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I. INTRODUCTION

The American Cable Association (“ACA”) offers the following comments in response to the NPRM in the above captioned proceeding.¹ ACA represents approximately 850 smaller MVPDs, the majority of whom also offer voice service in small markets and rural areas throughout the United States.² 9-1-1 service is available to all customers of ACA members offering voice service, but only a few of these providers also offer direct service to PSAPs. ACA and its member companies recognize the importance of ensuring that the nation’s 9-1-1- system is reliable and resilient and that consumers have dependable access to it and other emergency services. Driven by an understanding of their critical role in this regard, as well as a market-based incentive to be viewed by their customers as offering a reliable service, particularly during inclement weather, ACA members devote considerable resources toward ensuring the dependability of their networks and operations. ACA members follow best practices, and notify the Commission and first responders when they have a network outage that lasts a long period of time and affect a large number of customers as required by regulation.

In January 2013, the Public Safety and Homeland Security Bureau issued its Derecho Report. This report found that “above and beyond any physical destruction by the derecho, 9-1-1 communications were disrupted in large part because of avoidable planning and system failures, including the lack of functional backup power, notably in central offices,” as well as network monitoring failures.³ The Bureau concluded that “the 9-1-1 and other problems could and would have been avoided if providers had followed industry best practices and available guidance.”⁴

¹ *In the Matter of Improving 9-1-1 Reliability, Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket Nos. 13-75, 11-60, Notice of Proposed Rulemaking, 28 FCC Rcd 3414 (“NPRM”).

² ACA members provide voice service using TDM or IP technology. For those using IP technology, voice service is generally provided over a managed (non- “over-the-top”) basis.

³ Derecho Report at 1.

⁴ *Id.*

The severity of the problems detailed in the Public Safety and Homeland Security Bureau's Derecho Report were not insignificant. Notably, the network reliability problems detailed were largely confined to the networks of 9-1-1 service providers.⁵ That is, the entities directly serving the PSAP, either under tariff, by contractual agreement or other direct service arrangement or obligation. These providers serve as linchpins in the 9-1-1 system given their central role in aggregating 9-1-1 traffic, providing critical ancillary services (e.g., Automatic Location Identification/Automatic Number Identification), and directing calls to one or more PSAPs through a selective router. In most cases, other providers of voice service, particularly ACA members, depend on the reliability of these 9-1-1 service providers to make sure their customers' 9-1-1 calls are delivered to the local PSAP. It is failures by these service providers that have the greatest impact on 9-1-1 system reliability⁶ and have the potential to cause the most widespread harm. To most significantly advance the Commission's objective of ensuring that the 9-1-1 system does not lose connectivity, as detailed by the Derecho Report, where a direct service provider's failure isolated a PSAP affecting 9-1-1 calls from all communications providers in an area, it is vital to ensure the reliability of these entities' networks. Accordingly, the 9-1-1 reliability improvement proposals are best applied to entities providing direct service to PSAPs. By targeting these critical infrastructure points, the Commission can best address known problems and produce the greatest benefit.

The Derecho Report also notes that other voice providers failed to provide timely and complete information about their reportable outages to 9-1-1 service providers, ACA does not disagree with the Commission about the importance of ensuring PSAPs have accurate situational awareness when service outages affect public safety. As discussed, ACA member companies who provide voice services take their responsibility seriously to notify PSAPs of their significant outages

⁵ See FCC Pub. Safety & Homeland Sec. Bureau, Impact of the June 2012 Derecho on Communications Networks and Services: Report and Recommendations (rel. Jan. 10, 2013), available at <http://www.fcc.gov/document/derecho-report-and-recommendations> ("Derecho Report").

