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

In the Matter of
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

PS Docket No. 21-346
PS Docket No. 15-80
ET Docket 04-35

PETITION FOR CLARIFICATION AND/OR RECONSIDERATION

The Alliance for Telecommunications Industry Solution (ATIS), pursuant to 47 C.F.R. §1.429, hereby respectfully requests that the Federal Communications Commission (“Commission”) reconsider its January 26, 2024, Second Report and Order in the above-referenced dockets. In the Second R&O, the Commission revises its Part 4 rules to suspend all Network Outage Reporting System (NORS) reporting obligations pertaining to outages that arise when DIRS reporting is activated, and outages are timely reported in Disaster Information Reporting System (DIRS).\(^1\) ATIS respectfully requests the Commission to: (1) clarify the application of its waiver of NORS filings during DIRS activations to pending and ongoing NORS filings and to the Commission’s Public Safety Answering Points (PSAPs) and 988 Suicide & Crisis Lifeline notification requirements, and to clarify that the waiver applies to both DIRS and DIRS-Lite activations; and (2) reconsider its requirements that the final DIRS report includes the estimated dates by which unresolved issues regarding providers’ equipment and issues shall be resolved and these reports be filed within 24 hours of DIRS deactivation.

\(^1\) Second Report and Order in PS Docket Nos. 21-346 and 15-80 and ET Docket 04-35 (released January 26, 2024) at §25.
I. BACKGROUND

ATIS is a global standards development and technical planning organization that develops and promotes worldwide technical and operations standards for information, entertainment, and communications technologies. ATIS’ diverse membership includes key stakeholders from the Information and Communications Technologies (ICT) industry – wireless, wireline, and VoIP service providers, equipment manufacturers, broadband providers, software developers, consumer electronics companies, public safety agencies, and internet service providers. ATIS is also a founding partner and the North American Organizational Partner of the Third Generation Partnership Project (3GPP), the global collaborative effort that has developed the 4G Long-Term Evolution (LTE) and 5G New Radio (NR) wireless specifications.

ATIS’ NRSC was formed in 1993 at the recommendation of the first Network Reliability and Interoperability Council. The NRSC strives to improve network reliability by providing timely consensus-based technical and operational expert guidance to all segments of the public communications industry. The NRSC addresses network reliability improvement opportunities in an open environment and advises the communications industry through the development of standards, technical requirements, reports, bulletins, Best Practices, and annual reports. The NRSC is comprised of industry experts with primary responsibility for examining, responding to, and mitigating service disruptions for communications companies. NRSC participants are industry subject matter experts on communications network reliability and outage reporting.
II. DISCUSSION

A. Codifying NORS Waiver During DIRS Activations

ATIS seeks clarification of the Commission’s decision in the Second R&O to codify its practice of waiving NORS filings that would be due while DIRS is activated, explaining further that once an outage has been filed under DIRS per this Order, a provider need not file the same outage in NORS.\(^2\) ATIS NRSC appreciates the Commission’s efforts to codify its existing practice of waiving NORS reports when DIRS is activated and understands that this waiver would not require new NORS filings that would otherwise be due during the activation of DIRS. However, as explained below, ATIS NRSC’s review of the Second R&O has identified some issues that need reconsideration and/or clarification. Given these uncertainties, the Commission should consider taking a broader, more flexible approach to the codification of its NORS waiver. The focus of the Commission’s efforts should be on encouraging service providers to collect and provide relevant outage data in a timely manner in the aftermath of a disaster. Providers should not have to worry about fines or penalties for unavailable or unconfirmed data, as long as the provider is using best efforts to collect it. The Commission should limit its enforcement efforts, including fines and penalties, to those companies that fail to participate in NORS and/or DIRS or to those that intentionally fail to submit timely outage reports.

First, ATIS NRSC requests that the Commission clarify the Second R&O regarding the application of the waiver to two related, but distinct, scenarios related to pending or ongoing outages. The first scenario involves outages that occur just prior to the activation of DIRS. It is unclear whether the waiver would apply to, for example, an OC3 outage affecting at least 667 OC3 minutes and lasting at least 30 minutes that occurs at 11:30 AM if a DIRS activation occurs in that

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\(^2\) Second R&O at ¶25.
same activation area at noon. ATIS NRSC recommends that the Commission clarify that the waiver adopted by the Commission in the *Second R&O* would apply to such a scenario.

The second scenario involves outages for which notifications or initial reports have already been filed in NORS. If, for example, an OC3 outage meeting the reporting threshold has occurred and subsequently DIRS is activated for that same area, it is unclear whether providers must submit further reports in NORS related to those outages. ATIS NRSC urges the Commission to apply the waiver to this scenario. Further, for reports that have already been filed in NORS under the conditions outlined in this second scenario, ATIS NRSC urges the Commission to permit providers to withdraw those NORS reports.

