

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

In the Matter of)
)
New Part 4 of the Commission’s Rules)
Concerning Disruptions to Communications) ET Docket No. 04-35
)

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

Pursuant to Section 1.429 of the Federal Communications Commission’s (FCC) rules, the Alliance for Telecommunications Industry Solutions (ATIS), on behalf of its Network Reliability Steering Committee, hereby files these comments in response to the BellSouth Corporation Petition for Reconsideration and/or Clarification (BellSouth Petition) of the *Report and Order (R&O)* in the above-referenced docket.¹ ATIS supports the recommendation made by BellSouth Corporation (BellSouth) that the reporting of outages involving non-intelligent network elements, such as feeder cables and digital loop carrier (DLC) systems, should not be based on the Commission’s “user-minute” metric. Instead, ATIS supports BellSouth’s recommendation that these outages be reportable only if they: (1) affect 600 or more cable or derived pairs; and (2) last longer than five calendar days after discovery.

¹ New Part 4 of the Commission’s Rules Concerning Disruptions to Communications, ET Docket No. 04-35, *Report and Order and Further Notice of Proposed Rulemaking*, 19 FCC Rcd 16830 (2004).

I. Introduction

On August 19, 2004, the Commission released the *R&O* in this proceeding, revising and expanding its communications outage reporting requirements. In the *R&O*, the Commission adopted a common outage reporting metric based on “user minutes” that applies to all communications platforms. In January 2005, a number of parties, including BellSouth, filed petitions seeking reconsideration and/or clarification of various aspects of the Commission’s new outage reporting rules. While many of these petitions raise interesting issues regarding the recently-adopted rules, ATIS’ comments are focused solely on the alternative reporting threshold for non-intelligent network elements proposed in the BellSouth Petition.²

ATIS has a strong interest in ensuring that the Commission’s outage reporting rules are carefully tailored to provide essential outage reporting data without imposing unnecessary burdens on the communications industry. 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 350 communications companies actively participate in ATIS’ open industry committees, forums, and “Incubators.”³ The ATIS membership spans all segments of the communications industry, including local exchange carriers, interexchange carriers, manufacturers, competitive local

² ATIS notes that the issue of the applicability of the outage reporting rules to communications providers that do not own or maintain any facilities was raised by multiple parties. See BellSouth Petition at pp. 8-12; Petition of Sprint Corporation at p. 5. For the reasons noted in these petitions, ATIS supports exempting these “pure resellers” from the outage reporting requirements.

³ ATIS Incubators are industry-driven work groups that provide the industry with a “fast-track” process for resolving technical and operational issues. For more information, see the ATIS incubator web site at: <http://www.atis.org/incubator.shtml>.

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)⁴ to monitor network reliability. NRSC is a consensus-based industry committee that analyzes the communications industry's reporting of network outages to identify trends, makes recommendations aimed at improving network reliability, distributes the results of its findings to industry, and, where applicable, refers matters to appropriate industry forums for further resolution.⁵ The NRSC publishes quarterly and annual reports analyzing outage data and benchmarking this data to previous years' data.

II. The Application of the User-Minute Reporting Threshold to Non-Intelligent Network Elements is Unduly Burdensome

In the *R&O*, the Commission adopted a common metric for use in determining outage reporting thresholds under which wireline communications providers must report outages that last at least 30 minutes and affect at least 900,000 potential "user minutes."⁶ The number of user minutes is determined by multiplying the outage duration, expressed in minutes, by the number of end users potentially affected by the outage.⁷ The number of end users, in turn, is the sum of

⁴ 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.

⁵ Participating in the ATIS NRSC are representatives from the following companies: Puerto Rico Telephone Company, BellSouth Corp, Sprint, AT&T Corp, Nortel Networks Limited, MCI, Inc., Juniper Networks, Inc., Telcordia Technologies, Inc., Lucent Technologies, SBC Communications Inc., Verizon Communications Inc., National Communications System, and Qwest Communications International Inc.

⁶ 47 C.F.R. §4.9(f).

⁷ 47 C.F.R. §4.7(e).

assigned and administrative telephone numbers. According to the Commission, this new reporting threshold is less ambiguous than the old reporting threshold and provides a more accurate and realistic assessment of outages on a national basis.⁸

In its petition, BellSouth notes that the nature of non-intelligent network elements makes the application of the user minute threshold to these elements unnecessarily burdensome. A non-intelligent network element, such as a feeder cable or DLC system, is not equipped to provide counts of assigned or working numbers. These non-intelligent elements do not utilize telephone number data to route calls, but simply act as conduits to carry traffic to individual customer locations without any processing.⁹ BellSouth correctly notes, therefore, that there is no way to calculate the number of assigned/working numbers directly from these network elements; this makes it very difficult to determine the number of end users or the number of user minutes.¹⁰

BellSouth also correctly observes that non-intelligent network elements, such as feeder cables, are not generally equipped with alarm devices or monitored because these elements are passive in nature and incapable of electronic failure.¹¹ Outages involving these elements are usually identified manually, through customer reports or visual sightings. Even those non-intelligent network elements whose outage would trigger an alarm, such as pair gain devices that

⁸ *R&O* at ¶¶55-56.

