

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

In the Matter of)	
)	
Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	PS Docket No. 15-80
)	
Improving 911 Reliability)	PS Docket No. 13-75
)	
)	
New Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	ET Docket No. 04-35
)	

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

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these reply comments to discuss the record compiled in response to the Third Further Notice of Proposed Rulemaking (“*Third Further Notice*”) released by the Federal Communications Commission’s (“Commission”) on April 23, 2021 in the above-captioned proceedings.² The Public Notice seeks comment on updating the framework governing notifications of disruptions to 911 service.³ NTCA and its members recognize the important safety role of small and rural providers in providing network reliability for their customers. NTCA supports the Commission’s goal of timely outage notification. However, the Commission’s proposals would impose obligations that

¹ NTCA represents approximately 850 providers of high-quality voice and broadband services in the most rural parts of the United States. In addition to voice and broadband, many NTCA members provide wireless, video, and other advanced services in their communities.

² *Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, PS Docket Nos. 15- 80, 13-75, ET Docket No. 04-35, Third Notice of Proposed Rulemaking, FCC 21-45 (Apr. 23, 2021) (“Third Further Notice”).

³ *Third Further Notice*.

smaller providers may not be able to meet, particularly as their staffs remain simultaneously focused on addressing network outages and restoring service.

NTCA joins numerous parties representing service providers and network operators in encouraging the Commission to recognize that the proposed reporting and notification requirements proposed in the NPRM may be unrealistic, particularly for smaller providers with limited resources.⁴ Small providers often have small workforces, but large, remote, and difficult-to-access service territories. The Commission proposes notifying Public Safety Answering Points (“PSAPs”) at the 30- and 120- minute intervals, in writing and by phone, and for notifications to consumers, notifications must be made via the carrier’s website as well as other Internet-based applications – the proposals require a minimum of four separate communications within a 2-hour period.

However, most small carriers likely do not have personnel dedicated solely to outage communications, and even in times of emergency, the designated resource for such purposes is likely to consist of a single individual or a small department – all of whom likely will be bearing other responsive obligations (most importantly the restoration of service) in the midst of such situations. As CCA notes, “for these carriers, learning of an outage, assessing the scope and nature of the outage, gathering necessary and accurate information, and providing the requisite notifications simply may not be feasible during the 30-minute period allotted to provide the

⁴ See Comments of Alliance for Telecommunications Industry Solutions (“ATIS”), PS Docket Nos. 15- 80, 13-75, ET Docket No. 04-35 (fil. Jul. 30, 2021), p. 3. Comments of Boulder Regional Emergency Telephone Service Authority (“BRETSA”), PS Docket Nos. 15- 80, 13-75, ET Docket No. 04-35 (fil. Jul. 30, 2021), pp. 3-4. Comments of Competitive Carriers Association (“CCA”), PS Docket Nos. 15- 80, 13-75, ET Docket No. 04-35 (fil. Jul. 30, 2021), p. 3. Comments of CTIA (“CTIA”), PS Docket Nos. 15- 80, 13-75, ET Docket No. 04-35 (fil. Jul. 30, 2021), pp. 6-7. Comments of Voice on the Net (“VON”) Coalition, PS Docket Nos. 15- 80, 13-75, ET Docket No. 04-35 (fil. Jul. 30, 2021), p. 5.

initial outage notification to PSAPs, despite their best efforts.”⁵ To the extent thresholds are triggered, the timeframes could present a substantial burden on small providers engaged in disaster response and recovery efforts.

To address this reality while ensuring that outage notifications are still delivered in a timely manner, the Commission should look to the proposal made by CCA, under which the Commission would adopt a regulatory approach based on “reasonable best efforts” for small providers. NTCA agrees with CCA that, “[u]nder such an approach, smaller carriers could still be held to materially the same reporting requirements as their larger counterparts but without the threat of enforcement penalties where circumstances prevented their ability to comply with the rule’s specific timing requirements despite reasonable, good-faith efforts to satisfy the standard.”⁶

NTCA agrees that the public requires access to reliable outage information. However, the proposal for covered entities to provide public-facing customer notifications within 60 minutes is problematic, and in some cases, completely unworkable. Requirements that customer notifications be sent in such a short time frame is burdensome for small providers who again may not have staff devoted solely to such messaging. To meet such a requirement, many companies would need to hire additional personnel, or purchase a package service from a call center.

Companies providing public-facing communication also risks public confusion and hinders local government control over messaging. Potential enforcement penalties create an incentive for companies to send information quickly, rather than thoughtfully. NTCA agrees with USTelecom that customer outage notifications should instead come directly from the

⁵ CCA, p. 3.

⁶ CCA, pp. 4-5.

affected PSAP(s) or relevant government agency in coordination with the PSAP(s).⁷ As USTelecom notes, “[w]hen service providers do communicate with customers and the public it should support and not conflict with the local government’s own messaging. Service providers are already working closely with PSAPs and government agencies today for this purpose.”⁸ While providers, PSAPs, and the government must coordinate, due to the limited resources of small providers and the shared desire for consistent messaging, it is both economical and sensible for the PSAP(s) and local government to bear primary responsibility for public-facing messaging.

NTCA and its members support the Commission’s efforts to improve and enhance public access to reliable access to emergency services and prompt and accurate notifications and reporting of outages. However, the specific proposals at issue here are unnecessarily burdensome, particularly for small rural carriers. During an outage, small companies will be focused on service restoration. Causing repair staff to divert resources to reporting mechanisms and responsibilities could delay service restoration and would not be in the public interest. Therefore, NTCA urges the Commission to 1) develop a PSAP notification system based on each operator’s reasonable best efforts and 2) allow PSAPs and local government agencies take the lead on consumer facing notifications, in coordination with the carriers.

⁷ US Telecom, pp 9-10.

⁸ Comments of USTelecom (“USTelecom”), PS Docket Nos. 15- 80, 13-75, ET Docket No. 04-35 (fil. Jul. 30, 2021), p. 2.

Respectfully Submitted,



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