

**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 AT&T SERVICES, INC.**

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September 1, 2011

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**REPLY COMMENTS OF AT&T SERVICES, INC.**

AT&T Services, Inc., on behalf of itself and its affiliates (collectively “AT&T”), respectfully submits the following Reply Comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Inquiry on the reliability and resiliency of our Nation’s communications networks.<sup>1</sup>

**I. INTRODUCTION & SUMMARY**

The record in this proceeding contains broad agreement with the points made in AT&T’s initial comments.<sup>2</sup> Specifically, a wide variety of commenters representing all sectors of the communications industry—including traditional circuit-switched, IP-based, cable, and wireless service providers, and infrastructure and equipment manufacturers—explained that the communications industry is driven by robust competition and market forces to build reliability into their networks and that service providers constantly strive to improve upon their abilities to

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<sup>1</sup> Reliability and Continuity of Communications Networks, Including Broadband Technologies, PS Docket Nos. 11-60, 10-92, EB Docket No. 06-119, *Notice of Inquiry*, 26 FCC Rcd 5614 (2011) (“NOI”).

<sup>2</sup> See Comments of AT&T, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“AT&T Comments”).

prevent and respond to network outages.<sup>3</sup> According to these commenters, providing reliable networks is a competitive necessity in today’s broadband marketplace and, as a result, broadband networks in the United States are well-protected against damage and disruption.

Commenting parties also confirmed that ensuring network reliability and continuity of service entails challenges that are specific to the details of the network, environment, and customer at hand.<sup>4</sup> As such, service providers require significant flexibility to innovate and develop reliability solutions that are tailored to the demands of their particular deployments. A wide range of commenters agree that additional regulatory obligations or Federally-established best practices could counterproductively restrict the ability of service providers to address survivability challenges—to the ultimate detriment of overall network reliability.<sup>5</sup>

Finally, commenting parties point to a variety of actions the Commission could take to improve network reliability and recovery practices. For example, several commenters indicated that the Commission could build upon past efforts to improve network operators’ ability to

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<sup>3</sup> See, e.g., Comments of the Alliance for Telecommunications Industry Solutions at 4-5, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“ATIS Comments”); Comments of CenturyLink at 4-5, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“CenturyLink Comments”); Comments of CTIA—The Wireless Association at 2-7, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“CTIA Comments”); Comments of the National Cable & Telecommunications Association at 3-6, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“NCTA Comments”); Comments of the Telecommunications Industry Association at 10, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“TIA Comments”); Comments of T-Mobile USA, Inc. at 5-6, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“T-Mobile Comments”); Comments of the United States Telecom Association at 2-4, 8, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“USTelecom Comments”); Comments of Verizon and Verizon Wireless at 5-11, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“Verizon Comments”).

<sup>4</sup> See, e.g., CenturyLink Comments at 7-8; 17; CTIA Comments at 12-13; TIA Comments at 5-6; T-Mobile Comments at 7-9, 18; USTelecom Comments at 9; Verizon and Verizon Wireless Comments at 12-13.

<sup>5</sup> See, e.g., ATIS Comments at 5; CenturyLink Comments at 7, 17; CTIA Comments 12-13; TIA Comments at 9; USTelecom Comments at 6.

access their facilities during times of emergency and to streamline the wireless facility siting process.<sup>6</sup> Ultimately, the record demonstrates that taking these discrete steps, when combined with continued support for industry-led best practices, work and that the various public-private partnerships which have been engaging on a detailed, substantive level with these issues, will be more effective at enhancing network reliability than any prescriptive regulatory mandates.

## **II. THE RECORD DEMONSTRATES THAT THE INDUSTRY IS ADDRESSING NETWORK RELIABILITY AND NEEDS CONTINUED FLEXIBILITY TO DO SO.**

The record is replete with evidence from every segment of the telecommunications sector demonstrating that the industry aggressively attempts to maximize the reliability of communications networks and the effectiveness of processes for recovering from service disruption. This emphasis on survivability is driven by powerful market forces that require service providers to innovate and improve the reliability of their networks in order to compete effectively. As a result, service providers have built reliability into every level of their network operations, including the design and construction of their networks and their ongoing monitoring and management of network resources. Moreover, to address the rare situations where service disruptions are unavoidable, service providers have built upon industry-wide efforts to develop and implement disaster recovery and business continuity plans.

