

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
	)	
Improving the Resiliency of Mobile Wireless Communications Networks	)	PS Docket No. 13-239
	)	
	)	
Reliability and Continuity of Communications Networks, Including Broadband Technologies	)	PS Docket No. 11-60
	)	

**COMMENTS OF VERIZON AND VERIZON WIRELESS**

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## SUMMARY

The proposed wireless outage reporting and disclosure rule would unnecessarily impose new obligations that provide no clear value to consumers, particularly given carriers' own competition-driven efforts to give customers information about their wireless coverage, and could even penalize service providers for making important investments in diverse wireless networks and service restoration practices. To mitigate these shortcomings, any new reporting and disclosure requirements should exclude small cell systems, consumer-level devices such as femtocells and signal boosters, and third party roamer sites.

Marketplace forces *already* serve the Commission's stated objectives in this proceeding of incenting carriers to improve network reliability. Wireless service providers compete for customers on the basis of resiliency and reliability today. Consumers are aware of their wireless experiences during and after disasters and can already "vote with their checkbook" based on their own and their family's and community's experiences. Consumers also can use independent third party rankings as part of their purchasing decisions, such as JD Power and Rootmetrics. In contrast, the proposed rule is based on voluntary DIRS data that would not achieve the *NPRM's* objective of providing consumers with a meaningful comparison of the reliability of service providers' networks or their service restoration practices. This data, like Verizon's post-disaster statements concerning service availability, are targeted at situational awareness, not making apples-to-apples comparisons with competitors.

If the Commission proceeds with new requirements, any reporting obligation should not be more burdensome than the existing DIRS process. Any reporting and disclosure rule should also more effectively account for diverse network architectures so service providers are not penalized for such deployments.

First, any reporting and disclosure rule should generally apply to a service provider's "wireless towers" and "base stations," covered by the provisions of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, rather than broadly-defined "land stations." This is more consistent with the "networks" at issue in the *NPRM* and would be workable for service providers.

Second, wireless towers and base stations that PCIA has defined as "small cells" in the *Small Cell/DAS Siting NPRM* should be excluded. Otherwise, the percentages the Commission posts on its website may reflect differences between service providers' cell site density within a particular county, rather than the reliability and resiliency of their networks or their service restoration practices. This approach recognizes that diverse, non-traditional network configurations, such as small cell and DAS systems, are designed differently and serve a different network function than macrosites, and would avoid punishing carriers for using those facilities to enhance their networks.

Third, unlike the proposed rule, consumer-level devices such as femtocells and signal boosters should be excluded. Those devices never have been considered a component of the "network" for DIRS purposes, and including them would impose an infeasible technical burden

on service providers and inaccurately portray their network performance during and after disasters.

Finally, some additional changes to the proposed rule are necessary to ensure that service providers are not penalized for making investments in their own network capacity and reliability that will benefit consumers:

- Any rule should not permit a service provider to attribute another's sites to its "in service" total when the two have an arrangement that enables one provider's subscribers to roam onto the other's sites in an area when the former's are out of service. The rule should reward providers for investing in the reliability of *their own* networks.
- Any rule should attribute COW/COLT facilities toward providers' total "in service" sites, and count them as whole sites, to reward carriers for investing in and deploying those facilities after disasters.
- Consistent with DIRS and the proposed rule, the Commission should treat sites that are partially operational as "operational."
- And any rules should apply to all facilities-based wireless service providers that operate covered cell sites, irrespective of the provider's size.

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**COMMENTS OF VERIZON<sup>1</sup> AND VERIZON WIRELESS**

Consumers’ widespread and increasing use of wireless technology during weather-related events and other emergencies makes the reliability of commercial wireless networks an important consideration in their choice of service provider. Verizon Wireless is meeting its customers’ demands for network reliability through substantial investments in network capacity, coverage, and resiliency. These efforts are reflected in Verizon Wireless’s consistently high marks for network reliability and its strong performance in recent disaster events. Intense wireless competition drives it and other providers to meet customers’ needs – and to inform customers about their service – in different ways that each provider determines are most likely to enable it to compete effectively to win and retain customers.

