

DRAFT ICPC COMMENTS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

Improving Outage Reporting for Submarine
Cables and Enhancing Submarine Cable Outage
Data

GN Docket No. 15-206

**COMMENTS OF
THE INTERNATIONAL CABLE PROTECTION COMMITTEE ('ICPC')
to the submission by the North American Cable Protection Association**

The International Cable Protection Committee ("ICPC") hereby comments on the submission of the North American Submarine Cable Association ("NASCA") (the "NASCA comments").¹

Formed in 1958, the ICPC is a highly respected international forum with a membership comprised of 160 telecommunication and power companies, government departments, and scientific organizations representing 60 nations.² The membership includes the companies that own over 98% of the world's submarine cables and almost all of the cable ships that maintain these systems. The principal goal of the ICPC is to promote the safeguarding of undersea cables from human and natural hazards, as well as the support of projects and programs beneficial for the protection of submarine cables.³ As a service to the world's seabed users, the ICPC provides professional recommendations related to submarine cable planning, installation, operation, maintenance, and protection.

The ICPC opposes the NPRM on the grounds as articulated by NASCA. The collective experience of the ICPC's membership with reporting cable faults for cables landing in the United States and its territories is that reporting is fit for purpose. As the NASCA comments highlight, there are already multiple reporting requirements to various agencies of the United States. What may be appropriate or more beneficial to consider is better coordination of existing reporting with a single federal agency designated as the lead agency for fault reporting. The ICPC experience with Australia and Singapore with a single point of contact for a national

¹ See FCC ECFS Filing Confirmation number 2015123719107 for North American Submarine Cable Association

² The members are listed in Appendix A to these comments.

³ Additional information on the ICPC can be found on its website www.iscpc.org.

government has been especially positive, not only for accurate reporting and in avoiding duplicative and cumulative administrative burdens, but for improved submarine cable security.

The NASCA Comments at page 5 correctly highlight the unusual and in some respects unique issues associated with the single cable connecting the Commonwealth of the Northern Marianas Islands (Mariana-Guam) cable. These include a single cable connection with no functioning back up system in the event of a cable failure. Footnote 6 highlights the fact that this cable system also apparently had no existing maintenance contract to repair the cable in the event of a fault. This means when a fault occurs, the cable owner must go out into the market and charter a cable ship on an ad hoc basis. This is an expensive challenge and recipe for delay in repairing the cable system since cable ships are relatively few in number and heavily engaged. From the ICPC's experience it is another unusual feature of the Mariana-Guam event that normally is not a factor for cables landing in the United States.

Cable repair is organized by private contract-not by government mandate. Standing contracts require repair ships to sail within 24 hours, manned and ready to carry out cable repairs. The goal is fast response.

There are about 59 cable ships in the world, about half are on stand-by and half laying new cables or engaged in other tasks (training, maintenance, etc.). Cable ships are expensive, custom built and require specialized crews. They fly diverse flags (United Kingdom, France, Marshall Islands, Singapore, Japan, Korea, UAE, Belize, and Indonesia).

Cable repairs are urgent not only to restore service, but because each cable acts as back up for other cables. In the case of the Mariana-Guam cable, quick repair was essential because of the lack of available back up service to restore communications. So in these circumstances, not having a repair contract in force is undoubtedly an area for improvement.

Standing repair contracts are a universal custom and practice for international submarine cable systems. There are two basic types - zone agreements and private cable maintenance agreements. These agreements and how they work are well explained in literature.⁴

The point to emphasize is that the unique Mariana-Guam situation that triggered the NPRM is not common for cables landing in the United States or most nations. As such, this odd situation should not be a basis for a dramatic change in new reporting requirements and administrative burdens for systems that have good restoration services and standing repair contracts.

For the foregoing reasons, the ICPC urges the FCC to adopt rules that better reflect the realities of submarine cable operations and improve and coordinate existing reporting requirements rather than add a new cumulative and duplicative regulatory regime on fault reporting.

⁴ Burnett, Beckman, Davenport, *Submarine Cables The Handbook of Law and Policy*, Chapter 6 [Submarine Cable Repair and Maintenance] (2014); "Recovery of Cable Ship Repair Cost Damages from Third Parties That Injure Submarine Cables, 35 Tulane Law Review (Winter 2010) 103, 105-108; Cable Vision, U.S. Naval Institute Proceedings, August 2011, at 67-68..