

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

In the Matter of)	
)	
Improving 9-1-1 Reliability)	PS Docket No. 13-75
)	
Reliability and Continuity of Communications Networks, Including Broadband Technologies)	PS Docket No. 11-60

Comments of the Blooston Rural Carriers

The Blooston Rural Carriers,¹ by their attorneys, hereby submit comments on the Notice of Proposed Rulemaking (NPRM)² in which the Commission "seeks comment on approaches to ensure the reliability and resiliency of the communications infrastructure necessary to ensure continued availability of the Nation's 9-1-1 system, particularly during times of major disaster." The NPRM is the Commission's response to the findings and recommendations presented by the Public Safety and Homeland Security Bureau's (Bureau's) report on the impact of the June 2012 derecho that affected parts of the Midwest and Mid-Atlantic.³ The Blooston Rural Carriers contend that the case has not been made for the reports, certifications and rules proposed in the NPRM to be applied to all providers of 9-1-1 service. Instead, the Commission should use its existing enforcement mechanisms in connection with the carriers identified in the Derecho Report as having failures with respect to 9-1-1 service, or limit the application of its proposed reporting requirements to those carriers. At a time when Federal support is being significantly

¹ The carriers participating in these comments are listed in Attachment A.

² *Improving 9-1-1 Reliability*, Notice of Proposed Rulemaking PS Docket Nos. 13-75 & 11-60, FCC 13-33, released March 20, 2013.

³ FCC Public Safety and Homeland Security Bureau, "Impact of the June 2012 Derecho on Communications Networks and Services: Report and Recommendations" (PSHSB, rel. Jan. 10, 2013) (Derecho Report).

reduced for small, rural carriers, another set of unfunded reporting mandates is not necessary or in the public interest for these carriers.

There is No Justification for Additional Reporting Requirements or Rules on Rural ILECs and Such Requirements Would Violate the Paperwork Reduction Act

In the NPRM, the Commission proposes to impose new reporting and other requirements on all carriers, thereby creating another layer of regulatory mandates that are unfunded.⁴ The Derecho Report, however, shows that only certain large carriers experienced 9-1-1 failures during the storm and, in at least one case, failed to heed warnings already made by the Commission, with regard to the reliability of 9-1-1.

There is no indication in the Derecho Report that there are significant failures by other carriers, and, in particular, rural incumbent local exchange carriers (ILECs), in connection with the provision of 9-1-1 service that would justify the implementation of additional reporting requirements or rules on these carriers. Rural ILECs have limited personnel and are already faced with numerous reporting requirements. Many rural ILECs must pay outside consultants to prepare such reports. And, as a result of the Commission's recent universal service and intercarrier compensation actions, rural ILECs face significantly reduced revenues, which is placing a significant burden on them.

The Commission can reduce the burden of its proposed rules by targeting them to the carriers found in the Derecho Report to have significant failings with respect to 9-1-1 service. In any event, the rules and reporting requirements should not be applied to rural ILECs.

⁴ NPRM at ¶ 23.

The Derecho Report Supports Enforcement Action

What is clear from the Derecho Report and other publicly available information, including in the Commission's records, is that 9-1-1 failures involved a few large carriers, and that some of these shortcomings should have been addressed prior to the storm. For example, Verizon had a history of 9-1-1 failures in the Washington, DC metro area since at least 2010; various government agencies, including the Commission, had notified Verizon about these failures, and Verizon failed to correct these issues. In particular, on February 17, 2011, the Commission advised Verizon that it had received reports that 8,300 wireless 9-1-1 calls to the Montgomery County, Maryland Public Safety Answering Point (PSAP) and 1,700 wireless calls to the Prince George's County, Maryland PSAP were not connected during a January 26, 2011 snowstorm.⁵ The Commission asked Verizon to provide an explanation of the causes of "this and similar failures" and to provide an "assessment of the possibility of occurrence in other locations and describe what actions Verizon is taking to prevent recurrence of these problems." The Commission's letter further stated that the trunks that handled the wireless calls were maintained by Verizon (and not Verizon Wireless); that Verizon's system automatically took one of the wireless 9-1-1 trunks out of service and that eventually all of the trunks handling 9-1-1 calls were taken out of service in Montgomery County; that most of the trunks handling 9-1-1 calls were taken out of service in Prince George's County; and that Verizon failed to notify PSAPs of the failure after alarms went off. The Commission's letter also stated that "similar 9-1-1 outages have occurred recently in the region," including outages affecting the Prince George's County PSAP on December 17, 2010 and the Montgomery County PSAP on July 25, 2010. The

⁵ See, Letter from James Arden Barnett, Jr., Chief, Public Safety & Homeland Security Bureau, to Kathleen M. Grub, Senior Vice President, Public Affairs, Policy & Communications, Verizon Communications (Feb. 17, 2011).

