

**Before the
Federal Communications Commission
Washington, D.C. 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
)	

REPLY COMMENTS OF THE UTILITIES TELECOM COUNCIL

Pursuant to Section 1.405 of the Commission’s Rules, the Utilities Telecom Council (“UTC”) hereby files its reply comments in response to the Commission’s Notice of Proposed Rulemaking in the above-referenced proceeding.¹ UTC reiterates its general support for the Commission’s effort to improve the reliability and continuity of commercial wireless communications networks, including broadband technologies. UTC also continues to urge the Commission to find ways to support the reliability and continuity of private internal communications networks, particularly private wireless networks, by providing access to additional suitable spectrum for utilities and CII.

I. Introduction

As UTC explained in its initial comments, utilities operate highly reliable communications systems to support the safe, reliable and efficient delivery of essential services to the public at large. However, utilities and other CII also use commercial wireless services for communications to support the delivery of their essential services to the public at large. Therefore, UTC supports the Commission’s efforts to improve the reliability and continuity of commercial communications networks that utilities use in support of their essential electric, gas and water services. But, UTC continues to emphasize that the

¹ *Improving the Resiliency of Mobile Wireless Communications Networks*, Notice of Proposed Rule Making, PS Docket No. 13-239, 2013 WL 5422900 (rel. Sept. 3, 2013).

Commission should also promote the reliability of utility and CII private internal wireless communications networks by promoting access to additional suitable spectrum in order to meet increasing demands for capacity and coverage.

II. Proposed Reporting and Disclosure of Percentages of Mobile Wireless Network Sites in Operation During Emergencies.

Contrary to some comments on the record, the Commission has fairly balanced the burdens and the benefits of requiring CMRS providers to publicly disclose information about their outages on a county-by-county basis.² The Commission merely requires the disclosure of the same information that it currently provides via DIRS. In addition, this information would only be required to be disclosed during an emergency when DIRS is activated. This is not an undue burden, because DIRS is seldom activated during the course of a year, as the Commission notes in its NPRM and as several other comments noted, as well.³ If anything, the Commission has limited the impact on CMRS providers by only requiring the disclosure of the same information that is currently disclosed under DIRS. The Commission could have proposed greater reporting requirements, which as some comments point out, would have provided more effective information for consumers and first responders.⁴ For example, outage information could be reported on a more granular basis, including by census tract and by cause and duration, as some have

² CMRS providers would only need to report the same information that they presently report for DIRS, albeit on a confidential basis. In that regard, UTC agrees with the Commission that the resulting burden on CMRS should be no greater than it is already. In terms of benefits, the public reporting of this information is valuable to keep customers apprised about system restoration and may enable them to make better decisions about the services they buy. In addition, it may encourage CMRS providers to improve the level of services that they provide, as well as help to support service continuity among CMRS providers.

³ NPRM at ¶45. *See also* Comments of AARP at 9-10 (stating “While the DIRS-outage recovery information might be one component that could contribute to an overall assessment, it is unlikely to be sufficient in isolation. Furthermore, DIRS-outage events are based on the FCC’s discretion, and the events that trigger DIRS are not uniform.”)

⁴ *See e.g.* Comments of APCO at 3 (stating “Disclosing a ‘running total’ of operational sites would be less valuable than a notification portal or system that provides immediate notification of specific outages. Public safety needs to know where and when a site is not operational, the nature of the outage (physical tower down, power out, antenna out of service, etc.) and expected repair time.”) *See also* Comments of the City of New York at 2-4 (describing the type of information that would be useful to disclose to first responders and to consumers.)

suggested.⁵

That said, some of the comments are correct to question the efficacy of information disclosure requirements in terms of either relaying the actual impact on network performance or influencing consumer behavior.⁶ As UTC noted in its initial comments, the actual impact of an outage on network performance may be determined by a variety of factors, not the least of which is the coverage of a cell site that is out.⁷ Conversely, there are some valid questions raised whether the relatively limited information that would be disclosed would be sufficient for consumers to make educated choices about the relative reliability of commercial networks. Ultimately, the Commission has had to balance the interests between industry and consumers, and the proposed information disclosure represents a good first step towards improving the transparency of CMRS in terms of network reliability and continuity while avoiding any undue burden on CMRS providers that could conceivably divert resources away from service restoration in the aftermath of storms and other emergencies.

III. The Commission Should Promote the Reliability and Continuity of Private Internal Wireless Communications Networks by Providing Utilities and CII with Access to Spectrum.

The record reflects the reality that CMRS reliability and continuity needs improvement, and many comments question whether information disclosure alone will incent CMRS providers to improve reliability.⁸ As such, the record supports UTC's position that the Commission should be considering

⁵Comments of the City of New York at 4-5 (suggesting reporting by census tract in dense urban areas). *See also* Comments of APCO at 3 (suggesting that information disclosure should include the type of outage, whether related to power outages, physical damage or network transport outage.)

⁶Comments of AT&T at 9-11 (stating that “[c]onsumers rely on everyday network performance to evaluate service quality, which is a better metric than performance during a disaster,” and “the proposed metric fails to take the dynamic nature of the wireless network into consideration and presupposes more disruption than the consumer may actually experience.”); Comments of Sprint at 2-7 (stating that the “proposed rules will result in disclosures that will confuse consumer by providing “abstract numbers with no link to consumer’s real-world experience” and the “proposed metric of percentage of sites in service has little relationship to emergency service coverage.”)

⁷Comments of UTC at 5-6 (stating “[w]hile UTC supports this latest effort to improve communications reliability and continuity in the context of CMRS, it recognizes that the public disclosure of DIRS information may have its drawbacks and may not accurately depict the reliability and continuity of a CMRS network during emergencies.”)

⁸Comments of AARP at 17 (stating “[g]iven the level of competition apparent in the wireless industry, AARP is concerned that smart disclosure alone will be insufficient to motivate wireless carriers to take actions that are

ways to support the reliability and continuity of utility private wireless networks, by providing access to suitable spectrum to meet increasing demand from smart grid and other requirements. Specifically, UTC reiterates that utilities and CII need access to contiguous licensed spectrum in bands below 1 GHz to support higher capacity applications, such as video, and to support greater coverage for applications, such as wide area situational awareness and distribution automation. UTC has commented on the need for additional licensed spectrum below 1 GHz in numerous Commission proceedings, and it incorporates its comments by reference in these comments.

consistent with the public interest. Insufficient competition may contribute to the inertia on the part of firms to improve products in a manner which serves consumers.”).

IV. Conclusion

WHEREFORE, the premises considered, UTC respectfully requests that the Commission act as requested herein. UTC supports the Commission's latest effort to improve the reliability and continuity of commercial communications networks by requiring CMRS providers to report the percentage of cell site outages on their networks. While these reporting requirements should provide consumers with information to make decisions about the services they buy and should encourage CMRS to provide improved reliability and continuity of services, the Commission should remain mindful that these reporting requirements may be limited in effect, due to potential shortcomings described above. Therefore, the Commission should stand ready to adopt other measures in order to improve the reliability and continuity of CMRS. Finally, the Commission should promote the reliability and continuity of private wireless networks that utilities and CII by providing access to suitable spectrum that is capable of additional capacity and coverage for smart grid and other applications.

Respectfully submitted,

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