

**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	)	WC Docket No. 04-35
	)	
	)	

**COMMENTS OF GENERAL COMMUNICATION, INC.**

General Communication, Inc. ("GCI"), by its undersigned counsel, hereby submits these comments to the Federal Communications Commission ("Commission" or "FCC") in response to the Notice of Proposed Rulemaking in the above-captioned proceeding ("Outages NPRM" or "Notice").

**I. INTRODUCTION**

In its Notice, the FCC explains the need for revisions to its outage reporting requirements because of the impact service disruptions can have on homeland security, public health and safety, as well as the economic well-being of the Nation.<sup>1</sup> The FCC further states that because of the increasing importance of non-wireline communications to the Nation's communications networks and critical infrastructure, the disruption reporting requirements should be extended to non-wireline carriers.<sup>2</sup> GCI recognizes the importance of these objectives and offers the following comments concerning the FCC's modifications to the outage requirements. Specifically, GCI recommends the following modifications to the FCC proposals: (1) retain the use of customer counts, rather than end user counts, to trigger outage reporting; (2) maintain the

<sup>1</sup> Outages NPRM at ¶ 1.

<sup>2</sup> Outages NPRM at ¶ 1.

use of historical data for IXC or LEC tandem outages; and (3) further define the category of airports that trigger various outage reporting requirements. GCI also opposes the FCC's proposed change to require initial outage reporting within 120 minutes of an outage, significantly accelerating the current three-day requirement applicable to outages affecting 30,000 to 50,000 customers. This represents a significant change that is expected to impose additional burdens on the carriers without providing regulators or consumers any more beneficial, accurate data.

## **II. Defining Number of End Users Under FCC's proposal is Problematic**

The current FCC outage reporting requirements are typically triggered when a certain number of customers are affected by an outage for a specified period of time.<sup>3</sup> For example, when 30,000 customers have been affected by an outage of 30 minutes or more, a carrier is required to report.<sup>4</sup> In its Notice, the FCC proposes to replace the word "customers" affected by a service disruption with a focus instead on the "user" potentially impacted by a communications outage.<sup>5</sup> The FCC justifies this change "to address the problem posed by a single customer (*e.g.* the U.S. Government or General Motors) having hundreds of thousands of "users" even though, in each case, there is only one affected customer."<sup>6</sup> The FCC further states that without this change, hundreds of thousands of users could be without service without a report having to be filed.<sup>7</sup>

GCI opposes the FCC's proposal to utilize the word "user" instead of "customer" as a triggering event for reporting communications outages. This proposal is problematic and raises several questions. As an initial matter, it is not clear how a carrier would be able to calculate or

<sup>3</sup> Outages NPRM at ¶ 20.

<sup>4</sup> 47 C.F.R. § 63.1000 (c).

<sup>5</sup> Outages NPRM at ¶ 20.

<sup>6</sup> *Id.*

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

ascertain the exact number of end users that receive service at a particular business or government entity. This is not information routinely tracked with respect to certain services nor is it typically provided up-front in a sales contract. For instance, the information regarding how many end users are behind PBX systems and multiple hunt groups<sup>8</sup> or how many computer stations are behind the data services provided to a particular business (*i.e.*, number of teller stations reached through the data services offered to the various branches of a bank) is not necessarily readily available to the reporting provider. As such, the requirement as proposed by the FCC to count users, and not just customers, would create an increased, if not impossible, burden on the carrier to keep track of how many actual end users are a part of single business or government customer at any particular time and to keep that data updated in order to calculate the number of potential impacted users in the event of an outage.

If the FCC deems it necessary to further identify the number of users behind a business or government customer, GCI encourages the FCC to find an alternative that is more reasonable and less burdensome to calculate. For instance, the FCC could develop a safe harbor estimate for users per customer, assuming a certain number of stations exist per trunk.

### **III. IXC or LEC Tandem Outages**

In its Notice, the FCC proposes changes relevant to the reporting of IXC or LEC tandem outages.<sup>9</sup> Specifically, the FCC proposes that where the failure prevents the counting of blocked calls in either the originating or terminating direction, or in both directions, historical data may

<sup>8</sup> A hunt group is defined as a series of telephone lines organized in such a way that if the first line is busy the next line is hunted and so on until a free line is found. Often this arrangement is used on a group of incoming lines. In data communications, a hunt group is a set of links which provides a common resource and which is assigned a single hunt group designation. A user requesting that designation may then be connected to any member of the hunt group. *See* Newton's Telecom Dictionary 18<sup>th</sup> Ed. 2002 at 359.