⁶ NPRM ¶ 23.

as required by existing rules. This means that in addition to allocating time and resources to ensuring that their customers regain connectivity and access to 9-1-1 systems by addressing the source of the outage as quickly as possible, they make sure that PSAPs are aware of their outages and often provide all available supplemental information available to them. In fact, in the Derecho Report the Public Safety Homeland Security Bureau does not suggest that the failure of service providers generally to notify PSAPs of outages as a problem, but rather that the problem was provision of untimely or incomplete information by certain 9-1-1 service providers.⁷

ACA members do not oppose the Commission providing greater clarity on when service providers must provide notice to the PSAP, and providing additional guidance on the categories of information that should be provided to the PSAP regarding an outage. However, the Commission should adopt a reasonable standard regarding the scope of the information that needs to be provided. This would avoid the situation in which a network service provider would be significantly delaying the restoration of service to their customers as a result of trying to satisfy rules for reporting the outage to a PSAP. By adopting a practical set of PSAP notification requirements, the Commission can ensure that PSAPs are adequately notified with relevant information, but also that that service is returned to customers as quickly as possible – an equally important outcome.

Specifically, ACA proposes that the network outage reporting requirements make clear that service providers would only be required to provide to PSAPs the information outlined in the NPRM that they would have obtained in the normal course of assessing the cause of an outage and restoring service, and recognize that the information that would be provided may be an estimate or approximation based on the service provider's best knowledge at the time. In addition, the Commission should clarify that providers would not be expected to give any more information via

⁷ NPRM ¶ 67; Derecho Report at 27-36, 39-40 (discussing PSAP outage reporting failures and recommendations for Commission action). *See also* Comments of Mission Critical Partners, PS Docket No. 13-75 at 12 (filed May 13, 2013) (notifications of outages to PSAPs have improved over the last five years; gaps should be addressed by transition to NG9-1-1 services).

electronic means than they provided to the PSAP via telephone when reporting that the provider is experiencing a reportable outage on its network.

II. THE COMMISSION SHOULD APPLY ANY NEW RELIABILITY MANDATES ON THE 9-1-1 SERVICE PROVIDERS WHO DIRECTLY PROVIDE COMMUNICATIONS SERVICES TO PSAPS

A. The Commission Should Tailor Its Remedies to Points of Failure in the Nation's 9-1-1 System Identified in The Derecho Report and Focus Application of Any New Reliability Mandates to Direct 9-1-1 Service Providers.

As the NPRM notes, the Derecho inquiry revealed that in addition to massive network outages stretching from the Midwest to the Mid-Atlantic States in June 2012, the Derecho caused widespread disruptions to the networks providing direct service to PSAPs. The disruptions included a complete loss of service by 9-1-1 service providers directly affecting seventeen 9-1-1 call centers in three states, affecting the ability of more than 2 million residents to reach 9-1-1, and partial losses of network connectivity from 9-1-1 service providers directly affecting at least 27 PSAPs serving more than 3.6 million people in six states. In total, nearly 9 percent of all PSAPs in the six affected states experienced some loss of service, affecting more than 8 percent of those states' total residents.⁸ The Derecho Report found that multiple 9-1-1 service providers failed to implement industry best practices with respect to 9-1-1 circuit auditing, central office backup power supplies, and diversity of network monitor and control links effectively, or at all, leading to communications outages affecting millions of Americans.

Recognizing that the outages affected the ability of PSAPs to receive emergency 9-1-1 calls from several sources, and that the outages occurred on the networks of providers serving the PSAPs directly, the NPRM contemplates limiting the application of reliability proposals to the class of entities acting as "9-1-1 service providers."⁹ ACA agrees with this approach. In most

⁸ NPRM ¶ 8.

