

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

New Part 4 of the Commission's Rules
Concerning Disruptions to Communications

ET Docket No. 04-35

COMMENTS OF BELLSOUTH CORPORATION

BELLSOUTH CORPORATION

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BellSouth Corporation, by counsel and on behalf of itself and its wholly owned subsidiaries (collectively "BellSouth"), respectfully submits these comments in response to the Commission's *Notice of Proposed Rulemaking* ("*NPRM*") in the above-captioned proceeding.¹

While BellSouth understands the Commission's responsibility to ensure reliable communications and network stability, it believes that many of the proposals set forth in the *NPRM* are overly complex, unduly burdensome, and, in some cases, impractical or technically infeasible. If the Commission is truly committed to protecting the public by ensuring access to reliable telecommunications services, especially during times of crisis, it should focus on rule changes that will simplify the reporting process and promote faster service restoration. The proposed rules, however, do not accomplish this objective. As BellSouth demonstrates herein, there are less complicated, less costly, and less onerous ways to protect national security and provide the Commission with accurate and meaningful disruption information without imposing undue burdens and costs on the communications industry and its customers.

¹ *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, *Notice of Proposed Rulemaking*, FCC 04-30 (rel. Feb. 23, 2004) ("*NPRM*").

I. INTRODUCTION AND SUMMARY

On February 23, 2004, the Commission released an *NPRM* proposing to expand and modify the existing service disruption reporting requirements. Among other things, the Commission proposes to: (1) broaden the category of providers subject to disruption reporting beyond wireline carriers to include wireless, cable, satellite, paging, and Signaling System 7 (“SS7”) providers; (2) adopt new thresholds and criteria that would trigger the reporting obligations; and (3) establish an electronic filing system for the submission of disruption reports.

The Commission is charged with an important task as it revisits its disruption reporting requirements. It must balance various interests – network reliability, meaningful data collection, national security, and burdens on providers. As demonstrated more fully below, the Commission has not presented any evidence that the existing reporting obligations as applied to wireline carriers are ineffective or not working. To the contrary, the Commission has explicitly stated that the “existing approach to reporting has worked well.”² Accordingly, rather than embarking upon a complete overhaul of the current reporting framework by imposing additional obligations on wireline carriers, the Commission should take this opportunity to streamline, clarify, and eliminate ineffective or unnecessary reporting requirements, where appropriate.

In sum, disruption reporting should not be overly complicated, difficult to administer, or a risk to national security. Although the Commission indicates a desire to “streamline” compliance with the reporting requirements, its proposals would have just the opposite effect. These proposals carry with them significant implementation costs and administrative burdens that far outweigh any perceived benefits. For example, BellSouth estimates that, under the

² *Id.*, ¶ 6.

Commission's proposed rules, the number of outage reports filed annually by BellSouth could rise by more than 1000 percent, even though there was no change in network performance. Put another way, the number of reports filed could increase from an average of two or three per month to over 20 per month, again with no change in network performance. Of course, the higher volume of reports would impose additional man-hour costs upon providers. Moreover, the complexity of the proposed rules would raise costs further as more time and resources are devoted to the complex calculations developed by the Commission. As demonstrated more fully herein, the costs associated with these additional and new obligations far outweigh the benefits. Accordingly, rather than promulgate the complex, demanding rules proposed in the *NPRM*, the Commission should consider the recommendations discussed more fully herein. BellSouth offers several proposals designed to accommodate the Commission's need for meaningful outage data, while simultaneously minimizing the burden on providers.

BellSouth's proposals also seek to minimize the potential disclosure of sensitive network information. The objectives of fostering Homeland Security and providing the public full access to network data are at odds with one another. Given the nationwide efforts to develop processes and procedures designed to minimize security risks to the country, the Commission must tailor its rules to protect the critical network data submitted in disruption reports from disclosure.

II. EXTENSIVE MANDATORY REPORTING RULES ARE NOT NECESSARY TO PROTECT THE NATION'S COMMUNICATIONS NETWORKS AND TO MINIMIZE SERVICE DISRUPTIONS.

The Commission appears to underestimate the long-standing commitment of carriers to protect the nation's network and minimize service disruptions. Carriers have an obvious vested interest in ensuring that their customers have access to reliable communications, especially in

today's competitive marketplace. As the Commission notes, carriers and manufacturers have worked cooperatively for over a decade to understand the causes of service outages and to develop an extensive set of best practices.³ It is not uncommon for members of the industry to provide equipment, manpower, and other resources to facilitate the rapid restoration of service. This long history of carriers assisting one another during times of crisis and service disruption, regardless of the source of the outage (natural disaster or terrorist attack), is not a consequence of the Commission's reporting requirements. Rather, even in the absence of mandatory reporting, service providers have every incentive to work together to minimize service disruptions and facilitate quick network restoration. Thus, any rules adopted by the Commission should seek to promote, not hamper, the voluntary sharing of meaningful information within the industry.

Moreover, BellSouth urges the Commission to continue to seek guidance from the industry regarding effective reporting. Industry fora are where the real work has been done to improve network reliability, foster cooperation among carriers, and develop methods and procedures for quicker service restoration. For example, the Industry Led Outage Reporting Initiative ("ILORI"), which consists of representatives from the wireline, wireless, and cable sectors, has been working diligently to create an outage reporting system that would be run by an independent institution. Some of the issues raised in the *NPRM* overlap with work being done by ILORI. Consequently, the Commission should give serious consideration to proposals developed by the industry as they reflect consensus and are based upon technical expertise.

³ *Id.*, ¶¶ 8-10.

III. THE PROPOSED COMMON METRIC – USER MINUTES – IS PROBLEMATIC AND SHOULD NOT BE ADOPTED.

The Commission proposes to modify its disruption reporting requirements by adopting a newly defined metric, known as “user minutes.” Section 63.100(c) currently requires the filing of an outage report when 30,000 customers are affected for 30 minutes or more.⁴ The Commission proposes two modifications to this rule. First, the Commission recommends replacing the term “customer” with “user.”⁵ Second, the Commission proposes to establish a reporting threshold based on the number of “user-minutes” potentially affected by the outage. This “user-minutes” criterion is calculated by multiplying the outage duration by the number of end users potentially affected by the outage.⁶ The Commission proposes to require providers to report outages of at least 30 minutes duration affecting a minimum of 900,000 potential user minutes. For wireline telephony, the number of “end users” is the sum of “assigned”⁷ and “administrative” telephone numbers as currently defined in the Commission’s rules.⁸

The Commission hypothesizes that, “[i]n the absence of making this change, hundreds of thousands of users could be without service without a communications disruption report having to be filed.”⁹ The Commission suggests that, based on its current rules, “29,999 or fewer

⁴ 47 C.F.R. § 63.100(c).

⁵ *NPRM*, ¶ 20.

