

**Before the
Federal Communications Commission
Washington, DC 20554**

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

The Alliance for Telecommunications Industry Solutions (ATIS) submits these comments on behalf of its Network Reliability Steering Committee (NRSC) and Network Performance, Reliability and Quality of Service Committee (PRQC) in response to the *Notice of Proposed Rulemaking (NPRM)* released September 27, 2013, in the above-referenced dockets. In the *NPRM*, the Federal Communications Commission (Commission) seeks input regarding a proposal to require facilities-based Commercial Mobile Radio Service (CMRS) providers to submit certain data to the Commission during and immediately after a major disaster. This data – the percentage of cell sites providing CMRS service – would be submitted on a daily basis and made publically available. For the reasons noted below, ATIS opposes the proposed reporting and disclosure requirements.

I. Background

ATIS is a global standards development and technical planning organization that leads, develops and promotes worldwide technical and operations standards for information and

communications technologies (ICT). ATIS' diverse membership includes key stakeholders from the ICT industry – wireless and wireline service providers, equipment manufacturers, broadband providers, software developers, consumer electronics companies, public safety agencies, digital rights management companies, and internet service providers. Nearly 600 industry subject matter experts work collaboratively in ATIS' open industry committees and incubator solutions programs.

One of ATIS' industry forums is the NRSC. Formed in 1993 at the recommendation of the first Network Reliability and Interoperability Council, the ATIS NRSC strives to improve network reliability by providing timely consensus-based technical and operational expert guidance to all segments of the public communications industry. The NRSC addresses network reliability improvement opportunities in an open environment and advises the communications industry through the development of standards, technical requirements, reports, bulletins, Best Practices, and annual reports. The NRSC is comprised of industry experts with a primary responsibility for examining, responding to, and mitigating service disruptions for communications companies. NRSC participants are the industry subject matter experts on communications network reliability and outage reporting.

The ATIS PRQC develops and recommends standards, requirements, and technical reports related to the performance, reliability, and associated security aspects of communications networks, as well as the processing of voice, audio, data, image, and video signals, and their multimedia integration. PRQC also develops and recommends positions on, and fosters consistency with, standards and related subjects under consideration in other North American and international standards bodies.

II. The Proposed Reporting Obligations Should Not Be Adopted

A. ATIS Does Not Believe that There Are Significant Benefits to the Proposed Rules

The Commission requests comments in the *NPRM* on the costs and benefits of the proposed reporting requirements.¹ As explained below, ATIS does not believe that there are significant benefits to the proposed rules for a variety of reasons.

First, the proposed new reporting requirements will add little, if anything, to the resources currently available to consumers. For example, many carriers provide information on service outages on their websites, via social media, or through market-specific announcements. Customers also have access to independent sources for reliability information, such as the third-party ratings. For instance, Rootmetrics® allows consumers to check coverage areas and compare carriers.² JD Power & Associates provides another independent source of consumer information by providing service quality and customer satisfaction benchmarking research based on consumer survey responses.³

Second, the proposed reporting requirement could paint an inaccurate picture of network reliability and availability based solely on disaster situations. The reporting requirement would be a once a day snapshot of counties in which the Commission has activated its Disaster Information Reporting System (DIRS). Given that service restoration occurs rapidly after a disaster, this information will quickly become outdated as carriers restore service to consumers. Moreover, because DIRS is intended to be activated only during emergencies, the proposed reporting requirement would not provide consistent data across all carriers and their networks.

¹ *NPRM* at ¶10.

² See <http://www.rootmetrics.com/check-coverage> [last visited January 13, 2014].

³ See <http://www.jdpower.com/consumer-ratings/telecom/index.htm> [last visited January 13, 2014].

ATIS notes that there have only been a small number of DIRS activations and, in some areas of the country, there have been no DIRS activations.⁴ Therefore, the proposed reporting would also not properly portray the efforts of carriers to restore service and improve resiliency during non-DIRS events.

Even during the limited time period while the data accurately reflects the number of cell sites that are operational, it will not accurately portray customers' experiences as the existence of cell site outages does not mean that customers have no coverage. Access to wireless service providers' networks is directly impacted by the existence of overlapping cell site coverage, capacity-oriented cell-splitting network configurations, diverse small cell/distributed antenna systems, and roaming agreements. These factors are almost always transparent to the customer and not accurately represented by the percentage of operational cell sites. Carriers would effectively be penalized for deploying diverse, dense network configurations, and the proposed rule is incongruous with recent Commission efforts to facilitate such systems through more spectrum allocations and expedited siting approvals.

