

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Office of Engineering and Technology Announces ) ET Docket No. 17-215  
Technological Advisory Council (TAC) Technical )  
Inquiry into Reforming Technical Regulations )  
 )

**COMMENTS OF THE ALLIANCE FOR  
TELECOMMUNICATIONS INDUSTRY SOLUTIONS**

Thomas Goode  
General Counsel  
**Alliance for Telecommunications Industry Solutions**  
1200 G Street, NW, Suite 500  
Washington, DC 20005

October 30, 2017

## TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY .....	1
II.	BACKGROUND .....	2
III.	DISCUSSION .....	3
A.	SEVERAL OF THE COMMISSION’S TECHNICAL REGULATIONS ARE OBSOLETE AND RIPE FOR REMOVAL OR MODIFICATION. ....	3
1.	LOCAL EXCHANGE CARRIER SERVICES .....	4
2.	CABLE, VIDEO, AND MVPD SERVICES .....	5
3.	VOIP SERVICES.....	6
4.	NETWORK OUTAGE NOTIFICATION AND REPORTING.....	8
5.	TOLL-FREE NUMBERING SERVICES .....	13
B.	THE COMMISSION CAN ACCELERATE THE INTRODUCTION OF NEW TECHNOLOGIES AND SERVICES BY INCREASING RELIANCE ON INDUSTRY-DRIVEN, CONSENSUS-BASED TECHNICAL STANDARDS DEVELOPED BY STANDARDS DEVELOPMENT ORGANIZATIONS. ....	13
IV.	CONCLUSION.....	18

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Office of Engineering and Technology Announces ) ET Docket No. 17-215  
Technological Advisory Council (TAC) Technical )  
Inquiry into Reforming Technical Regulations )  
 )

**COMMENTS OF THE ALLIANCE FOR  
TELECOMMUNICATIONS INDUSTRY SOLUTIONS<sup>1</sup>**

**I. INTRODUCTION AND SUMMARY**

ATIS, a leader in the development of technical and operational standards, supports the Federal Communications Commission’s (“Commission” or “FCC”) objective in the *Public Notice* to “determine if increased efficiency and decreased regulatory burden can be realized while still maintaining the purposes and responsibilities of the FCC.”<sup>2</sup> Industry continuously develops new and innovative technologies and services. This evolution introduces state-of-the-art capabilities and brings transformative benefits to consumers, including increased consumer access, advances in robocalling mitigation, as well as public safety and emergency services to name just a few. ATIS therefore believes that the Commission’s technical rules should be flexible and forward thinking, supporting progress without creating unnecessary or unintended barriers to innovation.

The Commission can facilitate the introduction of new technologies by modifying or eliminating outdated and unnecessary rules for legacy systems and leveraging the insight and

---

<sup>1</sup> The Alliance for Telecommunications Industry Solutions (“ATIS”) submits these comments in response to the Commission’s *Public Notice* initiating an inquiry into its technical regulations and the processes by which they are developed. *Office of Engineering and Technology Announces Technological Advisory Council (TAC) Technical Inquiry into Reforming Technical Regulations, Public Notice*, 32 FCC Rcd. 6672 (2017) (“*Public Notice*”).

<sup>2</sup> *Id.* at 6672.

technical expertise of standards development organizations (“SDOs”) like ATIS. In the comments that follow, ATIS identifies several regulations that warrant modification or removal given developments in technology and market competition. These outdated regulations, if left unchanged, could slow the deployment of new, improved products and services. Next, ATIS offers recommendations for how the FCC can best utilize SDOs to facilitate technology transitions. Consumers would benefit greatly from the Commission’s increased reliance on open standards and industry best practices instead of prescriptive government mandates. Uniquely positioned to convene key stakeholders to address complex technical challenges, SDOs minimize the need for new regulations and the associated burdens that can negatively affect industry innovation.

## **II. BACKGROUND**

ATIS is a global standards development and technical planning organization supporting the creation and adoption of international technical and operational standards for information, entertainment, and communications technologies. ATIS’s diverse membership, comprised of approximately 200 companies, includes wireless and wireline service providers, broadband providers, equipment manufacturers, public safety agencies, cable companies, software developers, ISPs, OTTs and other key stakeholders from the information and communications technologies industry.