Commission also stated that it was concerned "that this problem may be widespread across Verizon's footprint." The Commission asked Verizon to investigate the extent of the problem and provide information about the problem, whether it was localized or nationwide, and other states where the problem occurred. The Commission also asked Verizon to recommend potential remedial actions including how Verizon will prevent trunks from being taken out of service during high calling events and how Verizon will monitor the trunks to the PSAP and notify the PSAP when the trunks fail or are taken out of service.

Also on February 17, 2011, the Public Service Commission of the State of Maryland (PSC) sent a letter to Verizon concerning its history of 9-1-1 network outages.⁶ According to the PSC letter, Prince George's County suffered outages to 9-1-1 on three separate occasions in the months of December 2010 to January 2011. The PSC's letter also reveals that the PSC received reports of outages on the Verizon 9-1-1 network in St. Mary's, Charles and Calvert Counties prior to October 13, 2010.

In the Derecho Report, the Commission describes the failures on the Verizon network in northern Virginia as "systemic" and details that Verizon knew of certain failures in its 9-1-1 network that it did not correct. For example, the Derecho Report states that one of the Verizon backup generators central to the 9-1-1 failure had failed to start during a routine test and that Verizon suspended actual load testing of certain generators since at least 2011 because of a problem with the uninterruptible power supply (UPS) in that office, that was not corrected until after the derecho. Given Verizon's history of failing to address 9-1-1 issues, it would seem that

⁶ See, Letter from Terry J. Romine, Executive Secretary of the Public Service Commission of the State of Maryland to Jeffrey A. Rackow, Assistant General Counsel, Verizon (Feb. 17, 2011), attached hereto as Attachment B.

the Commission's enforcement mechanisms are a more appropriate response than an industry-wide reporting requirement.

Additional Reporting Requirements or Rules Should be Limited to the Carriers Identified in the Derecho Report

The Derecho Report only identifies a handful of additional carriers with various levels of failures in their provisioning of 9-1-1 service during the derecho, including Frontier, CenturyLink, AT&T and US Cellular. And, of these carriers, it appears that only Frontier's service in West Virginia is identified as a significant failure. With respect to Frontier, CenturyLink, AT&T and US Cellular, the Commission should either consider enforcement action or, if a particular carrier's failures do not justify enforcement action, then the Commission should consider imposing a reporting requirement on these specific carriers, as necessary, to ensure that they correct any identified issues.

The Commission Should Consider the Harmful Impact of Its Rules and Policies on Network Reliability and Continuity, Including 9-1-1 Service, in PS Docket No. 11-60

The Commission is already examining the reliability and continuity of communications networks, including broadband technologies, in PS Docket No. 11-60. In the Notice of Inquiry initiating the docket, the Commission stated that the docket was "a comprehensive examination of issues regarding the reliability, resiliency and continuity of communications networks," including: 1) "the ability of communications networks to provide continuity of service during major emergencies, such as large-scale natural and man-made disasters;" 2) "issues related to broadband network reliability and resiliency in the context of whether standards might be needed to ensure adequate levels of service to meet public safety and other critical infrastructure needs;"

and 3) "what actions, if any, the Commission should take to foster improved performance with respect to the reliability and continuity of operations."⁷ Any need for industry-wide rules necessary to address the reliability and continuity of communications networks, including 9-1-1 service, should be considered as part of this docket.

The Commission also must recognize that many of its recent actions and policy pronouncements are contrary to promoting reliability and continuity. For example, reducing universal service and intercarrier compensation revenues reduces the funds available to install, test and maintain redundant facilities and back-up power. Requiring rural carriers to spend an ever increasing amount of time and money on gathering data and filing reports with the Commission diverts attention from operating and monitoring the network.

The Commission's push to encourage rural carriers to merge or combine switching facilities also could impact network reliability and continuity. In its comments presented at the Superstorm Sandy Field Hearing on February 5, 2012, Edward H. Comer of the Edison Electric Institute discussed how the reliability of the electric grid is enhanced because of the "mutual assistance programs" deployed by electric utilities to provide assistance to each other during emergencies.⁸ This is very reminiscent of the rural ILECs in South Dakota and other states that provide generators to a fellow ILEC impacted by a snow storm or flood or other emergency event. Such assistance may be limited if entities and facilities are combined.