⁹ NPRM ¶ 23. See also NPRM, Initial Regulatory Flexibility Analysis ¶ 10 ("Generally, we expect

circumstances, the linchpins in the 9-1-1 system are the direct 9-1-1 service providers, given their central role in aggregating 9-1-1 traffic, providing critical ancillary services (e.g., Automatic Location Identification/Automatic Number Identification), and directing calls to one or more PSAPs through a selective router, in areas where selective routers are employed. The vast majority of ACA members, for example, connect to a large ILEC that acts as the 9-1-1 service provider that maintains the selective router, if a selective router is involved, and routes the other providers' 9-1-1 traffic to the PSAP. For example, the NPRM notes that if there is only one selective router in an area, there is no need for physical auditing of diverse 9-1-1 circuits.¹⁰ By confining any new 9-1-1 reliability mandates to the providers on whom the PSAPs depend for their connectivity to the public, the Commission will be targeting the points of failure identified in the Derecho Report, where a direct service provider's failure isolated a PSAP and this affected calls from all communications providers in an area.

Directing the reliability mandates only to 9-1-1 service providers would fulfill the Derecho Report's recommendation that the Commission bolster the reliability of critical 9-1-1 infrastructure without imposing burdensome and unnecessary mandates on the entire wireline communications network.¹¹ The NPRM correctly focuses attention on "critical 9-1-1 communications infrastructure," "high priority circuits that provide 9-1-1 service" and identifying "critical 9-1-1 circuits [to currently] include, at a minimum, 9-1-1 trunks to PSAPs and ALI/ANI links."¹² This is consistent with the view expressed in the Derecho Report that the burdens associated with the 9-1-1 circuit auditing and diversity of monitor and control link proposals would be "modest" because each would be limited to a "relatively small" number of high-priority circuits and links involved in network monitoring and control,

Commission action to focus narrowly on entities that provide key facilities for 9-1-1 service rather than the broader class of all communications services capable of placing 9-1-1 calls.")

¹⁰ NPRM ¶ 41 ("Based on our preliminary discussions with stakeholders, we estimate that circuit audits would be necessary for roughly half of these (7,000 PSAPs nationally) because that is the portion likely to be served by more than one selective router.")

¹¹ See Derecho Report at 40.

¹² See, e.g., NPRM ¶¶ 17, 35, 37.

“rather than to the entire commercial wireline network.”¹³ The Commission should heed this recommendation and recognize the critical distinction between those who directly provide critical networks services to PSAPs and those who comprise “the entire commercial wireline network.” Imposing reliability mandates on all providers would likely be unnecessary given the industry’s current incentives and best practices to already ensure reliability. By drawing this distinction and fixing responsibility on the carriers who provide direct service to PSAPs, the Commission would be adopting an efficient means improving the reliability and resiliency of the 9-1-1 network.

B. The Commission Should Clarify that “9-1-1 Service Providers” Are Those Entities Directly Serving PSAPs Under Tariff, Contract or Other Direct Arrangement.

To focus its application of any new reliability requirements to 9-1-1 service providers, the Commission should make sure to define the term “9-1-1 service provider” to only include entities providing communications services directly to PSAPs under tariff, contract or other direct arrangement and exclude providers who only provide 9-1-1 service to their customers. The NPRM tentatively proposes to define the term “9-1-1 service provider” “to include all entities, including [incumbent local exchange carriers] ILECs, that provide 9-1-1 call routing, [Automatic Location Information] ALI, emergency services Internet protocol networks (ESInets), and similar services directly to a PSAP.”¹⁴ It notes that the Derecho Report defined “9-1-1 service provider” as a communications provider “responsible for routing and delivering calls to PSAPs” and also that while 9-1-1 service providers “will typically be ILECs,” the transition to NG 9-1-1 may broaden the class of providers that perform this function.¹⁵

¹³ Derecho Report at 40.

¹⁴ NPRM ¶ 23.

¹⁵ NPRM ¶ 23. As the Derecho Report explains: “9-1-1 service providers” are responsible for routing and delivering 9-1-1 calls to PSAPs. In the current 9-1-1 system, the “provider” of 9-1-1 service and associated network facilities is typically the incumbent local exchange carrier (“ILEC”) in a given area, which aggregates and delivers all incoming 9-1-1 calls (including those originating from other providers, such as wireless provider and VoIP providers) to the PSAP via selective routers. Next generation technologies such as emergency services Internet protocol networks (“ESInets”), however, may change

To ensure that its rules apply as intended, ACA recommends that the Commission amend its tentative definition of a “9-1-1 service provider” to more clearly exclude voice providers who simply provide 9-1-1 service to their subscribers as part of their voice offerings and therefore could also be deemed to be providing “9-1-1 call routing” or other services to PSAPs under the current wording of the definition.