Nearly 600 industry subject matter experts work collaboratively in ATIS’ open industry committees, technology and operations focus groups, and innovation initiatives to develop solutions to shared industry challenges using consensus-based, industry-driven processes. ATIS is engaged in other efforts, including being a founding organizational partner of the Third Generation Partnership Project (“3GPP”) representing North America, as well as the oneM2M

global initiative. The organization is a major contributor to the International Telecommunication Union, as well as the Inter-American Telecommunication Commission (“CITEL”).

Many of ATIS’ members serve on the Technological Advisory Council (TAC), and ATIS regularly works in partnership with the TAC to develop technical standards and other voluntarily guidance. For example, earlier this year, ATIS created and then, in collaboration with the TAC’s 5G Cybersecurity Working Group, released *5G Security Requirements (ATIS 1000077)*—a technical report containing recommendations to enhance 5G service and architecture security.<sup>3</sup> ATIS is pleased to submit comments identifying outdated regulations and offering recommendations for increasing collaboration between the FCC and SDOs like ATIS to further support industry innovation.

### **III. DISCUSSION**

#### **A. Several of the Commission’s Technical Regulations Are Obsolete and Ripe for Removal or Modification.**

The *Public Notice* seeks comment on regulations that should be either “removed because they have become outdated, inhibit innovation, or would be better handled by the involved parties,” or “modified because technical reporting requirements are too burdensome, data contained in the reports are no longer used, or existing regulation does not fully apply to new technology.”<sup>4</sup> ATIS identifies several such regulations below, which may unnecessarily impede business operations and hinder industry development.

---

<sup>3</sup> 5G Security Requirements, ATIS-1000077 (Jan. 2017), *available at* <https://www.atis.org/docstore/product.aspx?id=28299>.

<sup>4</sup> *Public Notice*, at 6673.

## 1. Local Exchange Carrier Services

The Commission should extend forbearance from its equal access and dialing parity rules arising from Section 251(g) and 251(b)(3) of the Communications Act to all local exchange carriers (“LECs”).<sup>5</sup> The costs of these 1980’s-era regulations, intended to support competition in the stand-alone residential long-distance service market, greatly exceed potential benefits.

The Commission rightly concluded in 2015 that the standalone long distance market has “dramatically changed” in the decades since the rules were established, and the equal access and dialing parity requirements “are unnecessary to ensure just and reasonable long distance charges and practices or to protect consumers.”<sup>6</sup> The Commission therefore granted forbearance from these requirements to all incumbent local exchange carriers (“ILECs”), recognizing that the rules impose significant and unnecessary costs.<sup>7</sup> The Commission observed, for example, that the rules place ILECs at a disadvantage to cable and Voice over Internet Protocol (“VoIP”) providers that are not subject to the rules and impose significant third-party verification and other processing costs.<sup>8</sup> This same regulatory asymmetry and regulatory burden still befalls competitive local exchange carriers today without offering any meaningful benefit to consumers. The Commission should remedy this inequity and extend forbearance to all LECs.

---

<sup>5</sup> See 47 U.S.C. §§ 251(g), (b)(3); 47 C.F.R. §§ 51.205, 51.209, 51.213, and 51.215. ATIS recognizes that the Commission has recently adopted a *Notice of Inquiry and Notice of Proposed Rulemaking* pertaining to national number portability that would extend forbearance from some of these rules. See *Nationwide Number Portability et al*, WC Docket Nos. 17-244, 13-97, Notice of Proposed Rulemaking and Notice of Inquiry, FCC 17-133 (rel. Oct. 26, 2017).

<sup>6</sup> *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations that Inhibit Deployment of Next-Generation Networks*, Memorandum Opinion and Order, 30 FCC Rcd. 6157, ¶ 49 (2015).

<sup>7</sup> *Id.* ¶ 51.

<sup>8</sup> *Id.*

## 2. Cable, Video, and MVPD Services

There are several rules affecting the cable and video providers and multi-channel video programming distributors (“MVPDs”), which are unduly burdensome and no longer necessary. The cable industry, for example, is subject to onerous reporting requirements that the Commission should look to streamline or eliminate. Section 76.403 of the FCC’s rules requires cable providers to annually file FCC Form 325 with information regarding frequency and signal distribution information on a Physical System Identification Number basis, as well as other subscriber and system-wide capacity information.<sup>9</sup> Much of this information is already made available to the Commission in other filings, and the information in any event has little utility in today’s competitive marketplace. Cable operators devote numerous hours to completing these reports, which no longer serve a legitimate purpose. The Commission is poised to vote on a draft *Notice of Proposed Rulemaking* that would request comment on proposals to eliminate or streamline FCC Form 325 data collection.<sup>10</sup> ATIS strongly recommends the agency adopt the item and promptly act to eliminate its long-outdated Form 325 filing requirement.

