

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Recommendations of the Independent Panel  
Reviewing the Impact of Hurricane Katrina on  
Communications Networks

EB Docket No. 06-119

**VERIZON'S REPLY COMMENTS ON THE RECOMMENDATIONS OF THE  
INDEPENDENT PANEL REVIEWING THE IMPACT OF HURRICANE  
KATRINA ON COMMUNICATIONS NETWORKS**

Michael E. Glover  
*Of Counsel*

Karen Zacharia  
Joshua E. Swift  
Verizon  
1515 North Courthouse Road, Suite 500  
Arlington, VA 22201  
(703) 351-3039

John T. Scott, III  
Andre J. Lachance  
Verizon Wireless  
1300 I Street, N.W., Suite 400-West  
Washington, D.C. 20005  
(202) 589-3760

Date: August 21, 2006

**TABLE OF CONTENTS**

I. INTRODUCTION AND SUMMARY..... 1

II. THE COMMISSION SHOULD WORK THROUGH EXISTING DISASTER  
RESPONSE AND RECOVERY COORDINATION MECHANISMS AND TAP  
INDUSTRY EXPERTISE RATHER THAN IMPOSE NEW REQUIREMENTS.... 2

III. THERE IS WIDESPREAD SUPPORT IN THE RECORD FOR CERTAIN STEPS  
THE COMMISSION CAN TAKE NOW TO IMPROVE DISASTER RESPONSE  
AND PLANNING..... 4

IV. THE COMMISSION SHOULD NOT ADOPT PROPOSALS THAT IMPOSE NEW  
REQUIREMENTS OR LAYERS OF ADMINISTRATION, FAVOR CERTAIN  
TECHNOLOGIES OR SERVICES, OR PRIVATIZE DISASTER  
PREPAREDNESS..... 8

V. CONCLUSION ..... 12

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Recommendations of the Independent Panel  
Reviewing the Impact of Hurricane Katrina on  
Communications Networks

EB Docket No. 06-119

**VERIZON'S REPLY COMMENTS ON THE RECOMMENDATIONS OF THE  
INDEPENDENT PANEL REVIEWING THE IMPACT OF HURRICANE  
KATRINA ON COMMUNICATIONS NETWORKS**

**I. INTRODUCTION AND SUMMARY**

As Verizon and numerous other parties explained in their opening comments, there are a number of steps that the Commission can take right away to help improve disaster response and recovery. As the Department of Homeland Security emphasized, however, the Commission can contribute most effectively to this process by working through the existing disaster response and recovery coordination mechanisms, rather than by conducting a separate rulemaking that has the potential, however inadvertent, to generate uncertainty, confusion, or potentially conflicting directives to members of the industry that can be minimized by coordinating through existing mechanisms.

As the record here shows, the steps that the Commission can take now to help facilitate disaster response and recovery include eliminating the one-year time limit that the Commission imposed on Special Temporary Authorities and waivers for disaster planning; promoting the categorization of telecommunications repair workers as emergency responders under the Stafford Act; encouraging the development of streamlined credentialing procedures; urging the

Department of Energy to assist in the establishment of a priority energy restoration and fuel delivery program for telecommunications facilities; and chartering the NRIC VIII Council to follow up on the recommendations of the Independent Panel by updating best practices to account for new network technologies and applications.

The record does not support certain other actions. For example, the Commission should not mandate the use of specific industry best practices, which would limit flexibility to tailor responses to individual circumstances; promote particular disaster response technologies or services over others, which could have the same effect; establish or support the creation of new regional coordinating centers, which, while well intentioned, would add another layer of bureaucracy to a process that needs to be as streamlined as possible to function most effectively; or privatize the Nation's disaster response and recovery organizations, which would undermine the benefits of existing public and private coordinating bodies that can draw on the expertise of the respective sectors. These measures might impede the telecommunications industry's and first responders' abilities to improve disaster preparedness.

