

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

In the Matter of	)	
	)	
Reliability and Continuity of Communications Networks, Including Broadband Technologies	)	PS Docket No. 11-60
	)	
Effects on Broadband Communications Networks of Damage or Failure of Network Equipment or Severe Overload	)	PS Docket No. 10-92
	)	
Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks	)	EB Docket No. 06-119

**REPLY COMMENTS  
OF THE ALLIANCE FOR TELECOMMUNICATIONS INDUSTRY SOLUTIONS**

The Alliance for Telecommunications Industry Solutions (ATIS), on behalf of its Network Reliability Steering Committee (NRSC), hereby submits these reply comments in response to the Commission's *Notice of Inquiry (NOI)* in the above-referenced dockets. ATIS' reply comments focus on only a few key points. First, ATIS notes that there is strong support among commenters that regulatory mandates pertaining to network reliability or resiliency are not necessary. Second, ATIS notes that there is also broad acknowledgement that communications networks are reliable and providers are strongly incented to maintain that reliability. Finally, based on the first two points, ATIS does not believe that there is a need for the Commission to mandate a needs-based study on redundancy.

## Reply Comments

In the *NOI*, the Commission seeks input on network reliability and the measures that should be taken to ensure that communications networks are maintained during emergencies. ATIS urges the Commission not to adopt regulatory mandates regarding network reliability and resiliency and notes that many commenters agree that such mandates are not necessary and could even frustrate the industry's ongoing efforts to promote reliability and resiliency.<sup>1</sup>

Verizon and Verizon Wireless (Verizon), for example, recommend that “[t]he Commission should avoid any prescriptive rules that would impede carriers’ necessary flexibility in preparing for and responding to disasters, thus interfering with the Commission’s policy of ensuring the resiliency of critical communications networks.”<sup>2</sup> AT&T Services, Inc. (AT&T) notes that “specific federal mandates with respect to system design, reliability objectives, or operational best practices would not be effective at enhancing network resiliency and service continuity and could prove to be counterproductive.”<sup>3</sup> T-Mobile USA, Inc. (T-Mobile) observes that Commission regulation is unwarranted to ensure reliable networks are built and maintained in the absence of a market failure.<sup>4</sup> CenturyLink agrees that such mandates are both unnecessary and potentially counterproductive and recommends instead that voluntary, self-directed industry

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<sup>1</sup> See Comments of T-Mobile USA, Inc., Comments of AT&T Services, Inc., Comments of the United States Telecom Association, Comments of the Telecommunications Industry Association, Comments of the National Cable & Telecommunications Association, Comments of CenturyLink, Comments of CTIA - The Wireless Association™, Comments of Verizon and Verizon Wireless.

<sup>2</sup> Comments of Verizon and Verizon Wireless (Verizon) at p. 14.

<sup>3</sup> Comments of AT&T, at p. 2.

<sup>4</sup> Comments of T-Mobile at p. 3. T-Mobile also notes that, in none of the Commission’s reports analyzing competition in the wireless marketplace, has the Commission concluded that there is a market failure.

efforts be supported.<sup>5</sup> The National Cable & Telecommunications Association (NCTA) similarly recommends that public-private collaboration be pursued rather than mandatory edicts.<sup>6</sup>

ATIS acknowledges that a few commenters do support additional regulatory mandates regarding resiliency and continuity of service.<sup>7</sup> Among those that support additional regulatory mandates are some representatives from electric utilities. Oncor Electric Delivery Company and the Edison Electric Institute (EEI), for example, cite the unique communications needs of utilities for reliability and resiliency in their recommendations that the Commission adopt reliability standards for communications providers.<sup>8</sup>

ATIS does not disagree that electric, gas and water utilities provide essential services and are core components of our nation's critical infrastructure. ATIS further agrees that utilities have needs that may be distinct from other end-users. However, the existence of these distinct requirements and/or the ability of existing communications to meet these needs do not prove that communications systems are unreliable or that additional Commission mandates are necessary. In fact, the comments made by others disprove both of these statements.

First, communications networks are reliable. Verizon notes that it endeavors to maintain far greater than 99% availability and regularly achieves that goal.<sup>9</sup> AT&T similarly notes that it has adopted a manufacturing model of defects per million in determining reliability and

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<sup>5</sup> Comments of CenturyLink at p. 17.

<sup>6</sup> Comments of NCTA at p. 1.

<sup>7</sup> Comments of the New York State Public Service Commission at p. 2, Comments of the Edison Electric Institute, pg. 3, and Comments of Oncor Electric Delivery Company at p. 2.

<sup>8</sup> Comments of Oncor Electric at pp. 5-9, Comments of EEI at pp. 3-5.