FCC Form 333, promulgated under Section 623(k) of the Communications Act,<sup>11</sup> is similarly a burdensome requirement with little benefit. The form requires cable providers annually to submit highly sensitive and incredibly detailed pricing information that robust marketplace competition has rendered unnecessary. The Commission should explore less burdensome ways to obtain the data necessary to satisfy its statutory requirement to annually publish a report with cable rate information. This could include, for example, a periodic

---

<sup>9</sup> 47 C.F.R. § 76.403.

<sup>10</sup> *FCC Form 325 Data Collection et al*, Draft Notice of Proposed Rulemaking, MD Docket Nos. 17-290, 17-105, FCC-CIRC1411-07 (scheduled for consideration at Nov. 2017 Open Commission Meeting).

<sup>11</sup> 47 U.S.C. § 543(k).

sampling of cable operators from the market. As the U.S. Government Accountability Office observed, “[l]ess frequent reporting on cable industry prices and competition in the video marketplace would allow for continued measurement of industry performance while reducing the burden on FCC and industry participants.”<sup>12</sup> Accordingly, the Commission should review opportunities to reduce reporting frequency and other burdens associated with this requirement.

For similar reasons, ATIS further recommends the Commission eliminate FCC Form 396-C, which requires MVPDs to submit various equal employment opportunity information, including information concerning sources of employee recruitment and the total number of persons interviewed for full-time vacancies.<sup>13</sup> It is unnecessary for the FCC to collect this information, particularly since it is generally available on providers’ websites.

The rules also place cable operators at a competitive disadvantage to competing, non-cable MVPD services that are not subject to these requirements and consequently have greater flexibility to meet customer service demands. The Commission should correct this asymmetry by eliminating its customer service and proof-of-performance rules, thereby enabling cable operators to more freely compete in the robustly competitive video marketplace.

### 3. VoIP Services

VoIP technology also has seen tremendous advancement in recent years, and the Commission should foster this innovation by alleviating needless regulatory hurdles. ATIS applauds the Commission’s initiative to establish a process through which interconnected VoIP providers can obtain North American Numbering Plan (“NANP”) telephone numbers directly

---

<sup>12</sup> U.S. Government Accountability Office, *Video Marketplace: Competition is Evolving and Government Reporting Should be Reevaluated*, GAO-13-576, at 2 (2013) (finding minimal change in the reported findings from year-to-year in the FCC’s video competition report), available at <http://www.gao.gov/products/GAO-13-576>.

<sup>13</sup> 47 C.F.R. § 76.1702.

from Numbering Administrators rather than through an intermediary.<sup>14</sup> Providing interconnected VoIP providers with direct access to telephone numbers will accelerate the delivery of innovative Internet-protocol services to the marketplace. As part of that proceeding, however, the Commission adopted rules requiring interconnected VoIP providers to provide 30-day, written notice of intent to request numbering resources with relevant State public utilities commissions.<sup>15</sup> Notably, this notice requirement does not extend to all service providers.

To alleviate unnecessary burdens while also enabling States to verify that interconnected VoIP providers can deploy and properly utilize numbering resources, ATIS recommends the Commission modify Rule 52.15(g) to only require 30-day notice before an interconnected VoIP provider's initial request for direct access to numbering resources in the rate center. Application of this notice requirement for all requests is not necessary to ensure the efficient utilization of numbering resources and does not affect a State's ability to enforce compliance with numbering resource utilization and forecast reporting requirements. By requiring prior notification for initial filings only, the Commission would ensure States obtain pertinent information, while greatly reducing the associated burdens and regulatory asymmetry imposed on interconnected VoIP providers. Application of this requirement only to initial requests in a rate center eases the burden on multiple entities: (1) authorized interconnected VoIP providers who must submit the notices; (2) the NANPA and the PA who must verify that the notices were submitted before assigning resources; and (3) the states that must collect the notices, and determine if any follow-up is necessary.

---

<sup>14</sup> See *Numbering Policies for Modern Communications*, Report and Order, 30 FCC Rcd. 6839 (2015).