ATIS also does not agree with the Commission's suggestion that the proposed reporting requirements will increase competitive pressure on carriers to significantly harden their networks.⁵ The competitive marketplace already provides significant and effective incentives for carriers to maintain and increase reliability and resiliency. Evidence of this can be seen from the continued reliance on and growth of the U.S. wireless sector. The Commission acknowledges in the *NPRM* that "mobile wireless communications are becoming increasingly central to the day-to-day lives of Americans" and that there has been tremendous growth in both wireless

⁴ See Appendix C to the *NPRM*, indicating only 9 full activations of DIRS since 2007. ATIS would strongly oppose any efforts to activate DIRS more frequently or broadly.

⁵ *NPRM* at ¶13.

connections and mobile data traffic.⁶ ATIS strongly believes that this growing reliance on wireless communications is the direct result of the demand for increased mobility, and the networks' continued reliability and resiliency, which in turn is driven by competition and by the carriers' recognition of the importance of meeting or exceeding their customer's expectations. Customers increasingly rely on wireless communications because they increasingly trust the ability of these networks to provide reliable service. There can be no doubt that, if consumers did not trust the reliability of wireless networks, the growth of these services would be significantly curtailed. Instead we see the opposite – consumers are, as the Commission itself notes, increasingly likely to “cut the cord.”⁷ The Commission should maintain the DIRS program's focus on situational awareness, in which NRSC members go above and beyond in their efforts to submit voluntary DIRS reports and provide FCC staff with verbal and written updates during, and following, disaster events.

Another example of the effectiveness of the marketplace in promoting network reliability and resiliency can be seen in the continued significant investment by carriers in network improvements and upgrades. A September 2013 industry report projects mobile broadband investments of between \$34-36 billion per year and U.S. Long Term Evolution (LTE) infrastructure capital expenditures of just under \$40 billion from 2012 to 2016.⁸ These investments, including particularly the continued deployment of LTE technology, help to make communications networks more reliable and more resilient and may lessen the impacts to consumers of disasters. For example, LTE networks can maintain coverage and connectivity with lower power levels. This may allow existing battery or other backup power to run the

⁶ *NPRM* at ¶17.

⁷ *Id.*

⁸ *Wireless Broadband Infrastructure: A Catalyst for GDP and Job Growth 2013-2017*, Alan Pearce, Richard Carlson, and Michael Pagano, PCIA – The Wireless Infrastructure Association (September 2013) at p. 1, p. 18.

equipment longer during power outages. Moreover, the rollout of LTE services inherently means using new equipment – equipment that reflects the latest advances in technology and power control, thus driving improvements in network reliability and resiliency overall.

Finally, ATIS also notes that the Commission has faced challenges in the past in accurately estimating the cost associated with outage reporting and has substantially underestimated reporting costs in other contexts.⁹ While ATIS does not have specific cost data related to these proposed reporting requirements, it urges the Commission to carefully consider whether the proposed costs accurately represent the feasibility and burden of the proposed rules on the industry. ATIS notes that the Commission is basing its estimates of the burden on the proposed new rules on its existing estimates for DIRS reporting and presumes that the estimates for DIRS reporting would represent an outer limit on the total burdens. However, the proposed rules are more expansive than the DIRS program, as they would apply to systems and equipment not currently covered by DIRS, such as femtocells.

B. The Proposed Disclosure Obligations May Have Unintended Negative Consequences

In the *NPRM*, the Commission also seeks input regarding whether the proposed reporting requirements could have unintended negative consequences.¹⁰ ATIS notes that communications carriers regularly cooperate in a variety of ways to promote network reliability both within their own companies and within the industry at large. Part of this cooperation has traditionally

⁹ See ATIS Letter to Paul de Sa, Chief of the Commission's Office of Strategic Planning and Policy Analysis, dated September 23, 2009. For instance, the Commission had initially estimated that the total number of outage reports from all reporting sources combined would be substantially less than 1,000 annually. In reality, the total number of reports filed is substantially higher, with a single large carrier filing more than five times that number (or 5,000 outage reports in a single year). The Commission also estimated the Total Annual Burden associated with the reporting rules to be 1,040 hours, and the Total Annual Costs to be \$41,600. These figures also significantly underestimate the burden to service providers, which could spend from 5,000 to 54,000 hours per year on outage reporting at a cost of between \$300,000 and \$5 million.