Specifically, the Commission should consider revising its tentative definition of a “9-1-1 service provider” to more clearly delineate the point of demarcation between the entities covered and the broader class of all communications services capable of placing 9-1-1 calls. One possible approach would be to rely on an established descriptor such as “the Wireline E911 network”,¹⁶ or by an equivalent descriptor that more clearly delineates the demarcation point between the network of the communications service provider offering 9-1-1 service to its customers and the network of the 9-1-1 service providers providing services directly to the PSAP.¹⁷

For example, the Commission’s rules require interconnected VoIP providers to provide E911 service to their customers, and to route all 911 calls “through use of [Automatic Number Identification] ANI, and, if necessary, pseudo-ANI, via the dedicated Wireline E911 network.”¹⁸ For this purpose, the “Wireline E911 Network,” is defined as “A dedicated wireline network that: (1) is interconnected with but largely separate from the public switched telephone network; (2) includes a selective router; and (3) is utilized to route emergency calls and related information to PSAPs, designated statewide

that pattern by more easily allowing entities other than ILECs to provide 9-1-1 service.” Derecho Report at 9 n.23. At the same time, the NPRM acknowledges that the proposed revision to the Commission’s Part 4 outage reporting rules could affect a broader range of service providers currently required to notify PSAPs of outages that potentially affect a “911 special facility,” including, cable, wireline, wireless, satellite and interconnected VoIP providers. *Id.* at 19 n.66. Finally, the NPRM asks whether there are certain proposals from which non-ILEC service providers should be expressly exempt. *Id.*

¹⁶ 47 C.F.R. § 9.3.

¹⁷ ACA acknowledges that not all voice providers today offer E911 service to their customers. However, the component portions of the definition of the “Wireline E911 Network” could be used to fashion the description of the demarcation point appropriate for distinguishing the 9-1-1 service provider from the broader class of entities capable of placing 9-1-1 calls.

¹⁸ 47 C.F.R. § 9.5(b)(1), (3).

default answering points, appropriate local emergency authorities or other emergency answering points.”¹⁹ Using a previously defined term designed to describe the demarcation point between wireline commercial voice networks, including those of interconnected VoIP providers, and the 9-1-1 networks directly serving PSAPs would be one way to clearly ensure that the rules are narrowly focused on the appropriate entities.²⁰

By using a more precise limiting descriptor such as “Wireline E911 Network” or its equivalent in the governing definition, the Commission can ensure that its reliability rules are targeted at improving the reliability of critical 9-1-1 network components that were shown to be prone to failure in the Derecho Report. The Commission can also achieve the result of limiting its reliability obligations to providers of critical 9-1-1 infrastructure to PSAPs by specifying that the 9-1-1 service provider is the entity that serves the PSAP directly under contract or tariff or other applicable state or local requirement.²¹ The important point is that the new rules address the problems highlighted in the Derecho Report without sweeping more broadly than necessary to achieve the Commission’s goals in this proceeding.

III. THE COMMISSION SHOULD ADOPT REASONABLE STANDARDS REGARDING THE SCOPE OF THE INFORMATION THAT IS REQUIRED TO BE REPORTED TO PSAPS IN THE EVENT OF A REPORTABLE OUTAGE AND PROVIDE OTHER PRACTICAL CLARIFICATIONS TO THE PROPOSED RULE

ACA shares the Commission’s view that “timely, clear and appropriately targeted communication between 9-1-1 service providers and PSAPs” are key during any disruption of 9-1-1

¹⁹ 47 C.F.R. § 9.3.