The Commission’s proposed rule<sup>2</sup> would unnecessarily impose standardized reporting and disclosure obligations that would provide no clear value to consumers, particularly given

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<sup>1</sup> In addition to Verizon Wireless, the Verizon companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications Inc. (together “Verizon”).

carriers' own competition-driven efforts to give customers information about their wireless coverage. Worse, it could penalize service providers for making certain network investments. Should the Commission nevertheless adopt new reporting and disclosure requirements, it should more clearly and narrowly define the covered facilities by excluding small cell systems, consumer-level devices such as femtocells and repeaters, and third party roamer sites. Such an approach would help ensure that any new reporting rule is technically feasible, is not more burdensome than the existing Disaster Information Reporting System ("DIRS") program, and does not penalize service providers that employ diverse, innovative and more reliable network architectures.

**I. WIRELESS SERVICE PROVIDERS ALREADY COMPETE BASED ON THE RESILIENCY AND RELIABILITY OF THEIR NETWORKS.**

The Commission "seek[s] comment on whether mobile wireless customers have adequate means of assessing the resiliency and reliability of mobile wireless networks in disaster conditions, and whether they have a reliable basis for evaluating and comparing the network resilience of different mobile wireless service providers."<sup>3</sup> In fact, wireless service providers *already* compete for customers on the basis of resiliency and reliability, among many other factors,<sup>4</sup> as reflected in Verizon Wireless's network investments, advertising, and extensive

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<sup>2</sup> See *Improving the Resiliency of Mobile Wireless Communications Networks, Reliability and Continuity of Communications Networks, Including Broadband Technologies*, Notice of Proposed Rulemaking, 28 FCC Rcd 14373, App. A (2013) ("NPRM").

<sup>3</sup> *Id.* ¶ 19; see generally ¶¶ 17-19.

<sup>4</sup> See *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993 Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, Sixteenth Report, 28 FCC Rcd 3700, ¶ 181 (2013) ("a critical way in which mobile wireless service providers differentiate themselves is with the speeds, reliability, capabilities, and coverage of their mobile broadband networks"), and *id.* ¶¶ 302-305 (finding that while price is the principal factor in consumers' choice of service provider, network quality is very important); Verizon Wireless News Release, *Majority of Small Business*

disaster preparedness policies.<sup>5</sup> And Verizon Wireless’s success in the highly competitive wireless marketplace underscores that consumers for whom network reliability is an important factor already have adequate means of assessing resiliency and reliability.

Verizon Wireless has long been at the forefront of industry efforts to assess the impact of disaster events and incorporate lessons learned into its own internal practices and into wireless industry practices generally. Verizon Wireless’s strong performance and assistance to customers during and after numerous disaster events, such as the last year’s devastating tornado outside of Oklahoma City, has validated its years of investment in network capacity, resiliency, service restoration and disaster planning practices.<sup>6</sup> Wireless consumers are acutely aware of whether and for how long they experienced blocked or incomplete wireless calls during and after a disaster (whether or not the event triggered a DIRS activation), and can already “vote with their checkbook” based on their own and their family’s and community’s experiences. Providers that do not adequately invest in reliability and resiliency, and instead seek to compete solely on price or other factors, do so at their own peril.

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*Owners Say Network is Key*, July 15, 2013 (72 percent of more than 1,000 U.S. small- and medium-sized businesses in Verizon Wireless online poll stated that network “was a big part of the decision” or “the one and only reason to choose a carrier.”), <http://www.verizonwireless.com/news/article/2013/07/4G-LTE-small-business-owners.html>.

<sup>5</sup> See <http://www.verizonwireless.com/news/Emergency/Preparation.html>; Statement for the Record, *Prepared Testimony of Verizon Vice President James Gerace*, FCC Field Hearing on Preparations and Impact of Hurricane Sandy, PS Docket No. 11-60 (Feb. 6, 2013), <http://apps.fcc.gov/ecfs/comment/view?id=6017162408>.

<sup>6</sup> See Verizon Wireless News Release, *Verizon Wireless Sends Emergency Relief To Oklahoma Tornado Victims, First Responders And Customers*, May 21, 2013, <http://www.verizonwireless.com/news/2013/05/pr2013-05-21.html> (notifying tornado-affected customers of charging center locations, customer support and shelter availability, and that the network “is operating well and at capacity”); see also Verizon Wireless News Release, *Verizon Wireless Supporting Impacted Communities Coping With The Effects Of Hurricane Sandy*, Nov. 1, 2012, at <http://www.verizonwireless.com/news/article/2012/11/pr2012-11-01.html>.