⁶ *Id.*, ¶ 22.

⁷ Assigned numbers are “numbers working in the Public Switched Telephone Network under an agreement such as a contract or tariff at the request of specific end users or customers for their use, or numbers not yet working but having a customer service order pending. Numbers that are not yet working and have a service order pending for more than five days shall not be classified as assigned numbers.” 47 C.F.R. § 52.15(f)(1)(iii).

⁸ *NPRM*, n.53.

⁹ *Id.*, ¶ 20.

customers could be without service for decades without triggering the need to file an outage report.”¹⁰ Although this statement is, of course, hyperbole, it also is an unfair, inaccurate, and skewed portrayal of communications providers. It is completely unreasonable to assume that a carrier would not respond to an outage of such magnitude. Contrary to the Commission’s suggestion, carriers are not irresponsible and are not seeking to evade their reporting obligations. Moreover, prolonged inaction by a carrier in resolving a service disruption is detrimental in a competitive environment. Customers retain the ability to select new service providers if they are dissatisfied with service reliability or providers are not responsive to their concerns. Moreover, customers may (and frequently do) take their service quality complaints to the Commission and state commissions.

BellSouth agrees that no carrier should misstate the number of customers affected by an outage. However, there is a less complicated and less burdensome way to address this concern than adopting the proposed metric. BellSouth has always used network access lines to determine the number of customers affected by a reportable outage. As such, it has never defined a large business or governmental entity as a single customer. Thus, rather than adopting a completely different measurement criterion for wireline LEC reporting, the Commission should define the number of “users” as the number of access lines.

BellSouth does not support the Commission’s proposed “user minutes” metric for a number of reasons. As an initial matter, the creation of a completely new metric is unnecessary. The threshold of 30,000 customers, which has existed for more than a decade, was selected after considerable study and represents a level that would keep the Commission informed of major

¹⁰ *Id.*, ¶ 21.

outages, while not placing an unreasonable burden on reporting carriers. To date, this threshold has worked effectively. BellSouth is not aware of, and the Commission has not documented, any instance in which the Commission was unaware of a major event and thus unable to satisfy an information request from a stakeholder. In the absence of a documented or actual problem, the Commission need not adopt a new metric. Potential problems or hypothetical situations are an insufficient basis upon which to change a system that is functioning and functioning well, even according to the Commission.

In addition to being unnecessary, the “user minutes” approach is problematic from an implementation standpoint. Its use would likely result in the filing of misleading reports that over- or underestimate the number of users affected. First, the quantity of “assigned” numbers held by a carrier has little correlation to the number of customers or customer lines. It is not unusual for a single residential access line to have as many as three telephone numbers assigned to it. For example, features exist that allow a customer to use a single access line to serve multiple functions by assigning a distinctive ring depending upon the telephone number dialed. For business lines, there are common applications, such as with a call center, where large quantities of lines are associated with a single telephone number, and the individual lines do not have telephone numbers assigned to them. Thus, as the foregoing demonstrates, the use of “assigned” numbers to calculate customers affected is flawed.

A second reason that “assigned” numbers are not a good basis upon which to determine customers affected by an outage is because a carrier may not be aware that a number has been assigned. For large business and government customers with their own equipment (*e.g.*, PBX), it is common for a carrier to assign a group of 100 or 10,000 telephone numbers to the customer. The management and activation of these numbers is the responsibility of the customer, not the

carrier. The Commission's numbering rules permit carriers to categorize numbers contained in blocks for Centrex or PBX systems as "assigned," if 50% or more of these numbers are working at all times.¹¹ In this situation, it is possible that the local carrier would report all of a customer's Centrex numbers as "assigned," even though in reality the customer had activated only 55% of its Centrex numbers.

Similar discrepancies could occur with toll-free numbers (8XX). Toll-free numbers are often assigned to residential and business lines by interexchange carriers ("IXCs") and other entities, known as responsible organizations. In these instances, the local carrier may have no knowledge of the assignment of an 8XX number. Thus, these examples demonstrate that the use of "assigned" numbers as the criterion for reporting does not provide an accurate count of potentially affected users.

Third, the use of "assigned numbers" is problematic because it is unclear how ported numbers would be treated under the Commission's proposed rule. When numbers are ported, the donating carrier classifies these ported-out numbers as "assigned," while the receiving carrier does not classify these numbers in any of the primary categories in the Number Resource Utilization and Forecast ("NRUF") report. As a result, a carrier reporting an outage would include ported-out numbers in its count under the proposed rule, even though the end user would be served by a different local exchange carrier. Inclusion of ported-out numbers therefore would inflate the number of customers potentially affected by an outage for the donating carrier and underestimate the number of users potentially affected by an outage for the receiving carrier.

¹¹ *Numbering Resource Optimization, et al.*, CC Docket No. 99-200, *et al.*, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, 17 FCC Rcd 252, 304, ¶ 122 (2001).

Another reason why the Commission should not rely on “assigned” numbers is the fact that the Commission does not require all wireline entities with numbering resources to submit NRUF reports. Only those carriers that receive telephone numbers from the North American Numbering Plan Administrator, the Pooling Administrator, or another carrier are subject to the Commission’s number reporting rules.¹² IXCs, for example, are excluded from this category.¹³ As a result, local exchange carriers would be disproportionately, and unfairly, affected by the proposed metric. According to the Commission’s most recent number utilization report, LECs and CLECs account for approximately 65% of the assigned (and administrative) numbers. Large LECs, especially, would face an increased reporting burden because of their large volume of assigned numbers.

Further, reliance on NRUF reports is problematic because there are inconsistencies in how carriers complete these reports. For disruption reporting purposes, the Commission proposes to add “assigned” numbers and “administrative” numbers together to determine “user minutes.” “Administrative” numbers are defined as “numbers used by telecommunications carriers to perform internal administrative or operational functions necessary to maintain reasonable quality of service standards.”¹⁴ There are subcategories of administrative numbers, which include: (1) employee/official numbers; (2) location routing numbers; (3) temporary local

¹² See 47 C.F.R. § 52.15(f)(2) (definition of “reporting carrier”).

¹³ Although IXCs are not required to submit NRUF reports, they do assign toll-free numbers (e.g., 8XX) to customers. The proposed “user minutes” metric, however, would not capture these toll-free numbers.

¹⁴ 47 C.F.R. § 52.15(f)(1)(i).

directory numbers (“TLDN”); (4) wireless E911 emergency service routing digits/key (“ESRD/ESRK”); and (5) soft dial tone numbers.¹⁵

Any number that fits the general definition of an "administrative" number or falls into one of the above subcategories is classified as "administrative." Service providers do not report these subcategories on NRUF; however, they are required to maintain these subcategories for five years for audit purposes. In many instances, “administrative” numbers are not attached to an end user. For example, location routing numbers, one type of administrative number, are not assigned to end users. Thus, their inclusion in the criterion used to quantify the impact of an outage would overstate the number of users potentially affected.

