

February 1, 2016

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Submarine Cable Outage Reporting Notice of Proposed Rulemaking  
GN Docket No. 15-206  
Written Ex Parte Presentation**

Dear Ms. Dortch:

Latam Telecommunications, LLC (“Latam”) hereby submits this written *ex parte* presentation regarding the above-referenced Notice of Proposed Rulemaking in which the Federal Communications Commission (“FCC” or “Commission”) sought comment on a number of proposals related to submarine cable outage reporting.<sup>1</sup> Latam is a subsidiary of América Móvil and a licensed operator of AMX1, a high-capacity digital fiber-optic cable system that provides increased capacity from the continental United States to landing points in the Dominican Republic, Puerto Rico, Brazil, Colombia, Guatemala, and Mexico.<sup>2</sup> Latam has been monitoring this proceeding closely, and wants to emphasize the importance of various issues and proposals raised in the comments and reply comments, and provide input based on Latam’s experience as a submarine cable operator and FCC licensee.

***The Definition of “Outage”***

It is crucial that reportable submarine cable incidents under the FCC’s rules are defined consistently with how submarine cables are actually built and operated, and allow the Commission to obtain needed information without imposing unnecessary burdens on operators. Latam therefore agrees with commenters that the definition of “outage” proposed in the NPRM is overly broad and unworkable.<sup>3</sup>

The FCC’s proposed definition of “outage” makes no reference to actual service disruption, and therefore is inconsistent with the service continuity principles the proposed requirements are

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<sup>1</sup> Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data, Notice of Proposed Rulemaking, GN Docket No. 15-206, FCC 15-119 (2015) (“NPRM”).

<sup>2</sup> See Actions Taken Under Cable Landing License Act, Public Notice, Report No. SCL-00137, DA No. 13-247 (Feb. 21, 2013).

<sup>3</sup> See Comments of The North American Submarine Cable Association, GN Docket No. 15-206 at 9-16 (filed Dec. 3, 2015) (“NASCA Comments”); Joint Comments of the Submarine Cable Coalition, GN Docket No. 15-206 at 3-4 (filed Dec. 3, 2015) (“Coalition Comments”).

designed to support.<sup>4</sup> As NASCA explained in its comments, “outage” should be defined “with reference to the potential impact on customers. If an incident does not disrupt communications, the incident should not be reportable.”<sup>5</sup> Most often, capacity loss occurs on a single segment of a cable that is part of a broader mesh architecture. Such losses generally have no impact on the communications services transiting the cable, as submarine cable systems are designed to reroute traffic to other pathways in the event of capacity loss.<sup>6</sup>

Latam therefore agrees with commenters that the FCC should adopt a definition of “outage” that “reflects how submarine cable systems actually operate,”<sup>7</sup> and exclude those incidents that do not degrade or negatively affect communications services transiting the cable.<sup>8</sup> Latam supports Verizon’s suggestion that the definition should encourage the use of redundant systems and “focus only on events for which re-routing of traffic is not available and when service is adversely affected.”<sup>9</sup> In addition, it is important for the Commission to clarify that reportable outages only include those that occur on the submarine cable, and do not include outages that occur on terrestrial pathways beyond the cable’s terminal stations.

### ***Report Information, Format, and Timing***

The NPRM proposes stringent and unrealistic reporting requirements that would impose a tremendous burden on submarine cable operators. Any real-time reporting obligations will force operators to expend considerable resources on reporting and divert their attention away from crucial diagnostic and restoration efforts. Latam agrees with AT&T that the costs to implement the procedures and technology necessary to prepare the proposed reports would likely be hundreds of times greater than the NPRM’s industry-wide estimate of \$8000.<sup>10</sup>

It is critical that the deadline for an initial notification of an outage allow submarine cable operators to prioritize restoration and related efforts. Commenters uniformly agree that the 120-minute proposed timeline for the Notification is unreasonably short.<sup>11</sup> NASCA is correct that the proposed deadline “inappropriately prioritizes paperwork over testing, repair vessel call-out, and customer restoration efforts—which should be an operator’s first priority in a fault situation.”<sup>12</sup> Indeed, in the event of an outage, a cable operator needs to focus on diagnosing the problem, determining the scope of the outage, informing any affected customers, identifying solutions to

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<sup>4</sup> See NPRM ¶ 13.

