



March 9, 2021

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street, NE  
Washington, DC 20554

**Re: Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, PS Docket No. 15-80**

Dear Ms. Dortch:

NTCA – The Rural Broadband Association (“NTCA”) hereby files this ex parte letter in response to the Commission’s draft Second Report and Order in the above-referenced docket.<sup>1</sup> In particular, NTCA supports the recommended edits to the *Draft Part 4 Order* identified by CCA, CTIA and USTelecom (the “Associations”) in their joint ex parte letter dated March 5, 2021.<sup>2</sup>

In their letter, the Associations recommended the Commission make minor edits to three rule changes contained in the *Draft Part 4 Order*: (1) add a sentence at the end of paragraph 80 to clarify: “By ‘contact information’ we mean the contact information of a company’s designated point(s) of contact for Commission, federal, state and Tribal agency inquiries concerning the outage event, not the company’s employee responsible for the administrative task of completing and submitting NORS and DIRS information (if different).”; (2) add a sentence to paragraph 57 stating, “Parties concerned that a particular state or other government agencies’ laws or rules conflicts with or contravenes the policies reflected in our Part 4 rules may request a declaratory ruling...”; and (3) make the following modifications to the sentence in paragraph 53 to allow service providers to request from state agencies the names of all localities with whom the state agencies have shared the provider’s Network Outage Reporting System (“NORS”) and Disaster Information Reporting System (“DIRS”) data: “We therefore adopt the requirement that each participating agency make available for Commission or service provider inspection, upon Commission or service provider request, a list of all localities for which the agency has disclosed NORS and DIRS data.”<sup>3</sup>

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<sup>1</sup> See FCC Fact Sheet: Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications, PS Docket No. 15-80 (rel. Feb. 24, 2021) (“*Draft Part 4 Order*”).

<sup>2</sup> Letter from CCA, CTIA and USTelecom, PS Docket No. 15-80 (March 5, 2021).

<sup>3</sup> *Id.*

NTCA supports these recommendations. Defining contact information to mean the company's designated point of contact for network outages will allow the Commission, state and/or local officials to more quickly obtain information from an employee at the company most familiar with the outage. Allowing providers the ability to seek a declaratory ruling at the Commission in the event a state or local agency implements laws or rules that appear contradictory to those adopted by the Commission for network outages strikes a careful balance between allowing state and local agencies to access NORS and DIRS data while ensuring they use the data only for the purposes identified in the Commission's rules.<sup>4</sup> Finally, requiring state agencies to disclose to providers, upon request, the names of all localities with whom the agency has disclosed the provider's NORS and DIRS data is essential to protecting the security of such information.<sup>5</sup>

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,

By: /s/ Jill Canfield

Jill Canfield

Tamber Ray

Regulatory Counsel

NTCA – The Rural Broadband Association

cc: Ethan Lucarelli  
Greg Watson  
Austin Bonner  
Carolyn Roddy

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<sup>4</sup> See NTCA Comments, PS Docket No. 15-80 (Apr. 30, 2020), pp. 2-3 (“[State and local] agencies should only be permitted to use the information gained through access to the DIRS/NORS systems for public safety functions, and not for the imposition of punitive measures or state or local regulatory activity.”).

<sup>5</sup> See NTCA Reply Comments, PS Docket No. 15-80 (June 1, 2020), p. 2.