Finally, the data contained in the NRUF reports could be out-dated thereby leading to inaccurate reporting. Carriers file NRUF reports twice a year. Therefore, the data contained in these reports becomes stale quickly. Data compiled on network access lines does not suffer from this deficiency. Line count information is readily available and updated frequently, thereby making it a more accurate measurement of the number of users potentially affected by an outage. As demonstrated above, there are significant problems that weigh strongly against the use of “assigned” (and “administrative”) numbers as the basis for disruption reporting. BellSouth’s proposed use of network access lines is not only more practical and easier to apply, but also would result in more accurate reporting.

¹⁵ *Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd, 7574, 7591-92, ¶¶ 31-33 (2000).

A. Outage Reporting Involving Wireline Telephony Should Allow For Measurements Based on Blocked Calls or Access Line Counts.

As demonstrated above, the Commission should not adopt the “user minutes” threshold for the reporting of outages affecting wireline voice telephony. BellSouth favors the retention of the current reporting threshold – an outage is reportable when 30,000 or more customers are affected for 30 or more minutes. This benchmark has worked effectively and allowed for appropriate and timely notification. If the Commission, however, elects to establish a new threshold, BellSouth proposes an alternative based on duration and blocked calls that should be used in conjunction with the existing threshold. This proposal, is less susceptible to misreporting than the flawed “user minutes” approach.

BellSouth’s proposal would make an outage affecting wireline voice communications reportable if: (1) it lasts for 30 or more minutes; (2) historical traffic data indicates that at least 30,000 calls would have been carried; and (3) it involves a survivable element (*i.e.*, host and remote switches). For those communications providers that do not have the ability to provide historical traffic data, a different threshold would be available. For these providers, an outage would be reportable if it: (1) lasts for 30 or more minutes and affects 30,000 or more network access lines or lasts for at least six (6) hours and affects 30,000 or fewer lines; and (2) involves a survivable element as defined above.

BellSouth supports a dual reporting threshold because it allows providers with different call tracking abilities increased flexibility. Not all providers are capable of tracking blocked calls. BellSouth’s proposal ensures that no carrier is placed at a disadvantage or overburdened. It is critical that the Commission allow carriers this flexibility as it appropriately recognizes that carriers are not all the same.

B. IXC/LEC Tandem Outage Reporting Should Be Based Upon Blocked Calls.

The Commission proposes to require carriers to report outages for IXC and LEC tandems if: (1) more than 90,000 calls are blocked for 30 minutes or more (if using real-time blocked calls); or (2) 30,000 or more originating and terminating calls are blocked for 30 minutes or more (if using historical call data).¹⁶

As an initial matter, BellSouth recommends that the Commission eliminate a possible source of confusion created by the proposed rule's reference to "originating" and "terminating" calls associated with tandems. A tandem does not have originating or terminating traffic. Originating and terminating are end office measurements. Tandem traffic is considered to be either "incoming" or "outgoing."

In addition, BellSouth proposes the continuation of the existing reporting criteria with slight modifications. Blocked calls have proven to be the best measurement for both IXC and LEC tandem failures. For IXC and LEC tandem outages, carriers should be required to report an outage if: (1) it lasts 30 minutes or more; (2) historical traffic data indicates that 30,000 or more calls would have been carried or 90,000 or more calls were blocked based on real-time data. For LEC tandems, the preferred method should be historical carried call count. The measurement that most accurately describes that count is the tandem peg count measurement.¹⁷ The use of this measurement when calculating carried calls provides a single measurement that can be used without any further calculations.

The Commission also should clear up the confusion as to whether it is proposing to apply the "end user" common metric to IXC/LEC Tandem outages. Paragraph 34 states that the

¹⁶ *NPRM*, Appendix A (Proposed Rule 47 C.F.R. § 4.9(c)).

¹⁷ The tandem peg count measures the number of calls processed by a tandem switch.

Commission intends to replace the “customer” metric with the “assigned telephone number-minute” metric.¹⁸ Proposed rule, Section 4.9(c), however, does not mention the “assigned telephone number-minute” metric.¹⁹ This proposed rule only references “blocked calls.” The Commission must resolve this inconsistency. BellSouth has already explained that reliance on “user minutes” as the basis for outage reporting is flawed and therefore ill-advised.²⁰ For tandem outages, use of the proposed “user minutes” metric is not even feasible. Tandems do not have telephone numbers directly associated with them.

BellSouth also objects to the Commission’s proposed surrogates for calculating blocked calls based on historical data. The Commission suggests allowing the use of historical data for those outages where the failure prevents the counting of blocked calls in either the originating or terminating direction or both.²¹ The Commission proposes a surrogate of three times the actual number of carried calls for the same day of the week and the same time of day for the number of blocked calls that could not be measured directly.²²

A significant problem with the proposed surrogate is the method of calculating blocked calls when the real-time method is used. Under the Commission’s proposal, in those instances in which only the number of terminating or originating blocked calls is available, the surrogate would be two times the blocked call count.²³ BellSouth submits that a surrogate that doubles or triples the number of blocked calls is unnecessary and would overstate the number of calls

¹⁸ *NPRM*, ¶ 34.

¹⁹ *See* Appendix A (Proposed Rule 47 C.F.R. § 4.9(c)).

²⁰ *See supra* text at 6-10.

²¹ *NPRM*, ¶ 35.

²² *Id.*

²³ *Id.*

affected. The number of blocked calls is completely dependent upon the failure mode and any use of a single rule would result in counting errors. It would be rare to have an incoming failure that blocked the same number of incoming as outgoing calls. In the case of a total failure, all blockage would occur on incoming traffic and there would be no outgoing traffic for the tandem to send. Adopting a rule to double the number of blocked calls to compensate for missing data thus would lead to over-counting and inaccurate and unreliable reporting of blocked calls. The use of historical data to determine customer impact is therefore more reasonable.

IV. THE COMMISSION SHOULD SIMPLIFY THE REPORTING REQUIREMENTS FOR SPECIAL OFFICES AND 911 SERVICES.

A. The Commission Should Not Adopt An Overly Expansive Reporting Requirement Applicable To All Airports.

Section 63.100(e) of the Commission's rules requires the reporting of outages of at least 30 minutes duration that potentially affect major airports and other special facilities (*e.g.*, major military installations, key government facilities, nuclear power plants, and 911 facilities.)²⁴ The Commission proposes to apply this rule to all airports, not just major airports.

Extending the reporting requirement to all airports is overly broad and unnecessary. BellSouth therefore recommends that the Commission apply this rule more narrowly. According to the Federal Aviation Administration ("FAA"), there are approximately 1,987 passenger airports in the nation.²⁵ To establish a reasonable reporting threshold, BellSouth suggests retaining the current application of this rule for "major airports" only, while redefining "major

²⁴ 47 C.F.R. § 63.100(e).

