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

REPLY TO OPPOSITION

The Alliance for Telecommunications Industry Solutions (ATIS) hereby responds to the Opposition of APCO International (APCO Opposition) submitted by the Association of Public-Safety Communications Officials, International (APCO)1 in response to ATIS’ Petition for Clarification and/or Reconsideration (ATIS Petition).2 The ATIS Petition urged the Federal Communications Commission (“Commission”) to reconsider its January 26, 2024, Second Report and Order to, among other things, clarify the application of its waiver of Network Outage Reporting System (NORS) filings during Disaster Information Reporting System (DIRS) activations to the Commission’s Public Safety Answering Points (PSAPs) and 988 Suicide & Crisis Lifeline notification requirements.3 As explained below, ATIS disagrees with APCO that the Commission “lacks notice from an APA perspective”4 to grant ATIS’ request for

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1 APCO Petition, submitted June 24, 2024.
2 Petition for Clarification and/or Reconsideration, submitted May 10, 2024.
3 The Petition also asked the Commission to (1) clarify the application of the waiver of Network Outage Reporting System (NORS) filings during Disaster Information Reporting System (DIRS) activations to pending and ongoing NORS filings, and to clarify that the waiver applies to both DIRS and DIRS-Lite activations; and (2) reconsider its requirement that the final DIRS report include the estimated dates by which unresolved issues regarding providers’ equipment and issues shall be resolved. APCO does not oppose these requests.
4 APCO Opposition at p. 2.
clarification regarding notifications to PSAPs and Emergency Communications Centers (ECC). ATIS therefore asks the Commission to grant the ATIS Petition, including ATIS’ request for clarification that the NORS waiver applies to the Commission’s PSAP ECC notification requirements.

I. Reply

A. There Is Adequate Notice Under the APA to Grant ATIS’ Request for Clarification

In the APCO Opposition, APCO suggests that ATIS’ request regarding the waiver of the PSAP notifications rules is “unclear” because it seeks to clarify that the waiver of NORS reports during DIRS activations applies to the Commission’s PSAP and ECC notifications. APCO argues that, because the Report and Order and notice of proposed rulemaking that preceded did not specifically address suspending the PSAP and ECC notification requirements, the Commission “lacks notice from an [Administrative Procedure Act (APA)] perspective to grant this aspect of ATIS’ petition.”

ATIS’ request is clear, and there is adequate notice from an APA perspective to grant the ATIS Petition. As ATIS explained, the specific special-facility requirements that ATIS addressed post-date the Notice of Proposed Rulemaking (NPRM) and derive from the Commission’s February 2023 Order on 911 reporting, and 988 reporting. But those requirements are part and parcel of the Commission’s existing NORS/DIRS reporting system in 47 C.F.R. § 4.9. Here, the

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5 APCO Opposition at p. 2.
6 Id.
8 Ensuring the Reliability and Resiliency of the 988 Suicide & Crisis Lifeline; Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications; Implementation of the National Suicide Hotline Improvement Act of 2018, PS Docket Nos. 23-5 and 15-80; WC Docket No. 18-336, Report and Order, FCC 23-57.
9 Section 4.9 of the Commission’s rules define both the Commission’s outage reporting rules and the PSAP notification requirements. This rule directly ties the outage reporting obligation to the PSAP and ECC notification requirements. Section 4.9(a), for instance, establishes the obligation of cable communications providers to submit outage reports to the Commission for outages of at least 30 minutes and applies this obligation to a number of
Commission’s NPRM specifically sought “comment on suspension of NORS reporting requirements during disasters,” and asked “[a]re there needs of public safety officials or others that are not being met by the current reporting practices? If so, will such gaps remain when our NORS and DIRS information sharing rules become effective?”\(^{10}\) Indeed, in the Second Report and Order itself the Commission specifically notes that DIRS reporting should satisfy all the needs of PSAPs.\(^{11}\) Thus, all ATIS is seeking is more-specific clarification of the Commission’s own understanding of the relationship between the various Section 4.9 reporting requirements. There is no procedural bar to the Commission doing so.