As the comments make clear, a service provider's network reliability and disaster recovery plans are highly contextual and are developed in reference to the specific challenges faced by that service provider in a particular area. Moreover, as technology changes, reliability practices must keep pace. Service providers require significant flexibility to adapt their strategies to the demands of a specific situation, and this dynamic is inconsistent with

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<sup>6</sup> See, e.g., ATIS Comments at 9, 13, CenturyLink Comments at 19; NCTA Comments at 13-14, T-Mobile Comments at 13.

prescriptive regulations. A broad consensus is shared among the commenters that the Commission should not adopt any new regulatory obligations with respect to facility backup power, network or backhaul redundancy, or other mandated best practice or metric as such regulations would be ineffective and potentially counterproductive.

**A. Both Wired and Wireless Communications Networks Are Designed and Managed with an Emphasis on Reliability and Continuity.**

The record confirms the central argument of AT&T's initial comments: that the highly competitive communications marketplace already drives service providers to address service continuity and network reliability. Providing a highly reliable network and being immediately responsive to any disruptions is a competitive necessity in today's communications market, which is populated by significant intermodal competition. As T-Mobile explained in its initial comments, "[i]f a carrier's network has a high incidence of failure, customers will quickly become dissatisfied and switch to a different carrier."<sup>7</sup> Further, commenters representing the circuit-switched wireline, IP-based, and wireless sectors agreed that "[t]here is no action that could be taken by the Commission that would provide a greater incentive . . . 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>8</sup> T-Mobile pointed out that the President's National Security Telecommunications Advisory Committee ("NSTAC") came to a similar conclusion when it indicated that "market incentives will remain the fundamental driver

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<sup>7</sup> T-Mobile Comments at 8.

<sup>8</sup> CenturyLink Comments at 3-4; *see also* AT&T Comments at 12 ("The Commission can provide no greater incentive for innovation and investment in network reliability than that already provided by the market."); ATIS Comments at 3 ("There is little the Commission can or should do to provide more of an incentive than the marketplace already provides."); CTIA Comments at 12-13 ("There is no incentive that the Commission could give that would be greater than a wireless broadband service provider's existing incentive to protect its significant network investment and customer confidence.").

of industry practices and standards [and] companies will continue to offer services that are as resilient and secure as customers' preferences dictate.”<sup>9</sup>

In light of these powerful incentives, it is not surprising that the record demonstrates that the industry continues aggressively to address network reliability through comprehensive planning, intelligent systems design, network monitoring, and infrastructure redundancy. Service providers have put into place a variety of practices and safeguards intended to keep networks running smoothly under adverse conditions. Because of the sophisticated steps taken by all manner of network operators, and notwithstanding the largely unsupported and self-serving assertions of some parties to the contrary, service disruptions are rare, typically minor, and generally resolved quickly and efficiently.

The comments reveal the scope and variety of operational techniques service providers use to manage their networks in order to avoid service disruptions. For example, USTelecom highlighted the important roles traffic management and redundancy play for wireline network operators in addressing large scale emergencies: “network service providers have mechanisms in place to re-route traffic on alternative facilities, or to minimize the impact of significant increases in bandwidth in discrete areas affected by the emergency.”<sup>10</sup> Moreover, USTelecom stated that, “[w]here practicable, service providers have engineered their networks to enable remote access capabilities to network equipment during emergencies,” allowing for continued network operations even when access to facilities is limited.<sup>11</sup> This emphasis on survivability and

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<sup>9</sup> T-Mobile Comments at 4 (citing NSTAC, *NSTAC Report to the President on Communications Resiliency* 14 (2011) (“NSTAC Report”) available at [http://www.ncs.gov/nstac/reports/NSTAC Report to the President on Communications Resiliency \(2011-04-19\)\(Final\)\(pdf\).pdf](http://www.ncs.gov/nstac/reports/NSTAC%20Report%20to%20the%20President%20on%20Communications%20Resiliency%20(2011-04-19)(Final)(pdf).pdf)).

<sup>10</sup> USTelecom Comments at 3.