**II. THE COMMISSION SHOULD WORK THROUGH EXISTING DISASTER RESPONSE AND RECOVERY COORDINATION MECHANISMS AND TAP INDUSTRY EXPERTISE RATHER THAN IMPOSE NEW REQUIREMENTS.**

As the Department of Homeland Security has explained, "the Commission can accomplish much simply through outreach and awareness." DHS Comments at 2. *See also* Verizon Comments at 12-15; Independent Panel Rep. at 36, 40-42.<sup>1</sup> Indeed, as the Department

---

<sup>1</sup> *See Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, Report and Recommendations* ("Independent Panel Report") (attached as App. B to *Hurricane Katrina NPRM*, EB Docket No. 06-119, FCC 06-83 (rel. June 19, 2006)).

of Homeland Security has explained, the Commission can contribute most effectively by working through existing disaster response and recovery coordination mechanisms such as the National Communications System (“NCS”), the National Coordinating Center (“NCC”), and the Emergency Support Functions of the National Response Plan, all of which are “firmly anchored in statute, Presidential guidance, and interagency agreement.” DHS Comments at 2. Working through these mechanisms is a more effective way for the Commission to contribute, rather than conducting a separate rulemaking proceeding that could inadvertently generate uncertainty, confusion, or potentially conflicting directives to members of the industry. That very real potential can be minimized, however, by coordinating through these existing mechanisms.

In addition, many members of the industry, including Verizon, have already developed substantial expertise in emergency management and business continuity planning. Verizon Comments at 5-8; AT&T Comments at 3. Much of this industry expertise is gathered and refined by members of the Network Reliability and Interoperability Council (“NRIC”) in the form of voluntary best practices. Verizon Comments at 10-12. The Commission should promote these voluntary best practices across the industry without requiring their adoption.

As numerous parties here have emphasized, however, these industry best practices must remain voluntary. *E.g.*, Verizon Comments at 11; ATIS Comments at 3-5, 8; Qwest Comments at 2; Sprint Nextel Comments at 7-8; Cingular Comments at 7; NAB Comments at 5-8; Satellite Industry Ass’n Comments at 8-9. Mandating certain industry practices, or promoting certain technologies or services over others, would reduce the industry’s ability to respond to individual disasters with flexibility, which the parties here overwhelmingly agree is the key to effective emergency management and business continuity. *E.g.*, AT&T Comments at 4-5; Cingular

Comments at 7; Sprint Nextel Comments at 8; BellSouth Comments at 9; Qwest Comments at 4-5; ATIS Comments at 6; NAB Comments at 6; CTIA Comments at 7.

In sum, rather than duplicating existing coordination mechanisms or mandating specific best practices, the Commission should continue to work with the Department of Homeland Security and industry bodies such as NRIC to implement appropriate recommendations of the Independent Panel.

**III. THERE IS WIDESPREAD SUPPORT IN THE RECORD FOR CERTAIN STEPS THE COMMISSION CAN TAKE NOW TO IMPROVE DISASTER RESPONSE AND PLANNING.**

Although the Commission should continue to work through existing coordination mechanisms and industry bodies on disaster response and recovery issues generally, the Commission can take certain steps right away that will help advance several recommendations in the Independent Panel Report, either through actions it can take directly or by weighing in with fellow agencies to make its views known. Verizon Comments at 2. We discuss these recommendations below.

*Eliminate the one-year time limit on Special Temporary Authorities and waivers for disaster planning.* The record contains broad support from the industry and the Department of Homeland Security alike for the Independent Panel's recommendation (at 32-33) that the Commission amend its rules to permit automatic grants of certain types of waivers and Special Temporary Authorities. *See, e.g.*, DHS Comments at 5; BellSouth Comments at 11; Motorola Comments at 5; Cingular Comments at 8-9; NCTA Comments at 20-21; Verizon Comments at 15.

