

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

9-1-1 Resiliency and Reliability)
)
In the Wake of June 29, 2012 Derecho Storm) PS Docket No. 11-60
)
In Central Mid-Atlantic, and Northeastern)
)
United States)

**COMMENTS OF
THE NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**

The National Association of State Utility Consumer Advocates (“NASUCA”)¹ submits these brief Comments in response to the Public Safety and Homeland Security Bureau’s (“Bureau’s”) request for comments regarding the impact of derecho storms in the Midwest and Northeast on June 29, 2012 on the availability of 9-1-1 emergency response service and consumer’s access to 9-1-1 service.² NASUCA applauds the Bureau for its detailed and probing list of questions, directed at communications providers, the emergency responder community, and the affected public. NASUCA agrees that collection and assessment of this information should assist the Bureau, the communications service providers, and others in determining how the 9-1-1 system in particular and communications network in general might be strengthened to

¹ NASUCA is a voluntary association of advocate offices in more than 40 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA’s members are designated by laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. Members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., the state Attorney General’s office). NASUCA’s associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority.

² DA 12-1153 (rel. July 18, 2012).

make the public safer and avoid future such outages. As the Bureau succinctly notes, “in the face of events that lead more people than usual to need emergency help, they must be able to connect to get it.” NASUCA supports the Bureau’s efforts, through this Public Notice and the broader Reliability Notice of Inquiry launched in 2011,³ to assure that networks are reliable and support access to 9-1-1 service even in crisis situations.

Many of the questions posed by the Bureau ask for information that is best (or can only be) provided by the communications carriers or emergency responder community. NASUCA anticipates reviewing those responses. NASUCA encourages the Bureau to make as much of this information as possible available to the public, or, in the event of a claim of confidentiality, available to interested parties pursuant to an appropriate protective order.

As the Bureau recognizes, consumers are relying on increasingly varied ways to communicate with one another and to reach 9-1-1 service in the event of emergencies and their aftermath. Not all consumers have wireline copper connections which function in the event of local power outages. Most or all other methods of communications available to consumers – whether over a fiber-to-the-home connection or wireless – depend in large part on the availability of back-up battery power. As the Bureau acknowledges with its questions, the ability of the public to access 9-1-1 services may vary as electric and communications system outages extend beyond hours and into days in duration. In the near term, providing consumers with specific information regarding the performance and reliability of different communications platforms to access 9-1-1 service will help them make informed decisions and promote the safety of the public in the event of future disasters.

³ See In the Matter of Reliability and Continuity of Communications Networks, Including Broadband Technologies, Notice of Inquiry, PS Docket No. 11-60, 26 FCC Rcd 5614 (2011).

NASUCA supports the FCC's efforts to collect information to identify the precise cause of 9-1-1 service outages and broader breakdowns in the communications system. While some of the causes may be linked to human error, a lack of training, or equipment malfunction,⁴ NASUCA submits that the FCC, state commissions, and state governments must consider and address the bigger picture and assure that the communications industry is subject to meaningful oversight and accountability. For example, providers of critical communications paths between emergency responders, local governments, and the public must be subject to performance standards, including (but not limited to) assuring reliable back-up power supply for communications infrastructure in the event of outages. While the Nation's communications network may have diversified as a result of competition and technology, the core public need for a secure and reliable emergency response system continues.

NASUCA looks forward to working with the FCC, states, and industry to advance these public goals.

Respectfully submitted,

Charles A. Acquard
Executive Director

NASUCA
8380 Colesville Road, Suite 101
Silver Spring, MD 20910
Phone (301) 589-6313
Fax (301) 589-6380

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⁴ See, e.g., Flaherty, Mary Pat, Verizon Details Errors in Derecho Response, Calls Response 'Insufficient,' Wash. Post, Aug. 14, 2012. http://www.washingtonpost.com/local/crime/verizon-details-errors-in-derecho-calls-response-to-911-outages-insufficient/2012/08/13/e2589596-e57f-11e1-8741-940e3f6dbf48_story.html?hpid=z2 (last viewed Aug. 14, 2012).