<sup>11</sup> *Id.*

reliability is also being carried over by service providers as they transition from legacy circuit-switch technologies to IP-based broadband networks. CenturyLink, for example, indicated that its “network planning, engineering, deployment, maintenance, replacement, repair, and recovery practices and processes are as comprehensive and rigorous for its broadband network infrastructure, if not more so, as they have been for its legacy circuit-switched network infrastructure.”<sup>12</sup> AT&T expects that this statement is true for all similarly situated carriers.

Wireless industry commenters also described in detail the various steps they take in attempting to maintain their operations during emergencies. As CTIA explained, “[d]uring the aftermath of major disasters, many individuals rely on wireless as their sole means of communication because of its mobile nature and the speed in which carriers restore service to affected areas.”<sup>13</sup> CTIA went on to describe several of the resiliency strategies pursued by wireless carriers in recognition of this responsibility, including (1) promoting continuity of service and network resiliency by building redundant networks where appropriate; (2) employing portable or temporary base stations during emergencies; (3) commonly provisioning cell sites and switches with back-up power sources; (4) tailoring network resiliency and continuity of service plans to the unique needs and likely disaster scenarios of individual localities and regions; and (5) making dynamic use of network management techniques to address spikes in traffic during an emergency and to redirect network resources where needed.<sup>14</sup>

In addition to these operational approaches to reliability, the very design and construction of communications network facilities and components are intended to promote resiliency. As

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<sup>12</sup> CenturyLink Comments at 3.

<sup>13</sup> CTIA Comments at 2-3.

<sup>14</sup> *Id.* at 3-7.

TIA explains in its comments, “TIA has issued over 3,500 ICT industry standards and related documents,” and these standards “generally exist for the purpose of increasing the resiliency and reliability of equipment and the networks that are built on the equipment TIA members manufacture.”<sup>15</sup> Thus, industry standards are in place that address everything from building design and construction practices, to the administration of cabling systems and the design of data centers for telecommunications networks.<sup>16</sup> This combined focus of the wireline service provider, wireless service provider, and manufacturer communities on network reliability creates a situation where, as reported by Verizon and Verizon Wireless, both wireline and wireless network operators can regularly maintain far greater than 99% availability on their networks.<sup>17</sup>

However, even despite the best efforts of the communications industry, as the President’s NSTAC report stressed, “it would be near impossible to develop and maintain networks that are invulnerable to disruption.”<sup>18</sup> As such, in addition to trying to prevent service disruptions through the steps discussed above, service providers across the industry have developed detailed disaster response strategies. In its initial comments, AT&T discussed its Network Disaster Recovery program, through which it strives to deliver the highest levels of service, quality, and reliability under all circumstances.<sup>19</sup> However, the record demonstrates clearly that AT&T is not alone in directing substantial attention and resources toward planning for how to respond immediately after a disaster. For example, CTIA has been a strong leader for the industry

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<sup>15</sup> TIA Comments at 11, 13.

<sup>16</sup> *Id.* at 13-17.

<sup>17</sup> *See* Verizon and Verizon Wireless Comments at 4.

<sup>18</sup> NSTAC Report at 1; *see also* TIA Comments at 4 (“The Commission is encouraged to recognize that no network, no matter the planning or regulation, can be designed and implemented to withstand every possible source of failure.”).

<sup>19</sup> *See* AT&T Comments at 10-12.

through the development of its Business Continuity/Disaster Recovery Program, which provides a voluntary certification to wireless service providers that put appropriate service continuity and disaster recovery plans in place.<sup>20</sup> This program has been widely embraced by the wireless industry. Indeed, T-Mobile indicates that its disaster recovery program “is centralized in its design and decentralized in its implementation, promoting active involvement by all lines of business in all locations,” and that its plan “involves all sectors of the company to ensure rapid response, service continuity, and recovery during crisis situations.”<sup>21</sup>

Some parties complain that commercial networks are insufficiently robust for certain types of critical communications, but these comments are either largely unsupported by any concrete evidence<sup>22</sup> or point to isolated instances of unavoidable and largely transitory service outages.<sup>23</sup> The reality of the situation is that, as discussed above, carriers harden their networks to a significant degree. Further, a variety of options are available to enterprise or institutional users with heightened communications needs. In addition to standard commercial services, these users can take advantage of specialized services, private leased lines, and even private networks. Communications service providers are also generally open to working with customers to ensure

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<sup>20</sup> CTIA Comments at 11.