²⁵ See <http://www.faa.gov/arp/planning/stats/2002/CY02PassBoardAll.xls>.

airports” as those considered by the FAA to be large, medium, and small hub airports.²⁶ Such an approach would result in the application of the reporting requirements to 136 airports, which is a much more manageable obligation.

B. The Commission Should Simplify And Clarify Its 911 Reporting Requirements.

BellSouth agrees with the Commission’s tentative conclusion that the current requirements for reporting outages that potentially affect 911 services are “overly complex.”²⁷ The existing rules have different reporting thresholds based on factors such as the length of the outage and the number of lines potentially affected.²⁸ To simplify the process, the Commission proposes to require the reporting of all communications outages of at least 30 minutes duration that potentially affect the ability to originate, complete, or terminate 911 calls successfully (including the delivery of all associated name, identification, and location data).²⁹

BellSouth supports the Commission’s desire to simplify the 911 outage reporting requirements. However, the proposed rule needs further refinement. For example, the proposed requirement provides no measure of magnitude or impact. If the rule is applied literally, a carrier would be required to file a report for an outage affecting only a single line. This cannot be what the Commission intended. Such a requirement would place an extreme burden on providers by requiring unnecessary filings and wasting resources in the absence of a major outage.

²⁶ See <http://www.faa.gov/arp/planning/stats/2002/CY02CommSerBoard.xls>.

²⁷ *NPRM*, ¶ 25.

²⁸ *Id.*

²⁹ *Id.*; Appendix A (Proposed Rule 47 C.F.R. § 4.5(e)).

It is also important to note that 911 is a tariffed service that is provided by a combination of carrier service and customer premises equipment. While it is reasonable to require the reporting of failures due to carrier service, it is unreasonable to require the reporting of failures caused by customer action, customer premises equipment, or customer choices regarding backup plans – all of which are beyond the control of the carrier.

In order to minimize the burden on providers while simultaneously providing the Commission with relevant information on 911 outages, BellSouth proposes the following reporting thresholds:

1. A failure of one or more end office(s), 911 tandem(s), Public Safety Answering Point(s) (“PSAP(s)”), or 911 connecting facility(ies) that affects more than 100, but less than 30,000, users and is caused by a failure in the provider’s network where no reroute was available should be reported if the incident lasts for 6 hours or more.
2. A failure of one or more end office(s), 911 tandem(s), PSAP(s), or 911 connecting facility(ies) that affects 30,000 or more users and is caused by a failure in the provider’s network where no reroute was available should be reported if the incident lasts 30 or more minutes.
3. The isolation of one or more end office switches or host/remote clusters causing 30,000 or more subscribers to be isolated from 911 should be reported if the incident lasts 30 or more minutes
4. The isolation of one or more end office switches or host/remote clusters causing less than 30,000 subscribers to be isolated from 911 should be reported if the incident lasts for 6 hours or more.
5. The loss of 911 call processing capabilities in one or more 911 tandems should be reported if the incident lasts 30 or more minutes and affects 30,000 or more 911 subscribers.
6. The loss of 911 call processing capabilities in one or more 911 tandems should be reported if the incident lasts for 6 hours or more and affects less than 30,000 911 subscribers.

BellSouth opposes the Commission's proposal to classify the inability to provide name, identification, and location data (Automatic Name Identification ("ANI")/Automatic Line Identification ("ALI")) as a reportable outage. The absence of this data does not affect the ability of a carrier or end user to complete a call. Moreover, the lack of such information does not meet the definition of an "outage," which the Commission describes as "a significant degradation in the ability of an end user to establish and maintain a channel of communications."³⁰

In addition, some 911 PSAP customers do not choose to purchase these ANI/ALI features. Even for those PSAP customers that choose the enhanced 911 service, the customer can, and frequently does, perform configuration activity that can impair these features, such as rerouting to an alternate location (*e.g.*, cellular phone), which is beyond the control of the end carrier. This reroute does not impair the end user's ability to access 911.

Finally, BellSouth does not object to the Commission's proposal to delay any E911 outage reporting requirements for Mobile Satellite Service ("MSS") providers until implementation issues raised in a related proceeding regarding MSS providers are resolved.³¹ The service disruption reporting criteria for MSS providers cannot be established until it is determined how these providers will handle emergency calls. Thus, it is reasonable to defer the adoption of disruption reporting requirements for MSS providers at this time.

³⁰ Appendix A (Proposed Rule 47 C.F.R. § 4.5(a)).

³¹ See *NPRM*, ¶ 25.

V. BELLSOUTH SUPPORTS THE ELIMINATION OF THE SEPARATE REPORTING REQUIREMENT FOR FIRES.

BellSouth supports the elimination of the separate reporting requirement for outages caused by fires.³² As the Commission points out, only a few outages have been reported based upon this requirement.³³ Moreover, there are other reporting requirements that capture disruptions caused by fires. The elimination of redundant rules is fully consistent with the Commission's directive to do away with unnecessary regulation.

VI. BELLSOUTH PROPOSES A THREE-STAGE SERVICE DISRUPTION REPORTING PROCESS.

BellSouth objects to the Commission's proposal to require all outages to be reported within two hours, no matter the magnitude.³⁴ The current rules establish different deadlines for initial reports depending upon the number of customers affected. An outage affecting at least 30,000, but fewer than 50,000, customers must be reported within three days of the carrier's first knowledge of the outage.³⁵ An outage affecting 50,000 or more customers must be reported within two hours of the carrier's first knowledge of the outage.³⁶

Requiring providers to report all outages within two hours would undermine the provider's ability to focus on outage restoration and unnecessarily burden restoration personnel. The urgency of notification should not detract from the carrier's obligation to restore service

³² See *id.*, ¶ 26.

³³ See *id.*

³⁴ See *id.*, ¶¶ 28, 30.

³⁵ 47 C.F.R. § 63.100(c).

³⁶ 47 C.F.R. § 63.100(b).

promptly. Moreover, the Commission's proposed change would likely lead to overreaction and excessive, unnecessary filings to ensure that the two-hour objective is met. The same personnel that file the reports are also responsible for managing service restoration. Diverting personnel from their restoration responsibilities to evaluate impact and outage incident reportability could result in delays in service restoration and unnecessarily increase the number of filings.

Moreover, it is highly unlikely that the provider would be able to furnish the information sought by the Commission within this timeframe, *e.g.*, the cause of the outage, the methods used to restore service, and the applicable best practices.³⁷

BellSouth proposes an alternative three-step filing process that would provide the Commission with relevant information, minimize unnecessary filings, and not divert critical resources away from service restoration.

