

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

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| In the Matter of |) | |
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| WTB Data Review |) | WT Docket No. 10-131 |
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REPLY COMMENTS OF AT&T INC.

AT&T Inc. (“AT&T”), on behalf of its wholly-owned wireline and wireless subsidiaries, hereby offers Reply Comments in the above-captioned proceedings. In opening comments AT&T noted the Congressional mandate in Section 11 of the 1996 Act that the Commission eliminate unnecessary regulation, including unnecessary data collections.¹ Verizon points to two other statutory mandates to eliminate unnecessary data collections, Section 10 forbearance requirements and the Paperwork Reduction Act.² Section 10 requires the Commission to forbear from any regulation or provision of the Act unless the regulation is “necessary” to ensure just and reasonable rates or to protect consumers.³ Free Press bemoans the fact that the Commission gave AT&T forbearance relief from collecting ARMIS data.⁴ The Commission granted

¹ AT&T at 2.

² Verizon at 10-12.

³ 47 U.S.C.A. § 160.

⁴ Free Press at 3.

forbearance only after finding that the forbearance criteria were met.⁵ The Commission made it clear that it cannot initiate or maintain a data collection that is not necessary for federal regulatory purposes even if such data might be useful to state regulators or others and that any data would be relevant only if collected from all service providers.⁶ Parties such as Telogical Systems that advocate sweeping new data collections largely ignore the limitations imposed by Congress on FCC regulations. Likewise, the Minority Media and Telecommunications Council (“MMTC”) requests that the Commission increase the frequency of Form 477 reports from semi-annually to quarterly and expand the report to include demographic information. The Form 477 data collection process purposely was modified to gather data at the census tract level so existing US Census data containing demographic data could be used to make informed public policy decisions. Collection and reporting of the same information would be burdensome to carriers and is unsupported in the record.⁷

As AT&T explained in its opening comments, expanded availability of data to the public should not come at the expense of protecting confidential provider-specific data. Several commenting parties suggested that the Commission make “raw” carrier data available for their use in research or for other purposes. The Commission’s existing rules allow carriers to seek protection from public disclosure of competitive and otherwise sensitive information provided to

⁵ In the Matter of Petition of AT&T for Forbearance under Section 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission’s ARMIS Reporting Requirements, Memorandum Opinion and Order and Notice of Proposed Rulemaking, FCC 08-203 (2008) ¶ 12: “We find, however, that to make fully informed choices, the consumers would need to have the relevant service quality information from all relevant providers. Consequently, we seek comment in the Notice of Proposed Rulemaking below regarding whether to initiate such an industry-wide data collection.”

⁶ Id., ¶ 9.

⁷ MMTC at 11-13.

the Commission.⁸ Nothing done in this docket should undermine the established expectation that the Commission will protect from public disclosure highly confidential information provided to it by carriers.

In its comments, T-Mobile USA, Inc. (“T-Mobile”) recommended that the Commission change its network outage reporting obligations.⁹ AT&T supports this recommendation.

When the Commission adopted the present iteration of its network outage reporting rules, the Commission opined that “that in the usual case, the only burden associated with the reporting requirements will be the time required to complete the Notification, and the Initial and Final Reports.”¹⁰ The Commission estimated that the total time for a reporting entity to complete these reports “would be significantly less than 5 hours.”¹¹ And that the total number of annual reports would only climb from around 126 outage reports in 2003 to a number “substantially less than 1,000.”¹² In short, the Commission projected only a minor increase in the paperwork burden on reporting entities.

Despite Commission assurances that its expanded reporting requirements would be minimally burdensome, just the opposite has occurred. Besides actually “completing the reports,” AT&T, for example, has had to spend considerable time determining whether an event met the threshold criteria for reporting an outage, justifying or explaining that determination both inside the company and to the Commission, and defending its determination—as well as the timeliness of the reports—to the Commission. Just looking at the incident management team

⁸ See 47 C.F.R. § 0.441 *et seq.*

⁹ T-Mobile ¶¶ 9 – 10. See, 47 C.F.R. §§ 4.1 *et seq.*

¹⁰ *Report and Order*, 19 FCC Rcd 16830 App. D, para. 28 (2004) (*Network Outage Order*).

¹¹ *Id.*, at 16913 para. 168 (“(the Notification + the Initial Report + Final Report: 15 minutes + 45 minutes + 2 hours = 3 hours”).

¹² *Id.*

within AT&T's Global Network Operation Center ("GNOC"), AT&T estimates that it spends at a minimum an estimated 12 hours per NORS reportable outage. This is easily more than double the Commission's estimate that the paperwork burden "would be significantly less than 5 hours."¹³ And this estimate does not include time spent by AT&T's other employee teams and vendors or upper management in the same post-outage analysis.