<sup>9</sup> Outages NPRM at ¶¶ 34 -35.

be used.<sup>10</sup> The FCC further states that, to reflect the number of attempted redials to a number during an outage, three times the actual number of carried calls for the same day of the week and the same time of day should be used as a surrogate for the number of blocked calls that could not be measured directly.<sup>11</sup> GCI supports the use of historical data only and opposes the FCC's proposal to multiply that historical data by three to reflect the number of blocked calls. In GCI's view, the requirement to multiply the historical number by three is arbitrary. In reaching its multiplicand of three, the FCC states it is relying on a 1994 FCC Order and the conclusion that an average subscriber would attempt to redial a number a total of three times if a call to a particular party does not go through.<sup>12</sup> It is not clear what this presumption regarding number of attempted redials is based upon. The referenced order from 1994 most likely did not take into account other options at a caller's disposal today to reach a particular party if there is an outage, such as email, instant messaging, paging, or cell phones. GCI proposes that the FCC continue to allow historical data as it has done in the past and eliminate its proposal that carriers should multiply the actual numbers of blocked calls by three when it cannot be measured directly. There is no support that the surrogate would be applicable today with the development of alternative available means of communication.

#### **IV. Initial Reporting in 120 minutes**

The FCC's current rules require that for outages affecting between 30,000 and 50,000 customers, the initial report must be filed with the FCC within 3 days of the carrier's first knowledge of the outage.<sup>13</sup> In its Notice, the FCC asks for comment on its proposed change that

<sup>10</sup> Outages NPRM at ¶ 35.

<sup>11</sup> *Id.*

<sup>12</sup> Outages NPRM at ¶ 35, n. 77.

<sup>13</sup> 47 C.F.R. § 63.100(c); Outages NRPM at ¶ 28.

all initial reporting of outages instead be conducted within 120 minutes of becoming reportable.<sup>14</sup> GCI opposes this proposal. Moving from a three day to 120 minute reporting requirement represents a severe and onerous change that is not likely to produce any more beneficial, accurate data.

In GCI's view, it is more critical to dedicate manpower in the first 120 minutes after an outage to restoration of service. Given some of the other proposed changes to the outage reporting rules, it is possible a carrier would need more than the 120 minutes simply to calculate whether the threshold number of potential affected users had been triggered to warrant reporting on the event at all, which could require allocation of resources that could otherwise be dedicated to restoration instead of report preparation. To satisfy both the customers' interests in restoration and the Commission's need for reporting on a much shorter timeline could thus necessitate the hiring of additional personnel just to deal with the outage reporting itself. A significant benefit to the abbreviated timeframe should be articulated before such a burden should be imposed on reporting carriers.

Moreover, GCI does not agree with the stated premise for the proposed change, that the co-existence of separate rules regarding initial reporting for outages impacting 30,000 to 50,000 users versus outages impacting more than 50,000 users is complicated.<sup>15</sup> GCI urges the FCC to leave the three-day initial reporting window for the applicable range of affected customers in place. In the alternative, if the FCC determines based on the record of this proceeding that there is sufficient merit to shortening the three-day initial reporting window, GCI believes, at a minimum, the window should be 24 hours. The FCC's proposed 120-minute reporting period is simply unrealistic for the production of usable, accurate data.

<sup>14</sup> Outages NPRM at ¶ 30.

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

## V. Defining Airports

The FCC has proposed that it simplify the requirements for reporting communications outages that potentially affect special offices and facilities by applying outage reporting that is now applicable to “major airports” to all airports.<sup>16</sup> This category of “all airports” is too broad, and further specificity is required as to the airports for which outages must be reported.

“Major airports” to “all airports” is a big leap. This is of particular concern for GCI that serves a physically unique state like Alaska. Alaska is geographically vast, marked by compactly populated villages that are often separated by great distances from other communities. Many rural communities are not connected to other locations by roads, and accessibility to these areas by small airplanes is the norm. Small dirt air strips or air fields may serve such communities. A single phone may be housed at the air strip for a pilot to file a flight plan or check weather conditions and air traffic in the area. Moreover, a pilot may be able to check critical weather or air traffic information in that area using wireless Internet services (“WISP”) that are available in many of Alaska’s villages and bush communities. It is not reasonable that the loss of a single phone line at an air strip or WISP services to a rural community could possibly be what the FCC intended as a reportable outage nor that a rural air strip serving a remote village in Alaska could be what the FCC meant by “all airports”.

There are several possible ways that the FCC could further delineate which airport communication outages are reportable. For example, the FCC could clarify that only airports that carry a daily minimum number of air traffic, passenger traffic, cargo traffic, or some combination thereof, trigger outage reporting. Another possibility is that outages that occur at airports that have runways that meet a minimum weight bearing capacity trigger outage

<sup>16</sup> See Outages NPRM at ¶ 24.

reporting. The FCC should identify a factor such as these to more precisely delineate for which airports a carrier must report an outage. The FCC's current proposal is simply too broad.

## **VI. Conclusion**

GCI recognizes the important objectives the FCC seeks to further through its proposed changes to the outage reporting rules and accordingly, recommends several clarifications or modifications to the proposals, as discussed herein, to ensure the efficient reporting of data that is as accurate as possible.

Respectfully submitted,

By: /s/\_\_\_\_\_

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