

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

Recommendation of the Independent)
Panel Reviewing the Impact of Hurricane) EB Docket No. 06-119
Katrina on Communications Networks)

REPLY COMMENTS OF AT&T INC.

AT&T Inc. (“AT&T”) on behalf of its telephone companies hereby files these Reply Comments in response to the filings of certain other comments submitted in the foregoing proceeding.¹

The volume of comments submitted in the opening round of this proceeding from a broad scope of interests -- including all principal segments of the telecommunications industry, public utility regulators and other governmental agencies, and individuals – reflects the critical importance of the Commission’s effort to evaluate the impact of Hurricane Katrina on communications providers and to take steps to prepare for future disasters that may affect the stability of the telecommunications infrastructure. As AT&T showed in its own Comments, and as confirmed by the submissions of numerous other parties in the initial comment round, the Commission’s mandate to the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (“Panel”) has produced an insightful analysis of the serious disruption wrought by this natural disaster and a set of carefully-considered recommendations for measures for the protection and restoration of communications networks that play a vital role in national security, the economy and public health and safety.

¹ *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, Notice of Proposed Rulemaking, EB Docket No. 06-119 (rel. June 19, 2006).

The initial comments compiled in this proceeding, as well as the Panel's recommendations, will provide the Commission with a valuable record for decision in implementing these critical steps. Regrettably, however, a few of the commenters have put forward proposals that appear more calculated to advance their own business interests than to assure greater reliability and expeditious recovery of the communications infrastructure.² Additionally, some commenters have made proposals that would not further, and in fact could seriously disserve, the Commission's objective of encouraging the development of a more robust communications infrastructure and greater readiness in the face of natural or man-made disasters. AT&T will focus in these Reply Comments on addressing this subset of commenters' filings.

² Most prominently, pulver.com and Evslin Consulting have refiled for insertion into the record here their Petition for Rulemaking submitted on March 13, 2006, and their Reply Comments filed May 12, 2006 in *Preserving Post-Disaster Communications (Evslin Consulting and pulver.com Petition for Rulemaking to Preserve Post-Disaster Communications)*, RM-11327. These parties assert that their proposals in that earlier proceeding for "alternative communications service" through the widespread deployment of voicemail and large-scale number reassignment from wireline to Voice over Internet Protocol ("VoIP") use in the event of long-term service outages are technically feasible, enjoy "broad public support" and should be implemented by the Commission in this rulemaking.

These warmed-over claims are baseless, as AT&T showed in its Comments filed April 27, 2006 in RM-11327, and as the filings there by other knowledgeable service providers abundantly confirmed. The proposals advanced by pulver.com and Evslin are rife with serious technical and operational problems, and would if adopted deprive carriers of necessary flexibility to respond to service outages in the most appropriate and effective manner under the particular circumstances of those disruptions. The Commission already has more than a sufficient record in RM-11327 of the lack of merit to these commenters' proposals to dispense with further consideration of them in this proceeding.

ARGUMENT

CTIA – The Wireless Association (“CTIA”) (at pp. 16-17) has requested Commission action in this proceeding to give its members priority treatment in restoration of electric power during disasters. CTIA also requests (*id.*) priority in restoration of landline service to wireless carriers. CTIA fails to demonstrate, however, why its members should be accorded any higher priority in responding to natural or man-made disasters than wireline carriers that serve critical government and other installations and tens of millions of other business and residential subscribers. The Commission should decline CTIA’s gambit to allow its members to “muscle their way to the head of the line” ahead of wireline carriers or other telecommunications providers. Consistent with the Panel’s recommendations, however, the Commission should encourage regional, state, and local Emergency Operations Centers to facilitate the inclusion of communications providers on electric and other utilities’ commercial power priority lists.³

However well-intended, the proposal of the National Emergency Number Association (“NENA”) for revisions to the current 911 system is likewise unsuitable for further action by the Commission. NENA has suggested (p. 5) that the Commission require all 911 system service providers “to analyze the redundancy, resiliency and dependability of their 911 networks in their coverage area,” and to require those carriers “to provide detailed information to the [Commission] on areas where . . . there are gaps” in those criteria. The first aspect of NENA’s proposal is misdirected because it is the Public Safety Answering Point (“PSAP”), not the service provider, that must determine the best way to mitigate single points of failure within its 911 network in a cost effective manner. As AT&T recommended in its Comments (p. 13), PSAPs should “routinely review their 911 networks with the service providers and identify points where facilities are not diverse.”

³ Panel Report and Recommendations at 35-36.

The second aspect of the NENA proposal is both unnecessary and potentially harmful to the interests of carriers and protection of the public. NENA fails to explain how the Commission could make use of such “detailed information” in any manner that does not duplicate how 911 service providers already interact with PSAPs and state regulatory authorities.⁴ Requiring the unnecessary further dissemination of this information could have serious adverse consequences for service providers, for whom those proprietary data have substantial competitive value, and for the general public if that information is compromised and comes into possession of persons and groups with criminal intentions.⁵

NTI Group (“NTI”) proposes that the Commission promote the deployment, and take steps to assist the funding, of “one-to-many, time-sensitive notification” or TSN, to disseminate emergency information during disasters. As described in NTI’s Comments (pp. 2-3), TSN uses computer software and related associated equipment to permit governments and first responders to record voice messages and to deliver those messages to tens of thousands of recipients within several minutes. Like the Panel’s report, NTI cites examples where TSN was employed to provide information to groups of customers affected by last summer’s weather-related disasters, as well in other instances. As part of its proposal for the Commission to further facilitate use of TSN in disaster situations, NTI requests (pp. 14-15) that the Commission direct incumbent local

⁴ See, e.g., Public Utility Commission of Texas Rules, Section 26.433, available at www.puc.state.tx.us/rules/subrules/telecom/26.433/26.433.pdf.