⁷ *Reliability and Continuity of Communications Networks, Including Broadband Technologies; Effects on Broadband Communications Networks; of Damage or Failure of Network Equipment or Severe Overload; Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, PS Docket No. 11-60, PS Docket No. 10-92, EB Docket No. 06-119, Notice Of Inquiry (Rel. April 7, 2011).

⁸ See, Comments of Edward H. Comer, Vice President, General Counsel and Corporate Secretary, Edison Electric Institute Before the Federal Communications Commission Superstorm Sandy Field Hearing New York, New York February 5, 2012, PS Docket No. 11-60.

The Blooston Rural Carriers
Participating Carriers

* * *

Butler-Bremer Communications

Choctaw Telephone Company

Custer Telephone Cooperative, Inc.

Electra Telephone Company

Harrisonville Telephone Company

Haxtun Telephone Company

Lincoln County Telephone System, Inc.

MTE Communications

MoKan Dial, Inc.

NNTC Wireless, LLC

Pymatuning Independent Telephone Company

Tatum Telephone Company

Venture Communications Cooperative, Inc.

Waitsfield-Fayston Telephone Co., Inc.

Walnut Hill Telephone Company, Inc.

Walnut Telephone Company, Inc. d/b/a Walnut Communications

Webster-Calhoun Cooperative Telephone Association.

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PUBLIC SERVICE COMMISSION

February 17, 2011

Jeffrey A. Rackow
Assistant General Counsel
Verizon
1 E. Pratt Street, Floor 10-E
Baltimore, Maryland 21202

Dear Mr. Rackow:

The Public Service Commission ("Commission") is in receipt of a copy of a letter dated February 1, 2011 from the County Executive of Prince George's County Government ("County") to Mr. John Corso, the Verizon 9-1-1 Service Manager, State of Maryland, in regard to three separate occasions of 9-1-1 outages that the County suffered in the months of December 2010 and January 2011. In its letter, the County asked Verizon to report to the County, with documentation, the cause of the outages and what efforts Verizon was undertaking to prevent future outages, including information as to why alarms at the Verizon Network Operation Center were not activated when the outages occurred and why the County was not notified of the 9-1-1 service outages. On February 16, 2011, the Commission received a copy of Verizon's report to the County.

This is not the first time that the Commission has received reports of outages on the Verizon 9-1-1 network. On October 13, 2010, Verizon appeared to discuss 9-1-1 outages in St. Mary's, Charles and Calvert Counties. On October 20, 2010, the Commission received a copy of a letter that Verizon sent to each of the representatives of these three counties reflecting improvements that Verizon made to its network to address the outages experienced in these three counties. The Commission's representative on the Emergency Number Systems Board also informed the Commission that a similar outage occurred in Montgomery County on January 26, 2011. These continued outages occurring on the Verizon 9-1-1 system in Maryland are of concern to the Commission.

The Commission, therefore, directs Verizon to appear before the Commission at its March 2, 2011 Administrative meeting with the representatives needed to explain to the Commission the issues that have caused the outages and the steps that Verizon has taken to correct/repair the network, including additional equipment/lines that have been installed and any other measures required to ensure that there is not a repeat of these outages. The Administrative meeting begins at 10 a.m. and is held in the Commission's 16th Floor Hearing Room, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland. The final Agenda for the

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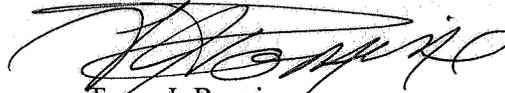
MDRS: 1-800-735-2258 (TTY/Voice)

Website: www.psc.state.md.us/psc/

Jeffrey A. Rackow
February 15, 2011
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Administrative Meeting will be available by the close of business on February 24, 2011 on the Commission's website, www.psc.state.md.us.

By Direction of the Commission,

A handwritten signature in black ink, appearing to read "Terry J. Romine". The signature is stylized and cursive.

Terry J. Romine
Executive Secretary

cc: Ronald Decker, Chief Staff Counsel
Anthony Myers, Assistant Executive Director
Paula Carmody, People's Counsel
Rushern L. Baker, III, County Executive, Prince George's County