



N A R U C
National Association of Regulatory Utility Commissioners

WRITTEN EX PARTE & NOTICE VIA ELECTRONIC FILING

February 8, 2012

The Honorable Julius Genachowski, Chairman
The Honorable Robert McDowell, Commissioner
The Honorable Mignon Clyburn, Commissioner
Federal Communications Commission
445 12th Street, SW Room TW-A325
Washington, D.C. 20554

RE: Notice of Oral Ex Parte Contact filed in the proceedings captioned: 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

Dear Chairman Genachowski, Commissioner McDowell, and Commissioner Clyburn:

The FCC has an order on its agenda for the February 15, 2012 meeting on VoIP outage reporting. Sunshine for that meeting drops later this afternoon. Today, about an hour ago, the Board of Directors of the National Association of Regulatory Utility Commissioners passed the attached "***Resolution on Mandatory Reporting of Service Outages by Interconnected Voice over Internet Protocol Service Providers.***"

States have always been on the front line with respect to disaster recovery and emergency communications. NARUC and NARUC members regularly participate in many of the Department of Homeland Security's government coordinating councils. There are multiple recent examples of interconnected VoIP service providers experiencing local, regional and national service outages due to technical problems and natural disasters that have disrupted communications several hours or, in the cases of natural disasters, for days. When these communications service outages occur, consumers usually contact State commissions first for assistance to submit service complaints. At the same time, many State, county and local emergency management entities contact State commissions for critical network status information, including networks operated and services provided by VoIP service providers. Lack of information and reporting to state commissions can prevent, or at least significantly hamper, an effective and coordinated response to any accompanying threats to public health and safety.

NARUC urges the Commission, in its deliberations over the draft VoIP outage order, to make certain that any final order includes the following key components:

1. The mandatory service outage reporting requirements in 47 C.F.R. Part 4 also cover interconnected VoIP service providers; and

2. Interconnected VoIP service providers must report service outage information comparable to that required from other communications service providers, and on a detail level and timeliness that will provide adequate network status information in support of State, county, and local emergency response efforts; and
3. The criteria in 47 C.F.R. Part 4 that defines a significant service outage must be expanded to specifically include VoIP service problems affecting public access to 9-1-1, emergency service communications, utilities, and other telecommunications service providers; and
4. State commissions must be provided an opportunity to have direct and immediate access to the FCC's outage reporting database and to all outage reports filed by interconnected VoIP service providers.

Please do not hesitate to contact the undersigned at 202.898.2207 or jramsay@naruc.org if you have any questions about this filing.

Respectfully submitted,
/s/
James Bradford Ramsay
NARUC General Counsel

cc: *Zac Katz, Chief of Staff, Office of the Chairman*
Christine Kurth, Legal Advisor to Commissioner McDowell
Angela Kronenberg, Legal Advisor to Commissioner Clyburn
Sharon Gillett, Wireline Competition Bureau Chief

Resolution on Mandatory Reporting of Service Outages by Interconnected Voice over Internet Protocol Service Providers

WHEREAS, On May 13, 2011, the Federal Communications Commission (FCC) released a *Notice of Proposed Rulemaking* (FCC 11-74; NPRM) that proposed to extend the service outage reporting requirements in 47 C.F.R. Part 4 to interconnected Voice over Internet Protocol (VoIP) service providers; *and*

WHEREAS, The FCC reports that as of December 31, 2010, 31 percent of residential telephone service subscribers received service from interconnected VoIP service providers, an increase of 27 percent from June 30, 2009, reflecting an ongoing trend for increased interconnected VoIP subscribership; *and*

WHEREAS, As the FCC points out, “interconnected VoIP services increasingly are viewed by consumers as a substitute for traditional telephone service” and “[i]nterconnected VoIP services ride over broadband networks;” *and*

WHEREAS, The FCC reports a significant growth in subscribership for broadband Internet access service providers, reflecting an “increasing reliance on [those] services [by American consumers] to conduct important daily communications;” *and*

WHEREAS, Robust, reliable and resilient communications networks, regardless of the platform technology, are necessary for local, State and federal agencies, utilities and the public to respond to man-made emergencies or natural disasters; *and*

WHEREAS, On September 22, 2011, the FCC released a *Notice of Proposed Rulemaking* (FCC 11-134) seeking “to accelerate the development and deployment of Next Generation (NG 911) technology,” including use of communications over broadband networks; *and*

WHEREAS, The FCC has concluded that service outages affecting interconnected VoIP service providers “could severely impact the ability of users to reach 9-1-1 during an emergency;” *and*

WHEREAS, Under 47 C.F.R. Part 4, only providers of legacy circuit-switched voice and/or paging communications services over wireline, wireless, cable, and satellite communications services must currently report communications service outages to the FCC, which maintains an outage reporting database (the Network Outage Reporting System or NORS); *and*

WHEREAS, The FCC grants only the U.S. Department of Homeland Security (DHS) direct access to its outage reporting database, and the DHS currently acts as an intermediary to share that information with State and local authorities, thereby, creating potential time delays and miscommunications of outage information to State, county and local emergency management entities; *and*

WHEREAS, The *National Broadband Plan* recommended that the FCC extend the 47 C.F.R. Part 4 outage reporting rules to broadband ISPs and interconnected VoIP service providers as “the lack of data limits our understanding of network operations and of how to prevent future outages;” *and*

WHEREAS, There are multiple recent examples of interconnected VoIP service providers experiencing local, regional and national service outages due to technical problems and natural disasters that have disrupted communications several hours or, in the cases of natural disasters, for days; *and*

WHEREAS, When communications service outages occur consumers usually contact State commissions first for assistance to submit service complaints; *and*

WHEREAS, When communications service outages occur many State, county and local emergency management entities contact State commissions for critical network status information, including networks operated and services provided by VoIP service providers; *and*

WHEREAS, Both the FCC and the States have many year's experience working with communications service providers to improve communications infrastructure and service resiliency and emergency readiness, and State and local entities often serve as the first line of defense for public safety and emergency situations; *now, therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., requests the Federal Communications Commission to:

5. Extend the mandatory service outage reporting requirements in 47 C.F.R. Part 4 to interconnected VoIP service providers; and
6. Require interconnected VoIP service providers to report service outage information comparable to that required from other communications service providers, and on a detail level and timeliness that will provide adequate network status information in support of State, county, and local emergency response efforts; and
7. Expand the criteria in 47 C.F.R. Part 4 that defines a significant service outage to specifically include VoIP service problems affecting public access to 9-1-1, emergency service communications, utilities, and other telecommunications service providers; and
8. Provide State commissions with the opportunity to have direct and immediate access to the FCC's outage reporting database and to all outage reports filed by interconnected VoIP service providers.

*Sponsored by the Committees on Telecommunications and Critical Infrastructure
Adopted by the NARUC Board of Directors February 8, 2012*