

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

In the Matter of	)	
	)	
Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications	)	PS Docket No. <b>15-80</b>
	)	
New Part 4 of the Commission’s Rules Concerning Disruptions to Communications	)	ET Docket No. <b>04-35</b>
	)	
The Proposed Extension of Part 4 of the Commission’s Rules Regarding Outage Reporting To Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers	)	PS Docket No. <b>11-82</b>

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

**Introduction**

On May 26, 2016, the Federal Communications Commission (FCC or Commission) released a Further Notice of Proposed Rulemaking (FNPRM) in the docket numbers referenced above seeking comment on proposals to improve and update its Part 4 outage reporting rules to align with the experiences with outage reporting that the FCC has gained since their implementation. The FCC seeks to improve the quality and usefulness of the outage data that it receives while continuing to ensure the reliability and resiliency of the nation’s communications system, particularly in strengthening 911.<sup>1</sup> On July 19,

---

<sup>1</sup><http://apps.fcc.gov/ecfs/proceeding/view/view?name=15-80>

2016, the FCC released a Public Notice which noted that the FNPRM summary had appeared in the Federal Register and that comments and reply comments are due August 26, 2016 and September 12, 2016, respectively. The Michigan Public Service Commission (MPSC) has participated in FCC proceedings surrounding the subject of outage reporting and has offered previous comments.<sup>2</sup> The MPSC respectfully submits its reply comments in response to the comments filed regarding the current FNPRM on the proposed Part 4 communications disruption reporting changes and updates.

#### **Part 4 Information Sharing**

In the Report and Order preceding the FNPRM, the Commission concluded that a process of more direct access to NORS data by state and federal partners would serve the public interest if implemented with appropriate and sufficient safeguards.<sup>3</sup> A number of states as well as NARUC submitted comments supporting this conclusion. More specifically, the MPSC supports the California Public Utility Commission's (CPUC) belief that, "direct access to the FCC's NORS database should only be conditioned on a state's certification that it has adequate confidentiality protections in place to protect NORS data."<sup>4</sup> As stated in previous MPSC comments to the Commission in the NORS Outage proceeding, many state commissions possess the authority to require communication providers to report their outage information at a state level in addition to federal reporting requirements. While this provides some states the ability to monitor any outage issues that may affect the public safety of their citizens, Michigan no longer has

---

<sup>2</sup> <https://ecfsapi.fcc.gov/file/60001116117.pdf>, <https://ecfsapi.fcc.gov/file/7021713390.pdf>, <https://ecfsapi.fcc.gov/file/7021700981.pdf>

<sup>3</sup> Paragraph 88.

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

rules in place to require providers to supply outage information to the MPSC and as such does not have the ability to monitor public safety concerns that may negatively affect its citizens, and is often unaware of outages until customer calls are received by its office. The MPSC supports NARUC's comments that states are frequently better positioned to, and frequently respond more quickly to, outages.<sup>5</sup> As the MPSC is often the first point of contact for consumers seeking information on outages in their region, the MPSC also supports NARUC's position that, "the FCC need not micromanage State access."<sup>6</sup> As the MPSC has stated in previous comments in this proceeding, states have been granted access to other FCC reports and confidential information in the past.<sup>7</sup> Examples include granting states access to confidential numbering information, as well as Form 477 data. The MPSC is unaware of any incidents in which state access to this information resulted in negligent data breaches, and there is no evidence to suggest that states would handle NORS outage information any differently.

### **Broadband and VoIP Outage Reporting**

The MPSC supports the New York Public Service Commission's (NYPSC) assertion that state access to the NORS outage data would provide greater visibility into the scope of outages and allow for deeper analysis into the root causes of outages.<sup>8</sup> Michigan is a leader in the advancement of next generation emergency services networks. While these networks are capable of providing both end-users and first

---

<sup>5</sup> NARUC Comments pg. 4

<sup>6</sup> NARUC Comments pg. 5

<sup>7</sup> Number Resource Optimization Order, ETC Form 477 data

<sup>8</sup> NYPSC Comments Pg. 3

responders with more robust emergency services, another touted benefit of these networks is their scalability.

