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I. INTRODUCTION

The American Cable Association (“ACA”) submits these reply comments in response to comments filed in the above-captioned docket.¹ As it explained in its initial comments, ACA’s member companies fully support the Commission’s goal of ensuring customer access to a resilient and reliable national 9-1-1 system, as well as through efficient outage reporting to Public Service Answering Points (“PSAP”) by communications providers. The record supports ACA’s recommendations that to advance toward these goals, the Commission’s proposed 9-1-1 reliability and PSAP outage notification enhancements should reflect two points.

First, the rules should clearly specify that “9-1-1 service providers” subject to reliability mandates are only those entities involved in the direct provision of 9-1-1 service and associated network facilities to PSAPs under tariff, contract or other direct arrangement. This will avoid the possibility of the Commission’s rules inadvertently sweeping in other voice communications providers under the reliability mandates and unnecessarily burdening these providers, many of which are small entities that may not have the resources to comply or could find it exceedingly onerous to do so. The record in this proceeding, as well as the Derecho Report² and NPRM, overwhelmingly indicate that these mandates are intended to target direct service providers to PSAPs and therefore support ACA’s proposed clarification.

Second, the outage reporting rules should permit communications providers flexibility in notifying PSAPs with the information that they have available regarding an outage, as well as offer them flexibility in the form of providing the notification. ACA proposed that the Commission specify that outage notification to the PSAP should only contain as much information as the service provider

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 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”)

has obtained in the normal course of assessing the cause of an outage and restoring service, and that Commission recognize that any category of the information required to be provided might be an estimate or approximation based on the service provider's best knowledge at the time. Further, ACA proposed that the Commission clarify that providers would not be expected to give any more information via electronic means than they provided to the PSAP via telephone when notifying the PSAP that the provider is experiencing a reportable network outage. Adopting these proposals will avoid the potential unintended consequence of reporting obligations hindering communications providers' efforts at restoring service or otherwise imposing burdens on them unnecessarily. The record, including a broad range of comments from the public safety, municipality and communications provider communities, supports the adoption of such flexibility.

II. THE RECORD SUPPORTS LIMITING ANY 9-1-1 RELIABILITY MANDATES TO AN APPROPRIATELY CIRCUMSCRIBED CLASS OF DIRECT 9-1-1 SERVICE PROVIDERS

A. The Commission Should Reject Calls to Apply 9-1-1 Reliability Mandates to Providers Not Directly Serving PSAPs.

The Derecho Report and NPRM detailed the effects of an unusual type of severe storm on a handful of incumbent local exchange carriers ("ILECs") providing 9-1-1 service and functionality directly to PSAPs in the path of the storm. The report documented a few significant cases in which the failure of the 9-1-1 service provider to follow industry best practices concerning 9-1-1 circuit auditing, central office back-up power, and diversity of network monitoring and control links led to extensive network outages affecting PSAPs, in some cases for prolonged periods of time.

Both the Derecho Report and NPRM highlight the importance of 9-1-1 service providers offering reliable service to PSAPs because these providers are linchpins in the 9-1-1 system. Accordingly, the NPRM recommends that new service reliability mandates be imposed solely on

those providers directly serving PSAPs.³ ACA and many other commenters agree with this focused approach.

The Pennsylvania Public Utilities Commission (“PA PUC”) presents the outlier view that reliability mandates should apply to the entire wireline network, including service providers that do not provide service directly to PSAPs, under the guise of ensuring reliable communications service for PSAPs.⁴ The Commission should reject this position. The PA PUC argues that the definition of “9-1-1 service provider” should include “all entities or networks directly or indirectly involved with 911 calls to a PSAP.”⁵ However, it provides no compelling analysis to support this vast expansion of reliability mandates, offering little more than the view the new rules should take into account the transition to NG911 and stressing the importance of the “copper-circuit switched network.”⁶ The PA PUC’s concerns about the reliability of copper circuit-switched networks does not naturally lead to a view

³ Derecho Report at 9 n. 23, 40 (“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 in-coming 9-1-1 calls (including those originating from other providers, such as wireless providers and VoIP providers) to the PSAP selective router”); *id.* at 40 (discussing why the burden of a recommended reliability requirement would be modest because, for example, it would be confined to “a limited number of high priority circuits rather than to the entire commercial wireline network.”); NPRM at ¶ 5 (rulemaking aimed at ensuring “that the devastating impact to 9-1-1 that resulted from the June 2012 derecho does not occur in the future); *id.* at ¶ 23 (proposing to limit application of new reliability mandates to “9-1-1 service providers’ defined in the Derecho Report as a communications provider ‘responsible for routing and delivering 9-1-1 calls to PSAPs.’”).