1. Notification. The first step – notification – would be required on all outages believed to be reportable in accordance with the Commission's rules. Notification would have to occur within two hours of carrier knowledge and could be made through electronic filing, telephone or facsimile, with electronic filing being the preferred method. The notification should require minimal information (*i.e.*, Reporting Entity, Date, Time, Brief Description of Problem, Services Affected, Geographic Area, Contact Name, and Contact Number). During this stage, the Commission's electronic filing system should assign a unique identifier or control number to the notification in order to link the subsequent reports to the same event. This process will enable providers and the Commission to readily identify reports related to a specific incident.

³⁷ See Appendix B (Proposed Template).

This notification step will serve to notify the Commission that a major event has occurred and would assist in determining whether an immediate response is required and whether patterns of outages are emerging that might warrant further coordination or other action. The addition of this step also would allow the Commission to be informed without interfering with the restoration process. In addition, by providing contact information as part of the initial notification, the Commission would be able to contact the carrier for additional information, if necessary. Thus, notification as described above, would serve the Commission's essential national security needs without unduly burdening providers.

2. Initial Report. The second step following notification would be the submission of the initial report within 72 hours of the notification. Setting the filing deadline for the initial report at 72 hours is reasonable given that it allows the provider the time necessary to gather more complete information. The initial outage report would be mandatory and would include more detailed information than the notification (*e.g.*, the extent of the incident, causes if known). The Commission should consult with or direct an industry group such as the National Security Telecommunications Advisory Committee ("NSTAC") or the Alliance for Telecommunications Industry Solutions ("ATIS") to establish the fields on the proposed template and identify the information that must be included on the initial report.

BellSouth proposes that one of the possible classifications of an initial report be that the outage identified in the notification did not constitute a reportable event. Under BellSouth's proposal, a provider would be required to follow up each notification with either an initial outage report or retraction of a notification. This option would allow a provider to retract an inaccurate notification without having to submit a formal retraction letter. This process would reduce the

administrative burden on providers and minimize the negative perception associated with retractions. If an event is confirmed in an initial outage report and later determined to be non-reportable, a retraction letter would be required. The Commission should not, however, require an affidavit, attestation, or certification for either the notification or initial report. Affidavits and attestations would only slow the process and place an unnecessary burden on the carrier personnel completing the initial outage report.

3. *Final Outage Report.* The final outage report would be due within 30 days of the event and would provide all information about the event, its causes, and resolution, as required in the reporting template. Similar to the current outage reporting process, the final report would include an attestation.

BellSouth's proposed reporting process would meet the needs of the Commission, while not interfering with the service restoration process. Accordingly, the Commission should adopt this three-stage process instead of its proposed two-step process.

Finally, BellSouth supports the use of an electronic filing system for the submission of notifications and reports. However, contrary to the Commission's suggestion, the use of an electronic filing mechanism will not allow carriers to report outages more quickly.³⁸ The 120-minute timeline for Commission notification is not driven by the speed of electronic filing, but rather the human processes of detecting and evaluating events for possible reportability. Thus, electronic filing does not reduce the work content or time required to gather information. The only time savings would be the difference between faxing a report and sending it electronically, and that time differential is miniscule. Thus, the answer to the Commission's question as to whether

³⁸ See *NPRM*, ¶ 30.

it should reduce the 120-minute deadline for filing initial reports is “no.” Two hours is already a tight deadline within which to comply, and reducing this interval would only increase the number of inaccurate reports.

VII. BELLSOUTH PROPOSES THAT MAJOR INFRASTRUCTURE FAILURES SHOULD BE REPORTED BASED ON WORKING DS3s AND CUSTOMER IMPACT.

The Commission proposes to establish additional outage-reporting criteria that would apply to failures of communications infrastructure components having significant traffic-carrying capacity in support of homeland security and economic stability needs.³⁹ Before any new reporting thresholds are established, clarification of some of the Commission’s terms and priorities is needed. For example, the Commission seeks to look beyond the undefined “special services” to seek information on DS3 outages as those circuits relate to “major infrastructure.” The closest definition provided by the Commission is the following: “Most of the DS0 equivalent circuits are used to carry what are frequently called ‘special services.’”⁴⁰ This does nothing to clarify which “special services” are relevant to homeland security or what constitutes “major infrastructure,” let alone a failure of “major infrastructure.”

The *NPRM* explicitly states that the Commission is not proposing to adopt reporting requirements for public data networks at this time.⁴¹ However, its proposed rules would do just that – impose outage reporting obligations on the Internet and data networks. Subjecting the Internet and information services to these requirements is in direct conflict with the national policy of keeping information services free from regulation. Congress has made clear that the

³⁹ See *id.*, ¶ 46.

⁴⁰ *Id.*

⁴¹ *Id.*, n.4.

Internet and other information services should be insulated from regulation. Section 230 of the Communications Act, as amended, explicitly announces the policy of the United States: “to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation.”⁴² To remain consistent with the statute, its own policy, and the statement in the instant *NPRM*, the Commission should refrain from establishing outage reporting obligations for the Internet and other data services.

A. DS3

The Commission seeks to establish “additional outage-reporting criteria that would apply to failures of communications infrastructure components having significant traffic-carrying capacity.”⁴³ Public data networks notwithstanding, the Commission proposes to require the reporting of all outages that last at least 30 minutes that potentially affect at least 1,350 DS3 minutes.⁴⁴ Assuming clarification of the ambiguous terms noted above, BellSouth proposes below a number of modifications to clarify and simplify the reporting requirements applicable to DS3s.

BellSouth recommends that the reporting threshold for a DS3 major infrastructure failure be defined as an outage that: (1) affects 48 or more DS3s;⁴⁵ (2) affects customer service (excluding public data networks);⁴⁶ (3) lasts 30 or more minutes; (4) involves a transport

⁴² 47 U.S.C. § 230(b)(2).

⁴³ *NPRM*, ¶ 47.

⁴⁴ *Id.*; Appendix A (Proposed Rule 47 C.F.R. § 4.9(f)).

⁴⁵ ATIS recommends that the reporting threshold be based on 48 DS3s, as this is a more common denomination of capacity than the 45 DS3s proposed in the *NPRM*.

⁴⁶ The Commission has expressly exempted public data networks from its disruption reporting obligations. *NPRM*, n.4.

infrastructure component (inter-carrier or intra-carrier) of a service provider's network; and (5) the service provider has maintenance responsibility for the point of failure.

Furthermore, a provider should be required to report a major infrastructure failure if: (1) it involves at least 24 DS3s (but less than 48 working DS3s); (2) lasts for six hours or more; (3) affects customer service (excluding public data networks);⁴⁷ (4) involves a transport infrastructure component (inter-carrier or intra-carrier) of a service provider's network; and (5) the service provider has maintenance responsibility for the point of failure.

