

July 17, 2013

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Re: *Ex Parte* Presentation, Reliability and Continuity of Communications Networks,  
Including Broadband Technologies, PS Docket No. 11-60**

Dear Ms. Dortch:

On July 15, 2013, Brian Josef, Assistant Vice President, Regulatory Affairs, CTIA–The Wireless Association® (“CTIA”), Joe Marx of AT&T, Keith Buell and Allison Growney of Sprint Nextel, Harold Salters and Shellie Blakeney of T-Mobile, and Nneka Ezenwa Chiazor and Rob Morse of Verizon met with staff of the Public Safety and Homeland Security Bureau (the “Bureau”) to discuss the Commission’s next steps in the above-referenced proceeding. Bureau Staff in attendance and via telephone included David Turetsky, Lisa Fowlkes, Jeffery Goldthorp, John Healy, Brian Hurley, Gregory Intoccia, and Renee Roland.

During the meeting, the parties discussed the possibility that the Bureau will recommend the Commission initiate a rulemaking proposing new reporting and public disclosure requirements on wireless service providers concerning the reliability of their networks during and after natural disasters. CTIA and wireless providers understand that the proposed rules under consideration are similar to recommendations submitted to the Commission by Consumers Union (“CU”) earlier this year, whereby carriers would report – and the Commission would publicly disclose – the percentage of cell sites out of service in a particular county during a Commission-defined DIRS period.<sup>1</sup> For the reasons discussed below, we urge the Commission to defer consideration of a *Notice of Proposed Rulemaking* and instead seek additional comment in a *Notice of Inquiry* or Public Notice, and evaluate the merits of any relevant metrics on this subject through a collaborative forum such as the Communications Security, Reliability and Interoperability Council (“CSRIC”) or the Technological Advisory Council (“TAC”).

CTIA and its wireless industry members are in strong agreement that resiliency and reliability of wireless networks are extremely important to wireless consumers and to public safety. Before imposing new paperwork burdens and requiring the public disclosure of proprietary information, however, the Commission should ensure that any proposed rules will, in fact, be useful to consumers. In service providers’ experience, consumers need information concerning wireless coverage in areas affected by natural disasters – *i.e.*, *they want to know*

---

<sup>1</sup> See Letter from George P. Slover, Senior Policy Counsel, Consumers Union, to Chairwoman Clyburn and the Commissioners, dated May 13, 2013, at 2. The letter was placed in ECFS on July 5, 2013.

where wireless service is available to them. CU's proposed metric (the percentage of out-of-service cell sites in a given county) does not provide that information. As many providers' cell sites are configured with overlapping coverage, the proposed metric risks overstating the degree to which cell site outages adversely affect service availability. Ongoing and future deployments of "small cell" and Distributed Antenna System configurations that underlay existing coverage would exacerbate that risk even further.

Nor does such data provide relevant information to consumers about the general reliability of individual providers' networks and the quality of its practices, as CU suggests. Rather, this data, standing alone, would merely present a snapshot in time of the condition of a provider's network during a given high-impact event that does not reflect critical factors, such as a provider's service restoration practices that can make the information outdated in a matter of hours and the reliability of the network during the overwhelming majority of time that DIRS is not activated, among others.

CU's proposal also begs the more fundamental question of whether consumers *already* have information they need about service reliability – from their own experiences and a multiplicity of independent sources, such as *Consumer Reports*,<sup>2</sup> *PC Magazine*,<sup>3</sup> *JD Power & Associates*,<sup>4</sup> *RootMetrics*,<sup>5</sup> and others. Indeed, the most recent August 2013 issue of *Consumer Reports* even highlights its own survey of readers in the aftermath of Superstorm Sandy, in which "many indicated that cell-phone service stood up better than landline service, and making 911 calls on their cell wasn't a problem." (See attachment).

In light of these issues, the Commission should defer consideration of a *Notice of Proposed Rulemaking*. The Commission should instead build upon the efforts in its field hearings initiated after Superstorm Sandy and seek additional information and data on threshold issues such as consumers' information needs during and after disasters, the type of information metrics that may be useful to consumers in those circumstances, and effective means of conveying that information to them. Subsequent evaluation of that data through a collaborative, multi-stakeholder effort such as the CSRIC and the TAC would help ensure that any proposed public information practices are carefully targeted at consumers' real needs without imposing additional unnecessary burdens on service providers during emergencies.

---

<sup>2</sup> See, e.g., Consumer Reports, Cell Phones & Services Ratings, at <http://www.consumerreports.org/cro/cell-phones-services.htm> (last visited July 16, 2013).

<sup>3</sup> See, e.g., PC Magazine, Fasted Mobile Networks 2013, at <http://www.pcmag.com/article2/0,2817,2420333,00.asp> (last visited July 16, 2013).

<sup>4</sup> See, e.g., J.D. Power, 2013 U.S. Wireless Network Quality Performance Study – Vol. 1, at <http://www.jdpower.com/consumer-ratings/telecom/ratings/909201499/2013-Wireless+Network+Quality+Performance+Study+%28Volume+1%29/index.htm> (last visited July 16, 2013).

