

**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	)	PS Docket No. 15-80
Commission’s Rules Concerning	)	
Disruptions to Communications	)	
	)	ET Docket No. 04-35
New Part 4 of the Commission’s Rules	)	
Concerning Disruptions to	)	
Communications	)	

**REPLY COMMENTS OF THE  
MICHIGAN PUBLIC SERVICE COMMISSION**

On October 1, 2021, the Federal Communications Commission (Commission) released a Notice of Proposed Rulemaking (NPRM) seeking comment on proposed rules to improve communications reliability during disasters.<sup>1</sup> The NPRM seeks comment on the wireless industry’s disaster response framework, the Commission’s network outage reporting rules, and strategies to reduce the impact of power outages on communications networks. On November 30, 2021, the Commission released an order granting a 10-day extension to file comments, extending the due dates to December 16, 2021, and January 14, 2022, for comment and reply

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<sup>1</sup> October 1, 2021, NPRM Docket 21-346, <https://ecfsapi.fcc.gov/file/1001098044080/FCC-21-99A1.pdf> Proceeding link [https://www.fcc.gov/ecfs/search/filings?proceedings\\_name=21-346&sort=date\\_disseminated,DESC](https://www.fcc.gov/ecfs/search/filings?proceedings_name=21-346&sort=date_disseminated,DESC)

comments, respectively. The Michigan Public Service Commission (MPSC) respectfully submits the following reply comments in response to the NPRM.

While California and other states have experienced a broad impact from natural disasters in recent years, Michigan has also experienced impacts from storms resulting in long-term power outages, as well as other natural disasters. With the continued expansion of broadband and wireless networks and the interdependence of the telecommunications and electric networks, it is imperative that the FCC develop mandatory standards for network resiliency and power outages for providers to follow, such as battery back-up requirements and better response plans in emergencies, regardless of the technology used by the providers.

Extreme weather events are increasing in frequency and severity, and the damage inflicted as well as the risk associated with these events are continuing to increase as well. Not only did 2021 see severely cold temperatures in Texas from Winter Storm Uri, wildfires throughout the western U.S., one of the most active hurricane seasons on record, including Hurricane Ida, which caused significant power outages and flooding from the Gulf Coast to New England, the year also saw several rare and devastating December tornado outbreaks in the Midwest.

As discussed in Michigan's Statewide Energy Assessment report<sup>2</sup>, the landscape of risks to Michigan's infrastructure is changing due to these extreme weather events. They are becoming more frequent even though, as that report notes, "Michigan's proximity to the Great Lakes provides a buffer from some high

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<sup>2</sup> [2019-09-11 SEA Final Report with Appendices 665546 7.pdf \(michigan.gov\)](#)

impact weather events. Even so, the state is not immune to experiencing climate extremes”. Recently, there have been multiple extended power outages due to high winds and summer storms in Michigan and in 2020 Michigan saw devastating floods to communities in the Midland County area because of high rainfall amounts and dam failures. The increase in extreme weather and the potential disruptions to telecommunications services must be planned for and mitigated. During these events, access to reliable communications is critical for those affected to contact emergency services and access resources to help recover. VoIP and wireless telecommunications technologies have power requirements that landline phones do not. Consequently, existing backup power requirements are not always sufficient to maintain service during extreme weather events that cause power outages. Since these weather events will continue and may increase in frequency, it is crucial that these risks be addressed in order to ensure resilient and reliable telecommunications services are available when they are most needed.

As noted in the instant NPRM, the Commission adopted an Order in 2016 supporting the voluntary Wireless Network Resiliency Cooperative Framework (Framework), intended to promote resilient communications and situational awareness during disasters for facilities-based wireless providers. While the Framework is an important development for disaster relief efforts because participation is voluntary, not every wireless provider commits to proactive efforts to maintain resilient networks. The MPSC agrees with the California Public Utility Commission’s (CPUC’s) position that improving network resiliency should be

mandatory rather than voluntary.<sup>3</sup> The MPSC also agrees with the CPUC that, “there are different circumstances impacting the potential solutions for ensuring uninterrupted access to 911 and to real-time information about failures in the communications networks. The FCC should develop policies and processes that function as a floor but remain open to additional solutions adopted by states and territories to address their unique public health and safety needs.”<sup>4</sup>

Additionally, the MPSC agrees with the CPUC’s sentiment that continuous access to 911 services and emergency notifications are paramount to public health and safety, especially when presented with a natural disaster that impacts service. The MPSC believes an appropriate solution to these public safety concerns would be to require additional participation in the Framework to ensure resilient communications networks. The MPSC also agrees with the CPUC that the Framework for resiliency should encompass not only wireless providers, but facilities-based wireline and broadband networks as well. “The FCC should eliminate the voluntary aspect of improving communications networks’ resiliency and expand the scope of its policies beyond that of wireless service providers.”<sup>5</sup>

The MPSC also agrees with the CPUC’s recommendation in its Petition to the FCC that it rethink confidentiality policies. Specifically, that the FCC reconsider

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<sup>3</sup> California Public Utilities Commission Comments (and Motion to Accept Late Filed Comments)  
<https://ecfsapi.fcc.gov/file/12242128210564/PS%20Docket%20No.%2021-346%2C%20et%20al%20Motion%20to%20Accept%20Late%20Filed%20Comments%20with%20attachment.pdf> pg. 18.

<sup>4</sup> CPUC comments pg. 3

<sup>5</sup> CPUC comments pg. 18

whether the presumption of confidentiality should continue to apply to all outage information that communications service providers report in Network Outage Reporting System (NORS) and DIRS reports.<sup>6</sup>

The MPSC also supports the CPUC’s recommendation that the FCC consider a lower threshold for triggering outage reports and notifications to capture more outages occurring in less densely populated geographic locations. As noted in its comments, “The FCC’s existing 900,000 user minutes threshold does not meet the public safety needs of California’s local governments and emergency responders.”<sup>7</sup> Lowering this threshold would also allow more outages to be captured in the less densely populated and more rural areas of Michigan as well.

The MPSC appreciates the opportunity to provide comments on this critical issue. As demonstrated by the increasing number of natural disasters throughout the country, as well as weather related electrical outages that Michigan has experienced, it is imperative that the Commission work with states and telecommunications providers to ensure network resiliency by making some aspects

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<sup>6</sup> CPUC comments pg. 23

<sup>7</sup> CPUC comments pg. 24

of this Framework mandatory rather than voluntary, as well as working with state partners to provide successful end results for the Framework.

Respectfully submitted,

**MICHIGAN PUBLIC SERVICE COMMISSION**

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