The NYPSC notes that technological developments allow for greater interconnection between networks,<sup>9</sup> and the California Public Utility Commission cited the FNPRM's position that there is, "the potential for broad-scale, highly-disruptive outages in the broadband environment—particularly those impacting 911 service," when expressing support for the FCC's proposed updates to the Part 4 rules.<sup>10</sup> These technological developments expose greater swaths of the network, and, therefore, a greater number of end users, to risk of outages and lack of access to essential emergency services when an outage occurs. As technology advances, the issues related to identifying the root causes of an outage become increasingly important for ensuring public safety. A number of states provided examples of widespread network outages that occurred due to provider outages, with some of those outages affecting customers in other states as well. The MPSC supports both New York and California's comments regarding the changes to the Commission's Part 4 Outage reporting rules to allow states access to the outage information so that it may better achieve its mission of enhancing the quality of life of its communities by assuring safe and reliable energy and telecommunications services.

Further, the FNPRM requests comment on modifying VoIP outage reporting processes to make them consistent with other services.<sup>11</sup> In fact in the FNPRM, the FCC appears to acknowledge that requiring mandatory reporting is necessary when it states,

---

<sup>9</sup> NYPSC pg. 4

<sup>10</sup> CPUC Comments Pg. 17

<sup>11</sup> FNPRM paragraph 5

“Since extending outage reporting to interconnected VoIP, however, the Commission has not received consistent, timely, or sufficiently detailed reporting needed to promote greater interconnected VoIP service.”<sup>12</sup> Accordingly, the MPSC supports the Virginia State Corporation Commission’s (VSCC) comments on this issue, which state that, “To be assured that the FCC receives all pertinent information, outage reporting should be mandatory [ ].”<sup>13</sup> Not only would extending the reporting requirements to VoIP providers foster a clear picture of the evolving telecommunications landscape and their interconnected nature when an outage occurs, but, since VoIP services are becoming more ubiquitous as technology develops, requiring VoIP providers to adhere to the same standards as other telecommunications services is necessary to retain the very insights that the Commission currently has into network outages.

The current FNPRM contemplates extending outage reporting requirements to interconnected VoIP providers equal to legacy services. Interconnected VoIP (iVoIP) providers have already been granted equal access to other federally regulated aspects of the telecommunications industry in recent years. Precedence for action of this kind is set by the recent advent of iVoIP providers being granted direct access to numbering resources.<sup>14</sup> In addition to numbering authorization being extended to interconnected VoIP providers, the Connect America Fund proceedings have amended the rules in recent years to encourage broadband improvements as the program gradually shifts its support from traditional landline to broadband technology. While the aforementioned examples of the FCC including advanced technologies in the regulatory scheme are significant, the

---

<sup>12</sup> FNPRM paragraph 160

<sup>13</sup> VSCC Comments pg. 5

<sup>14</sup> FCC Report and Order CC 99-200 June 22, 2015

MPSC also agrees with the VSCC that requiring equal outage reporting requirements for broadband and interconnected VoIP providers, "...is of particular importance in the area of 911 calling where the public safety and public interest are at risk."<sup>15</sup> As such, the MPSC does not oppose the proposed metrics for requiring outage reporting or their extension to interconnected VoIP and broadband providers.

## **Conclusion**

The MPSC continues to believe that granting state agencies access to NORS outage information would permit states to perform their statutory duties in a more robust fashion, while enabling more efficient reporting practices for service providers regardless of the technology being used. As technology matures, the interconnected nature of the networks creates an urgent need for greater visibility into network outages as their effects are multiplied through greater scalability. In the past, states have acted responsibly with access to confidential federal data, which improves the effectiveness of their mandates to foster public safety efforts, and there is no reason to believe that extending access to NORS data to states would be any

---

<sup>15</sup> VSCC Comments pg. 5

different. The MPSC supports the efforts of the FCC to enhance and extend the current Part 4 outage rules.

Respectfully submitted,

**MICHIGAN PUBLIC SERVICE COMMISSION**

Steven D. Hughey (P32203)  
Assistant Attorney General  
Public Service Division  
7109 W. Saginaw Hwy., 3rd Floor  
Lansing, MI 48917  
Telephone: (517) 284-8140

**DATED: September 12, 2016**

15-89 04-35 11-82/Reply Comments