BellSouth also agrees with the Commission that only working DS3s should be counted;⁴⁸ however, further clarification is required to maintain consistency in reporting throughout the industry. A working DS3 should be defined as one that has more than 10% of the DS0s in use, *i.e.*, 67 DS0s. Loading of less than 67 DS0s should be considered non-working. This distinction would prevent the reporting of minor events.

BellSouth also recommends that the Commission explicitly limit disruption reporting for DS3s to infrastructure circuits. There are many DS3 and higher rate circuits that are at least partially under the control of the customer. The restoration of these circuits requires cooperation between the customer and the carrier. In the current environment, a customer's DS3 or higher order facility (*e.g.*, an OC48) may not be restorable without access to the customer premises. DS3 customers frequently choose to defer restoration to working business hours. Under the Commission's proposed rules, DS3 outages that were caused by events or circumstances outside

⁴⁷ The Commission has expressly exempted public data networks from its disruption reporting obligations. *NPRM*, n.4.

⁴⁸ *See NPRM*, ¶ 47.

the control of the carrier would be reportable. BellSouth proposes that only those failures that are within the control of the carrier should be reportable.

BellSouth suspects that the Commission intended to limit the reporting obligation to infrastructure, not access. BellSouth bases this conclusion on the fact that the section title for paragraph 46 is “Application to Underlying Infrastructure: Major Infrastructure Failures.”⁴⁹ The Commission also uses the term “infrastructure” in paragraphs 46 and 47. This clarifying language, however, is not included in the proposed rules in Appendix A. The Commission therefore should indicate explicitly that its rules apply to infrastructure DS3s, not access DS3s.

B. Signaling System 7 (“SS7”)

BellSouth supports the Commission’s proposal to extend the reporting obligations to all providers of Signaling System Seven (“SS7”) service.⁵⁰ Under this new framework, third-party (non-carrier) signaling providers would have to report outages. Because SS7 outages have the potential to affect large numbers of end users and can have a large impact on the reliability and availability of the public switched telephone network, it is reasonable to require disruption reporting for SS7 service from all SS7 providers.

The Commission, however, should reconsider its proposed reporting threshold – 90,000 blocked or lost ISDN User Part (“ISUP”) messages of at least 30 minutes duration.⁵¹ Blocked or lost ISUP messages is not an effective measure for the reasons discussed below and does not reflect how the SS7 technology works.

⁴⁹ *Id.*, ¶ 46.

⁵⁰ *See id.*, ¶ 49.

⁵¹ *See id.*

There are an average of five ISUP messages associated with a single, basic, completed phone call in the United States. There are a total of 26 ISUP message types that can be generated when a call is made. When a call uses additional functionality such as local number portability or AIN, additional messages are generated for a single call. Therefore, the number of blocked or lost ISUP messages has no established correlation to the number of blocked calls. In addition, information on the number of blocked or lost ISUP messages is not technically available. Most signaling transfer points and/or end offices do not capture ISUP messages because the equipment is not designed to track this information. Any changes to add this feature would require the expenditure of significant resources to develop, test, and deploy the necessary software and hardware upgrades.

BellSouth submits that there is a less costly and less burdensome way to design the SS7 reporting requirement. The Commission should require an SS7 provider to report an SS7-related event when the event: (1) is not reported by that carrier under another category; (2) lasts 30 minutes or longer; and (3) results in 90,000 or more blocked calls on a real-time basis. If real-time data is not available, historical like-day data could be used and the proposed threshold would be 30,000 blocked calls. For third-party providers that do not have access to their customer blocked call data, the providers shall query their customers for blocked call data to determine if an event is reportable. In addition, if a previously unrecognized event that resulted in 90,000 or more blocked calls is reported to a third-party provider, the third party provider should have the responsibility to submit an outage report.

VIII. THE COMMISSION MUST PROTECT SENSITIVE NETWORK OUTAGE DATA FROM DISCLOSURE.

The Commission repeatedly indicates that one of the advantages of its proposed reporting requirements is that information can be more easily accessible by the public.⁵² It is difficult to reconcile the Commission's use of national security as a basis for its proposals with public access to outage reports. National security is not protected by permitting the public to have access to sensitive information regarding network reliability and vulnerabilities of the communications infrastructure of the United States. To the contrary, the public interest is best served by a process that provides the Commission with relevant information and permits the sharing of information within the industry without divulging or jeopardizing network security and reliability. An open, public process not only discourages candid disclosures but also creates a security risk by providing a roadmap to sensitive failure locations and critical equipment in the nation's telecommunications network. The very information that is an effective tool in generating industry best practices conceivably could be used by unauthorized entities to identify network vulnerabilities, such as key locations or failure nodes that have caused widespread communications disruptions.

Moreover, BellSouth has had negative experiences with competitors using its filed outage reports as marketing tools to disparage BellSouth. The use of information obtained from outage reports to wage biased marketing campaigns drives the wrong behavior and discourages full disclosure. Therefore, BellSouth objects to unfettered public access to outage data. The Commission should develop clearly defined procedures to protect sensitive outage data in keeping with its national security obligations. For example, the Commission could allow

⁵² See, e.g., *id.*, ¶¶ 7, 50.

providers the opportunity to request protection from disclosure under the Freedom of Information Act (“FOIA”)⁵³ for all outage reports submitted to the Commission. Because of the extremely sensitive nature of reports detailing major infrastructure failures, however, these reports should be completely immune from FOIA disclosure.

IX. THE PROPOSED ELECTRONIC FILING SYSTEM SHOULD BE USER-FRIENDLY.

BellSouth agrees that electronic filing has its advantages and offers the following suggestions to improve the proposed system.⁵⁴ BellSouth’s suggestions are aimed at facilitating ease of use for both providers and the Commission.

BellSouth recommends that the electronic filing system:

1. Provide a method for time and date stamping all report submissions.
2. Provide a unique identifier or control number in order to link reports associated with a specific reportable event.
3. Permit carriers to prepare, save, and update draft reports to allow for management review and revision. The draft reports should not be available to anyone other than the reporting entity.
4. Permit providers to print drafts and reports submitted to the Commission.
5. Allow for multiple users at each company. This flexibility is important because the various stages of reporting as proposed by BellSouth (notification, initial report, and final report) could potentially be addressed by different organizations and different personnel within each reporting company.
6. Provide for digital signatures to ensure that the report was not filed by an unauthorized person.
7. Provide for encryption on the transmission of the report in order to protect against unauthorized disclosure and access.

⁵³ See 5 U.S.C. § 552.

⁵⁴ See *NPRM*, ¶ 50.

8. Allow for the withdrawal of the two-hour notification reports without requiring a formal retraction letter.
9. Provide for effective storage, back-up, and security of reports.

The Commission also should develop alternative filing procedures, such as via facsimile or telephone, in case the primary electronic system is unavailable.

