Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of	**)**	
	)	
Petition of California Public Utilities	**)**	**RM-11588**
Commission and The People of the State of	**)**	**ET Docket No. 04-35**
California for Rulemaking On States'	**)**	
Access to the Network Outage Reporting	**)**	
System ("NORS") and a Ruling Granting	**)**	
California Access to NORS	**)**	

REPLY COMMENTS OF
THE UNITED STATES TELECOM ASSOCIATION

The United States Telecom Association (USTelecom)[1] is pleased to submit these reply comments on the Public Notice (Notice)[2] issued by the Public Safety and Homeland Security Bureau (Bureau) of the Federal Communications Commission (Commission) in the above referenced proceeding regarding access to the Commission's Network Outage Reporting System (NORS) database. In its initial comments, USTelecom emphasized the importance of stringent confidentiality provisions applying to access to the NORS database by a Public Utilities Commission (PUC) or a Public Service Commission (PSC) (collectively, "State Commission"). In addition, USTelecom identified important conditions for State Commissions to meet regarding any such access, including the limitation of redundant state-based network outage reports, and restricting this information to specifically-identified State Commission personnel with a need to know.

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[1] USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data and video over wireline and wireless networks.
[2] Public Notice, *Public Safety and Homeland Security Bureau Seeks Comment 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*, DA 10-220 (February 2, 2010) (*Notice*).

USTelecom is troubled therefore by some commenters who seek to minimize or dismiss these reasonable proposals.[3] In particular, the Commission should reject proposals that would substantially expand the entities gaining access to this sensitive information and limit access only to appropriate State Commission personnel. The Commission should also reject calls for continued reporting requirements at the state and federal levels. The filing of multiple reports with separate entities is inefficient and forces state and industry personnel to focus on the management of reports, rather than the security of the network.

I. Access to NORS Data Should Not Expand Beyond State Commissions.

The damage that could potentially result from the inadvertent or malicious disclosure of NORS information is substantial – a stark reality acknowledged by a broad range of commenters.[4] As the Department of Homeland Security (DHS) has previously noted, "the errant disclosure to an adversary of this [outage] information concerning even a single event may present a grave risk to the infrastructure . . . [which] could provide a potential adversary with a virtual road map targeting network stress points and vulnerabilities and a field guide to defeating "best practices" and protective measures."[5] As such, DHS concluded that "[s]afeguarding this information – especially the location, root cause, provider and other sensitive information – should be a paramount

[3] Several commenters seek to compare the nature of data accessible in the NORS database, to the information available in the Numbering Resources Utilization Forecast (NRUF) and the North American Numbering Plan Administrator (NANPA) database. But as AT&T notes, such an exercise amounts to "comparing apples and oranges." *AT&T Comments*, p. 4. USTelecom agrees that the damage that could potentially result from the inadvertent or malicious disclosure of NRUF data and NANPA database information would "pale in comparison to the damage that such disclosures of network outage report data could cause." *AT&T Comments*, pp. 4 – 5.

[4] *See e.g.*, *AT&T Comments*, p. 1, *ATIS Comments*, p. 3, *CTIA Comments*, p. 3, *Missouri Public Service Commission Comments*, p. 3, *Massachusetts Department of Telecommunications and Cable Comments*, fn. 26, *NYPSC Comments*, p. 3,.

[5] *AT&T Comments*, pp. 4 – 5 (quoting DHS Comments).

consideration in the final rules adopted by the FCC."[6] Despite these concerns, one commenter calls for more widespread dissemination of NORS data than sought in the petition (Petition) filed by the California PUC (CPUC).[7] In particular, the City of New York suggests that "local governments" be granted direct access to the Commission's NORS database.[8] This poses a substantial threat to the integrity and security of our nation's critical infrastructure and USTelecom strongly opposes such widespread access to the NORS database.

An increase in the dissemination of NORS data unnecessarily exposes that same data to greater potential for public exposure. As AT&T states in its comments, such amplified exposure "increase[s] the risks to the Nation's critical infrastructure exponentially by undoing the FCC's exclusive control over database access – vastly increasing the number of people who could access sensitive data. In lieu of the existing tight control over the NORS database that the FCC exercises today, the FCC would be allowing increasing numbers of people spread out over the entire country access to data the DHS argued requires special safeguarding."[9]

The City of New York's proposal, in direct contradiction of DHS's expressed concerns, would exponentially increase the risks to the Nation's critical infrastructure by vastly increasing the dissemination of providers' highly sensitive information. The Commission should reject this proposal and conclude that any access to the NORS database should not extend beyond State Commissions.