In addition, the parties here overwhelmingly supported eliminating the one-year limit that the Commission itself imposed when it granted the regulatory relief that carriers require to engage in effective disaster planning in orders such as the *Special Temporary Authority and Waiver Order*, WC Docket No. 06-63, DA 06-1251 (rel. June 9, 2006). Doing so would provide Verizon and other affected providers with certainty that they will continue to be allowed to conduct integrated disaster planning between and among their various affiliates beyond June 2007. *E.g.*, Verizon Comments at 16; BellSouth Comments at 10. Alternatively, the Commission should change its rules so that Special Temporary Authority and waivers are not necessary for disaster planning and recovery.

The Commission should not, however, limit the grant of Special Temporary Authorities and waivers only to those disasters declared by the President, as the Independent Panel suggests. Independent Panel Rep. at 32. As BellSouth correctly points out, providing such authorities and waivers *in advance* of a specific disaster threat, such as an approaching hurricane, will facilitate emergency response and recovery. BellSouth Comments at 11.

***Promote the categorization of telecommunications repair workers as emergency responders under the Stafford Act.*** The Independent Panel recommended that telecommunications repair workers be afforded emergency responder status under the Stafford Act. Independent Panel Rep. at 35. All parties, including the Department of Homeland Security, that mentioned this recommendation supported it. *E.g.*, DHS Comments at 6-7; Verizon Comments at 19-20. As Verizon noted, such a designation need not require a legislative fix but can be accomplished as a matter of Executive Branch interpretation and guidance. Verizon Comments at 20 (citing March 1, 2006 NSTAC Letter to the President).

Implementing this recommendation is of critical importance. As Verizon explained in its opening comments here, designating communications repair workers as “emergency responders” would allow communications providers such as Verizon to receive certain essential security and transport assistance from the federal government. Verizon Comments at 19. During last year’s hurricanes, repair workers were denied access to affected networks and their components because they did not have the appropriate status under the Stafford Act. *Id.* This delayed restoration of services and placed repair workers at risk while they worked to restore telecommunications services. *Id.*

But the Commission should also be aware that affording emergency responder status to non-essential personnel would be counter-productive. Disaster areas could become clogged with such personnel, which could in turn delay and impede response and recovery activities.

***Encourage the development of streamlined credentialing procedures.*** The Independent Panel supported the National Security Telecommunications Advisory Committee’s recommendation to develop a national standard for credentialing telecommunications repair workers, adding that such a standard should be broadened to include all communications repair workers. Independent Panel Rep. at 34. The record here reflects broad support for adopting a national standard for credentialing that would be recognized by all entities involved in disaster response, including the various federal agencies (e.g., FCC, FBI, Department of Defense, Department of Homeland Security), state organizations (e.g., state police, National Guard), and local entities (e.g., local law enforcement, fire and rescue). *E.g.*, Verizon Comments at 18-19; AT&T Comments at 9-10; Cingular Comments at 7-8; Sprint Nextel Comments at 13-15.

As Verizon explained in its opening comments, such a standard could be modeled on the pilot program jointly launched by the Department of Homeland Security, the State of Georgia,

and BellSouth. Verizon Comments at 18-19. That program focused on establishing priority access for critical response personnel, including telecommunications repair workers, and resulted in the Georgia Standard Operating Procedure for emergency access. DHS Comments at 7. There is broad support in the record to expand the Georgia pilot program to other states. *E.g.*, AT&T Comments at 9-10; Cingular Comments at 7-8; Sprint Nextel Comments at 12-13. The Commission should promote such a program through outreach and awareness.

***Priority Electricity Restoration and Fuel Delivery.*** The record also reflects strong support for the Commission to work with the Department of Energy on a priority energy restoration and fuel delivery program for telecommunications facilities. *E.g.*, Sprint Nextel Comments at 16; NCTA Comments at 14; Verizon Comments at 22. As the Independent Panel Report recognized, the inability to get commercial electricity and fuel to central offices and other telecommunications facilities greatly hampered carriers' abilities to restore telecommunications services. Independent Panel Rep. at 14. A priority electricity and fuel program would have alleviated or significantly reduced this problem.