<sup>5</sup> RootMetrics, at <http://www.rootmetrics.com/> (last visited July 16, 2013).

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this letter is being electronically filed via ECFS with your office and a copy of this submission is being provided to the meeting attendees. Please direct any questions to the undersigned.

Sincerely,

*/s/ Brian M. Josef*

Brian M. Josef

cc: David Turetsky  
Lisa Fowlkes  
Jeffery Goldthorp  
John Healy  
Brian Hurley  
Gregory Intoccia  
Renee Roland

AUG 13

HOW TO HAGGLE FOR ANYTHING  
PAGE 15

DETERGENT WINNERS  
PAGE 46



ROAD TEST: HYBRID CARS  
PAGE 57

SAVE BIG BUCKS ON EYEGLASSES  
PAGE 31

AUGUST 2013 | CONSUMERREPORTS.ORG

# ConsumerReports®

**185+**  
RECOMMENDED  
MODELS



## TOP Tablets Phones Cameras Laptops

Plus wireless speakers, e-readers, sports cams, headphones & more



**MPG gap** Mileage claims miss the mark PAGE 50

## ON YOUR MIND

**Auto insurance**

Concerning "Save on Auto Insurance" in your June 2013 issue, here's another way to typically save 5 percent a year for three years on most auto-insurance policies:

Attend an AARP Driver Safety Program. It's a great return for a 6-hour investment, and you can do it again in three years.

—Al Homan Pilesgrove, NJ

I've been insured for almost 15 years by one of your top-rated companies. I just found out that the company's repair policy uses aftermarket non-crash parts after 12 months



or 15,000 miles, whichever comes first, and that claim repairs are under warranty only if performed in one of its preferred shops. That would be useful

information to have when choosing an insurance company.

—V.N. Shastri Oneonta, NY

**Choosing a nursing home**

I want to add two things that caregivers should do to your suggestions in "Nursing-Home Rights and Wrongs" in the June 2013 issue. First, interview the management. How

do they treat the staff? How do they handle mistakes? How managers treat people under them can greatly influence care of the elderly. Second, how involved will adult children of the patient be with him or her? If the answer is not very involved, the patient needs a high care-staff-to-patient ratio or their care may be negatively affected.

—Gabe Berg Chico, CA

**Correction** The Hot List in July included wide-deck lawn tractors, not zero-turn-radius models. Our chart label was incorrect.

**SEND YOUR LETTERS TO**  
ConsumerReports.org/lettertoeditor.

**Ask our experts**

**Q** Ads suggest that there's a difference between sea salt and regular table salt. I know there's a difference in flavor between plain and iodized salt, but is the origin of salt also significant?

—Arthur Peters Oroville, CA

Sea salt comes from evaporating sea water, with little or no processing. It's more coarse than table salt and can have an odor or flavor due to mineral residues such as magnesium. Table salt comes from underground salt deposits and is processed to remove other minerals and nutrients. Additives are needed to prevent clumping, and iodine is often added for thyroid health. Sea salt is promoted as having more health benefits than table salt, but there's nothing it offers that you can't easily get from other dietary sources.

**Q** I'm 20 years old and have a part-time job. I've never applied for a credit card or anything like that. What's the best way to establish credit?

—Rebekah Lewis Raleigh, NC

The Credit Card Act of 2009 made it more difficult for people under 21 without an older cosigner or proven income to get a credit card. Easier than applying for your own credit card is to get added as an authorized user on someone else's card. As an authorized user, the account is added to your credit record. Provided the primary cardholder pays bills on time and doesn't run up a balance too close to his or her credit limit, you can build credit fairly quickly. You aren't liable for the primary cardholder's debt, and the cardholder can decide whether or not to give you a card.

**Q** A grill dealer recently cautioned never to use a wire brush to clean the grate, as bristles break off and get into the food. Is it unsafe to use a wire brush?

—Roberta Goldenberg Bayside, NY

It can be. There have been recent reports of injuries, some requiring emergency surgery,



**GRAINS OF TRUTH?** The health benefits of sea salt (left) over table salt may be overblown.

when wire bristles were accidentally swallowed. Consider oiling grates to prevent sticking, and to clean grates, use high heat, crinkled aluminum foil, or other tools. If you use a wire brush, check the grates for stray bristles. If you find some, throw the brush away.

**Q** We have cell phones and a landline. We're considering dropping the landline since we rarely use it. But friends have suggested that it's good to keep in case of a natural disaster. Is that good advice?

—Paul Smith Moultonboro, NH

It depends in part on your phone service. If it reaches your home with old-fashioned

copper wire and you own a simple corded phone, a power outage shouldn't affect your ability to make calls. But if you're connected via Voice over Internet Protocol (VoIP) and you lose power, you'd lose phone service unless you have a battery backup from your provider.

Incidentally, when we surveyed readers about their experiences during Superstorm Sandy, many indicated that cell-phone service stood up better than landline service, and making 911 calls on their cell wasn't a problem.

**SEND YOUR QUESTIONS TO**  
ConsumerReports.org/askourexerts.