⁴ PA PUC Comments at 3, 8. The PA PUC also goes further and recommends that the Commission “should define ‘911 Service Provider’ using the legal definitions for ‘telecommunications’ or ‘information service,’ and classify all entities or networks directly or indirectly involved with 911 calls to a PSAP as telecommunications.” The PA PUC states that a telecommunications classification “will avoid potential issues of alleged federal preemption of state law and ensures that 911 Service Providers understand the importance of this common carrier mandate for 911 under state and federal law.” *Id.* at 3-4. The question of the appropriate regulatory classification of interconnected VoIP providers under the Act remains pending before the Commission. See *IP-Enabled Services*, Notice of Proposed Rulemaking, WC Docket No. 04-36, 19 FCC Rcd 4863 (2004). The Commission should decline to take this back-door route to classification of all interconnected VoIP providers as “telecommunications carriers” and therefore “common carriers” under the Communications Act simply because they provide E9-1-1 service, as they are required to do under the Commission’s rules. See 47 C.F.R. 9.1, *et seq.*

⁵ PA PUC Comments at 3.

⁶ PA PUC Comments at 8. The PA PUC also appears to base its recommendation on allowing regulation of NG911 services, avoidance of complications similar to those facing rural call completion, and federalism concerns. *Id.* at 8-9.

that all voice providers should be subject to 9-1-1 reliability mandates because not all voice providers today provide their service over circuit-switched networks. In particular, interconnected VoIP providers generally do not provide voice service over copper networks.⁷ The PA PUC's concern with the reliability of copper circuit-switched networks, a concern that is refuted in this docket by credible commenters, does not match up with its proposed extension of 9-1-1 reliability mandates to all providers of voice service, including interconnected VoIP providers. The point that the PA PUC seems to miss is that regardless of the conduit employed by service providers, whether copper, coaxial cable, or fiber, the existing 9-1-1 architecture and future iterations (i.e., NG911) are expected to depend upon discrete entities and connections that directly provide service to PSAPs and it is these providers whose continued reliability will remain the key concern.⁸ In light of this fact, the PA PUC offers no compelling justification for burdening the entire wireline network with new rules by expanding the scope of reliability mandates beyond those contemplated in the Derecho Report and NPRM. The Commission should accordingly reject calls to expand the definition of 9-1-1 service providers.⁹

In contrast to the suggestions of the PA PUC that the wireline network needs to be made more reliable, many comments indicate that providers of voice service to the public (i.e., when not directly serving PSAPs) are following best practices and have a vested interest in ensuring the reliability of their networks.¹⁰ Significantly, the group responsible for developing global standards and technical planning for the industry, Network Reliability Steering Committee of the Alliance for

⁷ Moreover, under the Commission rules, interconnected VoIP providers are required to interconnect to the ILEC maintained "wireline E911 network" in order to reach the PSAP. See 47 C.F.R. §§ 9.3; 9.5.

⁸ As the NPRM correctly notes, in most cases, the 9-1-1 service provider this will be the ILEC maintaining the selective router, data bases, and other network elements on which the PSAPs rely to receive and process 9-1-1 calls and to communicate with the public safety community. NPRM ¶ 23.

⁹ See *also* Mission Critical Partners at 3 ("we feel that the proposed definition of the term "9-1-1 service provider" should be expanded to more broadly capture the role that backhaul providers play.")

¹⁰ See ACS Comments at 3; AT&T Comments at 7; WTA Comments at 5-6; ATIS Comments at 3-5; NTCA Comments at 3.

