

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Recommendations of the Independent Panel)
Reviewing the Impact of Hurricane Katrina on) EB Docket No. 06-119
Communications Networks)
)
)

**Comments of the
Alliance for Telecommunications Industry Solutions**

Pursuant to Section 1.415 of the Federal Communications Commission’s (FCC) rules, the Alliance for Telecommunications Industry Solutions (ATIS), on behalf of its Network Reliability Steering Committee (NRSC), hereby files these comments in response to the *Notice of Proposed Rulemaking*, released June 19, 2006, regarding the Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (Hurricane Katrina Panel).¹ In these comments, ATIS is responding only to those portions of the *NPRM* that fall within the ATIS NRSC’s scope of activities. Individual NRSC member’s companies may also be filing separate comments on the *NPRM*.

As explained more fully below, the ATIS NRSC: (1) supports the development of voluntary readiness disaster checklist(s) through consensus-based industry bodies such as the NRSC; (2) supports that the FCC should serve as the single contact for the collection of disaster-related communications outage data; (3) supports automatic waivers in areas

¹ Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, EB Docket No06-119, *Notice of Proposed Rulemaking*, 71 Fed Reg 38564 (2006).

declared as “disaster areas;” (4) supports the development of industry-only disaster planning and recovery coordination groups; and (5) supports the use of the existing programs such as the Telecommunications Service Priority(TSP) in disaster recovery coordination.

I. Background

ATIS is a technical planning and standards development organization committed to rapidly developing and promoting technical and operational standards for communications and related information technologies worldwide using a pragmatic, flexible, and open approach. Industry professionals from more than 300 communications companies actively participate in ATIS’ open industry committees and forums. The ATIS membership spans all segments of the communications industry, including local exchange carriers, interexchange carriers, manufacturers, competitive local exchange carriers, data local exchange carriers, wireless providers, broadband providers, providers of operations support, software developers, and internet service providers.

The ATIS Network Reliability Steering Committee (NRSC) was formed at the request of the first Network Reliability Council (NRC-1)² to monitor network reliability. NRSC is a consensus-based industry committee that analyzes the communications industry's reporting of network outages, makes recommendations aimed at improving network reliability, distributes the results of its findings to industry, and, where applicable, refers matters to

² NRC-1, a federal advisory committee organized by the Commission in 1992, was established to study the causes of service outages and to develop recommendations to reduce their number and their effects on consumers. The Council's Charter was revised and its title changed to the present "Network Reliability and Interoperability Council" by the Commission in 1996.

appropriate industry forums for further resolution.³ The NRSC also reviews regulatory developments affecting network reliability and submits consensus-developed comments on matters of common interest to NRSC members.

II. Comments

In the *NPRM*, the FCC seeks comment on the recommendations made by the Hurricane Katrina Panel to promote efficient and effective disaster planning and recovery efforts.⁴

The Hurricane Katrina Panel's recommendations involve four areas: (1) pre-positioning the communications industry and government to achieve greater network reliability and resiliency in the event of natural disasters; (2) improving recovery coordination; (3) improving the operability and interoperability of public safety and 911 communications; and (4) improving disaster-related emergency communications to the public.⁵

The ATIS NRSC, as one of the foremost industry committees focusing on network reliability, supports the FCC's efforts to aid in improving network reliability and resiliency.

For thirteen (13) years, the NRSC has worked to foster network reliability and to recommend voluntary Best Practices.⁶ The success of the NRSC is indisputable. For example, during 2004, the industry logged the lowest number of outages ever observed, a

³ Participating in the ATIS NRSC are representatives from the following companies: AT&T, BellSouth Corp, Juniper Networks, Inc., Lucent Technologies, National Communications System, Nortel Networks, NTT MCL, Qwest Communications International Inc., Sprint/Nextel, T-Mobile, Telcordia Technologies, Inc., and Verizon Communications Inc.

⁴ Report and Recommendations to the Federal Communications Commission (Panel Report) by the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (June 12, 2006).

⁵ *NPRM* at ¶6.

⁶ From its inception until 2004, the NRSC had published quarterly and annual reports analyzing outage data. However, in 2004, the FCC revised its outage reporting rules to no longer permit access to communications outage data by the NRSC. The NRSC continues to analyze available outage data for use by the industry, but no longer publishes regular quarterly or annual reports.

record low number of facility outages (in terms of both number of events and impact), the lowest number of local switch outages ever observed and the second lowest frequency ever for tandem switch outages. These improvements in large part are due to the efforts of the NRSC and its members in evaluating and recommending ways to address issues affecting network reliability.⁷

A. Readiness Checklists

In the *NPRM*, the FCC seeks comment on the Hurricane Katrina Panel's recommendation that the FCC work with industry sectors, associations and other organizations to establish "Readiness Checklists" for the communications industry to respond to disasters.⁸ The FCC also asks whether it should rely on the results of voluntary consensus recommendations or on "other measures."⁹ ATIS supports the development of voluntary disaster readiness checklists. ATIS believes that any such checklists must be developed through consensus-based industry bodies, such as the NRSC, and must be voluntary in nature.

The FCC should not attempt to mandate one-size-fits all checklists to disaster preparedness. Instead, the FCC should work with the industry to carefully craft effective checklists.

Industry experts should be encouraged to share their technical and operational expertise in a cooperative setting. In addition, permitting the industry to develop voluntary checklists will

⁷ 2004 Annual Report of the Network Reliability Steering Committee (October 2005) at p. 4.

⁸ *NPRM* at ¶8; Panel Report at p. 31 (Pre-Positioning Recommendation #1).