<sup>9</sup> Comments of Verizon at p.4.

concluded that both its IP and TDM networks performed at greater than 99.99% reliability.<sup>10</sup>

And, as both the United States Telecom Association (USTelecom) and CTIA-The Wireless Association<sup>TM</sup> (CTIA) note, the reliability of networks has also been demonstrated by the ability of service providers to continue to provide service during large scale emergencies in recent years.<sup>11</sup>

Second, even if one were to accept that the reliability needs of certain classes of users may exceed that of consumer communications networks, there is still no reason for regulatory mandates. Regulatory mandates are not necessary because service providers are strongly incented to maintain and enhance reliability by market forces. USTelecom agrees that “there are substantial market-based incentives to invest in secure critical communications infrastructure.”<sup>12</sup> AT&T observes that “[t]he remarkable resiliency of the Nation’s communications infrastructure is a direct result of fierce competition in both the consumer and enterprise markets, which drives service providers to protect their networks and prepare for and mitigate the effects of emergencies.”<sup>13</sup> CenturyLink acknowledges this as well: “There is no action that could be taken by the Commission that would provide a greater incentive to CenturyLink to maintain a reliable and resilient broadband network than the compelling need to succeed in the marketplace by retaining current customers and acquiring new customers.”<sup>14</sup>

Therefore, if there is sufficient demand for a specific service or level of redundancy, service providers would be incented to work with specific users to offer such products or

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<sup>10</sup> Comments of AT&T at p.10.

<sup>11</sup> Comments of USTelecom at p. 2, Comments of CTIA at pp. 7-11.

<sup>12</sup> Comments of USTelecom at p. 2.

<sup>13</sup> Comments of AT&T at p. 2.

<sup>14</sup> Comments of CenturyLink at pp. 3-4.

services directly to those users. Establishing broad mandates that would require all telecommunications systems to be engineered to meet the unique needs a subset of users would simply result in higher costs for all consumers. As the Utilities Telecom Council (UTC) notes, commercial service providers will design their networks for reliability to the extent that it is feasible and the costs can be economically justified.<sup>15</sup> ATIS agrees and notes that, to do otherwise, would be inappropriate. Clearly, implementing infeasible solutions would be contrary to the public interest, as would the implementation of solutions that are not cost-justified and would result in the imposition of significant costs on all end-users.<sup>16</sup> Instead of implementing new unnecessary regulatory mandates, ATIS reiterates its call for utilities to work collaboratively with communications providers to define the utilities' needs and to determine what can be done to meet those needs.<sup>17</sup>

Finally, ATIS opposes the NYPSC's recommendation that a needs-based study be mandated to determine what wired and wireless broadband facilities require redundancy based upon a common definition of critical services.<sup>18</sup> ATIS does not believe that such a study is

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<sup>15</sup> UTC Comments at p. 3. ATIS believes that it is disingenuous for UTC to ask "whether commercial service providers will recognize their shortcomings, or whether they will deny them, as they did in earlier comments in this proceeding." Comments of UTC at p. 3. Service providers have clearly noted the limitations of their networks and that no network can be designed to be 100%. *See, e.g.*, Comments of ATIS at p. 4, Comments of AT&T at p. 5, Comments of Iridium Satellite at p. 8, Comments of the Telecommunications Industry Association at p. 4.

<sup>16</sup> ATIS notes that, despite the calls from the electric industry for greater reliability from service providers, there has been no firm commitment to use commercial networks (or to return unused spectrum) if utilities' concerns were met. Instead, the calls for greater reliability have been accompanied only by statements regarding the continued need for private utility communications systems. EEI, for example, urges the Commission to take action to adopt reliability standards for communications companies "but to avoid taking any action which may inhibit or prohibit the ability of electric utilities to continue to rely on private networks ..." Comments of EEI at p. 3.

<sup>17</sup> ATIS Comments to In the Matters of International Comparison and Survey Requirements in the Broadband Data Improvement Act, Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act, A National Broadband Plan for Our Future, GN Docket Nos. 09-47, 09-137, 09-51, *National Broadband Plan Public Notice #2* (released Sept. 4, 2009).

<sup>18</sup> Comments of NYPSC at p. 5.

warranted based on the record in this proceeding. ATIS also recommends that before any study could be initiated, it must be understood how enhancements to networks or to critical services equipment would be funded.<sup>19</sup>

If such a study is undertaken, ATIS recommends that it focus on how critical users are working with providers or otherwise availing themselves of services already offered by providers, rather than on wholesale changes to the network. On this issue, ATIS disagrees with EEI that the options offered by service providers do not sufficiently address the impacts of network outages. ATIS notes that service providers do offer individualized solutions that address users' needs for redundancy and for quality of service.<sup>20</sup> As T-Mobile notes in its comments, the National Security Telecommunications Advisory Committee (NSTAC) recently noted that companies will continue to offer the level of resiliency and security as customers' preferences dictate.<sup>21</sup>

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<sup>19</sup> ATIS notes that network enhancements, if even needed, may do little to improve communications to critical services such as Public Safety Answering Points (PSAPs) if these services are not able to avail themselves of enhancements due to the use of outdated equipment or lack of funds.

<sup>20</sup> Comments of EEI at p. 8.

<sup>21</sup> Comments of T-Mobile at p. 4 (citing NSTAC Report to the President on Communications Resiliency 14 (2011)).

## Conclusion

ATIS urges the Commission to acknowledge that the imposition of new regulatory mandates pertaining to network reliability or resiliency are not warranted because communications networks are reliable and providers are already strongly incented to maintain that reliability.

Respectfully submitted,

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By:



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