

**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)	
)	
New Part 4 of the Commission’s Rules)	ET Docket No. 04-35
Concerning Disruptions to Communications)	
)	
Petition of California Public Utilities)	
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)	

**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 dockets regarding the extension of the outage reporting requirements to interconnected Voice over Internet Protocol (VoIP) service providers and broadband Internet Service Providers (ISPs). The Michigan Public Service Commission (MPSC) supports the extension of outage reporting requirements and offers the following comments on specific questions and comments discussed in the NPRM as well as related further comment on state access to the Network Outage Reporting System (NORS) database.

Extension of outage reporting requirements

As stated in the NPRM, the FCC uses outage information to address communication system vulnerabilities and help prevent future outages. The network outage reporting requirements for wireline providers were established in 1992. In 2004, the FCC extended reporting requirements to providers of wireless, cable and satellite communications due to an increase in use of those services. The FCC cites recent numbers showing increases in VOIP and Broadband ISP usage as a reason to extend the outage reporting requirements to those services. The FCC also lists recent examples of outages to broadband networks and services where subscribers were unable to make calls (including calls to 9-1-1).

The FCC states that, “as a result of reporting pursuant to the Commission’s Part 4 rules, tangible positive results have been demonstrated and achieved.”¹ The frequency of wireline outages has significantly decreased since 2008 when the FCC identified the issue through “systematic analyses of monthly wireline outages”.² The reduction in wireline outages has led to a reduction in the number of lost 9-1-1 calls as well. The FCC also cites other examples of monitoring the NORS database to identify issues and trends in order to help prevent future outages.³

The FCC is proposing to extend the outage reporting requirements in order to access information that would help the FCC identify recurring problems with broadband networks as well as determine the extent of problems nationwide.⁴ The FCC would also be better suited to determine whether to take action immediately to help providers

¹ NPRM, p. 6 (PS Docket No. 11-82)

² NPRM, p. 7 (PS Docket No. 11-82)

³ NPRM, p. 7 (PS Docket No. 11-82)

⁴ NPRM, p. 6 (PS Docket No. 11-82)

recover or prevent future outages, and to help prepare broadband networks for natural and man-made disasters.⁵ The MPSC also believes this information would be valuable at the state level in tracking outages and preventing future outages to the broadband network.

NORS Database Access

In November 2009, the California Public Utilities Commission (CPUC) filed a petition requesting the FCC grant it direct access to the FCC's NORS database.⁶ The CPUC stated two reasons for requesting access to NORS. First, "the CPUC needs the NORS data to monitor and verify service outages and disruptions of communications networks to effectively perform our traditional role of protecting public health and safety".⁷ Secondly, it would simplify the reporting process for providers.⁸ California adopted outage reporting requirements which paralleled the FCC's NORS reporting requirements which meant that providers must concurrently report to the CPUC all information electronically submitted to the FCC in NORS.⁹

Several states, including New York, Massachusetts and Missouri as well as the District of Columbia filed comments in support of the CPUC's petition for secured access to the database.

In its reply comments from March 19, 2010, the CPUC noted the state commission support of its petition and argued that based on the comments from those state commissions, it is apparent that they have "a real need for the communications

⁵ NPRM, p. 6 (PS Docket No. 11-82)

⁶ Petition of the California Public Utilities Commission And The People of the State of California for Rulemaking on States' Access to the Network Outage Reporting System (NORS) Database and a Ruling Granting California Access to NORS, ET Docket No. 04-35 (Nov. 12, 2009) ("CPUC Petition).

⁷ CPUC Petition (Nov. 12, 2009), ET Docket No. 04-35

⁸ CPUC Petition (Nov. 12, 2009), ET Docket No. 04-35

⁹ CPUC Petition (Nov. 12, 2009), ET Docket No. 04-35

service outage and disruption data contained in NORS reports.”¹⁰ The CPUC also cites a quote from the Department of Homeland Security (DHS) which recommends that the Commission consider making “outage information available to State public utility commissions, in order to assure that State authorities have the...data they need to support their homeland security and emergency response functions...”¹¹ The FCC granted DHS latitude to share NORS data with “other governmental authorities”¹² but California argues that it is burdensome for states to seek the data from DHS and direct access is preferable.¹³

Public Act 58 of 2011 which was signed into law on June 14, 2011 amended the Michigan Telecommunications Act¹⁴ and rescinded all quality of service rules, including rules requiring the reporting of service outages to the MPSC. This has left the MPSC without the ability to monitor and analyze service outage issues. Allowing state commissions secured access to the NORS database would allow the MPSC to fulfill its mission to ensure safe and reliable telecommunications for the public. This access will also help the MPSC improve its emergency response plans and determine where vulnerabilities may exist in the networks.

Conclusion

For the reasons stated above, the MPSC supports the efforts of the FCC to extend the outage reporting requirements to broadband networks. The MPSC also supports granting states the ability to access state specific data from the NORS database as

¹⁰ CPUC Reply Comments (March 19, 2010), ET Docket No. 04-35

¹¹ In the Matter of New Part 4 of the Commission’s Rules Concerning Disruptions to Communications, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd. 16830, ¶ 25, at 16845 (2004) (“New Part 4 Rules and Order”).

¹² Id. At ¶ 47 (2004)

¹³ CPUC Reply Comments (March 19, 2010) p. 3, ET Docket No. 04-35

¹⁴ Public Act 58 of 2011 (see link: <http://legislature.mi.gov/doc.aspx?2011-HB-4314>)

proposed by the California Public Utilities Commission in its November 12, 2009
petition and thanks the FCC for the opportunity to respond to these important issues.

Respectfully submitted,

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