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August 30, 2021

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

REPLY COMMENTS

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

Dear Ms. Dortch:

The Industry Council for Emergency Response Technologies (“iCERT”) respectfully submits the following Reply Comments in response to the *Notice of Proposed Rulemaking* (“NPRM”) released by the Federal Communications Commission (“FCC” or “Commission”) on April 23, 2021, in conjunction with the above-referenced docket.¹ iCERT appreciates the opportunity to provide feedback to the Commission.

iCERT is the nation’s only trade association focused exclusively on the commercial emergency response sector. Our member companies represent a broad cross section of companies with a collective interest in advancing innovative solutions that will improve public safety communications and help protect first responders and the public they serve. This includes companies that develop, provide, and support 911 and NG911 systems, services, and equipment that the public safety community and the public rely on every day.

PSAP Notification of 911 Outages is Important to Effective Emergency Response. iCERT supports the Commission’s goal of enhancing emergency response efforts by improving the usefulness of outage notification information provided to PSAPs. PSAP access to such

¹ *In the Matter of Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, Third Notice of Proposed Rulemaking, FCC 21-45 (rel. Apr. 23, 2021) (“NPRM”).
<https://docs.fcc.gov/public/attachments/FCC-21-45A1.pdf>

information in a timely manner will inform 911 authorities about system outages that impact 911 services and enable them to implement alternative means for citizens to access emergency services. Consequently, we support many of the proposals outlined in the NPRM. There are a few proposals, however, that iCERT believes should be modified to ensure an effective outage notification process.

The Commission Should Not Harmonize Its PSAP Notification Rules. iCERT agrees with AT&T,² Bandwidth,³ Verizon,⁴ ATIS,⁵ and others who urge the Commission not to harmonize its 911 outage notification rules by requiring originating service providers (OSPs) and 911 covered service providers to notify PSAPs about all such outages “within the same timeframe, by the same means, and with the same frequency.”⁶ The respective roles of these service providers and their relationships to PSAPs are very different, and the manner in which each reports outage information should be aligned with those roles. As ATIS notes, covered 911 service providers have direct relationships with PSAPs, while OSPs do not.⁷ The services they provide are also more closely aligned with PSAP geographic boundaries.⁸ As a result of these factors, covered 911 service providers are more likely to be able to meet a 30 minute notification requirement because they have greater visibility into the cause of the outage, and are better positioned to work with PSAPs to implement alternative means to restore service.⁹

While OSP notification is equally important, the nature of outages they will experience and their reliance on various secondary service providers to support them necessarily limits their ability to provide outage information in the same timeframe. As AT&T and ATIS both note, the imposition

² *Comments of AT&T Services, Inc.*, filed in response to FCC 21-45, Jul. 30, 2021 (“*AT&T Comments*”).

³ *Opening Comments of Bandwidth, Inc.*, filed in response to FCC 21-45, Jul. 19, 2021 (“*Bandwidth Comments*”).

⁴ *Verizon Comments*, filed in response to FCC 21-45, Jul. 30, 2021 (“*Verizon Comments*”).

⁵ *Comments of the Alliance for Telecommunications Industry Solutions*, filed in response to FCC 21-45, Jul. 30, 2021 (“*ATIS Comments*”).

⁶ *NPRM* at ¶ 12.

⁷ *ATIS Comments* at p. 3.

⁸ *Bandwidth Comments* at p. 2.

⁹ *AT&T Comments* at p. 5.

of a thirty-minute notification requirement on OSPs may serve only to trigger automatic notifications to PSAPs that may not be either relevant or informative.¹⁰ iCERT strongly opposes APCO’s recommendation to shorten the notification timeframe to fifteen minutes.¹¹

iCERT believes that the Commission’s outage notification requirements must strike a balance between those that are reasonably achievable by service providers and those that are important to ensuring timely and effective notifications to 911 authorities, and all while doing so in what is often a tense and stressful emergency response environment. With that in mind, iCERT supports comments from Bandwidth which note that outage notifications by telephone are not tenable, given the logistical challenges associated with large-scale outages, and that notifications through a centralized electronic portal with standardized formats would be the most effective means for providing 911 authorities with outage notifications.¹² We also oppose the recommendation of the Maryland 911 Board to require OSPs and covered 911 service providers to provide “all available material information—whether deemed relevant or not” at the time of the initial outage notification and at the times of subsequent updates.¹³ Setting aside the confusing nature of this proposal – i.e., asking for information that is both “material” to the outage but potentially not “relevant” – implementation of this recommendation would likely create significant challenges for service providers and PSAPs alike by encouraging the provision of significant amounts of irrelevant information that would merely serve to impede the notification process.

