

**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 FRONTIER COMMUNICATIONS CORPORATION

I. INTRODUCTION

Frontier Communications Corporation (“Frontier”) hereby submits the following reply comments in response to the Federal Communications Commission’s (“Commission” or “FCC”) *Notice of Proposed Rulemaking* seeking comment on approaches to ensure the reliability and resiliency of communications infrastructure in order to protect the availability of the Nation’s 9-1-1 system, particularly during times of major disaster.¹ The comments in this proceeding demonstrate that communications service providers take their obligations for network resilience and reliability seriously and that further Commission mandates are unnecessary at this time due to the effective implementation of robust industry best practices. If the Commission decides it must take action despite the evidence that industry is already ensuring network resiliency and reliability, the record supports limiting its mandates to certifying adherence to best practices.

Three of the nation’s largest communications service providers, AT&T, Verizon and Frontier, provided the Commission with evidence of their commitment to ensuring that their

¹ *In re: Improving 9-1-1 Reliability*, PS Dkt. Nos. 11-60, 13-75; *Reliability and Continuity of Communications Networks, Including Broadband Technologies, Notice of Proposed Rulemaking*, FCC 13-33 (rel. Mar. 20, 2013) (“*NPRM*”).

networks are resilient in the times of emergency. AT&T detailed its Network Disaster Recovery Plan,² while Verizon and Frontier, which both experienced network issues immediately following the derecho, extensively detailed how they have applied the lessons learned from that experience to enhance the reliability of their networks.³ Significantly, the high performance of the networks in Superstorm Sandy just a few months after the derecho demonstrated the providers' commitment to hardening their networks to ensure availability in times of emergency.⁴ It is through this lens that the Commission must assess whether additional regulations are needed; network reliability today is improved from where it was immediately following the derecho. Further, as AT&T correctly states, "this reality—that providers need a reliable network to succeed in the competitive marketplace—drives service providers to harden their networks. As a result, today's communications networks are already extremely robust, and service providers continue to invest and innovate in this area."⁵

² Comments of AT&T, PS Dkt. Nos. 11-60, 13-75, 7-8 (filed May 13, 2013) ("AT&T Comments").

³ See Comments of Frontier, PS Dkt. Nos. 11-60, 13-75, 2-4 (filed May 13, 2013) ("Frontier Comments"); Comments of Verizon, PS Dkt. Nos. 11-60, 13-75, 3-7 (filed May 13, 2013) ("Verizon Comments").

⁴ Frontier Comments at 2 ("Frontier's experience from the derecho paid off nearly immediately as the parts of its network affected by Superstorm Sandy performed extremely well in a severe stress situation."); Verizon Comments at 1-2 ("[Verizon's] improved practices contributed to a positive network experience during Hurricane Sandy, during which 911 problems were generally avoided in the New Jersey and New York areas affected most heavily."); AT&T Comments at 7.

⁵ AT&T Comments at 7. Because of the competitive nature of the marketplace, to the extent the Commission does take any action in this proceeding it should ensure all requirements are technology neutral and apply to all service providers. See Comments of the California Public Utilities Commission, PS Dkt. Nos. 11-60, 13-75, 3 (filed May 13, 2013) ("Any new requirements should apply to all current and future 9-1-1 network providers, consistent with other FCC policies geared to maintaining technological neutrality in this evolving market." ("CPUC Comments"); AT&T Comments at 4.

The record demonstrates that the industry has developed best practices designed to enhance network resiliency. The Alliance for Telecommunications Industry Solutions (“ATIS”), which works at the center of creating industry standards, notes that “[t]he industry does not wait for Commission action and resolves virtually all issues without the Commission’s intervention. The industry has well-established mechanisms to monitor, analyze and mitigate issues; significant resources are expended in the development and implementation of these mechanisms in order to meet the specific and unique business needs of individual service providers.”⁶ Yet ATIS also correctly points out that carriers need some flexibility in how they choose to implement these best practices “based on expert evaluations, risk assessments, and/or other considerations.”⁷ Communications service providers are in the best position to independently assess how to best operate their networks and are consistently doing so mindful of the critical dependence public safety has on these efforts.

Still, some commenters believe that further Commission action is necessary to ensure resiliency. While Frontier believes the current record demonstrates that additional Commission mandates are unwarranted, if the Commission were to take further steps in this area the consensus amongst a majority of commenters is that a certification process is the most appropriate method. Commenters from many diverse perspectives favor the certification method. The California Public Utilities Commission “recommends that the FCC adopt a certification scheme” whereby “the FCC would require 9-1-1 service providers to certify periodically that their 9-1-1 network service and facilities comply with voluntary industry adopted best practices, and any reliability requirements the Commission specifies, or other

⁶ Comments of the Alliance for Telecommunications Industry Standards, PS Dkt. Nos. 11-60, 13-75, 4 (filed May 13, 2013).

⁷ *Id.* at 5.

standards the Commission identifies.”⁸ NENA: The 9-1-1 Association proposes that for certain rules it would be best for the Commission to “establish a certification regime *a-la* Sarbanes-Oxley, in which senior executives are required to attest to compliance with the Commission’s rules. NENA believes that certification requirements, particularly where they are made personal can effectively elevate critical 9-1-1 issues to carrier or SSP managers with actual authority to resolve them.”⁹ These comments in favor of certification align with Frontier’s comments that “[h]aving senior management certify that the appropriate best practices have been applied would provide further impetus to make sure that the carrier is implementing best practices and that such implementation will not ‘give way in the daily press of business’ because senior management has the ability to shape the plans to ensure that implementing the best practices is *part of* the ‘daily press of business.’”¹⁰

Certification that the carrier has implemented best practices is also a better balance of limited resources than creating new Commission mandates. In its comments Frontier detailed some of the substantial resources that would be required if the Commission were to create new industry practices and reporting requirements.¹¹ AT&T also showed how the Commission’s own cost-benefits analysis failed to take into account many of the practical implications and costs associated with new procedures and incorrectly balanced them against perceived benefits.¹²

While protecting public safety is undoubtedly a priority for every communications service

⁸ CPUC Comments at 4.

⁹ Comments of NENA: The 9-1-1 Association, PS Dkt. Nos. 11-60, 13-75, 6 (filed May 13, 2013).

¹⁰ Frontier Comments at 6.

¹¹ *See, e.g. id.* at 8-10.

¹² AT&T Comments at 24-25.

provider, the Commission must be mindful that there are finite resources for every company. Industry best practices have proven to be effective for protecting public safety and requiring companies to have senior management certify implementation of these practices would be the best manner of those suggested to promote the most efficient use of all resources—both those of the service provider and those of the Commission.

Respectfully submitted,

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May 28, 2013