

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

In the Matter of)
)
Improving the Resiliency of Mobile Wireless) PS Docket No. 11-60
Communications Networks)

**COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

I. INTRODUCTION & SUMMARY

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Public Notice² released by the Federal Communications Commission (“Commission”) in the above-captioned proceeding. The Public Notice seeks comment on the efficacy of the voluntary Wireless Resiliency Cooperative Framework (the “Framework”). The Public Notice specifically solicits input on coordination between wireless carriers and backhaul providers in the wake of a natural disaster or other event that disrupts wireless communications service.

NTCA supports the goal of ensuring the effectiveness of the Framework through appropriate coordination between wireless service and backhaul providers, and looks forward to the Broadband Deployment Advisory Committee’s (“BDAC”) Disaster Response and Recovery Working Group recommendations on the matter that may lead to improvements to existing

¹ NTCA represents nearly 850 rural rate-of-return regulated telecommunications providers (“RLECs”). All of NTCA’s members are full service local exchange carriers and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities.

² *Improving the Resiliency of Mobile Wireless Communications Networks*, PS Docket No. 11-60, Public Notice, DA 18-1238 (rel. Dec. 10, 2018) (“Public Notice”).

practices.³ However, as discussed below, the inclusion of backhaul providers within the Framework itself is unnecessary, as the concerns raised by the Commission in the Public Notice can, and should, be resolved primarily through wireless providers' efforts to restore and maintain service consistent with the Framework and the use of contractual terms to secure assistance in doing so from backhaul providers.

II. MECHANISMS IN PLACE TODAY ENSURE THAT WIRELESS CARRIERS CAN OBTAIN ACCESS TO RESILIENT BACKHAUL SERVICES, THAT SERVICE IS RAPIDLY RESTORED IN THE EVENT OF A NATURAL DISASTER, AND THAT CARRIERS HAVE ACCESS TO TIMELY UPDATES ON THE STATUS OF RESTORATION EFFORTS.

As both carriers of last resort and residents of many of the communities in which they provide service, NTCA members have a strong incentive and interest in hardening their networks where possible and in taking those steps necessary (including burying facilities wherever possible) to minimize the likelihood that natural disasters will disrupt vital communications. RLECs' wireline and wireless facilities are often utilized by wireless providers (in some cases affiliated with the RLEC) to provide necessary backhaul services. Moreover, the provision of backhaul to unaffiliated wireless providers can represent a significant source of revenue for RLECs, and thus they have a strong incentive to ensure the resiliency of these facilities and to restore any damaged or destroyed facilities as promptly as possible in the event of outages or other disruption.

³ See Chairman Pai Announces Members of Broadband Deployment Advisory Committee Disaster Response and Recovery Working Group, Panel to Develop Best Practices for Responding Before, During and After a Disaster, Public Notice, GN Docket No. 17-83, DA 18-1121 (rel. Nov. 1, 2018) (stating that this working group is "charged with making recommendations on measures that can be taken to improve resiliency of broadband infrastructure before a disaster occurs, strategies that can be used during the response to a disaster to minimize the downtime of broadband networks, and actions that can be taken to more quickly restore broadband infrastructure during disaster recovery. It is also charged with developing best practices for coordination among wireless providers, backhaul providers, and power companies during and after a disaster.").

With that as background, the Commission should recognize that all parties involved in the provision of wireless service (wireless carriers and backhaul providers) have sufficient market-based incentives in place today to work together to restore service in the aftermath of a natural disaster. More to the point of the instant Public Notice, wireless carriers are obviously sensitive to both consumer and policymaker complaints in the event that service is not rapidly restored in the case of disruptions caused by a natural disaster, and thus have an incentive to require their backhaul providers to meet the resiliency and restoration of service requirements that individual carriers determine best meet their needs – including but not limited to levels of performance the wireless carriers deem necessary to operate consistent with the Framework. Indeed, wireless carriers are sophisticated business customers that can negotiate (contractually) terms and conditions with backhaul providers that ensure necessary levels of resiliency, redundancy, and rapid restoration of service; this is particularly true in the case of larger national and regional wireless operators negotiating with RLECs. Wireless carriers also have the ability to require (contractually) backhaul providers to make available real-time, or on a reasonably rapid basis, information on the status of restoration efforts and to otherwise coordinate during service restoration efforts. In turn, given the significance of revenues received from the provision of backhaul to wireless providers, smaller operators such as RLECs have a strong incentive to enter into and abide by contracts with wireless carriers that meet the latter entities’ needs in terms of resiliency and rapid restoration of service. Wireless providers concerned with respect to their own ability to satisfy Framework standards can therefore rather easily ensure the assistance of backhaul providers in doing so through contractual provisions compelling compliance with certain quality-of-service metrics and performance standards. Thus, the Commission need not expand the reach of the Framework to directly encompass backhaul

operations in a manner that could upend existing business arrangements between sophisticated parties already capable of negotiating and implementing what they perceive to be sufficient resiliency requirements.