X. IF THE COMMISSION SEEKS TO MAKE SUBSTANTIVE CHANGES TO THE TEMPLATE, IT SHOULD SEEK PUBLIC COMMENT.

The Commission proposes to delegate authority to the Chief of the Office of Engineering and Technology to revise the electronic filing system and template.⁵⁵ BellSouth does not object to this delegation of authority for ministerial or non-substantive changes (*e.g.*, correction of misspellings; moving data fields; changing contact information). However, any material changes to the electronic filing system or template should be made only after consultation with the industry and an opportunity to comment on the proposed changes. Moreover, should there be any modifications to the template or the electronic filing system, the Commission must ensure that carriers are afforded sufficient time to become familiar with any changes and make any necessary adjustments to accommodate these changes.

XI. THE COMMISSION SHOULD CLARIFY CERTAIN ASPECTS OF ITS PROPOSED RULES.

BellSouth recommends the following modifications to the proposed rules in Appendix A.

Section 4.3. Proposed Section 4.3, which identifies and defines the various providers subject to the reporting requirements, uses the term “circuit-switched telephony” in a number of

⁵⁵ *See id.*, ¶ 51.

places. For example, cable communications providers are defined as “cable service providers that also provide circuit-switched telephony.”⁵⁶ Similarly, Signaling System 7 is defined as “a signaling system used to control telecommunications networks. It is frequently used to ‘set up, process, control and terminate circuit-switched telecommunications”⁵⁷ The qualifier “circuit-switched” should be removed from both of these definitions. As the Commission is keenly aware, the communications marketplace is changing rapidly and new technologies and platforms are being introduced almost daily. Use of the term “circuit-switched” is limiting and could result in obsolete definitions in a very short period. To avoid this problem, the Commission should consider using the term “telephony” or “telephony service.”

Section 4.3(g). Proposed Section 4.3(g) defines a “communications provider” as an entity that provides two-way voice and/or data communications, and/or paging service, by radio, wire, cable, satellite, and/or lightguide for a fee to one or more unaffiliated entities.”⁵⁸ BellSouth suggests adding “signaling services” to this definition given that the Commission proposes to require non-carrier, third-party SS7 providers to comply with the disruption reporting requirements. The new rule would read as follows: “Communications provider” is an entity that provides two-way voice and/or data communications, **signaling services**, and/or paging service, by radio, wire, cable, satellite, and/or lightguide for a fee to one or more unaffiliated entities.”

Section 4.5(a). Outage is defined as “a significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation

⁵⁶ Appendix A (Proposed Rule 47 C.F.R. § 4.3(a)) (emphasis added).

⁵⁷ Appendix A (Proposed Rule 47 C.F.R. § 4.3(e)) (emphasis added).

⁵⁸ Appendix A (Proposed Rule 47 C.F.R. § 4.3(g)).

in the performance of a communications provider's network.”⁵⁹ To avoid creating any confusion as to the definition of an outage, BellSouth suggests that the phrase “an end user” be changed to “end users” to make clear that the rules apply to outages affecting multiple users

Section 4.5(e). BellSouth objects to identifying an outage that potentially affects a 911 special facility as one that potentially affects the ability of the communications provider to complete 911 calls and deliver “associated name, identification, and location data.”⁶⁰ As discussed earlier in Section IV.B, these are optional features that cannot be sustained during a reroute to an administrative line.⁶¹ Such reroutes are frequently done at the customer's request. The Commission's *Second Report and Order* acknowledges the ability of carriers to respond efficiently to 911 failures through rerouting, thereby avoiding service disruption.⁶² The Commission's proposed rule eliminates this motivation by making a rerouted line still a reportable situation. Rerouting in and of itself is a fundamental part of E911 system disaster recovery plans. There is no reason to punish a stakeholder for implementing a well-designed disaster recovery plan.

BellSouth further recommends that the Commission modify its proposed threshold criteria for 911 outage reporting. The Commission should include the following examples of reportable events:

1. A failure of one or more end office(s), 911 tandem(s), Public Safety Answering Point(s) (“PSAP(s)”), or 911 connecting facility(ies) that affects more than 100,

⁵⁹ Appendix A (Proposed Rule 47 C.F.R. § 4.5(a)).

⁶⁰ Appendix A (Proposed Rule 47 C.F.R. § 4.5(e)).

⁶¹ *See supra* text at 16.

⁶² *Amendment of Part 63 of the Commission's Rules to Provide for Notification by Common Carriers of Service Disruptions*, CC Docket No. 91-273, *Second Report and Order*, 9 FCC Rcd 3911, 3925-26, ¶ 35 (1994).

but less than 30,000, users and is caused by a failure in the provider's network where no reroute was available should be reported if the incident lasts for 6 hours or more.

2. A failure of one or more end office(s), 911 tandem(s), PSAP(s), or 911 connecting facility(ies) that affects 30,000 or more users and is caused by a failure in the provider's network where no reroute was available should be reported if the incident lasts 30 or more minutes.
3. The isolation of one or more end office switches or host/remote clusters causing 30,000 or more subscribers to be isolated from 911 should be reported if the incident lasts 30 or more minutes.
4. The isolation of one or more end office switches or host/remote clusters causing less than 30,000 subscribers to be isolated from 911 should be reported if the incident lasts for 6 hours or more.
5. The loss of 911 call processing capabilities in one or more 911 tandems should be reported if the incident lasts 30 or more minutes and affects 30,000 or more 911 subscribers.
6. The loss of 911 call processing capabilities in one or more 911 tandems should be reported if the incident lasts for 6 hours or more and affects less than 30,000 911 subscribers.

Section 4.9 Outage reporting requirements – threshold criteria. Proposed Section 4.9 is organized by provider type or facility type: Cable, Wireless, IXC or LEC tandem facilities, Satellite, SS7, and Wireline. Combining communications segments together with infrastructure in this proposed rule could lead to confusion. In the narrative discussion of infrastructure (paragraphs 46-49), it is implicit that only infrastructure failures are to be reported. Unfortunately, there is no definition of infrastructure in either the text of the *NPRM* or the proposed rules. In addition, there is no separate section for infrastructure in the proposed rules. Instead, the proposed infrastructure elements (DS3 minutes) are referenced within the individual industry segment thresholds (*see* Appendix A (Proposed Rule Sections 4.9(a)-(f))). BellSouth suggests that the Commission organize the proposed rule similar to the text of the *NPRM*. The

Commission should create a separate rule section entitled “Major Infrastructure” given that the proposed requirement would be common to all industry segments.

Section 4.9(c) IXC or LEC tandem facilities. This proposed rule references “originating” and “terminating” calls.⁶³ As discussed above, these terms are inapplicable to tandems and can lead to confusion.⁶⁴ The Commission therefore should use the terms “incoming” and “outgoing” to describe the calls. The Commission also should adopt the BellSouth proposals discussed in detail in Section III.B.

