

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

In the Matters of

Petition of California Public Utilities	)	RM-11588
Commission and The People of the	)	
State of California for Rulemaking On	)	
States' Access to the Network Outage	)	
Reporting System ("NORS") an a	)	
Ruling Granting California Access to	)	
NORS	)	

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

Filed: March 4, 2010

**COMMENTS OF CALTEL**

Pursuant to the Commission's Public Notice Requesting Comment,<sup>1</sup> the California Association of Competitive Telecommunications Companies<sup>2</sup> ("CALTEL") files the following reply comments in support of the Petition for Rulemaking.<sup>3</sup>

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<sup>1</sup> Pleading Cycle Established by the Public Safety and Homeland Security Bureau for Comments on Petition for Rulemaking by the California Public Utilities Commission Requesting that State Public Utilities Commissions Be Granted Direct Access to the Commission's Network Outage Reporting System, ET Docket No. 04-35, RM-11588 (DA 10-220) , February 2, 2010.

<sup>2</sup> CALTEL is a non-profit trade association working to advance the interests of fair and open competition and customer-focused service in California telecommunications. CALTEL members are entrepreneurial companies building and deploying next-generation networks to provide competitive voice, data, and video services. The majority of CALTEL members are small businesses who help to fuel the California economy through technological innovation, new services, affordable prices and customer choice. A list of all members of CALTEL can be found at <http://www.caltel.org/members2.html>.

<sup>3</sup> Petition of the California Public Utilities Commission and the People of the State of California for Rulemaking on States' Access to the Network Outage

## I. DISCUSSION

CALTEL was an active party in the California Public Utilities Commission's (CPUC's) Service Quality Rulemaking, which last fall resulted in D.09-07-019. As described in the *CPUC Petition*, one of the components of that decision "eliminated California-specific guidelines for disruption and outage reports" and required "all facilities-based certificated and registered telecommunications providers to concurrently report to the CPUC all information electronically submitted to the FCC under NORS [the Network Outage Reporting System], when California service is affected."<sup>4</sup>

The Petition mentions that "three of the four largest Incumbent Local Exchange Carriers ("ILECs") in California, AT&T, Surewest, and Frontier...supported California's move towards reliance on the FCC's NORS reporting scheme" in their written comments on the CPUC's Proposed Decision.<sup>5</sup> Although CALTEL did not file written comments on this issue in the CPUC Rulemaking, it indicated verbal support in several meetings with CPUC advisors and staff.

While it is true that outages experienced by most CALTEL members are not significant enough to meet the thresholds required to trigger a NORS report, some of CALTEL's largest members file reports on a periodic, multi-state basis and would welcome the efficiencies that granting the *CPUC Petition* would provide.

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Reporting System ("NORS") Database and a Ruling Granting California Access to NORS ET Docket No. 04-35, (filed Nov. 12, 2009) ("*CPUC Petition*").

<sup>4</sup> *CPUC Petition*, at pp. 6-7.

<sup>5</sup> *Id.*

That said, CALTEL shares the security concerns articulated previously by the FCC<sup>6</sup> and urges the Public Safety and Homeland Security Bureau to ensure that safeguards are put in place to protect sensitive outage data from falling into the hands of unauthorized persons. Because the CPUC has already implemented a process for obtaining and securing copies of NORS outage reports, it has, as the petition points out, afforded NORS data confidential treatment that would protect it from public disclosure.<sup>7</sup> CALTEL agrees with the CPUC that “other states seeking access to NORS reports under the proposed rule in this petition would be required to show sufficient protection for the confidential information.”

**I. CONCLUSION**

CALTEL urges the Commission to grant the CPUC Petition for the reasons described above, and to ensure that any other state afforded access to NORS data be required to put safeguards in place to ensure that sensitive network outage information is treated as confidential and thereby protected from public disclosure.

Respectfully submitted,

/s/ Sarah DeYoung

/s/ Clay Deanhardt

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Sarah DeYoung  
Executive Director  
CALTEL

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Clay Deanhardt  
Law Office of Clay Deanhardt  
Attorney for CALTEL

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<sup>6</sup> *Id.*, at pp. 4-5.

<sup>7</sup> *Id.*, at pp. 18-19.