 networks and systems vary considerably, as does their ability to monitor and detect partial 911 outages.<sup>2</sup> For example, the potential metrics discussed at paragraph 12 of the *NPRM* focus on trunks out of service. But analyzing the percentage of trunks out of service would not account for reliability differences in the types of trunks utilized (e.g., fiber facilities are more resilient and reliable than copper facilities), nor recognize the differences between primary and secondary trunk groups used by PSAPs to provide redundant pathways for 911 traffic. Without a technology-neutral metric, adding a new reporting threshold for “partial 911 outages” to the rules as proposed in the *NPRM* would prompt carriers to conservatively report incidents with no detrimental impact on consumers or PSAPs.<sup>3</sup> Carriers would thus inundate the Commission and PSAPs with uninformative reports, diluting the effect of reports of real customer-affecting events.

The record instead supports the two-part approach proposed in Verizon’s comments. In the near term, the Commission should reinforce that a significant degradation of 911 service is reportable when the provider reasonably becomes aware pursuant to normal business practices

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<sup>1</sup> Verizon Comments at 2-3; APCO Comments at 3; California PUC Comments at 8; Comcast Comments at 2; NASNA Comments at 1; New York DPS Comments at 4; *see also* CenturyLink Comments at 10 (“there is a high likelihood that those events are already being captured”).

<sup>2</sup> Verizon Comments at 3-4; ATIS Comments at 5-6; AT&T Comments at 16-18; CenturyLink Comments at 10-11.

<sup>3</sup> Verizon Comments at 3; CenturyLink Comments at 11; Comcast Comments at 2-3; NASNA Comments at 2; New York PSC Comments at 4; *see also* AT&T Comments at 17.

that a reportable outage has occurred.<sup>4</sup> This clarification will incent service providers to assess their existing monitoring capabilities to ensure that they report the partial 911 outages their systems can detect. Second, the Commission should convene a workshop or other collaborative stakeholder effort to assess and identify how providers' existing alarm and monitoring capabilities detect and enable reporting service-affecting events. This will ensure that providers report only consumer- and PSAP-affecting events of concern to the Commission and to public safety stakeholders.

## **II. INCREASING THE REPORTING THRESHOLDS FOR MAJOR TRANSPORT FACILITY OUTAGES WILL ENHANCE THE VALUE OF REPORTED DATA IN ASSESSING NETWORK RELIABILITY.**

*Increase the Reportable Threshold for Major Transport Outages.* The rulemaking record confirms that the Commission should update and increase the current threshold of 1350 DS3 minutes. No commenters opposed the proposal to increase the threshold; the open question is by how much. Increasing the reporting threshold to OC3-level outages as the *NPRM* proposes would reduce filing burdens and help prevent minor outage events from undermining the value of NORS data, but OC3-level outages are the *minimum* threshold appropriate. CenturyLink and others correctly point out that a higher OC12 level threshold would be more reflective of modern networks—and would help keep the rule relevant longer.<sup>5</sup> The Commission should not replace the current methodology with a bandwidth-based approach, however, as that approach requires further review to ensure that it captures a genuine outage or significant degradation of service and can apply on a cross-platform basis.<sup>6</sup>

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<sup>4</sup> Verizon Comments at 4.

<sup>5</sup> See Verizon Comments at 10; ATIS Comments at 7; AT&T Comments at 10; CenturyLink Comments at 3-4; COMPTTEL Comments at 1-2; Sprint Comments at 6; XO Comments at 4-5.

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

***Leave the Five-Day Simplex Reporting Period Unchanged.*** The record demonstrates that the proposed rule to increase the reporting period would balloon providers' and the Commission's administrative and paperwork burdens with no countervailing benefit.<sup>7</sup> The record demonstrates that wireline providers already follow best practices for maintenance of simplex outage events. Commenters showed that the original basis for the five-day period remains as valid today as it was 10 years ago, and the Commission should leave it unchanged.