***Charter the NRIC VIII Council.*** The Independent Panel report recognized the substantial experience and expertise of the members of the NRIC in connection with disaster response and recovery best practices. Independent Panel Rep. at 31. The NRIC VII Council concluded its work in 2005, and the NRIC VIII Council has not yet been chartered. Verizon Comments at 11. The Commission therefore should convene the NRIC VIII Council right away to address, among other things, some of the recommendations of the Independent Panel by updating best practices to take into account new technologies and applications. *Id.* See also Sprint Nextel Comments at 8 ("Indeed, many of the recommendations of the Panel could serve as a starting point for a charter for NRIC VIII.").

**IV. THE COMMISSION SHOULD NOT ADOPT PROPOSALS THAT IMPOSE NEW REQUIREMENTS OR LAYERS OF ADMINISTRATION, FAVOR CERTAIN TECHNOLOGIES OR SERVICES, OR PRIVATIZE DISASTER PREPAREDNESS.**

The Commission should not take actions that would limit carriers' flexibility in preparing for and responding to disasters. Such actions include mandating the use of specific industry best practices; promoting particular firms' technologies or services; establishing or supporting the creation of regional coordinating centers; and privatizing the Nation's disaster response and recovery organizations.

As Verizon explained above, industry emergency management and business continuity best practices must continue to be voluntary to allow maximum flexibility for effective disaster response and recovery. *See supra* Section I. As NRIC and other industry parties have agreed, the telecommunications industry is too diverse to mandate a "one size fits all" approach. *See, e.g.,* BellSouth Comments at 9; Verizon Comments at 10-11 (citing NRIC VI – Homeland Security Final Rep. at 15).

The Comments of St. Tammany Parish Communications District 1 ("St. Tammany") do not suggest otherwise. Those comments – which advocated the imposition of requirements relating to backup procedures, traffic mirroring, and architecture diversity – do not show that such practices should be mandatory across the telecommunications industry. While such practices might be appropriate for some carriers, they would not for others. Indeed, St. Tammany's observations show only that providers and industry bodies such as NRIC should evaluate these issues and concerns in order to provide appropriate guidance to the industry in light of the great differences in telecommunications providers' technologies, facilities, infrastructures, geographical coverage areas, population densities, markets, and other factors.

The Commission should decline the suggestions of commenters that seek to mandate the use of their own specific technologies or services, or to use this docket to gain a competitive advantage. For example, some firms ask the Commission to promote their own products or services in the guise of disaster preparedness. *See, e.g.*, SquareLoop Comments (seeking Commission promotion of its “location-based software platform”); NTI Group Comments (seeking Commission promotion of its “time-sensitive notification” systems). Other parties ask the Commission to impose *more* disaster-related regulatory obligations on telecommunications carriers. *E.g.*, pulver.com Comments (seeking new Commission rules requiring telecommunications carriers to provide voicemail to customers affected by a disaster and to require expedited porting).<sup>2</sup> Favoring certain technologies or imposing new requirements would hamper disaster response and recovery by privileging the services of some firms or delaying the response capabilities of carriers. Instead, the Commission should continue down the path of easing regulatory obligations of telecommunications carriers preparing for or responding to disasters. The Department of Homeland Security and other commenters have endorsed this non-regulatory approach to disaster preparedness. *E.g.*, DHS Comments at 5 (stating that “relaxation of FCC regulatory requirements in the disaster context may further improve existing [national security/emergency preparedness] programs”); Verizon Comments at 11; ATIS Comments at 4; Qwest Comments at 2; Sprint Nextel Comments at 7-8; Cingular Comments at 7; NAB Comments at 5-8; Satellite Industry Ass’n Comments at 8-9.