<sup>21</sup> T-Mobile Comments at 6; *see also* Verizon and Verizon Wireless Comments at 3-4 (discussing the companies’ detailed and situation specific disaster response plans); CenturyLink Comments at 5 (“CenturyLink has developed a comprehensive crisis management structure and business continuity plans to assure the continuation of mission-critical operations and services in its service areas in the event of a major emergency or disaster. . . . CenturyLink takes a comprehensive approach to disaster planning that includes executive and management level crisis management teams, assessment and response teams and dedicated disaster preparedness professionals.”).

<sup>22</sup> *See, e.g.*, Comments of Edison Electric Institute, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“EEI Comments”).

<sup>23</sup> *See, e.g.*, Comments of Oncor Electric Delivery Company, , PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“Oncor Comments”).

that facilities and practices are put into place to address the specific reliability needs of the particular use or environment at hand.<sup>24</sup>

**B. The Private Sector Requires Continued Flexibility to Promote Increased Reliability of Communications Networks.**

The record developed in this proceeding also clearly confirms that ensuring the reliability of communications networks is an ongoing challenge that involves tailoring appropriate solutions for specific circumstances and constantly innovating to keep pace with changes in technology, applications, or threats.<sup>25</sup> To effectively address these challenges, service providers must continue to have significant flexibility in operating their networks and in developing and implementing reliability solutions. In light of this need for flexibility, no new regulatory mandates are needed or appropriate at this time.

In its initial comments, AT&T stressed that service providers require substantial flexibility in the design, construction, and operation of their networks so as to make them most capable of withstanding significant damage with only minimal service disruption and prompt recovery.<sup>26</sup> The record overwhelmingly supports this description. As AT&T explained, flexibility is necessary because network reliability solutions are deployment-specific and constantly evolving with changes in technology and the marketplace.<sup>27</sup> Reliability

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<sup>24</sup> AT&T would also suggest that the Commission be wary of requests for regulatory intervention made by a small minority of commenters where those requests may be more intended to bolster those commenters' arguments for additional dedicated wireless spectrum or to improve their bargaining positions with commercial carriers, rather than to improve the overall resiliency of communications networks.

<sup>25</sup> *See, e.g.*, CenturyLink Comments at 7-8; 17; CTIA Comments at 12-13; TIA Comments at 5-6; T-Mobile Comments at 7-9, 18; USTelecom Comments at 9; Verizon and Verizon Wireless Comments at 12-13.

<sup>26</sup> *See* AT&T Comments 13-20.

<sup>27</sup> *Id.* at 13-17.

determinations must be rooted in the facts on the ground with respect to the particular geographic environment, the technical capabilities of the network, and the reliability and economic demands of customers in that area. As stated by TIA, network “operators routinely make hyper-local decisions on how to address resiliency challenges based on direct knowledge of unique threats and priorities guided by already-existing industry standards and best practices.”<sup>28</sup> Moreover, even between service providers within the same locality, different reliability solutions may be appropriate because, as CenturyLink explained, “[a]mong network service providers, the scope of their service requirements, the resources available to them, and their capabilities vary.”<sup>29</sup>

In light of this need for continued flexibility, the record demonstrates that there is no place for new Federal regulatory mandates related to network reliability and resiliency. According to CTIA, “[t]he Commission should not attempt to mandate the specifics of an effective network survivability strategy because the end result is nearly certain to be either too specific to be relevant to many network operators or too vague to be useful for all.”<sup>30</sup> CTIA also stated that, “[i]f anything, the adoption of prescriptive regulation could actually harm network reliability by limiting carriers’ abilities to implement innovative solutions that are tailored to their unique situations.”<sup>31</sup>

The Commission should also be guided by the conclusions of previous inquiries into network reliability. For example, in the 2007 Communications Sector Specific Plan, the

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<sup>28</sup> TIA Comments at 5-6; *see also* USTelecom Comments at 9 (“[I]t remains essential that the companies retain the flexibility to design their networks in a manner that best takes into account the unique demands and characteristics of each facility.”).

<sup>29</sup> CenturyLink Comments at 17; *see also* CIA Comments at 13 (“[C]arriers require flexibility to tailor their continuity plans to their own spectrum, infrastructure, population, topography, and other unique attributes.”).

<sup>30</sup> CTIA Comments at 13.