### **III. THE COMMISSION SHOULD SIMPLIFY REPORTING FOR RADIO ACCESS NETWORK OUTAGES RATHER THAN EXPAND THE RULES TO COVER NON-OUTAGE EVENTS.**

#### **A. The Commission Should Replace the Wireless 900,000 User Minutes Threshold With a Metric Based on Percentage of Sites Out of Service in a Geographic Area.**

Comments from wireless providers illustrate the problems with the outdated 900,000 user minutes threshold<sup>8</sup> and explain the challenges in deriving a simpler formula that meets the Commission's Part 4 objectives.<sup>9</sup> Verizon's proposal to replace the outdated threshold with a metric based on percentage of macro sites out of service in a given geographic area would avoid these difficulties through a more straightforward methodology while still providing the Commission with meaningful data.<sup>10</sup> The Commission's proposed site-based formula for calculating 900,000 user minutes—while preferable to the alternative VLR-based proposal—

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<sup>7</sup> Verizon Comments at 10; ATIS Comments at 7-8; AT&T Comments at 12-16; CenturyLink Comments at 7-8; COMPTTEL Comments at 2-4; Sprint Comments at 6; XO Comments at 5-6.

<sup>8</sup> See Verizon Comments at 6-8; AT&T Comments at 22-24; CTIA Comments at 2-3.

<sup>9</sup> See CCA Comments at 3; Sprint Comments at 7.

<sup>10</sup> See Verizon Comments at 7. As explained in opening comments, Verizon's recommended approach would also obviate any need for the separate geography-based metric proposed in the *NPRM* and supported by some public safety commenters. See Verizon Comments at 9; APCO Comments at 3-4; California PUC Comments at 9-10; NASNA Comments at 2.

would suffer from the same ongoing information technology and labor-intensive monitoring burdens as the current user minutes standard.<sup>11</sup>

If the Commission maintains the user minutes threshold, however, it should stick with the site-based approach proposed in the *NPRM*. This approach, based on macro cells, would be far preferable to the problematic alternate VLR-based methodology.<sup>12</sup> If the Commission takes this approach, though, it must ensure consistency across different service providers and platforms as to which cell sites or other transmitter facilities apply under the revised formula. It must also apply the term “average users” consistently to service providers’ customer databases and systems. The Commission should convene discussions with the wireless industry in advance of any final rules to avoid confusion over the scope of the rules or resulting changes in the online reporting system.

**B. A New Reporting Threshold for Call Blocking During High Volume Calling Events Would Be Inappropriate.**

Several industry commenters offered additional reasons beyond those described in Verizon’s comments as to why new reporting rules should not apply to high volume calling events. Commenters explained that: any metric would likely capture events other than emergencies;<sup>13</sup> service providers’ data collection capabilities vary;<sup>14</sup> spectrum resources affect a

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<sup>11</sup> See Verizon Comments at 7; Sprint Comments at 7.

<sup>12</sup> See Verizon Comments at 8-9; see also Sprint Comments at 7.

<sup>13</sup> See AT&T Comments at 24; CTIA Comments at 5.

<sup>14</sup> See CCA Comments at 2.

service provider's wireless call carrying capacity, not just network architecture;<sup>15</sup> and defining a wireless call failure consistently across platforms presents real methodological challenges.<sup>16</sup>

Public safety commenters were silent on the issue. Public safety personnel understand that when major high volume calling events occur, all calls may not complete even when wireless and wireline networks are operating at full capacity. (Indeed, PSAPs may likewise experience call congestion during these events because of the limits in network capacity, customer premises equipment, and staffing.) And based on Verizon's experience, affected service providers respond cooperatively to Bureau staff's inquiries on those incidents. A separate reporting rule is unnecessary.