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[6] *AT&T Comments*, p. 5 (quoting DHS Comments).
[7] Petition of the California Public Utilities Commission and the People of the State of California for Rulemaking on States' Access to the Network Outage Reporting System (NORS) Database and a Ruling Granting California Access to NORS, RM-11588, ET Docket No. 04-35, dated November 12, 2009 (*CPUC Petition*).
[8] *City of New York Comments*, p. 3.
[9] *AT&T Comments*, p. 5.

Moreover, local governments' access to NORS is unnecessary because state oversight of outage reporting incidents is sufficient for addressing local concerns related to network outage. In fact, the New York State PSC (New York PSC) reached exactly this conclusion when it called for only "state commission access to the NORS."[10] The New York PSC concluded that NORS access limited to "state utility commissions" would enhance the "*local*, state, and federal, partnership" necessary to maintain reliable telecommunications networks.[11]

II. The Commission Should Require States To Eliminate Redundant Network Outage Reporting Requirements.

There is strong support for eliminating redundant state-based network outage reporting requirements based on a State Commission's access to the NORS database. For example, the District of Columbia PSC (DCPSC) recently released outage reporting requirements, and it notes that many carriers called for ways to "eliminate duplicative reporting requirements."[12] The DCPSC notes that if it were to have access to the NORS database, it could "obtain the NORS reports directly," and carriers could "concentrate on restoring service instead of transmitting outage reports."[13]

Similarly, the Massachusetts Department of Telecommunications and Cable (Massachusetts DTC) states that the current system is "inefficient from the perspective of communications service providers that are currently required to report the same outage data to multiple parties."[14] Finally, the National Association of State Consumer Utility Advocates (NASUCA) observes that dual reporting is "burdensome for both state

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[10] *New York PSC Comments*, p. 1.
[11] *Id.*, p. 3 (emphasis added).
[12] *District of Columbia PSC Comments*, p. 2 (*DCPSC Comments*).
[13] *DCPSC Comments*, p. 2.
[14] *Massachusetts DTC Comments*, p. 4.

regulatory personnel and communications providers in the state."[15] NASUCA goes on to note that the removal of such superfluous reporting requirements "eliminate[es] the additional burden on the carriers, extra work for both carriers and state commission, delay, and possible data entry errors."[16]

Nevertheless, a few State Commissions take a less pragmatic view of outage reporting obligations. For example, the Missouri PSC states that it "does not intend to replace [its] outage reporting requirements with the FCC NORS requirements."[17] Similarly, the New York PSC states that access to the Commission's NORS database will "complement" its "existing outage reporting procedures."[18]

The record reflects, however, that the benefits of uniform reporting accrue to both individual State Commissions as well as carriers. The Massachusetts DTC – which supports a uniform reporting standard via NORS – notes that the reduction in repetitive reporting requirements "would significantly reduce the costs and administrative burdens on communications service providers." But as USTelecom addressed in its initial comments, and the California PUC (CPUC) noted in its underlying Petition, equally important benefits accrue to individual State Commissions that adopt such a measure.

A State Commission should only be allowed access to the NORS database if its State's outage reporting requirements, if any, are identical to the Commission's. In this way, carriers will be released from the burdens of filing conflicting outage requests with the Commission and any State Commissions, while State Commissions would not be

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[15] *NASUCA Comments*, p. 7.
[16] *Id.*, p. 8.
[17] *Missouri PSC Comments*, p. 2.
[18] *New York PSC Comments*, p. 2.

required to differentiate between duplicative reports (*i.e.*, one submitted to the Commission and another submitted to a State Commission).

Redundant reporting is neither a practical nor efficient use of staff and industry resources, since it requires carriers to provide information to the Commission and then separately to other State Commissions.[19] Because such an approach is "unnecessarily duplicative and inefficient,"[20] the Commission should adopt procedures whereby State Commissions gain access to the NORS database contingent upon their sole reliance on the Commission's NORS database for reports from providers regarding outages.

III. Conclusion

USTelecom's member companies are committed to ensuring the continuing stability and reliability of the Nation's communications infrastructure.. USTelecom believes strong safeguards are needed for reasonable measures to ensure continuity in our Nation's critical communications infrastructure, so long as these measures are consistent with the need to secure sensitive and confidential NORS database information, and harmonize the scope of such reporting obligations amongst all Federal and state stakeholder agencies.

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[19] *CPUC Petition*, p. 12.
[20] *Id.*, p. 7.

Respectfully submitted,

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