

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
The Proposed Extension of Part 4 of the) PS Docket No. 11-82
Commission's Rules Regarding Outage)
Reporting to Interconnected Voice Over)
Internet Protocol Service Providers and)
Broadband Internet Service Providers)

**REPLY COMMENTS OF THE PUBLIC SERVICE COMMISSION OF THE
DISTRICT OF COLUMBIA**

The Public Service Commission of the District of Columbia ("DC PSC") respectfully files its reply comments in response to the May 13, 2011 Notice of Proposed Rulemaking¹ ("NPRM") seeking comments on the Federal Communications Commission's ("FCC") proposal to extend its Part 4 rules to require interconnected Voice over Internet Protocol ("VoIP") service providers ("VoIP service providers") and broadband Internet service providers ("ISP") to file outage reports with the FCC. The DC PSC supports the comments filed by the Massachusetts Department of Telecommunications and Cable ("MA DTC"),² Michigan Public Service Commission ("MI PSC"),³ and the New York Public Service Commission ("NY PSC"),⁴ which urge the Commission to extend its outage reporting rules to VoIP service providers and ISPs.

¹ *In the Matter of the Proposed Extension of Part 4 of the Commission's rules Regarding Outage Reporting to Interconnected Voice over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Docket No. 11-82, Notice of Proposed Rulemaking (May 13, 2011).

² *In the Matter of the Proposed Extension of Part 4 of the Commission's rules Regarding Outage Reporting to Interconnected Voice over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Docket No. 11-82, Comments of the Massachusetts Department of Telecommunications and Cable (August 8, 2011).

³ *In the Matter of the Proposed Extension of Part 4 of the Commission's rules Regarding Outage Reporting to Interconnected Voice over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Docket No. 11-82, Comments of the Michigan Public Service Commission (August 8, 2011).

⁴ *In the Matter of the Proposed Extension of Part 4 of the Commission's rules Regarding Outage Reporting to Interconnected Voice over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Docket No. 11-82 Initial Comments of the New York Public Service Commission (August 8, 2011).

The DC PSC also encourages the FCC to permit state commission access to the Network Outage Reporting System (“NORS”) so that state commissions can have access to state outage information in a timely fashion.

I. THE FCC SHOULD EXTEND OUTAGE REPORTING REQUIREMENTS TO VOIP SERVICE PROVIDERS AND BROADBAND ISPS

In the NPRM, the FCC seeks comment on whether its Part 4 outage requirements should be extended to cover outages experienced by VoIP service providers and broadband ISPs.⁵ The DC PSC strongly supports this extension. As the NPRM, the MA DTC, the MI PSC, and the NY PSC note, American consumers and businesses are increasingly using VoIP and other forms of broadband as a primary means of voice communication,⁶ so it is imperative to know when there are outages that occur in these systems.

II. OUTAGE REPORTING SHOULD BE MANDATORY

In the NPRM, the FCC seeks comment on whether outage reporting by VoIP service providers and broadband ISPs should be mandatory.⁷ The FCC agrees with the MA DTC and NY PSC that mandatory reporting should be required.⁸ Mandatory reporting would provide the FCC with accurate and timely information about the number of outages experienced by VoIP service providers and broadband ISPs. Since reporting is already mandatory for wireless and wireline service providers, there is no reason to create voluntary reporting requirements for VoIP service providers and broadband ISPs.

III. VOIP SERVICE PROVIDERS AND BROADBAND ISPS SHOULD FOLLOW THE EXISTING REPORTING RULES

⁵ NPRM at 2, ¶ 1.

⁶ NPRM at 2, ¶ 2; MA DTC Comments at 3; MI PSC Comments at 1; NY PSC Comments at 4-5.

⁷ NPRM at 24, ¶ 56.

⁸ MA DTC Comments at 3-5; NY PSC Comments at 6.

The FCC inquires as to whether the existing Part 4 reporting timeframes and processes, including electronic report filing, should be extended to VoIP service providers and broadband ISPs.⁹ The DC PSC agrees with the MA DTC that reporting timeframes and processes should be as consistent as possible for all reporting entities.¹⁰

IV. THE FCC SHOULD PERMIT STATE COMMISSION ACCESS TO STATE-SPECIFIC NORS REPORTS.

The FCC seeks comment on whether NORS report information from VoIP service providers and broadband ISPs should be shared.¹¹ As the DC PSC has stressed in other filings before the FCC,¹² the FCC should permit state commission access to state-specific NORS reports. Having access to NORS reports will assist the DC PSC in fulfilling its statutory obligation to protect the public safety and welfare of District of Columbia residents. This is particularly important to the DC PSC, since it is the state commission serving the Nation's Capital. Additionally, being able to access state-specific NORS reports may permit the DC PSC to relax its own requirement that District of Columbia telecommunications service providers file NORS reports for NORS-reportable outages in the District of Columbia.¹³ As we have stated

⁹ NPRM at 25-27, ¶¶ 61-65.

¹⁰ MA DTC Comments at 6.

¹¹ NOPR at 27, ¶ 66.

¹² *See, 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*, Docket No. 04-35, Comments of the Public Service Commission of the District of Columbia on the Petition of the California Public Utilities Commission and the People of the State of California for Rulemaking on States' Access to the Network Outage Reporting System ("NORS") and a Ruling Granting California Access to NORS (March 4, 2010); *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions in Communications; Consumer Protection in the Broadband Era; Implementation of the Broadband Data Improvement Act; A National Broadband Plan for our Future; Development of Advanced Telecommunications Capability*, ET Docket No. 04-35; WC Docket No. 05-271, GN Docket No. 09-47, GN Docket No. 09-51, GN Docket No. 09-137, Comments of the Public Service Commission of the District of Columbia (August 2, 2010).

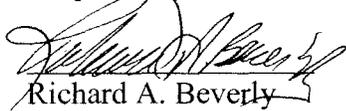
¹³ The DC PSC's outage reporting rules require filing of NORS reports when a District of Columbia outage is reported in NORS. *See*, 15 DCMR § 2740.5-2740.7 (2010).

before, the DC PSC understands the confidential nature of the NORS reports and is committed to protecting that confidentiality, as evidenced by the confidentiality protections afforded NORS reports in the DC PSC's outage rules.¹⁴ The DC PSC reiterates its request to the Commission to grant the California Public Utilities Commission's Petition for state access to NORS.¹⁵

V. CONCLUSION

For the forgoing reasons, the DC PSC urges the FCC to extend its Part 4 reporting requirements to VoIP service providers and broadband ISPs. Since consumers are increasingly choosing these providers for communications services, it will become more important for the FCC to know whether VoIP and other broadband networks are experiencing outages, particularly during emergencies. State commissions, which are on the front lines in emergency response efforts, also need to know when VoIP and broadband networks experience outages. Thus, the DC PSC strongly urges the FCC to permit the DC PSC and other state commissions to have access to the NORS database for information on state-specific outages.

Respectfully submitted,



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¹⁴ 15 DCMR § 2740.15 (2010).

¹⁵ The DC PSC notes that the MA DTC, the MI PSC, and the NY PSC have also required access to the NORS database. *See*, MA DTE Comments at 8-9; MI PSC Comments at 4-5; NY PSC Comments at 9.