<sup>31</sup> *Id.*

approach to reliability and disaster recovery suggested by the Department of Homeland Security did not include adoption of any new Federal standards.<sup>32</sup> Instead, “the report noted that continued cooperation between industry, government, and standards bodies to develop best practices obviates the need for additional regulation.”<sup>33</sup>

Additionally, several commenters indicated that the Commission’s own Communications Security, Reliability, and Interoperability Council (“CSRIC”) recommended that the Commission should not mandate compliance with reliability and resiliency best practices.<sup>34</sup> Consistent with the discussion above, among the rationales given by the CSRIC Working Group were that best practices were not uniformly applicable because of differences in “network and system designs, technologies, and capabilities” across the communications industry and because “the scope of activities, the resources, and the capabilities” of the various entities in the industry vary significantly.<sup>35</sup> The CSRIC also determined that “mandating compliance with particular [best practices] would impact the ability of organizations and their customers and other constituents to determine the appropriate value proposition and pricing that define their business models and participation in the industry.”<sup>36</sup>

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<sup>32</sup> See T-Mobile Comments at 4-5 (citing DHS, *Communications: Critical Infrastructure and Key Resources; Sector Specific Plan as Input to the National Infrastructure Protection Plan* (2007) (“Communications SSP”) available at <http://www.dhs.gov/xlibrary/assets/nipp-ssp-communications.pdf>).

<sup>33</sup> T-Mobile Comments at 5 (citing Communications SSP at 23, 29).

<sup>34</sup> See, e.g., ATIS Comments at 8 (citing *Final Report of CSRIC Working Group 6: Best Practice Implementation* (January 2011), Recommendation 5.2. (“CSRIC WG6 Report”)); CenturyLink Comments at 17-18.

<sup>35</sup> CSRIC WG6 Report, Recommendation 5.2.

<sup>36</sup> *Id.*

Similar reasoning applies to the regulatory proposals upon which the Commission sought comment in the NOI, and to those suggested by a minority of commenters. In particular, the record demonstrates that there is no need for backup power or backhaul redundancy obligations.<sup>37</sup> Both wireline and wireless carriers already provide backup power solutions to a large number of their network facilities without a regulatory mandate.<sup>38</sup> Moreover, the record demonstrates that the amount and type of backup power that is appropriate depends on a variety of environmental and operational factors specific to each particular facility.<sup>39</sup>

Many wireless facilities, such as in-building and distributed antenna system (“DAS”) deployments, simply cannot accommodate back-up batteries or alternative power sources due to space or load limitations. NextG Networks explains that back-up power requirements for DAS deployments would raise significant opposition from structure owners, local governments, and residents, and would be cost prohibitive due to the dense nature of DAS builds.<sup>40</sup> AT&T’s experience with in-building and DAS deployments, and even some macro deployments, bears out the accuracy of NextG’s observations and the need for wireless providers to have flexibility in determining the need for and extent of back-up power. As the Alliance for

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<sup>37</sup> See ATIS Comments at 9-11, 14-16; CenturyLink Comments at 8; CTIA Comments at 14-17; T-Mobile Comments at 7-9; 12-13; TIA Comments at 6-7; US Telecom Comments at 8-9; Verizon and Verizon Wireless at 13-17.

<sup>38</sup> See, e.g., USTelecom Comments at 8-9 (describing ILEC back up power deployments); CTIA Comments at 14-15 (highlighting wireless industry commitment to back up power); Verizon and Verizon Wireless at 13-17 (same).

<sup>39</sup> See, e.g., USTelecom Comments at 9 (“For example, in facilities subject to flooding, mobile back-up power facilities may be the most effective approach to ensuring the resiliency of the facility; and in other instances, it may simply not be feasible to locate a large generator on-site.”).

<sup>40</sup> See Comments of NextG Networks, Inc. at 6-10, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011).

