

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

In the Matter of)	
)	
)	
New Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	ET Docket No. 04-35
)	
Consumer Protection in the Broadband Era)	WC Docket No. 05-271
)	
Implementation of the Broadband Data Improvement Act)	GN Docket No. 09-47
)	
A National Broadband Plan For Our Future)	GN Docket No. 09-51
)	
Development of Advanced Telecommunications Capability)	GN Docket No. 09-137
)	

COMMENTS

The Public Service Commission of the District of Columbia (“DCPSC”) hereby submits these Comments in response to the Federal Communications Commission (“FCC” or “Commission”) Public Safety and Homeland Security Bureau (“PSHSB” or “Bureau”) July 2, 2010 Public Notice.¹ In that *Public Notice*, the Bureau notes the National Broadband Plan’s (“NBP”) recommendation that the Commission initiate a proceeding to extend the Part 4 outage reporting rules to broadband Internet Service Providers (“ISPs”) and to interconnected Voice over Internet Protocol (“VoIP”) Providers.² In advance of any such proceeding, the Bureau seeks comment and information on issues related to whether, and if so how, the Commission should expand its Part 4 rules so that they also apply to interconnected VoIP service providers and broadband ISPs. The DCPSC supports the inclusion of these providers within the reach of

¹ *Public Safety and Homeland Security Bureau Seeks Comment on Whether the Commission’s Rules Concerning Disruptions to Communications Should Apply to Broadband Internet Service Providers and Interconnected Voice Over Internet Protocol Service Providers*, Public Notice DA 10-1245, July 2, 2010 (*Public Notice*).

² See FEDERAL COMMUNICATIONS COMMISSION, NATIONAL BROADBAND PLAN: CONNECTING AMERICA, Recommendation 16.6 at 321 (rel. March 16, 2010).

the Part 4 rules and also suggests that State public utility commissions should be granted access to the information developed by the Commission.³

Discussion

Part 4 of the Commission's Rules establishes requirements pertaining to the reporting of disruptions to communications and to the reliability and security of communications infrastructures.⁴ Reporting of disruptions is essential for the Commission to fulfill its responsibilities in overseeing the nation's communications infrastructure. Information gathered by the Commission pursuant to these rules is used to inform the work of the Network Reliability and Interoperability Council, the Network Reliability Steering Committee and other organizations, including, most importantly, the Department of Homeland Security. At the outset, mandatory reporting requirements applied only to traditional wireline carriers. More recently, those requirements have been extended to all communications providers that provide voice and/or paging communications, including wireless and satellite providers, as well as wireline and cable providers.⁵ In extending those requirements, the Commission recognized the growing importance of these new technologies in emergency communications situations, such as the events of September 11, 2001.⁶

The Commission should apply the same rationale today. As increasing numbers of consumers, businesses and government agencies rely on broadband and VoIP for every day communications needs, both voice and data, the reliability of those networks becomes more important. It is not only appropriate, but also necessary, for the Commission, and other organizations, to have available outage information for analyzing vulnerabilities in the essential

³ We note that, for purposes of this proceeding, we include within the term "broadband Internet Service Providers" those who provide "broadband Internet connectivity service" as it is understood by the Commission in its recent Notice of Inquiry, *Framework for Broadband Internet Service*, GN Docket No. 10-127, FCC 10-114, rel. June 17, 2010.

⁴ See 47 C.F.R. § 4.1 *et seq.*

⁵ See *Disruptions to Communications*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-35, 19 FCC Rcd 16830 (rel. August 19, 2004) (*2004 Part 4 Order*).

⁶ *Id.* at ¶ 10.

infrastructure. The DCPSC urges the Commission to extend its reporting requirements to broadband ISPs and VoIP providers, subject of course to confidentiality protections.⁷

Among the organizations that can use the outage reports in fulfillment of their responsibilities are State public utility commissions, who are often charged with protecting the public safety and welfare. Outage and service disruption data are often necessary to the analysis of infrastructure within states, as well as nationwide. This fundamental fact was recognized by the Department of Homeland Security when it recommended that the Commission make outage information available to State public utility commissions “in order to assure that State authorities have the outage data they need to support their homeland security and emergency response functions, to reduce the need for State regulators to collect intrastate outage data independently, and to reduce the reporting burden on communications providers.”⁸

In this connection, we draw the Commission’s attention to the pending petition of the California Public Utilities Commission asking the Commission to permit state public utility commissions to have direct access to the Network Outage Reporting (“NORS”) database, on a state-specific basis, and subject to appropriate confidentiality protections.⁹ On March 4, 2010, the DCPSC filed a comment supporting the California petition as a way, not only to assist the DCPSC in its statutory responsibilities, but to eliminate duplicative reporting requirements. In those comments, we recognized that confidentiality protection concerns justifiably would be paramount in the minds of the telecommunications carriers. We assure the Commission that access to NORS data by state public utility commissions would include appropriate protection for infrastructure information, not only because of commercial concerns, but also because of national security issues. The California petition is still pending. We urge the Commission to grant the petition.

⁷ See 47 C.F.R. § 4.2.

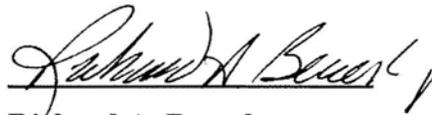
⁸ *Id.* at ¶ 25.

⁹ *Petition of the California Public Utilities Commission and the People of the State of California for Rulemaking on State’s Access to the Network Outage Reporting System (NORS) And a Ruling Granting California Access to NORS*, Public Notice DA 10-220, Docket No. 04-35, February 2, 2010.

Conclusion

For these reasons, we urge the Commission to expand its existing Part 4 network outage reporting requirements to include broadband ISPs and VoIP service providers. We also urge the Commission to grant the pending California petition seeking state public utility commission access to state-specific outage data submitted by providers to the FCC, subject to appropriate confidentiality protections.

Respectfully submitted,



**Richard A. Beverly
General Counsel**

**Public Service Commission of the District of Columbia
1333 H Street, N.W., Suite 200 West Tower
Washington, D.C. 20005
202-626-5100**

August 2, 2010