Telecommunications Industry Solutions (“ATIS”) stated that “communications networks, including the infrastructure necessary to access 9-1-1 services, are highly reliable and resilient.”¹¹ Further ATIS confirms, “Best Practices are extremely important to the industry and widely adopted.”¹² The findings of ATIS are consistent with ACA’s findings. As ACA noted, “relatively few of its member companies have experienced network outages that required reporting to the Commission and PSAPs”¹³ and members interviewed reported compliance with reliability industry best practices.¹⁴ The sentiment displayed in the record from ATIS and others regarding network reliability generally is consistent with the feedback ACA received from its members. The Commission should heed the opinion of ATIS along with other evidence illustrating the reliability of communications networks generally, and reject the calls of the PA PUC in support of industry-wide reliability mandates.

B. The Commission Should Clarify that the Definition of “9-1-1 Service Provider” Excludes Service Providers that Do Not Provide 9-1-1 Service and Associated Network Facilities Directly to a PSAP.

Consistent with the findings of the Derecho Report and the NPRM that 9-1-1 reliability mandates be imposed only on 9-1-1 service providers and not the entire commercial wireline network, ACA recommended that the Commission further clarify that the definition of 9-1-1 service provider to not only include the notion of serving a PSAP directly with the listed network elements, but also specify that this provision of service to PSAPs occur under tariff, contract or other direct

¹¹ ATIS Comments at ii. See also ATIS Comments at 3-4 (“Frequency of E9-1-1 outages are in control,” as illustrated by a chart); WTA Comments at 4 (“WTA is not aware of any widespread instances of inadequate 9-1-1 planning or significant numbers of 9-1-1 system failures that warrant the adoption and implementation of substantial new nationwide 9-1-1 service requirements or reporting rules.”)

¹² ATIS Comments at 5. ATIS counsels the Commission to continue to rely on industry best practices rather than turning them into inflexible mandates, and recommends a collaborative approach to reliability improvements. ATIS Comments at 5-8, 9-11 (“best practices are developed to be flexible and cannot serve as regulatory mandates; the Commission should collaborate with ATIS and industry on any reliability recommendations”).

¹³ ACA Comments at 9. ACA acknowledges that its membership comprises a minority of communications provider, but nevertheless notes that it is telling how few reportable outages they have experienced on their networks.

¹⁴ ACA Comments at 9.

arrangement.¹⁵ Although we believe the Commission intends this result, we urge that it make the line between 9-1-1 service providers and other communications providers more clear to avoid accidentally sweeping more entities under its 9-1-1 reliability requirements than intended.

Taking into account how 9-1-1 systems operate, and the critical role of 9-1-1 service providers in its success, nearly all commenters recognize the importance of properly distinguishing 9-1-1 service providers from other service providers. Even commenters advocating for a “broad” definition of “9-1-1 service provider” nevertheless mostly recognize that the definition should be confined to the entities directly providing service to PSAPs, whether these entities are ILECs, competitive local exchange carriers, or other non-carrier entities that directly provide to PSAPs the network and database elements that make up a 9-1-1 system.¹⁶ This is undoubtedly the correct view, which should be further clarified in the Commission’s definition by specifying that there be a direct relationship between the PSAP and the 9-1-1 service provider.

ATIS, once again, presents an apt perspective when it explains that the rules should be applied to the “final leg into the PSAP, commonly known as the Selective Router.”¹⁷ While a selective router is not involved in sending traffic to every PSAP, the view that reliability rules should only apply to the “final leg” of the 9-1-1 system makes sense.¹⁸ Limiting reliability mandates to direct

¹⁵ ACA Comments at 5. By “direct arrangement” ACA intends to include entities that are required by state or local law or regulation to provide service directly to PSAPs.

¹⁶ See NENA Comments at 8 (“NENA believes it imperative that the Commission ‘cast a wide net’ to ensure that all entities that provide network services to 9-1-1 systems are subject to the same reliability and resiliency requirements. Doing so will have two principal benefits: First, it will ensure that 9-1-1 reliability does not vary across regions in a patchwork fashion. Second, it will reduce incentives to engage in regulatory arbitrage that might otherwise arise if carriers and/or [competitive system service providers] SSPs could offer 9-1-1 service under more- or less-regulated business models.”); CPUC Comments at 1, 3 (advocating for “a broad definition of 9-1-1 service provider” yet defining it to be “all entities... that provide ... services directly to a PSAP”); Texas 9-1-1 Alliance Comments at 3 (“A broad and overly inclusive definition of “9-1-1 service provider” as suggested in the NPRM is reasonable and prudent”).