<sup>15</sup> *Id.* ¶ 34. See 47 C.F.R. § 52.15(g).

#### 4. Network Outage Notification and Reporting

The Commission's outage-reporting and notification rules should be modified to reflect technical and operational realities and priorities. Although there is value in collecting and analyzing outage data, reporting certain data in the timeframes specified by the Commission comes at the expense of time and resources that should be devoted to restoring service during an outage. These limited timeframes also can result in incomplete or inaccurate notifications because of the limited information available. Rather than requiring carriers to send unhelpful information, the Commission should extend reporting deadlines and eliminate unnecessary reports, and maintain its current focus on promoting the wider use of network reliability best practices.<sup>16</sup>

The Commission should modify its outage reporting rules to extend the deadline for submitting an outage notification. Currently, the rules require cable, satellite, SS7, wireless, and wireline providers to notify the Commission within 120 minutes of discovering a qualifying outage and interconnected VoIP service providers to report their 911-related outages within 240 minutes of discovery and other outages within 24 hours of discovery.<sup>17</sup> These notification deadlines should be harmonized, as the 120 minute deadlines are unnecessarily short. At this early outage stage, service providers might not have enough information to know whether they have a reportable outage, and the data they do have might not be accurate. Indeed, the threat of fines and penalties from the Commission has historically encouraged providers to submit

---

<sup>16</sup> For example, the Commission recently adopted a *Public Notice* to encourage small and rural communications service providers to review and consider implementing, where appropriate, best practices recommended by the Communications Security, Reliability, and Interoperability Council (CSRIC). *Public Safety and Homeland Security Bureau Encourages Voluntary Adoption of Network Reliability Best Practices by Small and Rural Service Providers*, *Public Notice*, DA 17-1029 (rel. Oct. 19, 2017).

<sup>17</sup> 47 C.F.R. § 4.9(a), (c)(1), (d), (e)(1), (f), (g)(1)(i)-(ii).

incomplete information to avoid enforcement actions; as opposed to providing complete, useful, and actionable information. The Commission itself has observed that short timeframes can lead to inaccurate reporting, or over-reporting.<sup>18</sup> These timelines also force carriers to direct resources away from identifying problems and restoring service to collecting information to report to the Commission.

Rather than forcing providers to divert critical resources toward notifying the Commission within two or four hours of discovering an outage, the Commission should establish a uniform notification deadline for non-911 related outages from cable, satellite, SS7, wireless, and wireline providers of 24 hours from discovery, to be consistent with the VoIP notification period. This would allow providers time to accurately assess the extent of the outage, determine whether the outage is reportable, and have time to both work on restoring service and provide more complete and useful information to the Commission. Extending this deadline to 24 hours would still provide sufficient notice to the Commission that an outage is underway, as well as provide pertinent information, like a point-of-contact, in a timely manner.<sup>19</sup>

Similarly, the initial reporting requirement is unduly burdensome and should be eliminated. Currently, cable, satellite, SS7, wireless, and wireline providers are required to submit an initial outage report to the Commission within 72 hours of discovering a reportable outage.<sup>20</sup> Interconnected VoIP providers, however, are exempt from the initial reporting

---

<sup>18</sup> See *Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice over Internet Protocol Service Providers & Broadband Internet Service Providers*, Report and Order, 27 FCC Rcd. 2650, ¶ 95 (2012).

<sup>19</sup> *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 16830, ¶ 75 (2004) ("2004 Part 4 Order").

<sup>20</sup> 47 C.F.R. § 4.9(a)(4), (c)(3), (d), (e)(4), (f)(4). See also *id.* § 4.11.

requirement.<sup>21</sup> The Commission adopted its initial outage report requirement for cable, satellite, SS7, wireless, and wireline providers because it thought, “[t]he data contained in the initial report would tend to be more complete and accurate than those that are filed at the two-hour mark under our current reporting rule.”<sup>22</sup> But again, gathering information for this report comes at the expense of addressing the outage and collecting accurate data. Indeed, carriers often lack complete information the report requires even 72 hours after an outage, leading to incomplete filings.