²⁰ In the alternative, for example, the Commission could craft a new descriptor tailored to the reliability mandates, along the lines suggested by ASSURE911.NET in its comments. See Comments of ASSURE911.NET, LLC, PS Docket No. 13-75 (filed May 13, 2013) at 2 (supporting revised PSAP outage notification rules as applied to “the designated 9-1-1 System Service Providers (911 SSPs)” and recommending that 911 SSPs automate the delivery of outage notification information to PSAPs).

²¹ See Comments of City of Alexandria, PS Docket No. 13-75 at 6 (filed May 13, 2013) (recommending that network monitoring obligations “be required in every 9-1-1 service contract.”).

service,²² but cautions the Commission to adopt reasonable standards regarding the scope of the information that must be provided that balance this obligation with the equally important goal of restoring service to customers as soon as possible. It is also important to adopt additional clarifications so the rules apply in a practical way, particularly for smaller operators.

First, ACA notes that its members take seriously their responsibility to operate reliable and resilient networks suggesting the Commission has appropriately relied upon the voluntary observance of industry best practices and its existing outage reporting rules to ensure network reliability. Notwithstanding the specific issues concerning providers of direct service to PSAPs that were highlighted in the Derecho Report, the public can generally trust the reliability and resiliency of the communications infrastructure feeding into 9-1-1 systems. In conducting a recent member survey, ACA learned that relatively few of its member companies have experienced network outages that required reporting to the Commission and PSAPs, under the current Part 4 rules.²³ Moreover, the Derecho Report did not suggest that providers of voice service to retail end users had failed to provide notice to PSAPs of outages affecting their networks. This highlights that most entities are not ignoring their public responsibilities as communications providers, and are complying with best practices and existing rules.

The revisions proposed in the NPRM respond to specific findings in the Derecho Report that despite the Commission's current outage reporting requirements, multiple PSAPs did not receive timely or adequate notification of network outages, compounding the difficulty of providing emergency assistance while service was out.²⁴ Specifically, according to the Report, the Derecho revealed many

²² NPRM ¶ 67.

²³ ACA conducted a survey of its members between April 29 and May 9, 2013. In total, 132 ACA member companies completed the survey. 111 of these companies indicated that they offer voice service. Of these 111 companies, only 9 reported having "experienced a network outage of more than 30 minutes duration that affected more than 900,000 user-minutes."

²⁴ NPRM ¶ 18.

PSAP's efforts to "respond to emergencies during the Derecho were hindered by inadequate information and otherwise ineffective communication by service providers."²⁵

Currently, as the NPRM states, certain communications providers are required to notify the Commission within 120 minutes of discovering a reportable outage – that is, an outage that has lasted 30 minutes and potentially affects 900,000 user-minutes ("reportable outage") – and are also required "to notify '9-1-1 special facilities' – i.e., PSAPs – affected by a reportable outage with 'all available information that may be useful' to mitigate the outage 'as soon as possible by telephone or other electronic means.'"²⁶ Accordingly, under current outage reporting rules, specified providers are required to notify PSAPs as soon as possible after they discover that an outage has become reportable – that is, passed the triggering threshold of a 30 minute outage potentially affecting 900,000 user-minutes. At the time they report the outage to a PSAP, providers are required to provide all available information that might be useful to the PSAP in mitigating the outage.

The amendments to Section 4.9 of the rules, as proposed by the NPRM, are aimed at clarifying how service providers can more effectively and uniformly notify PSAPs of reportable outages affecting 9-1-1 service, create situational awareness of the outage for the PSAP, and cooperate to restore service as quickly as possible.²⁷ To this end, the Commission proposes to require covered providers to "immediately" convey "all available" information that may be useful to the

²⁵ NPRM ¶ 67.