Section 4.9(e) Signaling System 7 and (f) Wireline. The Commission’s proposed rules require SS7 providers and wireline providers to report outages experienced “on any facilities that they own, operate, lease or otherwise utilize” according to specified thresholds.⁶⁵ This proposed requirement will result in multiple providers reporting on the same event. However, only the operators of the facilities have access to the requested information. Consequently, lessees cannot supply the type of information sought by the Commission.

It is common in today’s competitive communications marketplace to have a facility that is owned by Company A, operated by Company B, and leased by Company C. To recognize these different interests, BellSouth proposes that the Commission revise its rules to require SS7 providers and wireline providers to report outages experienced “on any major infrastructure facilities that they operate.” By limiting the reporting responsibility to the operator, and defining the operator as the organization with maintenance and restoration responsibility for the facility,

⁶³ Appendix A (Proposed Rule 47 C.F.R. § 4.9(c)).

⁶⁴ See *supra* text at 12-14.

⁶⁵ Appendix A (Proposed Rule 47 C.F.R. §§ 4.9(e), (f)).

there will be a clear definition of a single provider that is responsible for reporting any given event.

Even with the adoption of this proposed rule change, reporting challenges for certain facilities would remain. For example, for “dark fiber,” the owner or lessor may have little or no visibility of the physical fiber, yet have full responsibility for maintenance and restoration in the event of a facility cut. BellSouth suggests that, in such cases, the operator of the optical and electronic multiplexers used to provision the circuits onto dark fiber (also known as the terminal equipment operator) be responsible for filing the notification and initial reports in accordance with BellSouth’s proposed three-stage reporting process. The terminal equipment operator also should be required to provide these reports to the dark fiber provider. The final report should be a cooperative effort between the terminal equipment operator and the dark fiber provider and should be filed jointly.

BellSouth also points out that the language concerning facility (DS3) failures is repeated several times in Section 4.9 “Outage reporting requirements - threshold criteria.” The Commission should create a new sub-section in Section 4.9 with the heading “Major Infrastructure” and define the threshold criteria for facility outage reporting once.

Section 4.11 Initial and Final Communications Outage Reports that must be filed by communications providers. BellSouth supports a three-step process as described above in Section VI. The Commission should not require an attestation for the notification and initial outage reports. The attestation of accuracy should be confined to the final report, which would be submitted after a thorough investigation of all the events leading up to the outage. This approach is the most effective and efficient. BellSouth will always submit information that it believes to be true, correct and accurate; however, adding this responsibility to the initial

reporting step places an undue burden on front-line operations personnel involved with the restoration of service following an outage. The attestation should only accompany the final report.

XII. THE COMMISSION SHOULD REFINE THE PROPOSED TEMPLATE.

Unique Identifier (Control Number). The Commission's electronic filing system should assign a unique identifier or control number to an initial notification of an outage. This number would be used for subsequent reports associated with a specific outage. This process would allow for more effective tracking of reports related to the same incident.

Type of Entity Reporting Disruption. This section of the template should have a drop down box listing the available industry segment choices. BellSouth proposes the following options: Wireline (LEC), IXC, Satellite, Wireless, Cable, Paging, SS7, Other.

Time Zone. The Commission should add a field to designate the appropriate time zone (e.g., EST, PST, etc.) in which the outage occurred.

Type of Report. If the Commission adopts BellSouth's three-stage reporting process, the Commission would need to add a section that identifies whether a report is a notification, initial report, or final report. An option also should be "withdrawal" to accommodate the withdrawal of an incorrect notification.

Inside Building. The template should include more instructions to explain more clearly the demarcation point for "inside" versus "outside."

Effects of the Outage: Information on the "services affected" is not needed in this section because it is already addressed in "Type Of Entity Reporting Disruption" in the second field of the template. BellSouth suggests changing this field to "Criteria Which Makes this

Outage Reportable” with the following options: Facility Infrastructure; E911; Switch/MSC Blocked Calls; 3rd Party SS7 Provider Blocked Calls; Airport; and Other.

Number of Potentially Affected. This field currently lists each “Segment Type.” This description could cause confusion in establishing the number of affected users. For example, a wireline provider might interpret this field to require it to provide a count of each type of potentially affected user due to a switch outage. In practice, due to the high level of interconnectivity between various network segment types, such a determination would not be practical. BellSouth proposes labeling the field simply: Number of Potentially Affected Users – given that the segment type information is already provided in the second field of the proposed template.

Number of Affected. The Commission should delete the terms “Originating + Terminating.” As BellSouth previously explained, this measurement is not always applicable when determining blocked calls. In addition, the Commission must clarify what information it is seeking in the field for DS3s. If the Commission is asking for the number of DS3s affected, it should explicitly say so. Finally, the Commission should modify the category “SS7 Signaling Messages (Blocked or Failed)” based on BellSouth’s earlier comments recommending that this criteria be modified. The field name would need to be changed to agree with the reporting criteria eventually adopted.

Applicable Best Practices That Might Have Prevented the Outage or Reduced Its Effects. This field should be the only Best Practices-related field used. It completely addresses all pertinent issues regarding the outage and its relation to the use of “Best Practices.” The template field for “Best Practices Used” provides only superfluous information because the “Best Practices Used” does not provide information concerning the cause of the outage.

Analysis of Best Practices. The “Analysis of Best Practices” template field is unclear. Is the Commission asking the provider to critique the published “Best Practices” each time an outage event occurs? This field is superfluous for the purpose of reporting outages and should be deleted.

Contacts. All names, telephone numbers, email addresses, and postal addresses should be kept confidential in order to preserve the privacy of those serving as contacts. BellSouth proposes that a statement of confidentiality for this type of personal information appear on the form itself.

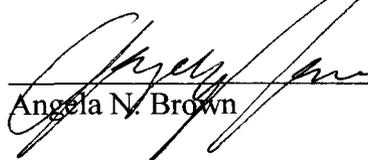
XIII. CONCLUSION

For all of the foregoing reasons, BellSouth urges the Commission to take the actions requested herein.

Respectfully submitted,

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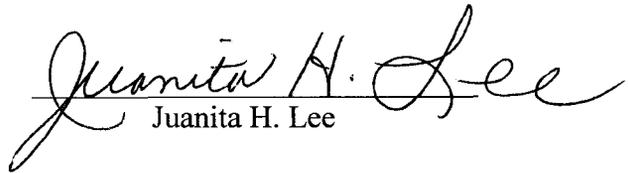
May 25, 2004

CERTIFICATE OF SERVICE

I do hereby certify that I have this 25th day of May 2004 served the following parties to this action with a copy of the foregoing **COMMENTS** by electronic filing addressed to the parties listed below.

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