In addition, as the record in response to a July 2018 Public Notice⁴ indicates, there are already mature and robust information sharing mechanisms in place to ensure that network service providers, including backhaul providers, share information effectively and efficiently during emergencies.⁵ The Department of Homeland Security’s National Coordinating Center for Communications (“NCC”) continuously monitors national incidents and events that impact emergency communications, and in cases of emergency, the NCC Watch leads communications response and recovery efforts under Emergency Support Function #2 of the National Response Framework.⁶ When a disaster strikes, the NCC Watch facilitates the exchange of information among government and communications sector participants, in conjunction with the industry-led Communications Information Sharing and Analysis Center (“Comms-ISAC”), of which NTCA is an active member. The NCC/Comms-ISAC facilitates coordination calls daily (if not more often), providing a forum for industry stakeholders – including wireless, wireline, cable, satellite,

⁴ *Public Safety and Homeland Security Bureau Seeks Comment on the Effectiveness of the Wireless Network Resiliency Cooperative Framework and for the Study on Public Access to 911 Services During Emergencies*, PS Docket No. 11-60, Public Notice, DA 18-614 (rel. Jun. 13, 2018)

⁵ *See* Reply Comments of the American Cable Association (ACA), In the Matter of Public Safety and Homeland Security Bureau Seeks Comment on the Effectiveness of the Wireless Network Resiliency Cooperative Framework and for the Study on Public Access to 911 Services During Emergencies, Public Notice, PS Docket No. 11-60, (PSHSB rel. June 13, 2018) at 5 (fil. Jul. 31, 2018); NCTA-The Internet & Television Association Comments, PS Docket No. 11-60, at 2-3 (fil. Jul. 16, 2018); AT&T Comments, PS Docket No. 11-60, at 10-11. (fil. Jul. 16, 2018); Alliance for Telecommunications Industry Solutions Comments, PS Docket No. 11-60, at 3-4 (fil. Jul. 16, 2018); and Verizon Comments, PS Docket No. 11-60, at 4 (fil. Jul. 16, 2018).

⁶ *See* DHS, National Response Framework, at 58 (2008), available at <https://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf> (delineating communications coordination functions to be led by the Department of Homeland Security).

and backhaul service providers, and their association representatives – to share real-time information and collaborate with government partners on network restoration efforts. As asserted previously by ACA, any new information sharing commitments imposed on backhaul providers “‘within the existing [Wireless Network Resiliency Cooperative] Framework’ would likely duplicate, and potentially conflict with, these established, well-defined processes, undermining rather than strengthening network resiliency.”⁷ The NCC/Comms-ISAC provides a tried-and-true information sharing forum for communications service providers, regardless of the underlying technology platform, to coordinate and collaborate when disaster strikes to ensure the network, in its entirety, is restored to normal operations.

Moreover, the record compiled in response to the July 2018 Public Notice does not indicate that coordination on restoration efforts between wireless carriers and backhaul providers is lacking or that backhaul providers should be incorporated into the Framework. CTIA, in particular, stated that the “principles of collaboration and information sharing that the Framework encourages and facilitates can help to promote resiliency, preparedness, and public awareness of communications during emergencies and disasters, without expanding the wireless industry’s Framework to additional stakeholders.”⁸

That said, the BDAC Disaster Response and Recovery Working Group was tasked in November 2018 with developing “Best Practices for Responding Before, During and After a Disaster,” and their recommendations may result in guidance that wireless carriers and backhaul providers can incorporate into existing cooperative practices going forward. The Commission

⁷ ACA Comments on the Public Notice, PS Docket No. 11-60 at 3 (filed Jul. 31, 2018); *See also* NCTA at 3, AT&T at 10.

⁸ Comments of CTIA-The Wireless Association (CTIA), PS Docket No. 11-60, (fil. Jul. 16, 2018), p. 18.

should await the release of that working group’s report (and subsequent public comment on the recommendations contained therein) before moving forward in this proceeding.

As a related matter, however, one important step that the Commission can and should take to improve the redundancy, and the overall availability, of backhaul facilities – the latter being something that will become particularly important to enable the emergence of 5G service – is to expedite and reduce the cost of permitting and access to rights-of-way (“ROWS”) for wireline providers. The Commission has already taken several laudable steps to expedite and reduce the cost of the “small cell” permitting process with respect to public ROW.⁹ However, the emergence of 5G will require significantly more fiber backhaul than in use in today’s wireless networks. Ensuring that sufficient backhaul is in place to meet consumer demand and to provide redundancies where necessary in the wake of a natural disaster requires the Commission to take additional steps to remove deployment barriers that go beyond a narrow focus on small cell installation. Going forward, the Commission should build upon the foundation it has created via the Declaratory Ruling to address any state and local laws that unreasonably impede broadband deployment – regardless of the type of facilities at issue. NTCA respects – and the Commission should respect as well – state and local authority to manage public ROWs. That said, when such management imposes rates or terms and conditions for ROW access that undermine the already difficult business case for investing in rural areas or allow railroads¹⁰ to impose on broadband providers unnecessary and excessive fees and delays, Section 253

⁹ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Declaratory Ruling and Third Report and Order, FCC 18-133 (rel. Sept. 27, 2018) (“Declaratory Ruling.”).

¹⁰ See *Ex Parte Letter*, NTCA–The Rural Broadband Association, WC Docket Nos. 17-84 and 17-79 (fil. Sept. 6, 2018).

evidences a clear congressional intent that such barriers should be swept away on a technology neutral basis, without reference to whether the facilities at issue are wireline or wireless in nature.

III. CONCLUSION

For all of the reasons discussed above, the Commission should decline to incorporate backhaul providers into the Framework, as existing market-based incentives and contractual mechanisms can already ensure that wireless carriers have access to resilient backhaul services that will be rapidly restored in the wake of a natural disaster.

Respectfully submitted,



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February 8, 2019