Moreover, consumers have readily-available independent third party rankings as part of their purchasing decisions. Sources such as JD Power, Rootmetrics, and Consumer Reports all provide consumers with service provider ratings based in part on network performance. JD Power's and Rootmetrics's ratings, for example, are based on survey and testing data covering broad geographic areas and include, among other things, dropped calls, calls not connected, lost calls, and text transmission failures.<sup>7</sup>

The reputational harm and loss of subscriber goodwill that can result from sub-par performance during disaster events and consumer-oriented ratings *already* serve the Commission's stated objectives in this *NPRM* of incenting carriers to improve network reliability.<sup>8</sup> The *NPRM*'s proposed reporting and disclosure rule<sup>9</sup> would use certain data that participating service providers voluntarily submit during a DIRS activation that, in contrast, would not provide consumers with a consistent, meaningful comparison of the reliability of service providers' networks or their service restoration practices.<sup>10</sup> DIRS data offers a limited

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<sup>7</sup> See *J.D. Power Reports: Overall Wireless Network Problem Rates Differ Considerably Based on Type of Service*, PR Newswire, Aug. 29, 2013 (Verizon Wireless ranked first in all six regions); *RootScore Reports and the Rootmetrics Methodology*, <http://www.rootmetrics.com/methodology/>.

<sup>8</sup> See, e.g., *NPRM* ¶ 26; Andy Vuong, *RootMetrics Report: Best cellphone coverage in Denver? AT&T and T-Mobile are closing in on Verizon*, Denver Post, Dec. 4, 2013 (citing to RootMetrics report); Hayley Ringle, *Verizon, AT&T tops for Phoenix-area cell service*, Phoenix Business Journal, Dec. 4, 2013; Phil Goldstein, *Verizon leads Tier 1 carriers in Consumer Reports' survey, while Sprint slips to last*, Fierce Wireless, Nov. 21, 2013, <http://www.fiercewireless.com/story/verizon-leads-tier-1-carriers-consumer-reports-survey-while-sprint-slips-la/2013-11-21#ixzz2p5MbtQSG>.

<sup>9</sup> See *NPRM* at App. A, proposed 47 C.F.R. § 4.15.

<sup>10</sup> A straightforward example illustrates the shortcomings of the proposed rule. Under the proposed rule, where two service providers have comparable coverage and site density in a county, if one suffers a 50 percent outage for just 1 hour and another suffers a 30 percent outage for 23 hours, the former could appear *less* reliable under the proposed rule, even though its actual performance compares favorably to its competitor.

snapshot of carrier performance that is designed to provide carrier-specific “situational awareness information during times of crisis” to the Commission and other U.S. government agencies in support of their emergency support functions<sup>11</sup> – a fundamentally different purpose than the *ex post facto* consumer comparison shopping function the Commission envisions in the *NPRM*. Verizon’s statements in this regard are likewise focused on general situational awareness – in this case, meeting its subscribers’ desire for information about the availability of service and the availability of charging stations and service assistance in the wake of serious disasters – *not* on juxtaposing its performance with that of competitors at a geographic level.

## **II. ANY NEW OBLIGATIONS SHOULD NOT EXCEED EXISTING DIRS GUIDELINES AND SHOULD ACCOUNT FOR DIVERSE NETWORK CONFIGURATIONS.**

If the Commission proceeds with new rules, it should ensure that any reporting is not more burdensome than the existing DIRS reporting process, consistent with the *NPRM*’s presumptions.<sup>12</sup> The Commission must modify several important aspects of the proposed rule to avoid that outcome. Any rule should also more effectively account for diverse network architectures and service offerings than the proposed rule by more clearly and narrowly defining the facilities that are to be reported to the Commission and reflected in any public disclosure regime. Specifically, the Commission should limit any reporting and disclosure to: the service provider’s “wireless towers” and “base stations,” including Cells on Wheels (COW) and Cells on Light Trucks (COLT) facilities, and excluding facilities that PCIA has defined as “small cells” in

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<sup>11</sup> See *The FCC’s Public Safety & Homeland Security Bureau Launches Disaster Information Reporting System (DIRS)*, Public Notice, 22 FCC Rcd 16757 (2007); *DIRS Reporting Data to be Shared with Federal ESF 2 Agencies*, Public Notice, 23 FCC Rcd 13444 (PSHSB 2008).

