

November 4, 2011

**Ex Parte via Electronic Filing**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

**Re: *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)***

Dear Ms. Dortch:

The Edison Electric Institute (“EEI”) submits this *ex parte* letter in the above-referenced docket to express its support for the Federal Communications Commission’s (“Commission”) proposal to extend network outage reporting requirements to broadband and Voice Over Internet Protocol (“VoIP”) services.<sup>1</sup> EEI believes that the Commission’s proposed approach will go far to promote broadband and VoIP service reliability, issues that are of much concern to EEI members as providers of critical electric utility services and as end-users of commercial communications systems.<sup>2</sup>

As EEI has indicated in several proceedings before the Commission,<sup>3</sup> electric utilities use communications networks and services to carry out their core mission of safely and reliably delivering electric service to most, if not all, of the nation’s residential and business consumers. In this regard, reliable communications networks are essential to utility operations, and are necessary for the provision of safe, reliable electric service at all times and in all conditions, particularly during and in the immediate aftermath of emergencies and major events – when utilities are most reliant on communications in order to restore critical services and to protect the

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<sup>1</sup> *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*, Notice of Proposed Rulemaking, PS Docket No. 11-82, 76 Fed. Reg. 33,686 (June 9, 2011) (“NPRM”).

<sup>2</sup> *See, e.g.*, Comments of the Edison Electric Institute, PS Docket No. 10-92 (filed June 25, 2010); *see also* Reply Comments of the Edison Electric Institute, PS Docket No. 10-92 (filed Sept. 2, 2010).

<sup>3</sup> *See, e.g.*, Comments of the Edison Electric Institute, PS Docket Nos. 11-60 and 10-92, ED Docket No. 06-119 (filed July 7, 2011); *see also* Reply Comments of the Edison Electric Institute, PS Docket Nos. 11-60 and 10-92, ED Docket No. 06-119 (filed Sept. 1, 2011).

safety of utility field crews and the general public. Reliable communications systems are vital to support utilities' critical operational needs and, among other things, to support maintenance and to dispatch and communicate with utility field crews throughout expansive (and at times isolated) utility service territories. Utilities further depend on communications networks to locate outages and to quickly restore electric service. Reliable communications, then, are vital for overall grid security and are needed to support utility applications which are necessary for the safe, reliable and efficient delivery of electricity.

However network outages and congestion at times experienced by commercial carriers, particularly during emergencies, can jeopardize the safety and reliability of utility operations. This in turn causes utilities to limit their use of commercial networks including services such as broadband and VoIP. EEI submits that improving the reliability and resiliency of commercial communications networks to meet the high standards of the utility industry, then, is an important goal that will promote the use of commercial systems where it makes technical, logical and economic sense for utilities to do so.<sup>4</sup> Extending network outage reporting requirements to apply to broadband and interconnected VoIP is an important step in this direction.

EEI agrees with reply comments submitted in this proceeding by the Utilities Telecom Council ("UTC"),<sup>5</sup> which explain in some detail the benefits of network outage reporting requirements and the importance of these requirements in promoting commercial network service reliability. In particular, EEI believes that outage reporting will be helpful in establishing reliability metrics for commercial service providers, and will encourage service providers to continuously improve the reliability of their networks and services.

Extending outage reporting requirements to apply to broadband and VoIP is all the more crucial given the increased use of these services by the electric utility industry and other critical infrastructure industries ("CII"), many of which are subject to stringent reliability standards. Electric utilities in particular must comply with rigorous mandatory and enforceable electric reliability standards pursuant to federal statute,<sup>6</sup> in turn requiring utilities to have reliable and secure communications systems that operate with an extremely low level of latency. Outage reporting requirements will help to ensure the availability of robust and resilient commercial communications services which meet these needs. EEI further agrees with the Commission that it has the legal authority to adopt such network outage reporting requirements as ancillary to its authorities to implement 9-1-1 systems.<sup>7</sup>

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<sup>4</sup> EEI notes that electric utilities ultimately depend on their own private internal communications networks to satisfy their mission-critical applications in order ensure the safe, reliable and efficient delivery and restoration of power to the public at large. In this regard, EEI underscores that the Commission, in addition to efforts undertaken in this proceeding, must ensure that utilities have access to suitable, auction-exempt spectrum to support their private internal wireless communications networks.

<sup>5</sup> Reply Comments of the Utilities Telecom Council, PS Docket No. 11-82 (filed October 7, 2011) ("UTC Reply Comments").

<sup>6</sup> The Energy Policy Act of 2005, Pub. L. No. 109-58, established in section 215 of the Federal Power Act a framework pursuant to which the Federal Energy Regulatory Commission and the North American Electric Reliability Corporation have adopted mandatory and enforceable reliability standards for electric utilities, including cybersecurity standards.

<sup>7</sup> NPRM at P 67-69.

To promote these goals, Commission should establish reasonable thresholds for broadband and VoIP outage reporting that ensure the timely and thorough reporting of outage data. Timely reporting of outages is essential for improved response times by service providers and overall service reliability.

However the Commission, in developing broadband and VoIP reporting requirements, should carefully consider and account for the unique architectural characteristics and challenges of these network technologies. EEI believes that establishing rules in this manner will promote reliable data reporting upon which electric utilities and other CII can rely, without imposing an onerous burden on commercial service providers.

EEI appreciates the Commission's attention to this important issue, and looks forward to working with the Commission and with commercial service providers on this and related issues going forward.

Respectfully submitted,

**Edison Electric Institute**

/s/ David K. Owens

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