

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

In the Matter of)	
)	
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)	ET Docket No. 04-35
)	
)	WC Docket No. 05-271
)	
)	GN Docket Nos. 09-47, 09-51, 09-137

REPLY COMMENTS OF INTRADO INC. AND INTRADO COMMUNICATIONS INC.

Intrado Inc. and Intrado Communications Inc. (Intrado) respectfully submit these comments in reply to comments filed by other parties in this proceeding.

In its Public Notice initiating this proceeding,¹ the Federal Communications Commission (Commission) asks whether service disruption or outage reporting requirements, including its Part 4 rules, *Disruptions to Communications*, should apply to interconnected Voice over Internet Protocol service providers (VoIP Providers) and/or to broadband Internet service providers (ISPs). For a variety of reasons, the majority of the commenting entities opposed or at least strongly cautioned the Commission against moving towards a rulemaking proceeding on this subject. While Intrado acknowledges that there are many differences between traditional circuit-switched networks and packet-switched networks, the Commission's inquiry should not be dismissed without fully considering the value and practicality of obtaining outage information related specifically to VoIP 911 requests for emergency assistance.

¹ Public Notice, *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*, DA 10-1245, ET Docket No. 04-35, WC Docket No. 05-271, GN Docket Nos. 09-47, 09-51, 09-137 (rel. July 2, 2010)(Notice).

As a general matter, Intrado advocates outage reporting by all entities initiating, transporting, delivering, or receiving 911 calls.² Therefore, Intrado supports the concept of including VoIP Providers as those that must report outages affecting 911 calls. Intrado understands that the percentage of VoIP calls to wireline calls was relatively small according to the Commission's 2008 assessment,³ and while the market is growing, the percentage of VoIP 911 calls is likely to remain lower than other 911 calls in the near future. However, given the public interest in demanding highly reliable emergency communication systems— notwithstanding the technology used—it is reasonable to consider the need to collect outage information related to VoIP 911 calls.

Intrado agrees with the admonition that any filing requirements must be based on clear and realistic standards and that any entity's obligation to report an outage must be conditioned upon its ability to know that an outage has occurred and to obtain the necessary information in order to file a report.⁴ Further, Intrado believes that any reporting requirements must be competitively neutral. In other words, the impact of reporting requirements—both in terms of required time, costs and resources—should not be more onerous than the Part 4 rules are to the communications providers to which they currently apply.

However, while Intrado acknowledges that, ultimately, they may not be an acceptable fit for VoIP Providers, Intrado suggests using the Commission's Part 4 911 special facility outage rules, 47 C.F.R § 4.5 (e), as a place to begin a discussion. Section 4.5 (e) uses common metrics

² While Public Safety Answering Point (PSAP) outage reporting is not the subject of the Commission's Notice, Intrado suggests that the reliability of the nation's 911 system cannot be fully assessed without information regarding outages at the PSAP premises.

³ See Comments of Qwest Communications International, Inc., 4-5 (citing *Local Telephone Competition Status as of December 31, 2008*).

⁴ See Comments of AT&T Inc. at 7-8.

across all providers in a technologically-neutral method. As they are currently written, the Part 4 rules apply to the service provider, as well as to any entity providing networks or services to that provider.⁵ Section 4.5 requires reporting of outages when:

- (1) There is a loss of communications to PSAP(s) potentially affecting at least 900,000 user-minutes and: The failure is neither at the PSAP(s) nor on the premises of the PSAP(s); no reroute for all end users was available; and the outage lasts 30 minutes or more; or
- (2) There is a loss of 911 call processing capabilities in one or more E-911 tandems/selective routers for at least 30 minutes duration; or
- (3) One or more end-office or MSC switches or host/remote clusters is isolated from 911 service for at least 30 minutes and potentially affects at least 900,000 user-minutes; or
- (4) There is a loss of ANI/ALI (associated name and location information) and/or a failure of location determination equipment, including Phase II equipment, for at least 30 minutes and potentially affecting at least 900,000 user-minutes (provided that the ANI/ALI or the location determination equipment was then currently deployed and in use, and the failure is neither at the PSAP(s) or on the premises of the PSAP(s)).⁶

As an initial matter, Intrado recognizes that not every provider in the VoIP 911 call flow is likely to have relevant outage information for every incident. This may be especially true of over-the-top providers originating 911 calls over the Internet. However, once a VoIP 911 call reaches the VoIP Provider's call platform, it is commonly routed to the 911 service provider's network over dedicated circuits or via virtual private network (VPN) connectivity (or a combination of both) to the appropriate PSAP. Typically, such connectivity and transport is monitored through a managed system, using providers that will have the ability to detect service disruptions in their respective networks. For example, supplemental to its VoIP Provisioning Center (VPC) service offering, Intrado delivers VoIP calls to the appropriate 911 service

⁵ 47 C.F.R. § 4.3 (a), (d), (e), (f) and (g).

⁶ 47 C.F.R. § 4.5 (e). User minutes are defined as “(1) Assigned telephone number minutes (as defined in paragraph (c) of this section), for telephony and for those paging networks in which each individual user is assigned a telephone number; (2) The mathematical result of multiplying the duration of an outage, expressed in minutes, by the number of end users potentially affected by the outage for all other forms of communications.” 47 C.F.R § 4.7 (e).

provider's selective router.⁷ For this routing, Intrado receives 911 calls delivered directly from the VoIP Provider's call platform to Intrado's gateways through dedicated or VPN connections. From there, Intrado employs soft switches, along with dedicated, secure and privately managed transport networks to deliver the 911 calls to the appropriate selective router of the 911 service provider.

Intrado supports both an industry collaborative effort to identify issues and a trial of any consensus recommendations. Among other things, the Commission and industry participants should consider which entities in the call flow have visibility to service disruptions and access to sufficient relevant information to meet reporting obligations, whether each entity could determine the potential user minutes relevant to Sections 4.5 (e) (1) and (2) in the same manner that traditional wireline user minutes are determined without expending unreasonable resources or incurring costs; and whether the metrics are still useful in light of the fact that, as applied to VoIP 911 calls, they may not have the same impact as when applied to wireline or wireless calls because the end users likely will not be associated with a single PSAP in a concentrated manner, but rather may be spread over many PSAPs.

Finally, Intrado reiterates the need for continued confidentiality of any reported information. Disclosure of sensitive network outage information could result in competitive harm and potential network vulnerability for any provider submitting outage reports.

⁷ This service applies where the PSAP to which the call is destined subscribes to selective routing.

Respectfully submitted,

**INTRADO INC.
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