<sup>12</sup> See *NPRM* ¶ 11.

the *Small Cell/DAS Siting NPRM*.<sup>13</sup> Consumer-level devices such as femtocells and signal boosters also should be excluded entirely, as should sites used under a roaming arrangement.

**A. Any Reporting and Disclosure Rule Should Account for Differences in Network Configuration by Excluding Small Cell Sites.**

With a few notable exceptions discussed in more detail below, a reporting and disclosure rule should apply generally to “wireless towers” and “base stations” that the Commission has determined are covered by the provisions of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012,<sup>14</sup> rather than broadly-defined “land stations.”<sup>15</sup> Service providers have worked closely with the Commission and other federal, state and local government stakeholders over many years to develop those terms and apply them to real-world network deployments.<sup>16</sup> Such an approach is more consistent with the “networks” of interest to the Commission in the *NPRM* and would be workable and generally consistent with service providers’ network monitoring systems.

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<sup>13</sup> See *Broadband Deployment by Improving Wireless Facilities Siting Policies*, Notice of Proposed Rulemaking, 28 FCC Rcd 14238 (2013) (“*Small Cells/DAS Siting NPRM*”).

<sup>14</sup> See Middle Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, 126 Stat. 156, § 6409 (2012).

<sup>15</sup> *NPRM* at App. A (proposed rule 47 C.F.R. § 4.15(a)); see also 47 U.S.C. § 153(29) (“The term ‘land station’ means a station, other than a mobile station, used for radio communication with mobile stations.”); 47 C.F.R. §§ 2.1, 27.4 (defined as “[a] station in the mobile service not intended to be used while in motion.”).

<sup>16</sup> See *Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012*, Public Notice, 28 FCC Rcd 1, 3 (WTB 2013) (citing 47 C.F.R. Part 1, App. B, § I.B, Nationwide Programmatic Agreement for the Collocation of Wireless Antennas; *id.*, App. C, Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, § II.A.14).

The proposed reporting and disclosure rule requires further modification, however, to ensure that it adequately accounts for the diversity of modern wireless network architectures.

The Commission reasons that:

The reporting of *percentages* rather than absolute numbers of sites in operation seems likely to provide a better means for comparing relative performance across mobile wireless service providers because it can account for variations in the propagation characteristics of the spectrum bands in which they operate and the boundaries of mobile wireless service provider service territories.<sup>17</sup>

This rationale, however, incorrectly presumes that wireless service providers place their sites based on full-powered operation to establish maximum possible coverage for each individual site, with little coverage overlap between sites.

To the contrary, many service providers' network architectures focus on alleviating capacity limitations, especially in urban areas. The coverage-oriented sites or "macrosites" that service providers initially deployed over the years to establish wireless coverage throughout their service areas have been supplemented by "cell splitting" macrosites that add network capacity but, because they are much closer together, are *less* subject to "variations in the propagation characteristics of the spectrum bands"<sup>18</sup> over which they transmit. Wireless networks also increasingly are supplemented with the underlying capacity-oriented coverage of diverse architectures and network configurations such as small cells and DAS systems.

By adding new capacity, service providers will make these wireless networks inherently more reliable. Any disclosure metric should not effectively penalize providers for deploying the very cell sites that are needed to meet consumer demands. Many small cell sites, moreover, will also face back-up power challenges due to their placement in indoor locations, on the sides of

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<sup>17</sup> *NPRM* ¶ 42.

<sup>18</sup> *See id.*

buildings and on lampposts, where back-up electrical generator equipment will not be an option in many cases. If *all* of these sites are reflected in the numbers the Commission posts on its website under the proposed rule, those numbers may reflect differences between service providers' cell site density within a particular county, rather than the reliability and resiliency of their networks or their service restoration practices.

