

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554**

In the Matter of:)	
)	
The Proposed Extension of Part 4 of the)	PS Docket No. 11-82
Commission’s Ruling Regarding Outage)	
Reporting to Interconnected Voice Over Internet)	
Protocol Service Providers and Broadband)	
Internet Service Providers)	
)	
Petition of California Public Utilities)	ET Docket No. 04-35
Commission and The People of the State of)	
California for Rulemaking On States’ Access to)	
The Network Outage Reporting System)	
(“NORS”) and a Ruling Granting California)	
Access to NORS)	

**Reply Comments of the
Michigan Public Service Commission**

Introduction

On May 13, 2011, the Federal Communications Commission (FCC) issued a Notice of Proposed Rulemaking (NPRM) in the above-mentioned docket (PS Docket No. 11-82) regarding the extension of its Part 4 outage reporting requirements to interconnected Voice over Internet Protocol (VoIP) service providers and broadband Internet Service Providers (ISPs). The Michigan Public Service Commission (MPSC) filed initial comments on this NPRM on August 8, 2011¹. The comments supported the FCC’s proposal to extend outage reporting requirements and also suggested that States should have access to the FCC’s Network Outage Reporting System as referenced in the above-mentioned docket (ET Docket No. 04-35).² The MPSC incorporates its

¹ Initial Comments of the Michigan Public Service Commission available at <http://fjallfoss.fcc.gov/ecfs/comment/view?id=6016835388>

² See id

initial comments and positions regarding outage reporting requirements and offers additional input in these reply comments.

Mandatory Outage Reporting

The Michigan Public Service Commission continues to support the FCC's proposal to extend outage reporting requirements. In addition to other parties that submitted initial comments and ex parte filings in support of extending reporting requirements in this docket, the New York State Public Service Commission (NYSPSC) and the Massachusetts Department of Telecommunications and Cable (MDTC) supported mandatory outage reporting requirements for broadband and VoIP providers.³ The MPSC agrees with the NYSPSC's statement that:

Based upon our experience, voluntary reporting does not ensure that carriers will provide timely, accurate outage information. A mandatory outage reporting system would be more effective because it compels communications carriers to report outages in accordance with a uniform set of criteria, standardizes outage reporting requirements, and establishes the priority and attention within company operations necessary for this critical function.⁴

The MPSC also supports the MDTC's comment that, "while IP-based service providers have taken substantial steps to ensure their networks' reliability, performance, and sustainability, the MDTC continues to view these voluntary practices as not removing the critical public safety need for outage data or reporting."⁵

The MPSC cites the FCC's assertion that, "Our experience in other settings leads us to believe that service providers are loathe to share detailed information about network outages for competitive reasons and this impacts the overall health of the communications network." as evidence that mandatory reporting is necessary.⁶ It also notes its attempt at voluntary network

³ See the Public Filings for Docket No. 11-82 (<http://fjallfoss.fcc.gov/ecfs/proceeding/view?name=11-82>)

⁴ New York State Public Service Commission comments filed for Docket No. 11-82 (<http://fjallfoss.fcc.gov/ecfs/comment/view?id=6016835517>)

⁵ Massachusetts Department of Telecommunications & Cable comments filed for Docket No. 11-82 (<http://fjallfoss.fcc.gov/ecfs/comment/view?id=6016835515>)

⁶ NPRM, p. 9 (PS Docket No. 11-82)

outage reporting in the past as “spotty” and “quality of information obtained was very poor”⁷ and “that its analysis of whether to extend outage reporting data is supported by five years of experience in collecting and analyzing similar data . . . pursuant to our Part 4 rules.”⁸ As the FCC suggests, requiring outage reporting for broadband and VoIP networks will help to optimize systemic reliability⁹. The MPSC also agrees with the FCC’s belief that it has authority under the Communications Act to promulgate the proposed reporting rules.¹⁰

State Access

As of June 30, 2010, there were 75 interconnected VoIP providers in Michigan that were serving over 1.4 million interconnected VoIP lines.¹¹ As Michigan, along with the rest of the country, continues to see an increase in broadband and VoIP subscribers, the MPSC believes that mandatory outage reporting requirements will help to support and protect our citizens. As the FCC states, broadband services “are also a significant form of communications in times of crisis. Communications outages to broadband facilities, whether the result of physical hardware or software failures, natural disasters, or man-made disasters including cyber attacks, threaten the public’s ability to summon in emergency situations.”¹² Also, the FCC has emphasized the importance of residential and business reliance on broadband access in their daily lives and operations.¹³ Companies such as eBay and the small businesses that depend almost exclusively on such marketplaces are greatly harmed by the delay in determining the cause of service outages that may be able to be rectified by implementing a uniform outage reporting system for interconnected VOIP and broadband ISPs.¹⁴ State agencies have relationships with the providers in their states and they hear directly from the citizens and small businesses if there are problems

⁷ NPRM, p. 24 (PS Docket No. 11-82)

⁸ NPRM p. 12 (PS Docket No. 11-82)

⁹ NPRM, p. 6 (PS Docket No. 11-82)

¹⁰ NPRM, p. 27 (PS Docket No. 11-82)

¹¹ Status of Telecommunications Competition in Michigan for 2010

(http://www.michigan.gov/documents/mpsc/MPSC_Status_of_Telecom_Comp_2011_354940_7.pdf)

¹² NPRM, p. 2 (PS Docket No. 11-82)

¹³ NPRM, p. 18 (PS Docket No. 11-82)

¹⁴ See eBay exparte filed for Docket PS 11-82 <http://fjallfoss.fcc.gov/ecfs/comment/view?id=6016840848>

or outages. Allowing state agencies to access the broadband outage reports would enable them to determine the extent of outages and take steps to avoid future outages.

Outage Reporting Process

The MPSC does not propose specific thresholds or other alternative rules at this time and supports extending the reporting process that is currently in place for wireline networks to broadband and VoIP networks.¹⁵ The current process for wireline outage reporting has been refined and streamlined over the years and as such should accommodate the current competitive regulatory environment. As mentioned earlier, the number of broadband ISP and VoIP subscribers is increasing in Michigan and VOIP has increasingly replaced wireline service for both residential and business users. Because of this, the reporting of broadband outages is just as critical as it is for wireline outages. The MPSC agrees with the FCC's statement "that interconnected VoIP service providers and broadband ISPs already collect this information for their internal use and that reporting it on a confidential basis to the Commission would create a minimal burden."¹⁶ The proposed electronic reporting template also allows information to be reported in a timely fashion while minimizing the time and effort needed to meet the reporting requirements.¹⁷ The process for reporting is also familiar to many companies that provide other services already covered under Part 4. Also, due to the reliable and redundant nature of broadband networks which leads to few true service outages as has been touted by providers, the number of report outages should be minimal and should not cause a burden on the provider

Conclusion

For the reasons stated above, the MPSC supports the efforts of the FCC to extend the outage reporting requirements to interconnected VOIP service providers and broadband internet service providers as set forth in the NPRM. The wireline reporting process should also be extended to broadband and VoIP networks to enable information to be provided in a timely

¹⁵ NPRM, p. 25-26 (PS Docket No. 11-82)

¹⁶ NPRM, p. 6 (PS Docket No. 11-82)

¹⁷ NPRM, p. 26 (PS Docket No. 11-82)

manner and in a way that is not burdensome for providers. Mandatory outage reporting is necessary as competition and incentives aren't enough to ensure network reliability.

Respectfully submitted,

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