

December 13, 2004

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

**Re: ET Docket No. 04-35, In the Matter of Rules Concerning Disruptions to Communications**

Dear Ms. Dortch:

On December 10, 2004, Sandy Wilson, Vice President of Public Policy, Cox Enterprises, Inc.; Mark Adams, Corporate Reliability Engineering Manager, Cox Communications, Inc.; Andy Scott, Senior Director of Engineering, NCTA; and I spoke by conference call with Kent Nilsson of the Office of Engineering & Technology regarding the cable industry's views with respect to the above-captioned proceeding.

NCTA expressed concern that the outage reporting requirements for cable companies providing circuit switched telephone service were greater than necessary to provide the Commission with data on actual service disruptions. NCTA supports a reporting requirement that properly records an actual disruption of circuit switched telephone service that exceeds a minimum time threshold.

Cox presented information based upon its experience as a fully facilities-based provider of local residential and business telephone service. Cox stated that it constructs its networks with a high level of redundancy to prevent service impacts. At Cox, a Corporate Reliability Engineering role was created to specifically monitor and improve network performance. Cox is also participating in NRIC forums. The exceptional quality of Cox's service offering was recognized by J.D. Powers, which awarded Cox's phone service the number one rating for the Western United States in 2003 and 2004. In addition, in 2004 Cox received the number one ranking nationwide in customer service satisfaction for bundled local and long distance services.

Cox expressed concern regarding the rule requirement to report the failure of DS-3 circuits, regardless of customer impact, when a threshold of 1350 DS-3 minutes is reached. For all industries required to report, the number of reportable events will far exceed the Commission's estimate of 1,000 events per year. Cox estimates that, due to the high level of redundancy in its network, 95 percent or more of events reportable under the new requirements would not impact customer service, yet the burdens and costs of those requirements would be substantial. For example, Cox estimates that it would be forced to hire nine additional

employees simply to comply with the new reporting requirements. This is equivalent to four per cent of Cox's corporate engineering personnel, and would result in an estimated additional annual cost of \$658,350 – resources that Cox, as a new entrant in the local exchange market, would prefer to invest in providing competitive services to residential and business customers.

Cox also observed that the low reporting threshold in the Report and Order would tend to encourage companies to undertake potentially risky non-service affecting DS3 circuit repairs in high traffic periods to reduce the reporting burden. The current practice is to generally wait for the low traffic maintenance window part of the day to repair non-service affecting DS-3's. This practice was adopted in order to reduce the possibility of a customer impacting outage occurring due to potentially risky maintenance actions. If the current reporting threshold is maintained, companies would be given the incentive to undertake these repairs during high traffic periods. Any customer affecting outage that did occur during high traffic periods would have a greater magnitude of customer impact with the result of an overall decrease in network reliability.

In addition, based upon its experience, Cox believes that the Report and Order's estimate of an average of five hours per outage event significantly understates the amount of time generally required to identify, investigate, analyze, initiate corrective/preventive action and report to the FCC on findings. Cox described the root cause analysis process that it undertakes: Time spent varies per report and is dependent upon the individual failure mode. Factors include ease of failure replication (e.g., whether there is a need for lab replication); hardware or software testing requirements; interviewing of employees and involved third-party personnel; availability of alarm details and analysis of system logs; construction of time lines of events leading to the failure; and numbers of individuals/groups involved in the analysis process. Cox believes that root cause analysis should be completed on all significant customer impacting events and events that show a trend, but analysis and reporting of this detail is not beneficial for routine non-service impacting events in which a trend is not present.

Cox explained the roles of the Cox personnel responsible for preparing outage reports. The Corporate Network Operations Center ("NOC") identifies reportable events, correlates and analyzes each event to ensure the accuracy of the report, and is responsible for filing the initial notification report. The NOC supports Corporate Reliability Engineering in the reporting process. Corporate Reliability Engineering is responsible for the end-to-end FCC outage reporting process. This group works with local Cox system primes to obtain the necessary information, analyzes key issues, ensures identification of the root cause, determines the solution, and files the required reports. Cox's national or local system prime is responsible for location-specific analysis and implementation, as well as support of Corporate Reliability Engineering. Finally, Cox Regulatory reviews FCC reports and provides guidance to Corporate Reliability Engineering on regulatory matters on an as-needed basis.

The cable industry fully supports an effective outage reporting process, and believes that the Commission may achieve these goals while adopting certain less burdensome and costly processes. Cox proposed several revisions to the reporting procedure that would help strike the appropriate balance. First, the threshold for all non-service affecting reportable events,

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regardless of bandwidth, should be at least 24 hours in order to allow for proper scheduling of repairs in low traffic periods. A longer, 48-hour window may be the optimum threshold as, worst case, it should generally always allow for scheduling in a maintenance window. Non-service affecting DS-3 events, and outages due to planned maintenance that do not impact customer service that do not exceed the threshold, should require the submission of only one report.

Finally, it was suggested that initial outage reports be due no sooner than the next business day, rather than within two hours of the event. The current deadline removes key personnel from their primary task of restoring the network.

At the conclusion of the call, clarification was sought with respect to the date upon which the new procedures will take effect.

If you have any questions concerning the matters raised, please contact the undersigned.

Sincerely,

**/s/ David L. Nicoll**

David L. Nicoll

cc: Kent Nilsson, OET