---

<sup>2</sup> Verizon has previously explained why pulver.com’s proposals lack merit and should be rejected. *See* Comments (April 27, 2006) and Reply Comments (May 12, 2006) of Verizon in RM-11327. Verizon incorporates those submissions here.

The Commission should also reject establishing or supporting the creation of new regional coordinating centers. New York PSC Comments at 2. This concept is modeled on the existing federal architecture and the central coordination role of the NCC, but it would create additional regional equivalents of the NCC within various regions of the United States, *e.g.*, Mid-Atlantic, West, South, New York Metro, Chicago Metro. *Id.* While proposals such as these are undoubtedly well intentioned, they nonetheless would add an additional, unnecessary layer of bureaucracy in an area where efficiency and streamlined communications are paramount. Adding additional coordination mechanisms would, at its best, merely duplicate what already exists at the state and federal levels and, at its worst, impede the ability of telecommunications carriers to deliver disaster-related infrastructure information in real time to first responders when they need it most.

The Commission also should reject Bechtel's suggestion to privatize the disaster preparedness functions currently performed by public and private organizations such as NCS, NCC, FEMA, NRIC, and various telecommunications providers. Bechtel envisions that all "network resilience and reliability work currently performed in voluntary bodies like NSTAC or NCC should be transferred to a formal, professional cross-disciplinary team," defined as "men and women with real hands-on experience," on a "cost-reimbursable basis." Bechtel Comments at 9. Presumably, this "professional team" would be run by Bechtel.

Contrary to Bechtel's suggestions, the public and private sector members of the NCC, NRIC, and others groups are in fact "men and women with real hands-on experience." *Id.* The members of these organizations are dedicated professionals with years of experience and expertise in disaster preparedness.

In addition, Bechtel's proposal would negate the advantages of the existing "specialized and shared expertise" model for disaster preparedness planning. Each of the government and private groups with disaster expertise can currently focus on areas within its specialty and, in that context, develop appropriate recommendations. These recommendations are then presented to various public and public-private organizations, such as the Department of Homeland Security, NSTAC, and industry groups, for refinement and consistency. Combining all of these functions under the aegis of a single entity such as Bechtel would yield a group of unwieldy size run by an entity with its own independent motives to sell products and services. Such an inefficient structure -- as well as a possible conflict of interest -- is not appropriate when it comes to disaster planning and response.

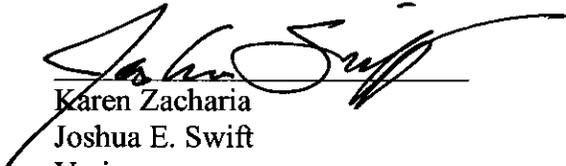
Finally, although several commenters raised disability access and related issues that touch on the Commission's pending Emergency Alert System ("EAS") docket, the ongoing EAS proceeding is the more appropriate docket to address the EAS and other disability-related issues raised in the *Hurricane Katrina NPRM*. See *Review of the Emergency Alert System*, EB Docket No. 04-296, DA 05-191. In the *Hurricane Katrina NPRM*, the Commission itself specifically stated that solving the technical challenges of providing EAS to persons with hearing or vision disabilities and persons who do not speak English "is the subject of the Commission's ongoing EAS rulemaking proceeding" and that it expects to address "these and related issues in that proceeding." *Hurricane Katrina NPRM* ¶ 18.

**V. CONCLUSION**

For all the forgoing reasons, the Commission should take certain steps right away to improve disaster response and recovery but should not take any actions that could inadvertently impede disaster response and recovery efforts.

Respectfully submitted,

Michael E. Glover  
*Of Counsel*

  
Karen Zacharia  
Joshua E. Swift  
Verizon  
1515 North Courthouse Road, Suite 500  
Arlington, VA 22201  
(703) 351-3039

John T. Scott, III  
Andre J. Lachance  
Verizon Wireless  
1300 I Street, N.W., Suite 400-West  
Washington, D.C. 20005  
(202) 589-3760

Date: August 21, 2006