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

In the Matter of	)	
	)	
Reliability and Continuity of Communications Networks, Including Broadband Technologies	)	PS Docket No. 11-60
	)	
Public Safety and Homeland Security Bureau Seeks Comment on Improving Wireless Network Resiliency to Promote Coordination Through Backhaul Providers	)	
	)	
Public Safety and Homeland Security Bureau Seeks Comment on Improving Wireless Network Resiliency Through Encouraging Coordination With Power Companies	)	

REPLY COMMENTS

AMERICAN CABLE ASSOCIATION

I. INTRODUCTION & SUMMARY

The American Cable Association ("ACA") hereby files reply comments in response to the above-captioned Federal Communications Commission ("Commission") Public Safety and Homeland Security Bureau ("Bureau") public notices seeking comment, respectively, on the resiliency and disaster recovery practices of mobile wireless backhaul providers and on coordination between power companies and

communications providers during disasters.[1] The comments filed in response support ACA's view that incorporating wireless backhaul providers into a cooperative resiliency framework is unnecessary. At the same time, commenters agree with ACA that modest improvements in the coordination that occurs between power companies and communications providers would enhance disaster recovery and network resiliency.

II. A COOPERATIVE RESILIENCY FRAMEWORK FOR BACKHAUL PROVIDERS IS UNNECESSARY

Commenters that addressed wireless backhaul resiliency agree with ACA that the bilateral contracts under which wireless carriers obtain backhaul services enable wireless carriers to obtain service that meets their resiliency needs.[2] As commenters explain, backhaul contracts typically specify minimum performance requirements, as well as processes for sharing information in the event of an outage.[3] Commenters also note that backhaul providers already engage in coordination during disasters with Federal, State and local officials, and with other stakeholders, in various forums.[4] With these mechanisms in place, it is unsurprising that no commenter asked the Bureau to impose a "cooperative resiliency framework" on wireless backhaul providers as a new

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[1] *See Public Safety and Homeland Security Bureau Seeks Comment on Improving Wireless Network Resiliency to Promote Coordination through Backhaul Providers*, PS Docket No. 11-60, Public Notice, DA 18-1238 (PSHSB Dec. 10, 2018); *Public Safety and Homeland Security Bureau Seeks Comment on Improving Wireless Network Resiliency Through Encouraging Coordination With Power Companies*, PS Docket No. 11-60, Public Notice, DA 19-13 (PSHSB Jan. 3, 2019).

[2] *See Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60, Comments of ACA (filed Feb. 8, 2019) ("ACA Comments"); Comments of NCTA - The Internet & Television Association (filed Jan. 28, 2019) ("NCTA Backhaul Comments"); Comments of NTCA - The Rural Broadband Association ("NTCA Comments"); Comments of Verizon (filed Feb. 8, 2019) ("Verizon Comments"); Comments of USTelecom - The Broadband Association (filed Feb. 8, 2019) ("USTelecom Comments"). ACA, NCTA, NTCA, Verizon, USTelecom.

[3] USTelecom Comments at 2; Verizon Comments at 6.

[4] NCTA Backhaul Comments at 5; NTCA Comments at 4-5.

mechanism to guide backhaul provider resiliency practices.[5] The Bureau should thus decline to move forward with the idea.

III. MODEST IMPROVEMENTS IN DISASTER COORDINATION BETWEEN POWER COMPANIES AND COMMUNICATIONS PROVIDERS WOULD ENHANCE DISASTER RESILENCY

The comment record provides constructive input on ways of improving coordination between power companies and communications providers before and during major disasters to enhance resiliency. As an initial matter, it is important to appreciate the limited scope of the problem at issue. The need for more effective coordination between the power and communciations sectors during emergencies does not derive from failure on communications providers' part to make their networks resilient, as some power industry commenters seem to suggest.[6] On the contrary, communications providers invest significant resources in building and maintaining resilient networks. They do so to stay competitive in today's marketplace, among other reasons. As part of these efforts they deploy backup power for critical facilities in accordance with industry best practices, which allows them to maintain continuity of service during the typical power outage.[7]

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[5] USTelecom suggests that the Bureau defer consideration of whether to incorporate backhaul providers into the Wireless Resiliency Cooperative Framework until the Broadband Deployment Advisory Committee ("BDAC") has had an opportunity to address the issue. USTelecom Comments at 3.