The Commission Should Host a Centralized PSAP Contact Database. Timely and effective notification requires access to PSAP contact information that is both current and accurate. iCERT appreciates the considerable efforts of OSPs and covered 911 service providers to collect and maintain this information on their own.¹⁴ We believe, however, that there could be significant benefits associated with a centralized PSAP contact database, and we support the

¹⁰ *AT&T Comments* at pp. 4-5; *ATIS Comments* at pp. 3-4.

¹¹ *Comments of APCO International*, filed in response to FCC 21-45, Jul. 30, 2021 (“*APCO Comments*”) at 4.

¹² *Bandwidth Comments* at pp. 6-9.

¹³ *Comments of the Maryland 9-1-1 Board*, filed in response to FCC 21-45, Jul. 29, 2021 (“*Maryland 911 Board Comments*”) at p. 5.

¹⁴ *AT&T Comments* at p. 14.

recommendations from AT&T, ATIS, and CTIA to have the FCC create and maintain such a database, or to have the FCC contract with a third-party provider to perform such services under its direction.¹⁵

A centralized database could have substantial benefits to service providers and PSAPs alike. In addition to promoting greater currency and accuracy, it could reduce the costs burdens placed on service providers that must maintain their own contact information, as well as the burdens on PSAPs that must respond to information requests from numerous service providers across the country. A centralized database should also not pose significant costs on the FCC, as it could leverage its existing 911 Master PSAP Registry. Most importantly, as CTIA notes, a centralized database “will advance efforts towards greater coordination, collaboration, and information sharing among providers and PSAP representatives, including for outage reporting and coordination during emergencies and disasters.”¹⁶ If the Commission develops such a database, iCERT joins ATIS and CTIA in urging it to establish a liability safe harbor for service providers that choose to use it.¹⁷

State and Local 911 Authorities are Better Positioned to Notify the Public of 911 Outages.

iCERT agrees with the Commission that public notification of 911 outages provides invaluable information to consumers in times of emergency, and we appreciate the efforts of many wireless service providers to notify their customers of network outages that might impact 911 service. The Commission’s proposal, however, highlights the significant problems associated with imposing outage notification requirements that are misaligned with the roles of OSPs and covered 911 service providers and their respective relationships with consumers and PSAPs. Covered 911 service providers have contractual relationships with the PSAPs and usually have the most visibility into details associated with a 911 outage, but they have no direct relationship with consumers that may require access to 911. Conversely, OSPs have strong relationships with their

¹⁵ *Comments of CTIA*, filed in response to FCC 21-45, Jul. 30, 2021 (“*CTIA Comments*”) at pp. 8-9; *AT&T Comments* at pp. 13-15; *ATIS Comments* at p. 7.

¹⁶ *CTIA Comments* at p. 3.

¹⁷ *CTIA Comments* at p. 9; *ATIS Comments* at p. 8.



customers (the public) but often little visibility into the details of the outage. Imposing a dual obligation on both sets of service providers to notify the public risks consumer confusion and could inappropriately burden them with reporting on outages for which they are not responsible and have no information.

iCERT agrees with Verizon and AT&T that state and local 911 authorities are in a better position to notify the public about 911 outages.¹⁸ Emergency services are the responsibility of these government agencies, and any public notifications about access to these services should be controlled by them and not by any service provider. As Verizon notes, a previous Commission roundtable on situational awareness supports the position that state and local authorities should maintain the role of informing the public about 911 availability during network outages. The potential risk of creating confusion with consumers was highlighted as a concern, and emphasis was placed on ensuring effective coordination by the 911 authority. Placing state and local 911 authorities in control of any public communications related to 911 service will also enable them to advise the public on what alternative means might be available for accessing emergency services should 911 system outages occur.

iCERT appreciates the Commission's continued efforts to improve emergency services by reducing the impact that 911 outages have on PSAPs and the public. Enhanced outage notification procedures will ensure that PSAPs have accurate and timely information about 911 outages they will help them save lives and property. However, iCERT supports rules that align with the unique roles performed by OSPs and covered 911 service providers and which recognize their respective relationships with PSAPs and consumers.

Respectfully submitted,

/s/ Kim Robert Scovill, Executive Director
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¹⁸ *Verizon Comments* at p. 15; *AT&T Comments* at p. 10.