There is no reason to require carriers to submit these initial reports, particularly if additional time is given for the first notification. The Commission already has situational awareness of the outage—including notice and an opportunity to engage if needed—from the carriers’ notification. A detailed account of the outage will be made available in the carriers’ final outage report due 30 days from the date the outage began. The Commission already uses this two-tiered reporting system with interconnected VoIP providers, who only need to provide notification and a final report.<sup>23</sup> In deciding not to apply the initial report requirement to interconnected VoIP providers, the Commission noted that “eliminating the initial report would reduce providers’ workloads considerably without harming the Commission’s ability to react in the short term or facilitate the development and application of best practices in the long term.”<sup>24</sup> That same reasoning applies equally to other providers.

---

<sup>21</sup> 47 C.F.R. § 4.9(f)(1)(ii), (2).

<sup>22</sup> *2004 Part 4 Order*, ¶ 75.

<sup>23</sup> 47 C.F.R. § 4.9(f)(1)(ii), (2).

<sup>24</sup> *2012 Part 4 Order* ¶ 96.

The Commission should also prepare to modify its requirement that providers report major transport facility outages if the outage affects at least 667 OC3 minutes through a “migration” date to a higher threshold (*e.g.* OC12 or OC48) to account for the continued evolution of networks.<sup>25</sup> The Commission adopted this threshold in 2016 to account for the continued evolution of communications networks, with the hope that it would lead to “reduced reporting of minor incidents, allowing time and resources for an increased focus on meaningful outage reporting that is more likely to have a user material impact.”<sup>26</sup> This threshold—which is not effective until May 1, 2018—will still result in the reporting of minor incidents. The 667 OC3 minute threshold was adopted based on a conversion from the previous 900,000 user-minute threshold for voice-grade users<sup>27</sup>—a metric that has outlived its usefulness for major transport facilities given the rapid technological advancements since 2004. Today’s software-defined networks are inherently designed to limit the duration of outages, making thresholds based on older technology outdated. A higher threshold would be more beneficial to the Commission and conserve providers’ time and resources.

Finally, the Commission’s outage reporting rules for 911-related outages likewise need modification to more effectively give public safety answering points (“PSAPs”) useful information while ensuring they are not drinking from the proverbial firehose. The current rules require covered 911 service providers to alert PSAPs of an outage within thirty minutes of

---

<sup>25</sup> 47 C.F.R. § 4.9(a)(3), (b), (e)(1)(iii), (f)(2).

<sup>26</sup> *Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Commc’ns*, Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration, 31 FCC Rcd. 5817, ¶ 18 (2016).

<sup>27</sup> *Id.* ¶ 12. *See also 2004 Part 4 Order*, ¶ 128.

discovery,<sup>28</sup> and require other providers to alert PSAPs of a 911 outage “as soon as possible.”<sup>29</sup> The Commission adopted the thirty minute requirement “[t]o ensure that PSAPs receive timely and actionable notification of 911 outages,”<sup>30</sup> and determined that thirty minutes was the appropriate balance between giving covered 911 service providers time to gather information and providing prompt notification to PSAPs.<sup>31</sup>

Both the thirty minute and “as soon as possible” timelines are often too short for providers to offer PSAPs useful and actionable information. Other times, though, the rule results in service providers notifying PSAPs of otherwise non-reportable incidents out of an abundance of caution to avoid regulatory penalties, wasting service providers’ time and personnel resources and distracting PSAPs from their important responsibilities. The Commission implemented the thirty minute rule to ensure that PSAPs would not be hampered by “inadequate information and otherwise ineffective communication by service providers,”<sup>32</sup> yet this rule and its analog inadvertently forces providers to do just that. As discussed, at this point in an outage, service providers may not have reliable root cause and restoration estimates to offer PSAPs. There is no reason to enforce a rule that inundates already busy PSAPs with non-actionable information.<sup>33</sup>

ATIS recommends the Commission modify PSAP notification rules to enable providers to report validated and actionable information. The Commission could extend the notification deadline or apply it more flexibly so providers have additional time to validate 911 impacts and

---

<sup>28</sup> 47 C.F.R. § 4.9(h).

<sup>29</sup> *Id.* § 4.9(a)(4), (c)(2)(iv), (e)(1)(v), (f)(4).

<sup>30</sup> *Improving 911 Reliability and Continuity of Commc'ns Networks, Including Broadband Technologies*, Report and Order, 28 FCC Rcd. 17476, ¶ 139 (2013).

<sup>31</sup> *Id.* ¶ 142.

<sup>32</sup> *Id.* ¶ 139.

