

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

In the Matter of	)	
	)	
Resilient Networks	)	PS Docket No. 21-346
	)	
Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications	)	PS Docket No. 15-80
	)	
New Part 4 of the Commission’s Rules Concerning Disruptions to Communications	)	PS Docket No. 22-329
	)	

**REPLIES OF NTCA – THE RURAL BROADBAND ASSOCIATION  
IN SUPPORT OF PETITION FOR CLARIFICATION  
AND PARTIAL RECONSIDERATION**

NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby submits these replies to oppositions to the CTIA and Competitive Carriers Association (“CCA”) Petition for Clarification and Partial Reconsideration<sup>2</sup> of the Report and Order in the above-captioned proceeding.<sup>3</sup>

NTCA, like the petitioners and other commenters in this proceeding, share the Commission’s goal to promote wireless network reliability and resiliency. However, small

---

<sup>1</sup> NTCA–The Rural Broadband Association represents approximately 850 independent, community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or are themselves engaged in the provision of such services.

<sup>2</sup> See, Petition for Clarification and Partial Reconsideration of CTIA and Competitive Carriers Association (“CCA”), PS Docket Nos. 21-346, 15-80 and 22-329 (filed Oct. 31, 2022) (the “CTIA/CCA Petition”).

<sup>3</sup> *Resilient Networks; Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications; New Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, Report and Order and Further Notice of Proposed Rulemaking, FCC 22-50 (rel. July 6, 2022) (“Resilient Networks R&O”).

providers face unique challenges and require additional time to comply with the new Mandatory Disaster Response Initiative (“MDRI”). Therefore, NTCA supports the CTIA/CCA Petition.

At the outset it is worth noting that no party opposed the CTIA/CCA Petition. The only filing the Commission received during the period in which parties could file oppositions to the petition were the comments of the Blooston Rural Carriers, which supported the petition.<sup>4</sup> The Blooston Rural Carriers, like NTCA, agree with Petitioners that small mobile wireless carriers require additional time to negotiate and enter into bilateral Roaming Under Disaster (RuD) and mutual-aid agreements. The time required to negotiate RuD terms and mutual-aid arrangements with multiple service providers is likely to exceed the 200-hour estimate contained in the Resilient Networks R&O. Affording providers a more reasonable amount of time to address the new MDRI obligations will further network reliability and resiliency while alleviating the hardships that an arbitrarily short deadline would create.

#### **I. SMALL FACILITIES-BASED MOBILE WIRELESS PROVIDERS NEED AT LEAST 18 MONTHS TO COMPLY WITH MDRI OBLIGATIONS**

The Resilient Networks R&O greatly expands the obligations of small wireless providers. The Commission recognizes that compliance with the new MDRI requirements will require a range of activities to update or revise existing administrative and technical processes. Providers will require legal services, software development, and public relations and outreach. The Commission estimates that compliance with the new requirements will take 200 hours total for each provider, comprised of 40 hours for legal services, 50 hours for software development, and

---

<sup>4</sup> See, Comments of the Blooston Rural Carriers in Support of Petition for Clarification and Partial Reconsideration (filed December 19, 2022).

100 hours for public relations and outreach activities.<sup>5</sup> However, as the Petitioners point out, “[t]hese estimates are not aligned with the amount of work and resources that will be required to enter the multiple bilateral RuD and mutual aid arrangements and to complete roaming testing as required by the MDRI rules.”<sup>6</sup> History has demonstrated that bilateral roaming agreements are not easily negotiated and testing of systems does not always go smoothly. Two hundred hours to negotiate and test – especially with multiple providers – is unrealistic. This misestimation of time required for rule compliance may have influenced the Commission’s determination that small providers must comply with the MDRI rules in only 9 months.

