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July 28, 2004

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-325
Washington, DC 20554

Re: ET Docket No. 04-35

Dear Ms. Dortch:

Yesterday afternoon, Bobbi Bailey, Rick Canaday and I, representing AT&T, met with Jennifer Manner and Marjorie Manne from Commissioner Abernathy's office to discuss AT&T positions in the above referenced proceeding. The attached charts, which were provided at the meeting, provide the basis of that discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "M Del Casino".

Attachment

cc: Jennifer Manner
Marjorie Manne

**Industry-Led Outage Reporting
Initiative (ILORI)
Ex Parte Meeting
ET Docket No. 04-35**

July 26, 2004



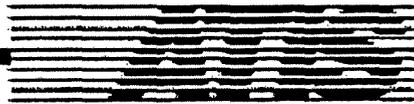
Sensitive Outage Reporting Data Must Be Protected

- Critical information that is *voluntarily* submitted to a covered federal agency is eligible for protection from disclosure under FOIA.
 - Under current law, the only way to guarantee the non-disclosure of network outage reports is through voluntary submission.
 - Critical infrastructure information...that is *voluntarily* submitted to a covered Federal agency for use by that agency regarding the security of critical infrastructure and protected systems, analysis,...or other informational purpose...shall be exempt from disclosure under [FOIA] USC § 133(a)(1)
 - However, FOIA exemption four only protects information that “for whatever reason, would customarily not be released to the public by the person from whom it is obtained.” (5 USC § 552(b))
 - It is because FOIA exemption four only applies to information submitted voluntarily to the government that the Critical Infrastructure Protection Act and the Homeland Security Act both limit their protection to *voluntarily* submitted information.

EXEMPTION #4

The ILORI Reporting Program Should Continue

- The ILORI reporting program is **NOT** a continuation of the NRIC outage reporting trial.
- The ILORI reporting program **IS** a **NEW** reporting program that systematically addresses the concerns identified in the NRIC trial and builds on the 10-year proven record of the NRSC—recognized as the world-class model for industry/government analysis and cooperation.
 - Information that was optional in the NRIC trial is now required.
 - Equipment name, equipment type, methods used to restore service, root cause, applicable best practices
 - Web-based reporting system requires completion of all data fields.
 - System sends “reminders” to participants to ensure timely reporting.
 - Escalation process in place should a participant fail to respond.
 - Protection of sensitive data to encourage full and complete reporting.
- ILORI will hold open meetings which the industry and interested members of the public can attend to discuss the aggregated data.



The ILORI Reporting Program Should Continue

Twenty-eight (28) companies currently participate in the ILORI Reporting Program:

ALLTEL Communications	Earthlink	SAVVIS
AT&T	Focal Communications	SBC
AT&T Wireless	Level 3	Sprint
BellSouth	MCI	Time Warner Cable
CenturyTel	McLeod	T-Mobile
Charter Communications	Nextel	US Cellular
Cingular	PanAmSat	VeriSign
Comcast Cable Communications	Qwest	Verizon
Cox Communications	Qwest Wireless	Verizon Wireless
		Western Wireless

Other companies/organizations participating in ILORI include:

Alcatel	Dept. Homeland Security	Marconi
Cisco	Juniper	National Communications
Cellular Telecommunications & Internet Association	Lucent Technologies	System
	Nortel Networks	National Cable & Telecom. Association

Ongoing outreach and recruiting.



The ILORI Reporting Program Began in April 2004

	Apr.	May	Jun.
Companies In ILORI	27	28	28
Companies Submitting Reports	27 (100%)	28 (100%)	28 (100%)
Companies With No Outages	22	23	23
Initial Reports Submitted	5	7	6
Final Reports Submitted	8	7	4*

*Final Reports are not due until 30 days after date of outage.

The ILORI Reporting Program Should Continue

- The ILORI Reporting Program is:
 - More flexible than a mandated regulatory regime (Lucent comments)
 - More capable of remaining abreast of new technologies, public safety, and national security needs (Lucent Comments)
 - A trusted environment to achieve early knowledge and trends about networks (CTIA Comments)
 - **ALREADY EFFECTIVE** (Qwest Comments (emphasis added))
- In a mandated regulatory regime the emphasis is on compliance—in the voluntary ILORI process the emphasis is on reliability.

Expansion of Mandatory Reporting is Unnecessary for the Continued Development of Best Practices

- Best Practices have been developed voluntarily by the industry, not in response to mandatory outage reporting.
- The vast majority have been derived from insights from either individual company technical support experience, or from proactively addressing communications infrastructure vulnerabilities.
- Expansion of mandatory reporting could adversely impact the development of Best Practices by destroying the true public-private partnership that has developed (T-Mobile USA Comments)

ATIS urges the Commission to provide additional time for the voluntary reporting program to prove that it can provide accurate, timely and useful outage reporting data.

- Provide time for the industry and the Commission to address any concerns with regard to voluntary reporting and, if necessary, develop an improved reporting process.
- Provide a more extensive record on which to base any future mandatory requirements, if necessary.
- Allow recommendations of NRIC VII to be developed and incorporated into any reporting requirements that may be established in the future.