¹⁷ ATIS Comments at 8.

¹⁸ ACA learned from its members that some PSAPs, especially in remote regions, are directly connected to one or more service providers without the intermediary of a selective router.

PSAP service providers targets the providers with the greatest impact on 9-1-1 system reliability. These providers are responsible for maintaining the critical connection between a PSAP and the public, and, in most cases, are the entities that every other provider sending 9-1-1 traffic to the PSAP relies upon to provide connectivity. By focusing on these critical providers, the Commission can bolster the reliability of critical 9-1-1 infrastructure without imposing burdensome and unnecessary mandates on the entire wireline communications network.¹⁹

Inadvertently adopting an overly expansive definition of 9-1-1 service provider that imposes the reliability mandates discussed in the NPRM on all providers of voice service covered by the Commission's Part 4 network outage reporting requirements would be burdensome, particularly for small carriers. In fact, as NTCA illustrated, some of these smaller providers may not even be able to comply with a one-size-fits-all reliability rule related to physical diversity given their rural service areas.²⁰ In the past, the Commission sought to avoid burdening small carriers with its outage rules.²¹

¹⁹ ACA Comments at 5; see also Derecho Report at 40.

²⁰ See NTCA Comments at 2 ("RLECs have limited control and typically do not interconnect directly with Public Safety Answering Points ('PSAPs'), instead relying upon the limited transport options that may be available to the small towns and countryside they serve to connect to selective routers maintained by other carriers.").

²¹ ACA notes that when the Commission set its outage reporting threshold of 30 minutes duration/potentially affecting 900,000 user-minutes it understood that this would very rarely affect smaller voice providers. Should the Commission decide to broaden 9-1-1 reliability mandates beyond the class of 9-1-1 service providers identified in the NPRM it would need to adopt relief for small entities similar in effect to that provided by the outage reporting threshold to avoid imposing unreasonable compliance burdens on entities least able to bear them. See *New Part 4 of the Commission's Rules Concerning Disruptions to Communication*, Report and Order and Notice of Proposed Rulemaking, ET Docket No. 04-35, 19 FCC Rcd 16830 ¶159 (2004) (smaller providers would be "highly unlikely to experience outages of sufficient magnitude to meet the [900,000] user-minute criterion"); *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, Report and Order, 27 FCC Rcd 2650 App. B, FRFA ¶45 (2012) ("the Commission's experience suggests that few, if any, small interconnected VoIP providers will ever reach the threshold of experiencing an outage (as defined by the Part 4 rules, and as requiring notification to the Commission). Based on NORS reporting, only a handful of small entities ever have endured an outage that reaches the minimum '30 minutes/900,000 user minutes' threshold.")

The Commission has taken the correct approach in its proposed limitation of application of any new reliability mandates solely to “9-1-1 service providers.”²² The definition used for 9-1-1 service providers must match this intent, and the record in the proceeding supports this approach. Accordingly, ACA urges the Commission to clarify that the definition of 9-1-1 service provider to not only include the notion of serving a PSAP directly with the listed network elements, but also specify that this provision of service to PSAPs occur under tariff, contract or other direct arrangement.

III. PSAP OUTAGE NOTIFICATION REQUIREMENTS MUST BE FLEXIBLE ENOUGH TO NOT IMPEDE OUTAGE DIAGNOSTIC AND RESTORATION EFFORTS PARTICULARLY FOR SMALLER AND RURAL PROVIDERS

A. The Proposed PSAP Outage Notification Rule Should Be Clarified to Better Balance the Need of PSAPs for Useful Information and the Need for Operators to Concentrate Their Efforts on Responding to Outages and Restoring Service.