For example, take two service providers, both serving an entire county with 10 macrosites, with 72 hours of battery and generator backup power for each. The second provider, however, has an additional 10 overlapping small cells in an urban part of the county with battery backup but no generators due to siting limitations. An outage that affects the small cells alone could result in the first provider reporting 100 percent of its sites in service, the second only 50 percent, even as they maintain the same overall coverage during the event and the latter has made additional investment in its network to make it “more resilient in the aggregate ....”<sup>19</sup> A disclosure rule that meaningfully reflects differences in network performance during disasters would need to account for these factors to ensure that the Commission's data more fairly reflect network reliability and do not confuse or mislead consumers.

To mitigate these concerns, the Commission should categorically exclude small cell sites from any reporting and disclosure rule. In its *Small Cell/DAS Siting NPRM*, the Commission has sought comment on criteria proposed by PCIA and the HetNet Forum for classifying small cells and DAS systems that uses an objective small cell definition based on the cubic volume of various site components.<sup>20</sup> Verizon supports the PCIA/HetNet Forum proposal, and submits that

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<sup>19</sup> See *NPRM* ¶ 27.

<sup>20</sup> See *Small Cells/DAS Siting NPRM* ¶ 49 (citing PCIA and HetNet Forum *Ex Parte* Presentation in GN Docket No. 12-354 and WC Docket No. 11-59, filed July 22, 2013, at 2-3 and Appendix).

it would provide a workable approach for purposes of this proceeding as well. Such an exclusion would appropriately recognize that small cell and DAS networks are designed differently and serve a different network function than macrosites, and would avoid effectively punishing carriers for using small cells and DAS systems to enhance their networks.

In addition, excluding small cells and DAS systems might, to a limited degree, incidentally help the Commission provide consumers with a rough comparison of the overall coverage that different providers maintained for their customers during and after a disaster – which is more in line with the information that consumers may find of interest in evaluating network performance in those circumstances. Such a comparison, however, will necessarily be imperfect. Take two service providers, one with coverage serving the eastern, seaward-facing half of a county, the other serving the entire county, both with robust, hardened networks; if a hurricane knocks out power and prevents service restoration for all providers only in the eastern half then the first provider may report nearly all of its sites out of service, the second a much lower percentage – yet those differences are reflective of coverage, not reliability or resiliency. The Commission should work with service providers to ensure that any disclosure method expressly and accurately informs consumers of the limitations of any approach that it adopts.

**B. The Commission Should Modify the Proposed Rule to Exclude Consumer-Level Equipment Such as Femtocells and Signal Boosters**

Defining the scope of the proposed rule to include “Any land station,” not limited to sites used in a cellular architecture, would encompass not only small cells, but any non-mobile transmitting facility that communicates with a mobile unit, including consumer-level femtocells

and possibly signal boosters that service providers do not operate. Indeed, the *NPRM* presumes that femtocells in particular *would* be covered cell sites subject to reporting and disclosure.<sup>21</sup>

These consumer-level transmitters never have been considered a component of the “network” for purposes of Verizon Wireless’s reliability and resiliency practices and policies, and including them under the proposed rule would burden service providers and inaccurately portray service providers’ network performance. Verizon Wireless has sold hundreds of thousands of femtocells to individual customers; a county served by 100 macrosites could well have several hundred femtocell users, if not more. It does not control customers’ use of this consumer-level equipment, or monitor its operational status for any purpose, including for DIRS, making the obligation to report femtocell “outages” infeasible.<sup>22</sup> Indeed, some of these devices are not restricted to a carrier’s coverage area, and thus would not even reflect a loss of a provider’s advertised coverage. And the Commission’s recently-adopted rules to promote the marketing of signal boosters to consumers, including by third parties, underscore why providers could not comply with a rule that requires reporting outages of consumer-level devices.<sup>23</sup>

**C. Any Reporting/Disclosure Rule Should Not Penalize Service Providers for Investing in the Reliability of Their Own Networks and Be Competitively Neutral**

As noted above, any reporting and disclosure rule the Commission adopts should ensure that service providers are not penalized for making investments in their own network capacity

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<sup>21</sup> See *NPRM* ¶ 34.

<sup>22</sup> In addition, femtocells are portable, and their use is dependent on the availability of commercial power at the customer’s premises. Even if Verizon Wireless could track the location of each femtocell, it could not track the availability of power at the premises where each femtocell is located.

<sup>23</sup> See 47 C.F.R. § 20.21.

and reliability that will benefit consumers. The Commission should modify a few discrete aspects of the proposed rule to ensure it does not undermine that objective.

