

FCC Updates Some Network Outage Reporting Rules; Seeks Comment on Other Issues Including Broadband and Possible Expansion of VoIP Reporting

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an a year after seeking comment on proposed revisions to its communications network outage reporting (NOR) requirements, the Federal Communications Commission (FCC or Commission) has released an Order. (The proposed [NOR requirements for submarine cable systems](#) was released in November 2015 and that proceeding remains pending.) Recognizing that communications technology has evolved since the Part 4 NOR rules were put in place in 2012, and seeking a means to enhance the information it receives from carriers about network outages, on Thursday, the Commission released an [Order, Further Notice of Proposed Rulemaking \(FNPRM\) and Order on Reconsideration](#) (Order) adopting some NOR rule updates and soliciting comment on others. Almost all telecommunications providers – whether VoIP, wireless, satellite or wireline – are impacted by the new rules or could be affected by the proposed revisions in the FNPRM, so all providers should closely review their current reporting mechanisms and update their internal processes to ensure compliance with the new requirements and deadlines. The exact comments deadlines have not been set, but comments will be due 45 days after publication in the Federal Register with replies due 60 days after publication in the Federal Register.

As noted below, among the new rule changes were the adoption of a new base metric for major transport facility outages, establishment of a standardized methodology for calculating potentially affected users of wireless service, and clarification of “loss of communication” to Public Safety Answering Points (PSAPs). We have highlighted a few rule changes below, but carriers and service providers should be sure to review the Commission’s Order to identify all of the rule updates, reporting details and rule effective timeframes.

- For Major Transport Facility Outages, the Commission acknowledges that providers are using

larger, fiber facilities for major traffic transport and relying less on DS3 circuits. Despite disagreement from commenters as to the specific capacity level, the Commission changed the DS3 metric to OC3 and adopted a 667 OC3 minute reporting threshold noting that the new requirements will better focus on outage trends affecting small and medium-sized businesses in addition to larger businesses. For simplex event outages - where a circuit designed with multiple paths experiences an outage on one working path - the reporting window was reduced from five days to four days.

- Recognizing the need for consistency in how providers calculate the number of potentially affected users in wireless outages and acknowledging that the technology for measuring call capacity continues to change, the Commission adopted a standardized calculation method. The Commission also permitted wireless carriers to allocate capacity for outages impacting public safety answering points and provided a reasonable allocation standard.
- The Commission cited the lack of outage reporting during the 2011 snow and ice storm in the DC area that resulted in calls failing to reach PSAPs as an example of a too-narrow reading of the PSAP communication degradation reporting rule. Accordingly, in the Order, the Commission defined the “loss of communications” that would trigger Part 4 reporting obligations.
- The Commission also considered providing state and federal officials with direct access to NORS data but acknowledged the need to protect the competitively sensitive data and critical infrastructure information contained in NORS. The Commission chose to seek further public comment on these issues and also directed the Public Safety and Homeland Security Bureau to study safeguards for providing direct access to the NOR data.

In addition to these new rules, the Commission adopted an FNPRM seeking comment on a variety of proposals but focused primarily on the alignment of outage reporting requirements with the transition from legacy to IP-networks and on reporting by VoIP providers. The Commission noted that 911 systems rely more and more on broadband networks and acknowledged that its current NOR rules are geared more to legacy networks and services. Accordingly, the Commission seeks comment on numerous questions regarding broadband outage reporting, including, but not limited to, whether reporting should be voluntary or mandatory, the broadband facilities, services and infrastructure relevant to reporting, and reporting on broadband internet access services as well as dedicated services used outside of the mass market industry segment. The Commission also noted the lack of “consistent, timely, or sufficiently detailed” information in VoIP provider outage reports and solicits comments on proposals to expand the abridged VoIP NOR requirements to more closely approximate those applicable to the “legacy” services. Other issues covered by the FNPRM include the reporting of call failures in the radio access network and local access network and on geography-based reporting of wireless outages in rural areas; and refining the covered critical communications airports.

Finally, the Commission issued an Order on Reconsideration limiting the outage reporting regarding airports to those outages affecting critical communications. That Reconsideration Order also exempted satellite and terrestrial wireless carriers from reporting outages affecting all “special offices and facilities.”