⁹ BellSouth Petition at p. 5. An intelligent network element, on the other hand, is one that utilizes telephone number records to determine where to route the call. It is therefore possible to mechanically determine the number of “user minutes” potentially affected by an outage based on working numbers for intelligent network elements. Moreover, communications companies are often alerted to outages involving intelligent network elements through network alarms.

¹⁰ BellSouth Petition at p. 5.

¹¹ BellSouth Petition at p. 5.

are directly interfaced to the switch, would not provide wireline carriers with information pertaining to the number of customers affected by the outage.

Due to these factors, the identification of outages meeting the Commission's user-minute threshold is extremely labor-intensive and burdensome. Like other wireline carriers, BellSouth must manually determine the number of end users associated with non-intelligent network elements. This tedious process begins with the identification of the element (feeder cable and/or DLC system) affected by an event. The carrier must then determine which circuits are working and/or assigned through a manual review of the number assignment records. Only after these processes are completed, can the carrier determine whether an outage will reach a reportable level.

The facts presented by BellSouth demonstrate that applying the user minute threshold to non-intelligent elements would run counter to the Commission's own Paperwork Reduction Act of 1995 analysis. In this analysis, the Commission rejected the arguments of ATIS and others regarding the impact of the new reporting thresholds on the communications providers, stating that "[v]irtually every telecommunications provider, in the ordinary course of business, collects this type of information for its own use in order to operate and maintain its network."¹² However, with regard to non-intelligent elements, the application of the user minute threshold would require the collection of information not normally (or easily) compiled by wireline carriers.

¹² *R&O* at ¶166.

In most cases, events involving non-intelligent network elements do not reach the user minute threshold that would trigger the reporting of an outage. Applying the user minute reporting threshold to non-intelligent network elements could require BellSouth and other wireline carriers to manually sort through thousands of “false positives” in order to discover a few reportable events. In fact, BellSouth states this laborious effort would result in only about 24 reportable events per year.¹³ Such reporting therefore would do little to augment the accurate assessment of communications outages yet would burden the industry with substantial labor costs and result in lost productivity.

ATIS agrees with BellSouth that automating the process of identifying user minutes on non-intelligent network elements would be extremely expensive and involve the modification or replacement of existing legacy systems in order to look up the appropriate number assignment records and to monitor events based on user minutes.¹⁴ BellSouth estimates that the development and implementation of such an automated system would cost approximately \$23 million.¹⁵ The cost to the industry as a whole of automating the process of identifying user minutes on non-intelligent network elements could be in the hundreds of millions of dollars.

III. BellSouth’s Recommended Outage Reporting Threshold for Non-Intelligent Network Elements Should be Adopted

ATIS fully supports the reporting threshold for non-intelligent network elements proposed in the BellSouth Petition. Under the BellSouth proposal, an outage involving a non-

¹³ BellSouth Petition at p. 3.

¹⁴ BellSouth Petition at p. 6.

¹⁵ BellSouth Petition at p. 6.

intelligent network element would be reportable only if the outage: (1) affects 600 or more cable or derived pairs; and (2) lasts longer than five calendar days after discovery.¹⁶

ATIS agrees with BellSouth that outage reporting for non-intelligent network elements should be based on the number of cable or derived pairs affected by the outage. This threshold is not only consistent with a standard reporting threshold commonly used by the wireline industry, it greatly reduces the cost to the industry of identifying reportable events. Furthermore, due to the nature of these network elements and the relatively small number of reportable outages related to them, ATIS believes that it is extremely unlikely that the impact of changing the outage reporting threshold for non-intelligent network elements would adversely affect national security or the Commission's ability to assess the overall reliability of the communications network.

¹⁶ BellSouth Petition at pp. 7-8.

THEREFORE, THE PREMISES CONSIDERED, ATIS respectfully submits its comments in support of BellSouth's recommendation that outages involving non-intelligent network elements be reportable only if they: (1) affect 600 or more cable or derived pairs; and (2) last longer than five calendar days after discovery.

Respectfully submitted by:

**The Alliance for Telecommunications
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Certificate of Service

I, Barbara Zarchin, hereby certify that I have caused to be sent, this 2nd day of March, 2005, by first class mail, postage prepaid, a copy of the foregoing to:

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Barbara Zarchin