#### **IV. EXPANDING THE LIST OF SPECIAL OFFICES SUBJECT TO OUTAGE REPORTING WOULD IMPOSE SUBSTANTIAL COSTS WITH ONLY SPECULATIVE BENEFITS.**

Several commenters echo Verizon's concerns that a reporting threshold for outages affecting facilities of customers eligible for the Telecommunications Service Priority ("TSP") program would be costly and expand the scope of the Part 4 rules beyond the major facilities that have appropriately been the focus of the rules.<sup>17</sup> First, in many cases, the proposal would not capture any additional reportable outages because a significant outage affecting TSP facilities often triggers other existing reporting thresholds. And dedicated contracts, service-level agreements and account representatives already govern how service disruptions are handled for many of the government and enterprise customers and facilities that would fall into this category.

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<sup>15</sup> See CTIA Comments at 6; Sprint Comments at 4.

<sup>16</sup> See Sprint Comments at 4.

<sup>17</sup> See Verizon Comments at 10-11; ATIS Comments at 10; AT&T Comments at 18-22; CCA Comments at 4; COMPTTEL Comments at 6; CTIA Comments at 11-13; Sprint Comments at 9-11.

The proposed rule would thus bring little if any benefit to these customers with respect to situational awareness or new best practices, even as it imposes duplicative monitoring costs.

At most, the Commission should limit any TSP-based reporting threshold to *actual*, not merely “eligible,” TSP Priority Levels 1 and 2 facilities and users—and then only for high-capacity facilities—to mitigate the substantial monitoring and other IT-related costs.<sup>18</sup> And given the significant number of customers and facilities affected by even this more limited approach, and the accompanying information technology work involved, service providers will need at least 24 months to comply with any new requirements.

**V. STATE GOVERNMENT ACCESS TO OUTAGE REPORTS MUST INCLUDE CONFIDENTIALITY AND USE RESTRICTIONS.**

Industry and public safety stakeholders agree that confidentiality restrictions should apply to state and other federal government agencies’ access to outage data filed with the Commission through the NORS system.<sup>19</sup> Some state commissions, however, oppose the safeguards proposed in the *NPRM*.<sup>20</sup> But those common sense security and use safeguards reflect standard information technology practices used across government and the private sector, as other commissions acknowledge.<sup>21</sup> In any case, the state-level policies those commissions describe

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<sup>18</sup> See AT&T comments at 22-23; Comcast Comments at 7-8; XO Comments at 6-7.

<sup>19</sup> Verizon Comments at 12-13; California PUC Comments at 4-6; CCA Comments at 4-5; CTIA Comments at 13-15; Michigan PSC Comments at 3-5; NCTA Comment at 2-4; New York PSC Comments at 3; Sprint Comments at 11-13; see also NARUC Comments at 5.

<sup>20</sup> California PUC Comments at 3 (state commission’s certification should “be the *only* condition imposed upon states”); Massachusetts DTC Comments at 3-4 (same).

<sup>21</sup> Michigan PSC Comments at 3-5; New York PSC Comments at 3.

suggest that their compliance with the safeguards proposed in the *NPRM* and by industry commenters would not impose any additional burdens on those agencies.<sup>22</sup>

At this time, the Commission should limit access to state regulatory commissions.<sup>23</sup> The Commission should also forbid state commissions from forwarding confidential NORS data reports to other state agencies.<sup>24</sup> This more limited access regime will enable the Bureau and Department of Homeland Security to assess the effectiveness of the confidentiality and use restrictions before allowing any broader direct access to the NORS system. And service providers maintain other points of contact with state and local public safety and first responder officials during emergencies.

## **VI. CONCLUSION.**

The rulemaking record supports Verizon's recommended path forward to address concerns for partial 911 outages, its recommended refinements to the *NPRM*'s proposed reporting thresholds for outages affecting major transport, wireless, and special office

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<sup>22</sup> See California PUC Comments at 4; New York PSC Comments at 3-4 (supporting several confidentiality safeguards and use restrictions proposed in the *NPRM*).

<sup>23</sup> See CenturyLink Comments at 4.

<sup>24</sup> See California PUC Comments at 5-6; New York PSC Comments at 2-4; see also NASNA Comments at 2-3.

facilities, and bolstering the *NPRM*'s already sound confidentiality safeguards for third party government agency access to NORS reports.

Respectfully submitted,

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