

20 May 2016

BY ELECTRONIC FILING

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

*Re: GN Docket No. 15-206
Notice of Ex Parte Presentation*

Dear Ms. Dortch:

Pursuant to 47 C.F.R § 1.1206(b), the North American Submarine Cable Association (“NASCA”) notifies the Commission of an *ex parte* presentation in the above-referenced proceeding. On May 18, 2016, Mike Tan (AT&T), Jim Talbot (AT&T), Susannah Larson and I, as counsel for NASCA met in person or telephonically with Erin McGrath, Legal Advisor to Commissioner Michael O’Rielly. During the meeting, we discussed NASCA’s concerns that the proposed outage reporting requirements should be revised to reflect the practical concerns unique to submarine cable systems.

First, we discussed why submarine cable operators need a transition period of at least a year to implement any outage reporting requirements. We explained that many submarine cable systems are consortium-owned; these arrangements will require complex negotiations and coordination among members to implement technology and procedures for reporting. In addition, many submarine cable operators are members of multiple consortia and will be unable to incorporate the reporting requirements for all of their submarine cable systems at the same time. Further, because older submarine cable systems may not have network operations centers to detect outages on all of a system’s segments, affected operators will need to incorporate new technology and coordinate with other consortium members to ensure they receive notification of reportable outages. These real-life challenges will slow down submarine cable operators’ ability to implement the reporting requirements; any transition period less than a year would be unrealistic.

Second, we discussed NASCA’s concerns that the proposed timing for the initial notification is not practical. NASCA explained that a 24-hour window for reporting an outage is much more realistic than the proposal that operators must report in a matter of hours. Many smaller systems have fewer than ten employees, all of whom would be focused on restoring traffic and mobilizing a cable ship for repair rather than focusing on filing paperwork. Further, if outages occur on the other side of the world, those responsible for reporting may be asleep at the

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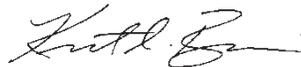
time of an outage. NASCA urged the Commission to make the initial notification requirement workable for submarine cable operators who need to focus their immediate attention on resolving the outage.

Third, we explained that an interim report requirement adds an extra burden on operators without any material benefit to the Commission and should therefore be eliminated. NASCA reiterated that between the time of an initial outage notification and the time of scheduling a repair, when the interim report would be due, operators would not have additional material information about the outage or its cause. The cause—if discoverable at all—could likely only be determined during the course of the repair. The Commission should therefore reject the idea that the number of reporting phases for submarine cables should parallel that for other kinds of network outages under the Commission's Part 4 rules. Submarine cable outages are distinguishable from terrestrial network outages because submarine cable operators do not have immediate access to infrastructure or its vicinity or the ability to identify proximate activities that might have caused the outage, such as a backhoe digging up terrestrial fiber. On submarine cables, the infrastructure is located on the seabed, often thousands of kilometers offshore and thousands of meters beneath the ocean's surface. Further, submarine cable systems do not have retail customers that will directly suffer from an outage and thus need frequently updated information. These differences make an interim report unnecessary.

Finally, we confirmed NASCA's support of the NPRM's proposal to establish a clearinghouse of information to streamline permitting and to enhance interagency coordination to improve submarine cable protection.

Should you have any questions, please contact Kent Bressie by telephone at +1 202 730 1337 or by e-mail at kbressie@hwglaw.com.

Respectfully submitted,



Kent Bressie
Susannah Larson

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North American Submarine Cable Association*

cc: Erin McGrath