Telecommunications Industry Solutions explains, “service providers, not the Commission, are in the best position to evaluate these factors and make decisions regarding backup power.”<sup>41</sup>

In the same vein, different parts of networks and different applications vary in the extent to which it makes sense to build redundant infrastructure. While in many cases carriers already build redundancy into their traffic-routing mechanisms, in some scenarios mandated redundancy would be economically wasteful because of superfluous network construction, while in others—such as with real-time VoIP communications—mandated redundancy could actually degrade the quality of the communications.<sup>42</sup>

The Commission should also reject the suggestions of a few commenters proposing additional regulatory intervention. For example, notwithstanding the arguments of the National Association of Broadcasters,<sup>43</sup> mandating the inclusion of broadcast receivers in all mobile devices is clearly outside the scope of this proceeding, which is specifically focused on issues related to the reliability and resiliency of telecommunications network infrastructure. In any event, manufacturers and carriers can and already do include FM chips in a number of wireless devices. AT&T itself currently offers a number of devices, in different price tiers and with different operating systems and functionalities, which include the ability to use the built-in FM tuner.<sup>44</sup> Simply put, the market is already effectively addressing this issue and there is no need for a federal mandate to require FM chips in all mobile devices.

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<sup>41</sup> See ATIS Comments at 10.

<sup>42</sup> See, e.g., ATIS Comments at 13; CenturyLink Comments at 11.

<sup>43</sup> See Comments of the National Association of Broadcasters at 10-11, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“NAB Comments”).

<sup>44</sup> See, e.g., HTC HD7S, LG Phoenix, Motorola Flipside, Samsung Focus, HTC Surround, HTC Freestyle.

In its comments, the New York Public Service Commission (“NYPSC”) recommended that the Commission enact a broad “regulatory framework for continuity of service and network reliability that is applicable to all communications networks, supplemented by relevant industry best practices in specific areas.”<sup>45</sup> AT&T respectfully disagrees. As the above discussion makes clear, the record generated by the Commission’s NOI demonstrates that there is no need for this level of regulatory intervention in the highly competitive communications market.

Beyond being unnecessary and potentially damaging by limiting the flexibility of service providers, new Federal regulatory mandates could negatively impact communications network reliability by misdirecting the resources and attention of the industry on less effective solutions. As ATIS put it, “[r]egulatory mandates cannot be as effective as industry efforts, and may instead adversely affect the pace of innovation, increase costs and create rigidity into what would have been an otherwise flexible process.”<sup>46</sup> Moreover, TIA explains that such mandates could “hinder further infrastructure buildout efforts, including those using funds provided by the Broadband Technology Opportunity Program (BTOP), the Broadband Infrastructure Program (BIP), and the Rural Utility Services’ Farm Bill Telecommunications Infrastructure Loan Program (TLIP).”<sup>47</sup> In light of the harm Federal reliability mandates could do to the telecommunications sector and the economy as a whole, and the demonstrated effectiveness of existing reliability practices, the Commission should reject calls to consider new prescriptive regulations.

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<sup>45</sup> See Comments of the New York State Public Service Commission, PS Docket Nos. 10-92, 11-60, EB Docket No. 06-119 (filed July 7, 2011) (“NYPSC Comments”) at 2.

<sup>46</sup> ATIS Comments at 5.

<sup>47</sup> TIA Comments at 9.

### **III. THE COMMISSION SHOULD FOCUS ON EFFORTS TO FACILITATE THE DEVELOPMENT AND IMPLEMENTATION OF EFFECTIVE RELIABILITY AND RECOVERY PRACTICES.**

Instead of adopting new prescriptive regulations, a wide range of commenters generally agree that there are other places in which the Commission should direct its efforts to promote improvement in communications network reliability and resiliency. Specifically, the Commission should (1) investigate opportunities to assist service providers in gaining access to their facilities immediately after a major emergency; (2) take further steps to streamline the process of siting communications network facilities; and (3) continue to promote industry-led groups and public-private partnerships that are engaged in important work in these areas. These three steps, more than any other proposal contained in the NOI, will best support the vibrant market forces that drive innovation in reliability and resiliency today.

#### **A. The Commission Should Help Improve Access to Damaged or Disrupted Facilities During Times of Emergency.**

The Commission recognized in the NOI that lack of access to carrier sites located within disaster areas continues to impact the ability of carriers to restore communications during an emergency.<sup>48</sup> This observation has been verified by the comments of AT&T and others on the record.<sup>49</sup> Indeed, on this issue the wireless, wireline, cable, broadcast, and manufacturer communities appear to be in agreement that, while some important work has been done on the state level with respect to implementing an efficient credentialing process, no significant progress has been made at the national level. As AT&T indicated in its initial comments, the Commission should investigate the feasibility of implementing a standardized means of

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<sup>48</sup> NOI, 26 FCC Rcd at 5260 ¶ 18.