T-Mobile's suggestion that the Commission revise its rules to change the circumstances under which a 120-minute notification must be filed is a good start. T-Mobile recommends that the Commission limit the 120-minute notification "to outages related to vandalism or terrorism, those affecting special facilities (such as airports or 911/E911 facilities), or Signaling System 7 (SS7) isolations."¹⁴ This recommendation would provide the Commission with timely critical information on crucial outages, decrease the burden on reporting entities, and free up resources to address network disruptions impacting subscriber services. Because the Commission would continue to receive reports on the other outages from which to develop "best practices," this recommendation would not adversely impact the Commission's stated goal of "ensuring the reliability and security of the Nation's telecommunications networks and infrastructure."¹⁵

In addition to this recommendation, the Commission should change the present obligation to file the initial report "[n]ot later than 72 hours after discovering the outage"¹⁶ to *on the third business day after discovering the outage*. The existing rule can require filing the initial report at odd hours and on holidays. Changing the rule to "on the third business day after discovering the outage" would make the reporting obligation easier on reporting entities and would not

¹³ See footnote 12 *supra*.

¹⁴ T-Mobile Comments, p. 10.

¹⁵ *Network Outage Order*, 19 FCC Rcd at Appendix D – Final Regulatory Flexibility Analysis (FRFA), ¶ 26.

¹⁶ 47 C.F.R. § 4.9.

significantly impact the Commission's ability to develop best practices or otherwise obtain the information "necessary for the proper performance of the functions of the agency."¹⁷

PCIA-The Wireless Infrastructure Association ("PCIA") filed comments endorsing the Commission's proposal in its Part 17 Rulemaking¹⁸ to allow antenna owners to provide tenant licensees and permittees the antenna structure registration ("ASR") number along with a link to the ASR website in lieu of providing a paper copy of the antenna structure registration Form 854R. AT&T endorsed this change in its Part 17 comments, and endorses it again here. AT&T has previously endorsed using exclusively electronic communication to confirm receipt of the Form 854 submission and to issue Form 854R, thereby converting the ASR process to an exclusively paperless system.¹⁹ Currently, after receipt of each Form 854 filing, the Commission sends antenna structure owners two separate hard-copy documents by U.S. mail: (1) a letter confirming receipt of the Form 854 submission, and (2) an Official Copy of a Form 854R, which is a completed copy of the Form 854 including the antenna structure registration number. Antenna structure owners are required to provide the Official Copy of the Form 854R to all antenna structure licensees and permittees²⁰ and frequently to municipalities and other third parties to validate the owner's authority to operate the structure. Because the Commission sends the filing confirmation and Form 854R documents in hard copy, antenna structure owners must

¹⁷ *Paperwork Reduction Act*, 44 U.S.C. § 3506 (c).

¹⁸ *In re* 2004 and 2006 Biennial Regulatory Review-Streamlining and Other Revisions of Parts 1 and 17 of the Commission's Rules Governing Construction, Marking and Lighting of Antenna Structures: Amendments to Modernize and Clarify Part 17 of the Commission's Rules Concerning Construction, Marking and Lighting of Antenna Structures, WT Docket No. 10-88; RM 11349, *Notice of Proposed Rulemaking*, FCC 10-33, at ¶ 43 (Rel. April 20, 2010) ("Part 17 Rulemaking").

¹⁹ In the Matter of Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget: Application for Antenna Registration Form 854, OMB Control No. 3060-0139, Comments of AT&T Inc. (Aug. 4, 2008).

²⁰ 47 C.F.R. § 17.4(f).

retain the documents in hard copy files or convert the documents to electronic form. Regardless of the filing method used, antenna structure owners spend substantial monetary and human resources tracking, scanning (or filing), and retaining the Form 854 filing confirmation and the Official Copy of the Form 854R for every registered antenna structure.

AT&T proposes that the Commission reduce the resource burden on antenna structure owners of collecting and retaining ASR documents by converting to a process whereby the Commission sends the Form 854 filing confirmation and the Official Copy of the Form 854R in exclusively electronic form. ASR filing confirmations could be readily sent by e-mail and Official Copies of the Form 854R could be accessed on the Commission's ASR webpage or sent by e-mail to antenna structure owners as an electronic attachment. These electronic methods of communicating with antenna structure owners are more efficient than mailing hard-copy documents, reduce the paperwork collection burden on owners, and make effective use of current information technology.

AT&T proposes that the Commission make the Official Copy of the Form 854R available on its ASR webpage for download by antenna structure owners or third parties, replacing the "Reference Copy" of the Form.²¹ An antenna structure owner can retrieve an Official Copy of a Form 854R when and if it is needed and can retain the document with merely a few key strokes or clicks of the mouse.²² For the foregoing reasons, AT&T supports a transition to a paperless system regarding the FCC's ASR system.

²¹ Consistent with its current records retention policy, the Commission should actively maintain and allow access to the Official Copy of the Form 854R on its ASR webpage as long as the antenna structure owner continues to own the registered structure and thereafter archive the Form to tape for a minimum 12-year retention period.

²² As an alternative, the Commission could send the Official Copy of the Form 854R by e-mail attachment.

The changes endorsed herein will serve the public interest by simplifying the data collection process without adding to the regulatory burdens of wireline and wireless carriers.

Respectfully submitted,

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September 13, 2010