¹⁰ *NPRM* at ¶27.

included cooperation in the restoration of networks during and after natural disasters. ATIS believes that the proposed rules will not support carriers' incentives to cooperate during emergencies, including their mutual aid efforts that may aid the restoration of other carriers' networks. It also risks penalizing carriers for deploying more reliable, redundant radio access network configurations, and for sensible service restoration practices such as prioritizing restoration of higher power macrosites to maximize coverage.

The proposed rules may also negatively impact the important work being undertaken by the industry in forums such as the Communications Security, Reliability and Interoperability Council (CSRIC) on the issue of infrastructure sharing during emergencies. CSRIC IV's Working Group 9, for example, is currently examining options by which carriers could share infrastructure, such as back-up power assets and spectrum, during emergencies. This working group will recommend a set of Best Practices that service providers could use to more rapidly apply infrastructure-sharing methods to sustain communications in future emergencies. The creation of reporting mandates may impact the willingness of industry participants to develop or implement these Best Practices. Other industry forums, such as the Commission's Technological Advisory Committee (TAC), have also established subgroups to focus on network resiliency that should be allowed to complete their work before any new regulatory mandates are considered.

III. The Proposed Public Release of DIRS Data Is Contrary to the Commission's Previous Treatment of DIRS Data

Under the proposed rules, the data related to operational cell sites would be reported to the Commission during "any DIRS activation" and made available by the Commission on its website for direct access by consumers or third parties.¹¹ While the Commission states its belief that such disclosure would "not likely contain trade secrets or other privileged information, such

¹¹ *NPRM* at ¶45, 24.

that its disclosure would compromise the operation of the wireless marketplace”,¹² ATIS strongly believes that the public disclosure of data collected through a DIRS activation would be inappropriate and contrary to the fundamental nature of DIRS. Since the inception of DIRS, the Commission has consistently and appropriately protected the data submitted by the industry.

The Commission has noted that:

Because the information that communications companies input to DIRS is sensitive, for national security and/or commercial reasons, DIRS filings shall be treated as presumptively confidential upon filing. DIRS filings voluntarily report weaknesses in and damage to the national communications infrastructure. The release of this sensitive information to the public could potentially facilitate terrorist targeting of critical infrastructure and key resources. Further, the DIRS filings contain internal confidential information that constitutes trade secrets and commercial or financial information. Public availability of these reports, which contain information the filers themselves do not routinely make public, could competitively harm the filers by revealing information about the types and deployment of their equipment and the traffic that flows across their networks.¹³

Given the sensitive nature of the DIRS data, ATIS would oppose the public availability of data collected through a DIRS activation.

IV. New Reporting Obligations for Non-CMRS Providers Should Also Not Be Adopted

The Commission also seeks comment in the *NPRM* on whether it should consider expanding the scope of the proposed reporting requirements to include other carriers, such as wireline or cable providers.¹⁴ For the reasons outlined above, ATIS would also strongly oppose expanding the program to the wireline and cable industries’ networks. If any reporting requirements were to be considered, the reporting criteria would need to be better understood by the industry and specifically relate to wireline and cable DIRS reporting.

¹² *NPRM* at ¶52.

¹³ *Public Notice* announcing the launch of DIRS, dated September 11, 2007. *See also Public Notice* announcing that DIRS will accept information on interconnected VoIP and broadband internet service, dated June 29, 2012 (noting that “information will be secured by the Commission and protected from public release.”)

¹⁴ *NPRM* at ¶29.

V. Conclusion

ATIS opposes the adoption of the new reporting obligations described in the *NPRM*. ATIS does not believe that the *NPRM* offers benefits to consumers. ATIS also believes that the proposed rules may have unintended negative consequences by creating disincentives for carriers to cooperate during emergencies. Moreover, ATIS strongly believes that the public disclosure of data collected through a DIRS activation would be inappropriate. Finally, ATIS strongly opposes expanding the proposed reporting requirements to the wireline and cable industries.

Respectfully submitted,



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