<sup>33</sup> ATIS’ Network Reliability Steering Committee (“NRSC”) is working collaborative with PSAPs and other stakeholders to determine how to strengthen PSAP 911 service outage notifications.

gather useful information to report. Regardless of how the Commission addresses this problem, the solution should ensure that providers have ample time to report validated information. PSAPs can better execute contingency plans when they have informed reporting.

## 5. Toll-Free Numbering Services

ATIS recommends that the Commission modify Rules 52.103, 52.107, and 52.111 prohibiting the direct transfer of toll free numbers.<sup>34</sup> By prohibiting the direct transfer of toll free numbers without exception, the Commission may inadvertently hinder legitimate business activities. Toll-free numbering transfers should be permitted (i) where the toll-free number is mistakenly returned to the spare pool and picked up by another carrier; (ii) to correct a fraudulent or unauthorized transfer of a toll-free number or inadvertent transfer of a shared use number; or (iii) as part of a bona fide merger, acquisition, bankruptcy, or other business transfer. By modifying its rules accordingly, the Commission can better achieve its important public policy objectives without unintentionally interfering with legitimate activities.

### **B. The Commission Can Accelerate the Introduction of New Technologies and Services by Increasing Reliance on Industry-Driven, Consensus-Based Technical Standards Developed by Standards Development Organizations.**

The *Public Notice* requests comment on how to improve the FCC's technical rulemaking processes and how the Commission should approach coordination between regulations and standards bodies.<sup>35</sup> Recognizing the increase in use of multi-stakeholder and other SDO work products by industry to implement FCC service rules, the Commission also asks how it can

---

<sup>34</sup> 47 C.F.R. §§ 52.103, 52.107, 52.111.

<sup>35</sup> *Public Notice*, at 6673-74.

leverage these efforts to facilitate technological advancement.<sup>36</sup> Obsolete regulations inhibit new technologies. In addition to eliminating outdated and overly burdensome regulations, the Commission should place greater emphases on industry-developed standards and best practices, which enable industry to more readily respond to dynamic economic, social, and technical conditions.

Future regulatory obsolescence could be avoided with improved understanding of how next-generation solutions and technology transitions occur in the market. Technology transitions can be generally characterized as falling into one of four categories: (1) mandatory transitions; (2) switchover transitions; (3) phased transitions; or (4) market-driven transitions. Mandatory transitions originate through regulatory mandate to align industry activities with a federal, state, or local objective. In most cases, the associated transition timeline is directed by a government agency through milestone requirements or other fixed compliance dates. This demands considerable time and resources from both industry, which must demonstrate compliance, and government, which is responsible for transition oversight. Allowing industry to voluntarily manage the transition and compliance framework could ease these burdens.

A switchover transition is a “throw-the-switch” changeover, typically associated with a date-certain event, where one network or technology replaces another. This occurs where coexistence between the legacy and next generation capabilities is either not possible or greatly limited. Switchover transitions require varying levels of cooperation within the industry to reach a common objective, though some government oversight may be required to align cutover from one technology to the other. The level of direct government oversight required to facilitate the transition should be determined by the potential effect of the transition to the public.

---

<sup>36</sup> *Id.*, at 6674.

Phased transitions occur through long-term evolution or migration where the two technologies coexist until the legacy technology is voluntarily phased out. The transition timeline is determined by industry, which must account for numerous factors including consumer acceptance and technological development. Government policies could be helpful in ensuring that critical public safety capabilities are supported throughout the transitions; however, industry is responsible for overseeing the logistics of next generation technology deployment. Here, reporting obligations for predecessor networks or technologies becomes increasingly obsolete, and often are not applicable to the incoming technologies and services either.

Finally, market-driven transitions are characterized by multiple technology solutions competing in the marketplace for adoption with no specific end state or timetable driving the trajectory. Industry standards development and voluntary guidance lay the foundation for these innovative services. Minimal regulatory oversight is required, as market competition ensures consumer and public safety protections. In most cases, legacy rules become inapplicable, or worse, slow the introduction of advanced capabilities.

Consumers benefit most when the market, not government, leads the transition. Cross-industry cooperation and collaboration are essential for the success of new technologies, and SDOs can convene key stakeholders to address complex technical challenges. SDOs can define the foundation-level requirements for the transition, while providing industry needed flexibility, to achieve government policy objectives with limited government oversight. Indeed, SDOs are uniquely qualified to address emerging technical challenges and accelerate market adoption of new technologies.