<sup>49</sup> ATIS Comments at 9; AT&T Comments at 22-23; CenturyLink Comments at 19; NAB Comments at 12-13; NCTA Comments at 13-14;

demonstrating authorization for telecommunications first responders or escorts to access disaster areas.

**B. The Commission Should Consider Further Streamlining of Wireless Siting Approval Processes.**

Some commenters also point out that the Commission can help promote increased deployment of redundant facilities, backup power, and other significant improvements to network infrastructure through further streamlining of the wireless facility siting process.<sup>50</sup> These commenters explain that the modification or addition of wireless infrastructure sites is often subject to the approval of zoning boards or other local policy makers. As the Commission is aware, these processes can often be costly and time-consuming, and can represent a significant impediment to efficient network upgrades. AT&T agrees with commenters like ATIS and T-Mobile, which indicated that while the adoption of the Wireless Siting Shot Clock Order<sup>51</sup> was an important step toward addressing this problem, the Commission should evaluate what additional steps can be taken to further streamline this process.<sup>52</sup> As AT&T has explained in the Commission's Rights of Way and Tower Siting proceeding,<sup>53</sup> impediments to tower siting continue to exist.<sup>54</sup>

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<sup>50</sup> See, e.g., ATIS Comments at 13, T-Mobile Comments at 13-14.

<sup>51</sup> Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, WT Docket No. 08-165, *Declaratory Ruling*, 24 FCC Rcd 13994 (2009).

<sup>52</sup> See ATIS Comments at 13; T-Mobile Comments at 13.

<sup>53</sup> Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, WC Docket No. 11-59, *Notice of Inquiry*, 26 FCC Rcd 5384 (2011).

<sup>54</sup> See Comments of AT&T, Inc. at 3-6, WC Docket No. 11-59 (filed July 18, 2011).

### **C. The Commission Should Continue to Support Public-Private Partnerships and Industry-Led Collaborations.**

Finally, numerous standards and best practices have already been developed by industry-led bodies such as ATIS and TIA.<sup>55</sup> Similarly, various public-private partnerships, including working groups under the U.S. Department of Homeland Security (“DHS”); National Security Telecommunications Advisory Committee (“NSTAC”); the National Communications System (“NCS”), the Communications Sector Coordinating Council (“CSCC”), and the Commission’s own CSRIC have collaborated with industry members to engage substantively on these issues.<sup>56</sup> The Commission has historically cooperated closely with these various groups, both by contributing its own expertise, and by receiving research and work product from these bodies. The CSRIC, in particular, is a recently chartered body that has the examination of network reliability issues as core aspect of its mission. Numerous commenters agree that, moving forward, the Commission should continue to support public-private partnerships and industry-led efforts, and should focus on allowing the CSRIC, in particular, to investigate and make recommendations with respect to network reliability issues.<sup>57</sup>

### **IV. CONCLUSION**

The record compiled in this proceeding demonstrates that the communications industry is driven by powerful market incentives constantly to invest and innovate in network reliability and resiliency. Because of this, today’s communications networks generally are very robust, experience few service disruptions, and are quickly brought back online in the case of an outage.

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<sup>55</sup> See, e.g., ATIS Comments at 6-7 (listing many relevant best practices documents); TIA Comments at 10-17 (highlighting TIA’s standards development work).

<sup>56</sup> See NCTA Comments at 8-12 (detailing public-private partnership activities); TIA Comments 18-19 (same).

<sup>57</sup> CenturyLink Comments at 18; NCTA Comments 8-10; TIA Comments at 18-19; US Telecom Comments at 4; Verizon and Verizon Wireless Comments at 12.

The record further demonstrates that under these circumstances prescriptive regulatory obligations would be both unnecessary and potentially counterproductive. In some cases, the proposals—such as those related to back-up power—could even be impossible to implement. Instead, the Commission should focus on other opportunities to facilitate the deployment and maintenance of reliable communications networks, such as through improving service provider credentialing processes, further streamlining the wireless siting process, and continuing to support industry-led initiatives and public-private partnerships such as the CSRIC.

Respectfully submitted,

**AT&T Services, Inc.**

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September 1, 2011