***Roaming Arrangements.*** The Commission proposes that a service provider be permitted to attribute another's sites to its "in service" total when the two have an arrangement that enables one provider's subscribers to roam onto the other's sites in an area when the former's are out of service.<sup>24</sup> Such arrangements reflect little more than standard commercial practices that can make sense from a business standpoint, but do not relate to its investment in reliability and resiliency. If not managed carefully during disasters, such arrangements will be counterproductive as they could adversely affect the quality and availability of service to a provider's own customers. Rather than promoting reliable and resilient wireless networks, this proposal would instead effectively reward service providers that do not adequately invest in the reliability of their own networks by enabling a provider that relies on roaming arrangements to appear comparable to a provider that achieved its percentage solely through its own sites. Any disclosure regime should reward providers for investing in the reliability of *their own* networks, and the Commission should remove this provision from the rule.<sup>25</sup>

***COWs/COLTs.*** The Commission proposes that service providers be permitted to count temporary COW/COLT facilities toward their reported total "in service" sites. Verizon Wireless does not currently include COWs/COLTs in its DIRS reports, but the Commission's proposal has merit if the intent is to reward carriers for investing in and deploying those facilities after

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<sup>24</sup> *NPRM* ¶¶ 36-37.

<sup>25</sup> See *Reexamination of Roaming Obligations of Commercial Mobile Service Providers and Other Providers of Mobile Data Services*, Second Report and Order, 26 FCC Rcd 5411, ¶ 34 (2011) *aff'd on appeal sub. nom. Cellco Partnership v. FCC*, 700 F.3d 534 (2012) (stating "another potential cost [of the data roaming mandate] is the possibility that requesting providers will substitute roaming for investment in coverage and accordingly under-invest in deploying new infrastructure.").

disasters. Those facilities should not, however, count as only a “partial” site under the Commission’s disclosure regime, as the rules should encourage providers to purchase and deploy such facilities.<sup>26</sup> Moreover, a reporting and disclosure regime that counts a COW/COLT as only a “partial” site would effectively second-guess the provider’s judgment concerning site placement, power levels, and other factors that will affect a COW/COLT’s coverage and signal strength. The rule should specifically ensure that a COW/COLT deployed in place of a damaged or destroyed site is reflected as full restoration of the site, irrespective of how purely temporary COW/COLT deployments are treated.

***Partially Operational Sites.*** The Commission seeks comment on how partially out-of-service sites should be reported and disclosed.<sup>27</sup> DIRS reporting is not currently based on whether only some but not all antennas at a site are operational. Such granular, component-level reporting would require changes to both network monitoring and compliance reporting mechanisms. Such a requirement would thus raise technical feasibility concerns and impose unnecessary burdens beyond the scope of the DIRS program, contrary to the Commission’s intent.<sup>28</sup> Further, overlapping coverage from other sites will often offset coverage lost by a partially out-of-service site, and such sites may still offer as much as or more coverage than a competitor’s fully in-service site. Thus, consistent with DIRS and the proposed rule, the Commission should simply treat sites that are partially operational as “operational.”

***Competitive Neutrality.*** Given the Commission’s public safety objectives in this proceeding, any rules should apply to all facilities-based wireless service providers that operate

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<sup>26</sup> *NPRM* ¶ 38.

<sup>27</sup> *Id.* ¶ 32.

<sup>28</sup> *See id.* ¶ 11.

covered cell sites, irrespective of size.<sup>29</sup> Thus, resellers with no covered network facilities of their own should not be subject to the rule, but smaller facilities-based carriers should be subject to any rule the Commission adopts – no size-based exemption is appropriate.

### CONCLUSION

For the foregoing reasons, competitive market forces will drive consumers toward service providers that have sufficiently invested in the reliability and resiliency of their networks. Nonetheless, to ensure that any rules adopted in this proceeding are not burdensome and do not unduly penalize service providers that make those investments, reporting and disclosure should be limited to the “wireless towers” and “base stations” a service provider uses, including COW/COLT facilities, and exclude small cell facilities, consumer-level devices such as femtocells and signal boosters, and sites used under a roaming arrangement.

Respectfully submitted,

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<sup>29</sup> *Id.* ¶ 55.