In its initial comments, ACA stated that the Commission’s proposed revisions to its Part 4 network outage reporting rules would provide helpful guidance to network operators with respect to the information that a PSAP would likely want to receive when a reportable outage occurs on the voice provider’s network.²³ ACA’s main concern is not with the proposed expansion of the categories of information required to be conveyed to a PSAP; in fact, ACA members have no general objection to sharing with the PSAP information that they have available at the time of the report, and would expect to be able to provide the information that the new rule requires in most cases. The primary concern is that the rule would require providers to report to the PSAP information, that in a particular circumstance, a provider may not have in its ordinary course of assessing the cause of an outage and restoring service, and that the carrier would be required to collect information for the sole purpose of reporting it to the PSAP, and complying with this obligation would come at the expense of

²² NPRM ¶ 23.

²³ ACA Comments at 8-11.

restoring service to their customers in a more timely manner.²⁴ Accordingly, ACA proposed that the Commission specify that outage notification to the PSAP should only contain as much information as the service provider has obtained in the normal course of assessing the cause of an outage and restoring service.²⁵ In addition, ACA requested that the Commission recognize that any category of the information required to be provided might be an estimate or approximation based on the service provider's best knowledge at the time.²⁶

Several commenters agree that carriers may lack granular information about outages immediately after they have occurred and explain the necessity for allowing flexibility in outage reporting regarding the information provided. The Commission should heed these comments in crafting its final PSAP outage notification rules.

It is significant that PSAP operators and NENA: The 9-1-1 Association ("NENA") agree that the best available basic information is the most beneficial information for the PSAP to have in the event of a network outage.²⁷ One community directly affected by the Derecho, Fairfax County, as supported by the City of Falls Church, explains that the piece of information the PSAP needs to know right away is how the outage will affect it and that providers should offer the "best known broad brush picture of the situation" during the initial outage reporting.²⁸ The City of Alexandria, likewise affected by the Derecho, acknowledges that the level of information that a communications provider would have "immediately" following an outage will vary and urges flexibility in the reporting requirements.²⁹

²⁴ ACA Comments at 11-14.

²⁵ ACA Comments at 12-13.

²⁶ ACA Comments at 14.

²⁷ NENA Comments at 13.

²⁸ Fairfax County Comments at 9.

²⁹ City of Alexandria Comments (filed by James L. Banks) at 6 ("The City of Alexandria supports ... requir[ing] service providers to notify PSAPs immediately with all available information that may be useful to mitigate an outage and to deliver that information by telephone and in writing by electronic means in the event of a service disruption to the PSAP" and that "the term 'immediately' lends itself to interpretation rather than a time table set for the initial notification period.")

Finally, NENA notes certain categories of information that would be most useful to the PSAP as well and correctly states PSAPs would benefit from “best-known” information or estimates.³⁰

Other providers are in accord with this approach as well. Verizon, for example, highlights the importance of the communications provider starting a dialogue with the PSAP after an outage becomes reportable while cautioning the Commission to acknowledge the provider may not have all of the detailed information initially available.³¹ NTCA similarly advocates for flexibility in the information that must be offered by the provider and notes that certain details, such as the proposed restoration plan, may not be instantly known or change as the provider works to address the situation.³² ASSURE911.net further explains that just notifying the PSAP about an outage is often the most important piece of information.³³

Taking into account the comments of PSAP operators and NENA, ACA believes that providers would satisfy the needs of PSAPs for pertinent outage information by providing the additional categories of information proposed by the Commission even with the qualification that the only information to be provided is such information possessed by the provider in the normal course of assessing an outage and restoring service. In particular, ACA is confident that, even with its suggested clarification on the scope of the information that would have to be provided to PSAPs, voice providers would be providing, in nearly all instances, the same specific categories of information that PSAPs deem to be most important because this is information that most providers would have collected on their own in the normal of course of dealing with an outage.

³⁰ NENA acknowledges that although PSAPs and 9-1-1 authorities “are often quite limited in their ability to respond to a service outage from a technical-remediation standpoint” they would still benefit from receipt of accurate, timely information about outages to permit them to mitigate the effects of an outage to the best of their ability. NENA Comments at 13. Significantly, only three categories of such information are identified by NENA: “information about the geographic scope of an outage, its best-known cause, and an estimate of time to repair (or, if none is available, a notation as to when it can be expected . . .” Id.

³¹ Verizon Comments at 21.

³² NTCA Comments at 2, 8.

³³ ASSURE911.net Comments at 10.

B. The Commission Should Avoid Detailed Outage Reporting Mandates That Could Be Counterproductive to Providers Addressing An Outage.

