Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
New Part 4 of the Commission's Rules Concerning Disruptions to Communications	)	ET Docket No. 04-35
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	)	

COMMENTS OF VERIZON[1] ON FURTHER
NOTICE OF PROPOSED RULEMAKING

The Commission recently expanded the number of airports qualifying under the special facilities reporting rules from the nation's 69 "major airports" to include all primary, commercial, and reliever airports, a class of approximately 800.[2] The Further Notice asks whether the Commission should further extend the airport reporting requirements to include reporting for general aviation airports as well. *Order and Further Notice*, ¶ 67. It should not. Almost 100% of scheduled airline passenger traffic occurs in airports already covered by the current rules; there is no evidence that further expansion is warranted. Rather than looking to expand the number of airports covered, the Commission should clarify the existing rules so that carriers only are required to report outages that potentially impact air traffic.

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[1] In this petition, "Verizon" refers to Verizon Global Networks Inc.; Bell Atlantic Communications, Inc.; Verizon Select Services Inc.; NYNEX Long Distance Company d/b/a Verizon Enterprise Solutions; and the local exchange carriers affiliated with Verizon Communications Inc., listed in Attachment A.

[2] *See New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 16830, ¶ 65 (2004) ("*Order and Further Notice*"); 47 C.F.R. § 63.100(a)(3) (2004) (former rule). *See also* http://www.atis.org/nrsc/airports.asp for a list of major airports.

ARGUMENT

The Commission just expanded the number of airports reportable as special offices and facilities from 69 "major" airports to include all primary, commercial, and reliever airports. *Order and Further Notice*, ¶ 65. According to a recent report to Congress filed by the Department of Transportation and Federal Aviation Administration, there are 510 "commercial" airports, which are defined as public airports that receive scheduled passenger service and have 2,500 or more scheduled passengers per year.[3] "Primary" airports, a subset of commercial airports, serve 10,000 or more passengers per year. Reliever airports are high capacity general aviation airports, located in major metropolitan areas, which have been designated by the FAA to provide pilots with alternatives to congested hub airports. NPIAS Report, at 8. Combined, there are 788 airports fitting within the commercial, primary, or reliever airport designation, and those airports serve an estimated 99.89% of all passenger boardings.[4]

The Commission should not further extend the airport reporting requirements to include general aviation airports. *See Order and Further Notice*, ¶ 67. "General aviation airports" include airports in remote, rural locations that may serve as few as ten locally based aircraft. NPIAS Report, at 8. While there are more than 2,500 such airports classified in the NPIAS Report, they serve only approximately 0.06% of all passenger

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[3] *See* U.S. Department of Transportation and Federal Aviation Administration, *Report to Congress, National Plan of Integrated Airport Systems (NPIAS), 2005-2009*, at 5 (Sept. 30, 2004) ("NPIAS Report"), *available at* http://www.faa.gov/arp/planning/npias/npias2005/NPIAS2005Narr.pdf.

[4] *See* NPIAS Report, Figure 4, at 6. "Passenger boardings," also referred to as "enplanements" in the NPIAS report refers to the "number of revenue passengers expected to be boarded at the airport during the" last year of the NPIAS reporting period. *Id.*, at A-1.

boardings. *Id.*, Figure 4, at 6.[5] There is no evidence that requiring special reporting rules for these locations would assist the Commission in identifying significant disruptions "that could affect homeland security, public health or safety, and the economic well-being of our Nation." *Order and Further Notice*, ¶ 1. Indeed, general aviation airports generally are not even subject to any federal regulations for security. *See* GAO Report, at 40, 47. Moreover, there is no evidence that communications outages would pose a significant threat to such airports.[6] It would be very difficult for carriers to locate and track outages for these facilities, and there is no reason to impose such burdens with little tangible benefits.