**B. ATIS Requested Clarification Would Serve the Public Interest**

ATIS believes that its request for clarification is in the public interest for many reasons. ATIS believes the granting of ATIS’ requested relief is necessary in order for the Commission to meet its goal, as explained in the Second Report and Order, to “reduce burdens for DIRS filers during emergency conditions when the system is activated.”\(^{12}\) Granting relief from only NORS outage reporting obligations would not significantly reduce the burdens on service providers. ATIS believes therefore that the main purpose of the waiver would be frustrated if the notifications to PSAPs are not also waived.

Moreover, ATIS believes that granting ATIS’ request would facilitate service restoration by allowing service providers to focus on repairing and restoring the network, rather than on notifications. DIRS was adopted to provide a simplified and consistent process for service

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\(^{10}\) NPRM at ¶31.

\(^{11}\) Second Report and Order at ¶21 (noting that DIRS provides important information regarding which and how many PSAPs are unable to receive incoming emergency information from consumers in need and concluding that, once DIRS is activated, the Commission gets more fidelity as to PSAP status that it would not ordinarily get if only NORS were utilized).

\(^{12}\) Second Report and Order at ¶26.
providers to report communications infrastructure status and situational awareness information during times of crisis. In creating DIRS, the Commission acknowledged the need to reduce reporting-related burdens on service providers during major disaster and recovery events. ATIS strongly believes that, during a major disaster that would warrant the initiation of DIRS, the Commission should allow service providers to focus on disaster recovery and on restoring service to consumers, rather than on reporting and notification requirements.

C. Ongoing Situational Awareness Is Available Via DIRS Reporting

APCO also expresses concerns regarding the potential impact on PSAPs’/ECCs’ situational awareness. ATIS notes that situational awareness of outages is available to PSAPs and ECCs via DIRS. The Commission’s rules permit PSAPs to obtain access to DIRS data, which affords participating agencies with access to disaster-related outage reports. The Commission also publishes daily Communications Status Reports that provide aggregated situational information, including information on PSAP outages.

ATIS believes that the granting of the APCO Opposition would not in fact increase PSAPs’ situational awareness as some PSAPs are expressing concerns over the number of outage reports received by service providers. In its recent ex parte, the NENA: The 911 Association (NENA) noted that many PSAPs are being “overwhelmed” by the number of outage reports being received under the Commission’s rules. NENA notes that the volume of reports makes the notification process unhelpful to PSAPs in making operational decisions. Given these

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13 *APCO Opposition* at p. 2.
14 *Second Report and Order* at ¶18, ¶20, and ¶121 (which allows both direct access to NORS and DIRS data by state and federal agencies and the sharing of relevant data on a need to know basis with PSAPs and 911 authorities that do not qualify as participating agencies).
16 Id.
concerns, ATIS does not believe that the availability of more PSAP outage notifications as described in the *ATIS Petition* will improve PSAPs’ or ECCs’ situational awareness.

II. Conclusion

ATIS urges the Commission to reject the *APCO Opposition* and grant its *Petition* in its entirety. The recommendations in the *ATIS Petition* would reduce burdens for DIRS filers during emergency conditions and foster reliability by allowing service providers to focus on service restoration, rather than on reporting obligations. ATIS believes that the Commission can and should grant the ATIS Petition, including its request for clarification regarding notifications to PSAPs and Emergency Communications Centers (ECC). ATIS urges the Commission to also grant the requests in the *ATIS Petition* that were not addressed by APCO’s opposition, including ATIS’ requests for:

- Clarification that the waiver NORS filings during DIRS activations applies to outages that occur just prior to the activation of DIRS as well as to outages for which notifications or initial reports have already been filed in NORS;
- Clarification that the Commission’s waiver of NORS applies to both DIRS and DIRS-Lite activations;
- Reconsideration of the requirement that final DIRS reports include the estimated dates by which all issues will be resolved and to either eliminate this requirement or to specify that providers would not be held accountable for failing to provide accurate restoration estimates; and
- Reconsideration of the 24-hour submission deadline to allow these reports to be filed no sooner than 72 hours after DIRS deactivation.

Respectfully submitted,

[Signature]

Thomas Goode
ATIS General Counsel

Dated: July 3, 2024
Certificate of Service

I, Thomas Goode, General Counsel at the Alliance for Telecommunications Industry Solutions (ATIS), hereby certify that on this 3rd day of July, 2024, a copy of the foregoing Reply was served by electronic mail to the following:

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