As ACA has advocated, it is important for the Commission not to adopt an overly proscriptive rule that fails to balance the scope of the information that must be provided with the equally important goal of restoring service to customers as soon as possible.³⁴ Providers from large to small echo this concern. The WTA, an association of smaller providers, illustrates the potential danger of compelling providers to devote resources from repairing the outage to reporting granular details.³⁵ Even Verizon notes the concern of distracting carriers from their efforts to repair facilities by mandated detailed filings during an outage.³⁶ ACA agrees with these sentiments and expressed a similar concern in its comments when explaining that particularly smaller providers have fewer resources available to simultaneously restore service and report outages.³⁷

The absence of flexibility in the outage reporting rules would needlessly expose providers to potential enforcement action by the Commission if they are not able to provide all of the required pieces of information, or worse yet, significantly delay the restoration of service as these providers search for information required by the rules. It is critical during outages that the Commission appropriately balance the obligation on service providers to provide the best information available to the PSAP with the service providers' efforts to diagnose and remedy the outage and restore service to their subscribers as quickly as possible. This cannot be accomplished with overly proscriptive network outage reporting rules.

³⁴ ACA Comments at 11.

³⁵ WTA Comments at 11 (“the small staffs [of most RLECs] are so busy trying to distribute generators, locate and repair damaged facilities, and otherwise restore service after natural disasters that they have no time to prepare detailed written notices to PSAPs.”)

³⁶ Verizon Comments at 23-24 (reporting mandates past “information that would be directly relevant to the PSAP’s potential responses to minimize the impact of the outage” risks “distract[ing] the service provider from its remediation efforts”).

³⁷ ACA Comments at 13-14.

C. Numerous Commenters Favor a Flexible Approach to the Form and Timing of PSAP Outage Notifications.

ACA explained that although phone call outage notification to a PSAP is reasonable, an additional written electronic notification would be more burdensome.³⁸ To alleviate some of this burden, ACA proposed that the Commission clarify that providers would not be expected to give any more information via electronic means than they provided to the PSAP via telephone when notifying the PSAP that the provider is experiencing a reportable network outage.³⁹

Commenters' proposals for flexibility vary, but they generally display a concern that the Commission rules take account of the fact that the circumstances surrounding outages and an individual provider's relationship with its PSAP are unique and may demand a response that is tailored to the situation at hand. The majority of commenters agree with ACA that the Commission must adopt reasonable and flexible standards concerning the manner of notifications to the PSAP in the event of a reportable outage. NENA, for example, supports allowing notification in forms other than telephone and email if that might better meet 9-1-1 authorities' requirements.⁴⁰ The Texas 9-1-1 Alliance acknowledges that the form (email, text, phone) of the notification would vary depending on the severity and length of the incident.⁴¹ ACA agrees with these commenters and with APCO as well, to the extent that they explain that service disruptions could result in providers using whatever communication means are available to them to notify PSAPs.⁴²

APCO, however, also suggests that "immediately" be defined as "no more than 15 minutes of the service provider becoming aware of the outage" and ACA cautions against the Commission

³⁸ ACA Comments at 14.

³⁹ ACA Comments at 14.

⁴⁰ NENA Comments at 13.

⁴¹ Texas 9-1-1 Alliance Comments at 3 ("Initial and update notification obligations as well as the form of notification (e.g., e-mail, text broadcast, personal phone) may reasonably vary...").

⁴² APCO Comments at 4 ("[T]here may be situations in which outages occur with both wireline and wireless services, in which case e-mail contact may be the best alternative, though it too could be disrupted depending upon the relevant Internet connections.")

being overly proscriptive with its rules.⁴³ The word “immediately” is well understood by all parties, and does not need further clarification or definition. Taken together, the weight of the comments support the adoption of rules that allow the provider flexibility in the form and timing of its PSAP outage notifications.

IV. CONCLUSION

For the foregoing reasons, the Commission should ensure that “9-1-1 service providers” are clearly defined to be distinct from general providers of communications services, and providers obligated to notify PSAPs in the event they experience reportable network outages are afforded appropriate flexibility in the scope and manner of their outage notifications.

Respectfully submitted,

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⁴³ See APCO Comments at 3.