Rather than expanding the number of airports that qualify for special outage reporting rules, the Commission instead should clarify the *types* of outages that must be reported under the current rules. Until recently, airport outage reporting was limited to significant outages, or those most likely to impact air traffic control, such as outages that result in a loss of radar to an airport or traffic control center.[7] The new rules state only

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[5] The Further Notice does not specify what "general aviation airports" the Commission is considering including in additional reporting requirements. Presumably, the Commission is referring to the 2,556 "general aviation airports" that are classified in the National Plan of Integrated Airport Systems (NPIAS). There are an additional 1,936 public airports open to the public that do not meet minimum NPIAS criteria, as well as more than 14,000 private use airports. *See* NPIAS Report, at 9; GAO, Report to the Subcommittee on Homeland Security, Committee on Appropriations, House of Representatives, *General Aviation Security*, Report No. GAO-05-144, at 10-11 (Nov. 2004) ("GAO Report"), *available at* http://www.gao.gov/new.items/d05144.pdf. Because those airports are even more remote than NPIAS-designated general aviation airports, there is even less of a need to require special outage reporting rules for them.

[6] The FAA and DOT have stated that there are very few accidents attributable to airport deficiencies; those that do occur often are related to weather conditions, such as snow, ice, or water on the runway. NPIA Report, at 22.

[7] Under prior rules, an outage that "potentially affects a major airport" was defined as "an outage that disrupts 50% or more of the air traffic control links or other FAA communications links to any major airport, any outage that has caused an Air Route

that "*[a]ll outages* that potentially affect communications for at least 30 minutes with any airport that qualifies as a 'special office and facility'" should be reported. *See* 47 C.F.R. § 4.5(c) (emphasis added). However, the rules do not define what "outages" "potentially affect communications" "with any airport." *Id.* The rules presumably do not require reporting of outages affecting a restaurant or coffee shop located on the airport's premises, as those are not communications with an "airport"; conversely, an outage affecting communications with an air traffic control facility certainly would fall within the rule.[8] Between those two extremes, however, the rules are ambiguous, and whether something qualifies as reportable will in many instances be left up to the interpretation of each reporting carrier.

In order to ensure consistent reporting, and to limit reportable outages only to those likely to impact homeland security or public safety, the Commission should clarify that the airport outage rules only apply to outages that are "air traffic impacting." Specifically, it should define an outage as "air traffic impacting" if it impacts the ability of the air traffic facility to control air traffic, as determined by the FAA Air Traffic Supervisor at the Air Traffic Systems Command Center. This may include loss of critical

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Traffic Control Center (ARTCC) or major airport to lose its radar, any ARTCC or major airport that has received any media attention of which the carrier's reporting personnel are aware, any outage that causes a loss of both primary and backup facilities at any ARTCC or major airport, and any outage to an ARTCC or major airport that is deemed important by the FAA as indicated by FAA inquiry to the carrier management personnel." *See* 47 C.F.R. § 63.100(a)(6) (2004).

[8] In industry meetings discussing the ambiguity in the current airport rules, members of the Office of Engineering and Technology ("OET") stated that the rules are not intended to include outages to restaurants and retail shops located in airports, and directed carriers to use their "best judgment" in interpreting the airport reporting requirements. However, without further guidance from the rules, the "best judgment" of carriers is likely to vary, and will create inconsistent reporting standards among different companies.

telecommunications services that transmit radar data, flight plan data or controller-to-pilot and controller-to-controller voice. *See* NRIC VI, Focus Group 2—Network Reliability, Final Report, at 45 (Nov. 17, 2003).

Conclusion

The Commission should not further expand the definition of "airports." Instead, it should clarify that the current airport reporting requirements apply only to outages that have the potential to impact air travel.

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ATTACHMENT A

THE VERIZON TELEPHONE COMPANIES

The Verizon telephone companies are the local exchange carriers affiliated with Verizon Communications Inc. These are:

Contel of the South, Inc. d/b/a Verizon Mid-States
GTE Southwest Incorporated d/b/a Verizon Southwest
The Micronesian Telecommunications Corporation
Verizon California Inc.
Verizon Delaware Inc.
Verizon Florida Inc.
Verizon Hawaii Inc.
Verizon Maryland Inc.
Verizon New England Inc.
Verizon New Jersey Inc.
Verizon New York Inc.
Verizon North Inc.
Verizon Northwest Inc.
Verizon Pennsylvania Inc.
Verizon South Inc.
Verizon Virginia Inc.
Verizon Washington, DC Inc.
Verizon West Coast Inc.
Verizon West Virginia Inc.