²⁶ NPRM ¶ 68. ACA observes two points about the current rules: (i) interconnected VoIP providers are required to report outages triggered by the reporting threshold to the Commission within 240 minutes of discovery, and other types of communications providers must provide their report to the Commission within 120 minutes, and (ii) with respect to cable, satellite, wireline, wireless and interconnected VoIP providers, the current and proposed rules set the same triggering threshold for reporting to the Commission and PSAPs regarding an outage that "potentially affects a 911 special facility" -- reporting is triggered by an outage lasting 30 minutes and potentially affecting 900,000 user-minutes. See 47 C.F.R. §§ 4.9(a)(4), (c)(2)(iv), (e)(5), (f)(4), (g)(1)(i); NPRM, Appendix B. The trigger is the same given that the "911 special facility" reporting rules reference an outage "that potentially affects a 9-1-1 special facility (as defined in (e) of § 4.5)" and Section 4.5(e) provides that "[a]n outage that potentially affects a 911 special facility occurs whenever" 900,000 user-minutes are affected in every defined instance except when there is a "loss of 911 call processing capabilities in one or more E-911 tandems/selective routers for at least 30 minutes duration."

²⁷ NPRM ¶ 67.

management of the affected facility in mitigating the effects of the outage on callers to that facility, and then specifies seven categories of information which should be included “at a minimum” in any such report.²⁸ The Commission also proposes to have this information conveyed to the PSAP “by telephone and in writing via electronic means.”²⁹

In considering its proposal regarding acceptable methods of PSAP notification and guidance on the minimum level of detail in the information to be provided to PSAPs during an outage, the Commission must take care to adopt a reasonable standard that balances the scope of the information that must be provided with the equally important goal of restoring service to customers as soon as possible. The Commission can do this by clarifying that when a covered communications provider reports on the various categories of information to the PSAP, such provider is only required to provide to the information for each category that the service provider has obtained in the normal course of assessing the cause of an outage and determining the steps needed to restore service, and recognize that some of the information that would be provided may be an estimate or approximation based on the service provider’s best knowledge at the time. Moreover, the Commission should clarify that providers would not be expected to provide more information in writing electronically than would be required by phone.

ACA recognizes the Commission’s interest in ensuring that PSAPs receive timely and complete notification in the event of a reportable outage on a covered voice provider’s network. In the normal course of business, ACA’s members seek to obtain the same information. That is to determine as quickly as possible when, where, and why the network has gone down, and also what

²⁸ NPRM ¶ 1. The NPRM proposes to require the reporting of, at a minimum: (1) the nature of the outage; (2) the estimated number of users affected or potentially affected; (3) the location of those users; (4) the actions being taken by provider to address the outage; (5) the estimated time at which service will be restored; (6) recommended actions the impacted 911 special facility should take to minimize disruption of service; and (7) the sender’s name, telephone number and email address at which the sender can be reached. NPRM ¶ 70, Appendix B.

²⁹ NPRM ¶ 70, Appendix B.

steps are needed to repair the outage and to determine how long it will take to restore service. In the event of a reportable outage, ACA members generally share what they know about the outage with the PSAP. To the extent that the Commission's rules seek to provide guidance to carriers on the specific categories of information to be provided to PSAPs for the purpose of ensuring uniform reporting, ACA does not object.

ACA is heartened by the Commission's recognition that the proposed requirement would be to provide "all available" information. The Commission appears to recognize that not all information may be immediately evident about the situation when there is an outage. As discussed above, ACA members are already motivated to immediately restore service as quickly as possible, and in the course of assessing the problem and fixing it, the operator will generally obtain most of the data and information that the Commission proposes to report to the PSAP. We are concerned, however, that the proposal for PSAP notification to include, at a minimum, specified categories of information could be interpreted as requiring communications providers to spend their limited time and resources on collecting data beyond what they would have readily available about the outage for the sole purpose of PSAP notification.