⁵ NENA also asserts that “there is a general disinclination of PSAPs and other public safety agencies to register for the TSP program” and that “a major reason for PSAPs not signing up is the variably high cost per line for TSP.” NENA suggests that TSP service be made free for PSAPs and other public safety agencies. However, NENA shows no evidence that price is the issue, and its own comments belie the assertion that TSP is not reasonably priced. NENA’s own analysis of such costs ranges from \$14 to \$345 per circuit to establish TSP, with recurring charges ranging from zero to \$8 per month per circuit. These charges are hardly beyond the means of public safety agencies. It is therefore doubtful that PSAPs’ failure to more widely adopt the TSP program has much to do with the cost of the service.

exchange carriers (“ILECs”) to grant TSN providers “fast access to their telephone numbers databases and to provide regular updates at a reasonable cost.”

Notwithstanding that TSN has been employed for salutary purposes in certain instances to date, there are strong reasons for the Commission to refrain from adopting such a procedure in the context of the instant proceeding. First, as NTI itself acknowledges (p.14 n.22), the Commission is already examining potential improvements to the Emergency Alert System (“EAS”) – including, but by no means limited to, further deployments of TSN technology – in the context of a separate rulemaking instituted scarcely more than one year ago.⁶ AT&T submits that it would be more appropriate for the Commission to evaluate widespread implementation of TSN based on a full record developed in the *EAS Rulemaking*, rather than focusing on that technology in isolation from other current and proposed EAS mechanisms through the instant proceeding.

Even apart from the fact that TSN is under study in the pending *EAS Rulemaking*, such mass calling as a notification solution could be seriously problematic in the event of a natural or man-made disaster with substantial impact on the communications infrastructure. AT&T’s experience with mass calling events in use by telemarketers and others under non-emergency network conditions just within the past year has demonstrated that this activity can create artificial peaks in trunk usage that exceed normal public switched telephone network engineering parameters, resulting in blocked calls and the need for AT&T to apply additional network resources to address those conditions. During a disaster, in which the usual functioning of communications networks has been compromised, the volume of additional traffic generated by

⁶ See *Review of the Emergency Alert System*, EB Docket No. 04-296, Notice of Proposed Rulemaking, 19 FCC Rcd 15575 (2004) (“*EAS Rulemaking*”). Moreover, as NTI likewise acknowledges (p.14 n.22), funding of TSN through the Universal Service support mechanism for schools and libraries is an issue that has already been raised in the Commission’s pending proceeding on modifications to that mechanism. See *Schools and Libraries Universal Support Mechanism*, CC Docket 02-6.

use of TSN could well cause additional degradation of the network's performance, akin to pouring gasoline on a fire. NTI states (p. 12) that its software "uses mathematical algorithms" to analyze such network congestion and to "throttle down" the frequency of TSN calls when such network conditions are present, but the three-sentence statement of its purported capability is insufficiently detailed to allow evaluation of its claim. Communications service providers that are attempting to implement service restoration to high priority users, including improvements in that process that are likely to result from the instant proceeding, should not be required also to deal with high volumes of calling from TSN usage for EAS traffic unless the Commission has fully evaluated that application in the *EAS Rulemaking*.

In its comments, the American Association of State Highway and Transportation Officials ("AASHTO") agrees with the Panel regarding the need for state and local governments to maintain emergency restoration supply caches and suggests that additional guidelines be established concerning such caches. AASHTO Comments at 7-8. If AASHTO's comments are directed only to supply caches owned by state and local jurisdictions, AT&T has no opinion on the merits of its proposal. If, however, AASHTO's proposal would affect equipment caches owned by communications infrastructure providers, AT&T opposes this proposal for reasons explained in its Comments.⁷ Each carrier is best able to determine the exposures for network degradation it faces in a disaster and to deploy its own assets in suitable locations. AT&T has extensive experience and detailed knowledge of the characteristics of its own network and the risks that infrastructure faces, and like other potentially affected carriers, it should be permitted to make independent decisions about when, where and how to deploy its assets to meet its own unique needs. Moreover, AT&T, and other carriers, must retain the right to apply its independent judgment to determine whether factors of redundancy, the amount of spare facilities

⁷ See AT&T Comments at 4-5.

and equipment, and other pertinent network engineering criteria permit it to relinquish use of cached material to other users.

CONCLUSION

AT&T urges the Commission to consider its proposals as outlined in its Comments filed August 7, 2006 in this proceeding. Further, for the reasons stated above, AT&T urges the Commission not to adopt the proposals addressed in these Reply Comments.

Respectfully Submitted,

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August 21, 2006

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