<sup>5</sup> NASCA Comments at 34.

<sup>6</sup> Moreover, international carriers transiting the oceans typically plan for redundant routes to further minimize or prevent any impact on the service provided to customers.

<sup>7</sup> *Id.* at 10.

<sup>8</sup> See Reply Comments of Verizon, GN Docket No. 15-206 at 2 (filed Dec. 18, 2015) (“Verizon Reply Comments”).

<sup>9</sup> *Id.* at 3.

<sup>10</sup> Comments of AT&T Services, Inc., GN Docket No. 15-206 at 12 (filed Dec. 3, 2015).

<sup>11</sup> See NASCA Comments at 19-20; Coalition Comments at 7-8; Verizon Reply Comments at 4; Comments of PC Landing Corp, GN Docket No. 15-206 at 2-3 (filed Dec. 3, 2015).

<sup>12</sup> NASCA Comments at 20.

restore service, and scheduling a repair. To provide operators with the opportunity to undertake these crucial activities, Latam agrees with other commenters that the Commission should require an initial notification no earlier than within 48 hours after the operator determines the outage is reportable.<sup>13</sup> The Commission should also recognize that even after 48 hours an operator may not have complete information regarding the root cause and exact location of the outage.<sup>14</sup>

Latam submits that operators should be required to submit only one report of each outage, with a deadline of 60 days after the outage repair is completed. If required to file a report a mere seven days after repair as the NPRM proposes, cable operators will likely lack documentation and information needed to complete the report. As AT&T correctly points out, it is industry practice for contracts between repair vessels and U.S. landed cable operators to afford the vessel operator 30 days following the repair to submit its final report to the cable operator.<sup>15</sup> A deadline of 60 days following repair would give a cable operator the opportunity to receive the final report from the repair vessel, as well as any other critical documentation, and draft a detailed report for the Commission. At a minimum, the Commission should extend the final report deadline to 45 days.

Latam agrees with commenters that the Commission should not use outage reporting as an opportunity to collect additional operational data.<sup>16</sup> NASCA correctly points out that the collection of such data “would overwhelm the Commission with routine information, impair its ability to identify meaningful data, and needlessly burden operators.”<sup>17</sup> Moreover, it would be difficult for operators to comply with such a broad and vague reporting requirement.<sup>18</sup>

### ***Covered Entities***

The administration, management, organization, and ability to obtain information is different with respect to each submarine cable system. As such, the optimal allocation of reporting obligations—such as designating one licensee as the reporter or splitting the obligation among multiple licensees in a particular way—will also differ by system. The Commission’s rules must afford flexibility for each cable’s operators to determine how best to assign reporting responsibility. Latam therefore agrees with NASCA that “the Commission should recognize the diversity in cable ownership and operational structures and allow each licensee or group of licensees for a particular cable system to determine for itself how to best handle the reporting obligation.”<sup>19</sup>

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<sup>13</sup> NASCA Comments at 20; Coalition Comments at 8; Verizon Reply Comments at 4; PC Landing Comments at 4.

<sup>14</sup> AT&T Comments at 16-17; Verizon Reply Comments at 4.

<sup>15</sup> *Id.* at 20.

<sup>16</sup> *See* NPRM ¶ 34.

<sup>17</sup> NASCA Comments at 22.

<sup>18</sup> AT&T Comments at 16.

<sup>19</sup> NASCA Comments at 35.

To ensure that the Commission's submarine cable outage reporting requirements protect continuity of service without placing onerous and unnecessary burdens on cable operators, the Commission should enact final rules consistent with this letter.

Respectfully Submitted,

*/s/ Arturo Pellerano Guerra*

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Arturo Pellerano Guerra  
Treasurer  
Latam Telecommunications, LLC  
Tracfone Building  
9700 NW 112<sup>th</sup> Avenue  
Miami, FL 33178