It is particularly important that the PSAP notification requirement not require providers in the midst of assessing damage and restoring 9-1-1 service following the occurrence of a reportable outage to gather information for purposes of PSAP outage notification that goes beyond the type of information that the provider would already have in the normal course of trying to assess and restore service. To avoid any misinterpretation and untoward consequences for smaller providers responding to significant network outages, the Commission should adopt a reasonable standard regarding the scope of the information to be provided, and make clear that this is not the case and that the categories of information that must be conveyed should be information that the service

provider already knows in the normal course of assessing an outage and determining how to restore service.³⁰

It is also important that the Commission be explicit that providers may provide estimates and approximations regarding all categories of information to be provided, so long as the information is provided to the best of the service provider's knowledge at the time of the report. For example, as the proposed rule contemplates, the service provider may be able to only estimate the amount of time it will take for service to be restored. Similarly, the provider is unlikely to be able to provide granular location information about an outage on a household-by-household basis using address information. It is more likely to be able to provide more general information on the area affected. Therefore, the service provider should be considered to be in compliance with the reporting requirements to the extent that the provider provides its estimate or approximation based on the best knowledge of the service provider at the time of the report to the PSAP. The revisions as proposed explicitly permit reporting of estimates concerning number of users affected or potentially affected and concerning time of restoration. No more specificity should be required for any category of information beyond estimates and approximations based on information available to the reporter.

For smaller providers, it is particularly important for the Commission to adopt reasonable standards regarding the scope of the information that is required to be reported to the PSAPs. Smaller providers have fewer resources available to simultaneously restore service and report outages. Many of ACA's smaller member companies do not have dispatchers on duty 24/7, and may have no extra staff available to assist with reporting an outage while it is occurring, particularly if it occurs in the field outside business hours. During such periods, their networks are covered by on-call technicians who are authorized to respond to outage alerts from the network, and answering

³⁰ Under ACA's proposal, a service provider would not be in compliance with the reporting obligation if it is shown that the provider had information regarding one of the categories of information, and such information was purposefully not provided to the PSAP at the time that the service provider notified the PSAP of the outage.

service attendants. Therefore, a single technician may be responsible for driving to the point of network failure, assessing its cause and determining a restoration plan. So long as the scope of the information that is to be provided to the PSAP is reasonable and service providers may provide estimates and approximations based on their best knowledge at the time, such a technician can comply with the proposed reporting obligations on their own; it would be highly problematic, however, if the technician would be required to not only assess the cause and determine a restoration plan for an outage but also collect detailed information for the sole purpose of reporting such information to the PSAP.³¹ The Commission must place at least equal value on the importance of restoring service to customers as soon as possible to reporting the outage to the PSAP, and strike the right balance with its outage reporting requirements. So long as the scope of the information that must be provided is reasonable and may be based on estimates and approximations, small providers can comply.

Finally, the Commission should make clear that no more information is to be conveyed in writing by electronic means than is conveyed telephonically simply because the information is in written form. ACA members believe that providing the proposed information to the PSAP via a phone call is reasonable. Providing the same information to the PSAP via writing in electronic form is more burdensome. This is particularly true for smaller operators where the technician in the field would be the same person who would do the reporting to the PSAP both via phone and electronic means. In these cases, the technician might be sending the electronic message from the field using a smart phone. To limit the additional burden, the Commission should make clear that the information that must to be provided in written form need not be any different in scope than the information provided via telephone.

³¹ ASSURE9-1-1.NET notes in its comments that with respect to FCC outage reporting, “[i]n the initial report, the reason for the outage is not as critical as the fact that there is an event in progress.” ASSURE9-1-1.NET Comments at 10. ACA submits that this is also likely true for PSAP outage notifications.

IV. CONCLUSION

By carefully tailoring the reach and scope of its 9-1-1 reliability rules to address the problems raised in the Derecho Report, the Commission can achieve its goals of improving the reliability and resiliency of the communications infrastructure necessary to ensure the continued availability of the Nation's 9-1-1 system.

Respectfully submitted,

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