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July 27, 2004

**Ex Parte**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: New Part 4 of the Commission's Rules Concerning Disruptions to Communications, ET Docket No. 04-35**

Dear Ms. Dortch:

Yesterday, Dee May, Ed Shakin, Doug Sullivan, Ann Rakestraw and the undersigned met separately with Jennifer Manner and Marjorie Mann of Commissioner Abernathy's office; Scott Bergmann of Commissioner Adelstein's office; Sam Feder of Commissioner Martin's office; and Whitey Thayer, Jeff Goldthorp, John Healy and Kent Nilsson of the Office of Engineering and Technology to discuss the above proceeding. The attached handout was used during the meetings. All issues discussed were consistent with Verizon's position on the record. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Ann D. Berkowitz".

Attachment

cc: Scott Bergmann  
Sam Feder  
Jennifer Manner  
Marjorie Mann  
Jeff Goldthorp  
John Healy  
Kent Nilsson  
Whitey Thayer

# Verizon

ET Docket No. 04-35

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

## A two hour attested report requirement would take resources away from resolving network problems quickly

- ***Current Requirement:*** The current requirement is for an initial report within 72 hours, with a final report filed within 30 days, with the exception noted that if the customer's potentially affected meets or exceeds a threshold criteria of 50,000, then an initial report must be made "by facsimile or other record means delivered within 120 minutes of the carrier's first knowledge."
- ***NPRM Proposal:*** The NPRM proposes a 120-minute initial report for all outages, that is attested to, with a final report 30 days later.
- ***The Commission should instead adopt*** 3-stage reporting. A 120-minute notification (e-mail/voicemail), followed by an initial report with 72 hours and a final report within 30 days, with only the final report attested, and the ability to withdraw a report made in error.
  - By requiring a voice/e-mail initial report instead of a formal report, the individuals handling the outage will be able to concentrate their efforts on resolving the issue and not on adhering to regulatory requirements.
  - Attestation should only be required for the final report. By requiring an attestation of the final report, the FCC will have formal sign-off from those submitting reports. For the Initial voice/e-mail report, as these reports may be time sensitive, requiring internal sign-offs will unduly delay the expedited processing of information to the proper parties.

## Customer DS3s should be excluded from the proposed reporting requirements

- ***Current Rule:*** No specific DS3 requirement
- ***NPRM Proposal:*** The NPRM proposes to establish reporting of all outages of at least 30 minutes duration that potentially affect at least 1,350 DS3 minutes.
- Outage reports of DS3 minutes should be limited to inter-office facilities, not customer DS3's. Requiring customer DS3 reporting would require carriers to notify the Commission whenever a customer shuts down its DS3 service for the weekend (as many customers do to save power) or when an outage results from the failure of a customer's own equipment.
  - Even if they are only a small percentage, such reporting would be overly burdensome. If only 10 customers shut down their DS3's every weekend, this would require 1560 reports annually (assuming three part reporting).
  - A customer DS3 does not impact homeland security, and even if some instances did exist where the DS3's were critical, this requirement could be much more narrowly tailored to specifically address those concerns.

## Adding SS7 reporting increases the regulatory burden and is unnecessary

- **Current Rule:** There is no current requirement for the reporting of SS7 ISUP messages.
- **NPRM Proposes:** All providers of Signaling System 7 service (or its equivalent) would be required to report those communications disruptions of at least 30 minutes duration for which the number of blocked or lost ISDN User Part (ISUP) messages (or its equivalent) was at least 90,000.
- SS7 reports should not be required.
  - Failure of an SS7 setup message does not necessarily mean that a call has failed and therefore provides no valid information on network reliability.
  - If it does result in a failure, such a failure would be reportable under the general outage rules.
  - The cost of such reporting would be substantial (\$15 Million in equip alone), because Verizon does not currently have the equipment in place in all offices to monitor SS7 message failures.

## The Commission reporting requirements should protect confidential information

- ***Current Rule:*** “Carriers are not required to report outages affecting nuclear power plants, major military installations and key government facilities to the Commission.” 47 CFR § 63.100(e)
- ***NPRM Proposes:*** Eliminates the sentence that states, “Carriers are *not* required to report outages affecting nuclear power plants, major military installations and key government facilities to the Commission.” Proposed Rule 4.9
- ***The NPRM proposal should be rejected***
  - Keep reports for special offices and facilities, such as nuclear plants and military installations, as voluntary submissions to the Department of Homeland Security. This keeps in place the protections already in the Critical Infrastructure Information Act, 6 U.S.C. § 133, and fully protects the sensitive information from public disclosure.
  - Allow disclosure of information provided to the Commission for other outages to be released only after specific FOIA review. This will prevent inadvertent disclosure of other protected information, such as CPNI, trade secrets, and sensitive infrastructure information.