Compliance within such a short time frame is especially difficult for small providers who are less likely than large providers to have pre-existing arrangements to use as a basis for the RuD and mutual-aid arrangements required by the Resilient Networks R&O. Forcing these small providers to enter into roaming arrangements and complete an initial round of roaming testing with multiple providers within 9 months would not only impose undue burdens, but it would also negatively affect their ability to negotiate reasonable terms and conditions. Large providers will be negotiating agreements with multiple potential roaming partners and, as the Blooston Rural Carriers emphasize, “it is possible if not likely that negotiations with small, rural carriers will receive a lower priority than negotiations with larger providers.”<sup>7</sup> Given the pressures of looming compliance deadlines, not only will small and rural carriers be forced to

---

<sup>5</sup> *Resilient Networks R&O*, ¶ 43, App. B ¶ 21 (estimating that the nation’s regional and local facilities-based mobile wireless providers that are not current Framework signatories will each spend 50 hours of time on legal services, 50 hours of time on software development, and 100 hours of time on public relations and outreach activities to update or revise their existing administrative and technical processes to conform to processes required by the MDRI rules).

<sup>6</sup> CTIA/CCA Petition at pp. 7-8.

<sup>7</sup> Comments of Blooston Rural Carriers at p. 3.

spend significant sums on consultants and divert staff from other important projects, the time pressures may force them to agree to less favorable roaming agreements.

NTCA agrees that an implementation timetable of at least 18 months for small and rural providers is more reasonable and in the public interest. The Blooston Rural Carriers identify instances in which the Commission has recognized the unique challenges faced by small and rural carriers and established longer compliance in other, comparable situations stating, “[t]hese carriers generally have a significantly small customer base over which to spread compliance costs, and often experience delays in obtaining new technologies because of the understandable interest of vendors in serving their largest customers first.”<sup>8</sup>

## **II. THE COMMISSION SHOULD PUBLISH A LIST OF FACILITIES-BASED MOBILE WIRELESS PROVIDERS**

The new rules require that each facilities-based mobile wireless provider enter RuD arrangements and annually test roaming capabilities with *all* other facilities-based mobile wireless providers with whom it may foreseeably need to provide roaming services to or request roaming services from. Roaming is foreseeable “when two providers’ geographic coverage areas overlap.”<sup>9</sup> Small and rural providers may have a general knowledge of providers with overlapping serving territory, but they may not have an existing business relationship with them or know the appropriate person to contact to initiate roaming and mutual aid discussions. An official and continually updated resource of contact information would streamline the process and clarify obligations for all providers. NTCA therefore joins Petitioners in the request that the

---

<sup>8</sup> See, Comments of Blooston Rural Carriers at pp. 3-4.

<sup>9</sup> Resilient Networks R&O at ¶ 17.

Commission develop and publish a regularly updated list of all facilities-based mobile providers to which MDRI obligations apply.

### **III. THE COMMISSION SHOULD ESTABLISH A PROCESS TO NOTIFY PROVIDERS OF MDRI ACTIVATION**

The Resiliency R&O directs the Chief, Public Safety and Homeland Security Bureau to issue a public notice announcing that the MDRI is activated in response to a disaster or emergency event, and to prescribe any mechanisms for receiving such a request.<sup>10</sup> The Petitioners have requested that the Commission base its notice procedures surrounding the activation of the MDRI on the practice currently used for activating the Disaster Information Reporting System, namely by providing direct notification via email from the Public Safety and Homeland Security Bureau to designated points of contact, in addition to the Bureau's issuance of a Public Notice.<sup>11</sup> NTCA agrees with this recommendation as it is important that all facilities-based wireless providers are made aware of such an activation. NTCA also agrees that it is important that small providers have the flexibility to designate multiple points of contact to receive such notices to ensure that such notices are received and acted upon.

### **IV. CONCLUSION**

NTCA urges the Commission to grant the CTIA/CCA Petition, provide small and rural facilities-based wireless carriers at least eighteen months to comply with the new requirements of the MDRI, and publish a list of facilities-based wireless providers. These measures are in the public interest as they will lessen the compliance burden for small providers and allow for a more thoughtful negotiation and testing process. The Commission should also establish a MDRI

---

<sup>10</sup> Resilient Networks R&O ¶ 36.

<sup>11</sup> CTIA/CCA Petition at pp. 10-11.