ATIS recommends the Commission enhance consumer welfare by facilitating the adoption of voluntary, consensus-based standards with flexibility to account for changes in

technology and marketplace developments. Standards are currently developed through four general approaches: (i) closed proprietary standards developed by companies as trade secrets; (ii) open proprietary standards developed by a company, but published under an open license; (iii) standards developed by the government and imposed by regulatory mandate; and (iv) open standards (including open source initiatives) developed by industry consensus through a voluntary standard-setting organization. Although each approach serves a specific need, the fourth approach offers the greatest benefit to consumers. The Commission should support these open standard initiatives.

Indeed, Congress codified policy to utilize voluntary, industry-developed standards wherever possible. The National Technology Transfer and Advancement Act of 1996 directs that “all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments[,]” except when such use would be “inconsistent with applicable law or otherwise impractical.”<sup>37</sup>

Similarly, the Office of Management and Budget Circular A-119 requires agencies to use voluntary standards in lieu of developing their own—“maintain[ing] a strong preference for using voluntary consensus standards over government-unique standards in Federal regulation and procurement.”<sup>38</sup> The government has been widely successful where it has pursued this approach.

For example, the National Institute of Standards and Technology (“NIST”) Cybersecurity Framework—produced after a year of intensive collaboration with industry—is lauded for its

---

<sup>37</sup> National Technology Transfer and Advancement Act of 1996, Pub. L. No. 103-114, 107 Stat. 1115, § 12(d) (1996).

<sup>38</sup> OMB Circular A-119, *Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*, at 4 (2016).

risk-based approach to cybersecurity. The Cybersecurity Framework is now used by over 30 percent of U.S. organizations to better manage and reduce cybersecurity risks, and that number is projected to reach 50 percent by 2020.<sup>39</sup>

Effective cooperation with SDOs can minimize the need for new regulations, thereby reducing regulatory burdens that may impede innovation with unnecessary or unintended barriers. The industry is continuously developing standards to address key technical challenges, foster interoperability, and facilitate the deployment of new technologies and services. Broad, voluntary adoption of these standards would obviate the need for government mandates. Although SDOs actively publicize their work, the FCC could enhance awareness and encourage voluntary adoption of SDO standards.

ATIS also suggests leveraging SDOs to perform roles traditionally performed by the FCC. For example, ATIS jointly operates the Administrative Council for Terminal Attachments (“ACTA”) with the Telecommunications Industry Association. The ACTA adopts technical specifications concerning public switched telephone network terminal attachments and maintains a database of compliant equipment. ACTA allows industry to expeditiously update technical specifications and processes as needed without FCC oversight or involvement. Additionally, ATIS’ International Mobile Subscriber Identity (“IMSI”) Oversight Council (“IOC”) oversees the management of IMSI codes assigned to the U.S. The IOC’s consensus-based process facilitates the equitable allocation of numbering resources and the flexibility to update processes to meet evolving industry demands. These are just a few examples of where the privatization of traditional government functions has been successful.

---

<sup>39</sup> See NIST, *Cybersecurity “Rosetta Stone” Celebrates Two Years of Success* (Feb. 18, 2016), <https://www.nist.gov/news-events/news/2016/02/cybersecurity-rosetta-stone-celebrates-two-years-success>.

In the few instances where government regulation is warranted, ATIS encourages the Commission to leverage existing standards work to the greatest extent possible. ATIS makes its published standards available to the Commission at no charge and frequently shares working drafts with the Commission as well. This practice is followed by other SDOs and should be broadly encouraged. Leveraging existing industry work would be particularly beneficial for FCC federal advisory committees, like the TAC. To that end, the Commission should seek industry input on the value of federal advisory committee programs prior to launch.

#### **IV. CONCLUSION**

ATIS appreciates the opportunity to identify outdated, unnecessary, and overly burdensome regulations for modification or removal, as well as provide guidance on opportunities to leverage SDO expertise to facilitate the introduction of new and innovative technologies as an alternative to top-down, government mandates. For the above-discussed reasons, guiding principles developed by the TAC should acknowledge that technology solutions are derived from evolving standards and market innovation, and that it is imperative for government policies to support these initiatives.

Respectfully submitted,



Thomas Goode  
General Counsel  
**Alliance for Telecommunications Industry Solutions**  
1200 G Street, NW, Suite 500  
Washington, DC 20005

October 30, 2017