

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

COMMENTS OF CTIA—THE WIRELESS ASSOCIATION

CTIA – The Wireless Association™ (“CTIA”)¹ submits these comments in response to the Further Notice of Proposed Rule Making in the above referenced docket.² As explained in its recently filed Petition for Reconsideration in this docket,³ CTIA agrees with the Commission’s initial determination that outage reporting requirements for airports should not be applied to wireless communications providers.⁴ Additionally, disruptions to general aviation facilities do not require reporting regulations.

I. WIRELESS PROVIDERS SHOULD BE EXEMPT FROM THE OUTAGE REPORTING REQUIREMENTS FOR COMMUNICATIONS TO ALL SPECIAL OFFICES AND FACILITIES, INCLUDING AIRPORTS.

In the Report and Order and FNPRM, the Commission adopts new outage reporting requirements for common carriers, including terrestrial wireless service providers. The Report and Order and FNPRM appropriately recognizes certain distinctions, however, both in terms of

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. CTIA membership includes all Commercial Mobile Radio Service providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² *New Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, Report and Order and Further Notice of Proposed Rulemaking, FCC 04-188, (Aug. 19, 2004) (“Report and Order and FNPRM”).

³ See Petition for Partial Reconsideration and Motion for Partial Stay of CTIA, ET Docket 04-35, filed December 23, 2004.

⁴ See Report and Order and FNPRM at ¶ 66.

types of facilities for which outage reporting is required, and as between types of carriers. Thus, while the Commission adopted specific outage reporting requirements for “special offices and facilities,” it also exempted terrestrial wireless carriers from those requirements for one specific type of facility—airports. However, the Commission requested comment in the FNPRM on possibly extending reporting requirements to wireless airport communications.⁵ In addition, the Commission sought comment on extending outage reporting requirements for special facilities to cover general aviation airports.⁶

CTIA notes that the Report and Order and FNPRM found that terrestrial wireless communications providers should be excluded from the outage reporting requirements for communications that affect airports because the “critical communications infrastructure serving airports is landline based.”⁷ Specifically, in making this determination, the Commission noted that wireless carriers do not have dedicated access lines assigned to airport towers and airport security offices.⁸ CTIA believes this exemption is wholly appropriate because wireless terrestrial networks provide undifferentiated service to all end users and tracking outages with respect to a particular class is both practically impossible and of little policy benefit.

However, the Commission did seek comment on extending outage reporting requirements for wireless communications at airports as well as potentially extending reporting for disruptions at general aviation sites. As CTIA has previously noted, with airports, wireless providers do not generally assign dedicated access lines to specific end users, and therefore do not have dedicated access lines for the critical portions of any of the special offices and facilities. Wireless providers cannot determine whether an individual within the special office or facility is using one

⁵ See FNPRM at 67.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at ¶ 63.

of its phones, making it virtually impossible to determine whether a network outage has affected a special office or facility.

Accordingly, CTIA believes there is good cause for the Commission to expand the airport outage reporting exemption for wireless providers to include all special offices and facilities, rather than expanding reporting to include additional facilities. No purpose is served by applying this requirement to wireless carriers, and no practical means exist for wireless carriers to comply with the rule. Furthermore, extending outage reporting requirements to general aviation services is of marginal benefit. The FAA recently issued its Report to Congress on National Plan of Integrated Airport Systems (NPIAS) for 2005-2009.⁹ This report notes that there are about 800 airports covered by the existing FCC rules for wireline service providers that serve approximately 99.89% of passenger enplanements. To expand outage reporting requirements to general aviation facilities (approximately 2500 additional airports), which cover only approximately 0.06% of passenger boardings, would require a tremendous effort without any commensurate benefit.

⁹ See <http://www.faa.gov/arp/planning/npias/npias2005/NPIAS2005Narr.pdf>

II. CONCLUSION

For these reasons, CTIA urges the Commission to further codify its initial conclusion that service outage reporting for airport communications/facilities not be extended to wireless communications. Any attempt to apply such regulations on the wireless industry would be unmanageable and of limited public benefit.

Respectfully submitted,

/s/

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