ATIS NRSC also seeks clarification as to whether the waiver applies to outage notification requirements affecting special facilities, as defined in Section 4.9 of the rules.³ The Commission should further clarify that this waiver would apply to the newly adopted and (as the date of this filing) not yet effective 911 and 988 Suicide & Crisis Lifeline notifications adopted by the Commission in PS Docket Nos. 23-5 and 15-80; and WC Docket No. 18-336.⁴ ATIS NRSC recommends that the Commission clarify that its waiver apply to these notifications and to not require providers to submit these notifications while DIRS has been activated.

ATIS NRSC further requests that the Commission clarify that its waiver of NORS applies to both DIRS and DIRS-Lite activations. DIRS-Lite is a Commission data collection effort aimed at determining the status of major wireline/wireless assets. It is a scaled back version of DIRS in which the information is collected via e-mail and phone calls that is activated for lesser disasters. While ATIS NRSC understands that DIRS-Lite remains an active Commission initiative, it is not

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³ 47 CFR §4.55(e).
⁴ *Report and Order*, released July 21, 2023, in PS Docket No. 23-5, PS Docket No. 15-80, and WC Docket No. 18-336 (*988 Reporting R&O*), which amended Section 4.9, paragraphs (a)(4), (c)(2)(iv), (e) introductory text, (e)(1)(v), (f)(4), and (g)(1)(i).
mentioned in the Second R&O. ATIS NRSC urges the Commission to clarify that its waiver would apply to DIRS-Lite activations and to not require providers to report in NORS or to provide notifications regarding special facilities during a DIRS-Lite activation in a given area.

ATIS NRSC believes the clarifications recommended above will better satisfy the purpose of the waiver. The Commission’s practice of waiving NORS reports when DIRS is activated was developed to allow service providers to focus on restoring service during major disasters by eliminating certain reporting requirements. If the Commission does not provide greater certainty regarding its waiver of NORS, this waiver will not be as effective because providers will likely not know whether a particular outage is exempt due to the DIRS activation. Therefore, the providers will be forced to defensively file NORS reports for any outage that may, but may not, be related to the DIRS activation or risk possible Commission fines or penalties. Without ATIS’ requested clarifications, the waiver would do little to reduce the burden on providers during major disasters and may result in the Commission receiving duplicative outage reports for the same disaster.

B. Final DIRS Reports Upon Deactivation

ATIS also seeks clarification regarding, and reconsideration of, the Second R&O’s requirement regarding the submission of a final DIRS report. The Commission in the Second R&O requires providers with ongoing outages at the time of DIRS deactivation to provide a final report that describes their current infrastructure status at the time the system was deactivated to be submitted within 24 hours of deactivation.5 This report must also include estimated dates by which all issues will be resolved.6

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5 Second R&O at ¶27.
6 Second R&O at ¶31.
ATIS NRSC seeks reconsideration of the requirement that final reports include the estimated dates by which all issues will be resolved. Given the nature and extent of the disaster, it may not be possible for providers to accurately determine such information within the 24-hour window provided. It is also important to note that the resolution of any remaining issues may be contingent on factors outside of the providers’ control, such as access to facilities, restoration of commercial power, and supply chain availability.

ATIS NRSC urges the Commission to either eliminate the requirement that these final reports include estimated resolution dates or specify that providers would not be held accountable for failing to meet estimated restoration times and for impacts that have yet to be discovered. Service providers should be afforded significant flexibility during and after a disaster and ATIS NRSC strongly believes that disaster response efforts deserve the same level of flexibility as has been extended to other administrative tasks, consistent with existing Commission practices.

ATIS NRSC also requests that the Commission provide additional time for providers to submit these final DIRS reports. ATIS NRSC urges the Commission to reconsider its 24-hour deadline and, instead, to require that these reports be filed no sooner than 72 hours after DIRS deactivation, consistent with the Commission’s 72-hour deadline for the submission of initial NORS reports. There is simply no need for these reports to be filed so quickly. Providers should be afforded more time to evaluate the outage and its impacts so that the Commission may get a more accurate and complete picture of post-disaster infrastructure status. ATIS NRSC also believes that the Commission should have the flexibility to extend this deadline if appropriate based on factors, including the scale and scope of the event and extent that there are other events.

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7 See, e.g., 47 CFR §4.9 (a)(4). (c)(3).
taking place simultaneously. ATIS NRSC notes that, when the Commission deactivates DIRS, the last report submitted in DIRS informs the Commission of the number of affected subscribers in voice, video, and data. The estimated time of restoration can be added within 72 hours to the notes field of the last DIRS report filed during activation.

To facilitate the timely submission of these final reports, ATIS NRSC recommends that the Commission clearly specify the deadlines for these reports. ATIS NRSC recommends that the DIRS deactivation filing deadlines and deadline for the submission of Final DIRS reports be specified in the Commission’s Public Notice announcing the deactivation of DIRS, as well as in the notifications that are sent by the Commission to coordinators and inputters.

### III. CONCLUSION

For the reasons discussed in this Petition, the public interest requires that the Commission reconsider or clarify the Second R&O as proposed herein.

Respectfully submitted,

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ATIS General Counsel  
Dated: May 10, 2024