⁹ *Id.*

allow it to more easily make improvements as necessary to the check lists to address lessons learned and changes in telecommunications networks.¹⁰

The ATIS NRSC has been working to develop such readiness checklists for the telecommunications industry, and anticipates having a hurricane-related checklist developed in the near future. This checklist will be available to both NRSC members and non-members.

B. Single Point of Collection

The FCC also seeks comment on the Hurricane Katrina Panel's recommendation that the FCC should serve as the single point of contact/repository for emergency-related communications outage data.¹¹ ATIS agrees that a single point of collection should be established for outage reporting data in the wake of an emergency and agrees that the FCC could effectively provide this function. The FCC is the existing contact for communications outage data and has developed effective tools for the collection of this data. However, ATIS urges the FCC to take steps to ensure that its identification as the single point of collection does not preclude participation by the Department of Homeland Security through the National Communications System (NCS) in the coordination of disaster recovery efforts.

¹⁰ Disaster readiness checklists will be supported by Best Practices, over 800 of which have been successfully developed by the industry through a voluntary, consensus-based process. ATIS strongly believes that the successful development of Best Practices is primarily based on the ability of the industry to work in a cooperative setting free from regulatory mandates.

¹¹ *NPRM* at ¶9; Panel Report at pp. 33-34 (Pre-Positioning Recommendation #4).

ATIS also agrees with the Hurricane Katrina Panel that the FCC, as the designated point of collection, must keep proprietary outage data confidential.¹² ATIS urges the FCC to limit the disclosure of company-specific outage data and to develop the confidentiality safeguards (including appropriate nondisclosure agreements) necessary to protect this data. To foster continued improvement in network reliability, the FCC should develop appropriate safeguards to share all aggregated outage data with industry groups such as the ATIS NRSC.

C. Automatic Special Temporary Authority/Waivers

The Hurricane Katrina Panel recommended that the FCC establish a prioritized system of automatically waiving certain regulatory requirements in areas declared by the President to be “disaster areas,” and provided examples of possible rule waivers or Special Temporary Authority (STA) that may be appropriate for these areas¹³ The FCC requests comment on this recommendation and asks whether there are other areas where regulatory relief would be appropriate.¹⁴ ATIS supports the granting of automatic STAs and waivers of certain regulatory requirements to facilitate the speedy restoration of communications services to areas affected by hurricanes and other disasters. Such waivers provide necessary flexibility to communications providers to use available network facilities in the most effective manner to restore services to customers.

¹² Panel Report at p. 34.

¹³ Panel Report at pp. 32-33 (Pre-Positioning Recommendation #3)

¹⁴ *NPRM* at ¶9.

ATIS recommends that among the automatic STAs/waivers that should be granted in areas declared as “disaster areas” should be waivers of Section 272 of the Communications Act.¹⁵ Communications providers subject to Section 272 should be permitted to repair and restore facilities using their corporate networks in their entire regions without regard to Section 272 or the Commission’s rules governing compliance with this Section, and without filing tariffs or contracts that would otherwise apply to interstate telecommunications services offered by the providers on an integrated basis. ATIS notes that the granting of such STAs is consistent with the FCC’s actions in the wake of previous disasters. In reaction to Hurricane’s Katrina and Rita, the FCC provided appropriate authority to the affected communications providers to restore service without regard to Section 272.¹⁶

D. Industry Only Disaster Planning and Recovery Coordination Groups

The FCC also seeks comment on whether to establish industry-only disaster planning and recovery coordination groups, as recommended by the Hurricane Katrina Panel.¹⁷ ATIS supports the development of these industry-only planning and recovery groups provided they are consistent with the NSTAC recommendation to the President developed by the NCC Task Force currently being addressed in a joint effort by the Communications Sector Coordinating Council and the IT Sector Coordinating Council. ATIS is willing to assist these groups in their efforts to evaluate network-related practices to foster reliability and

¹⁵ 47 U.S.C. §272.

¹⁶ See Application by SBC Communications Inc., Southwestern Bell Telephone Company, And Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services In Texas, CC Docket No. 00-65, *Order* (2005); Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Florida and Tennessee, WC Docket No. 02-307, *Order* (2005).

¹⁷ *NPRM* at ¶13; Panel Report at p. 36 (Recovery Coordination Recommendation #3).

resiliency. ATIS recommends that the FCC take steps to facilitate, but not mandate, the establishment of these groups at national or regional levels.

E. Use of Telecommunications Service Priority Service

To assist with recovery coordination, the Hurricane Katrina Panel recommended that existing priority communications services, including TSP, be promoted.¹⁸ ATIS agrees and notes that these existing programs, if utilized, can greatly assist service providers in prioritizing the provisioning and restoration of important communications services. ATIS supports the use of existing programs, such as TSP, by the telecommunications industry, as well as by eligible government, public safety and critical industry groups.

F. Voluntary Best Practices Concerning Diversity

The *NPRM* also requests comments on the particular recommendations of the Hurricane Katrina Panel regarding diversity, particularly as they relate to the placement and maintenance of 911 circuits over diverse transport facilities.¹⁹ ATIS supports voluntary, industry developed Best Practices regarding diversity and notes that a number of these Best Practices have already been developed. ATIS strongly believes that the successful development of Best Practices is primarily based on the ability of the industry to work in a cooperative setting free from regulatory mandates.

¹⁸ Panel Report at p. 36 (Recovery Coordination Recommendation #4).

¹⁹ *NPRM* at ¶16; Panel Report at p. 39 (First Responder Communications Recommendation #3).

THEREFORE, THE PREMISES CONSIDERED, ATIS respectfully submits its comments in response to the *NPRM* in the above-referenced docket.

Respectfully submitted by:

**The Alliance for
Telecommunications Industry
Solutions** on behalf of its Network
Reliability Steering Committee



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