[6] *See Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60, Comments of American Electric Power and Southern Company at 3 (filed Feb. 8, 2019) ("AEP/Southern Comments"); Comments of the Edison Electric Institute, The Gridwise Alliance, The National Rural Electric Cooperative Association and the Utilities Telecom Council at 12-13 (filed Feb. 8, 2019) ("Electric Trade Associations Comments").

[7] *See Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60, Comments of the Alliance for Telecommunications Industry Solutions at 6-14 (filed Feb. 8, 2019) ("ATIS Comments") (documenting communications industry backup power best practices).

Enhanced coordination with power companies becomes necessary not during these ordinary outages, but in the much rarer occurrence of major disaster—an event, such as Hurricane Michael, that causes power outages lasting many days.[8] Events of this magnitude, which do not occur routinely and may never occur in certain regions of the country, demand more robust coordination between the sectors to ensure that all parties can restore service as efficiently and safely as possible without impeding each other's work. As NCTA suggests, "it is in the best interests of all parties" that such coordination occur.[9]

Comments from parties representing both sectors suggest that there are ways of enhancing coordination between power companies and communciations providers that could lead to real improvements in disaster resiliency. ACA proposed two such measures. First, it suggested that power companies be encouraged to identify points of contact that communications providers could engage with at various stages of disaster response and recovery.[10] ACA's second proposal was that power companies be encouraged to solicit and accept input from communications providers about their restoration priorities and to consider the information they receive as part of their own recovery planning.[11] These modest steps could expedite disaster recovery, especially

[8] *See Public Safety and Homeland Security Bureau Seeks Comment on Hurricane Michael Preparation and Response*, PS Docket No. 18-339, Public Notice, DA 18-1176 at 1 (rel. Nov. 16, 2018) ("Almost two weeks after Hurricane Michael smashed into the Florida Panhandle on a path of destruction that led all the way to the Georgia border, more than 100,000 Florida customers were still without power.").

[9] *See Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60 Comments of NCTA – The Internet & Television Association at 1 (filed Feb. 8, 2019) ("NCTA Power Company Comments").

[10] *See* ACA Comments at 11-12; *see also* NCTA Power Company Comments at 3.

[11] ACA Comments at 12. As ACA explained, its proposals specifically concern coordination between communications providers and large, investor-owned power companies. *See id*. at 12-13.

for smaller providers, and there is no reason to wait for the next disaster to be pending or have occured; these discussions can occur today, under clear skies. In that regard, ACA was pleased to see the Electric Trade Associations—a coalition representing a broad array of power company interests—recommend "that communications providers meet with electric companies regularly and in 'blue skies' conditions to identify where electric service is critical to the stability of their communications network."[12] ACA agrees that such discussions could benefit participants in both sectors.

As for coordination in the midst of a disaster, several commenters stress the importance of on-the-ground participation in State and local emergency operations centers ("EOCs"), where real-time coordination among power companies, communcations providers, and government agencies frequently occurs.[13] Yet the Electric Trade Associations note that, historically, EOCs have often excluded participation from many communications providers, including cable operators.[14] ACA thus agrees with commenters who recommend that steps be taken to make EOCs more inclusive of communications providers,[15] and this is especially important where an EOC serves as a primary forum for communications between power companies and communications providers during an emergency. ACA would also welcome steps to

[12] Electric Trade Associations Comments at 10.

[13] *See, e.g., Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60, Comments of CTIA at 5-6 (filed Feb. 8, 2019) ("CTIA Comments"); AEP/Southern Comments at 6-7.

[14] Electric Trade Associations Comments at 6; *see also* NCTA Power Company Comments at 2 ("In [some] areas, power companies and/or local governments do not include cable operators in critical communications regarding planning and restoration.").

[15] *See* Electric Trade Associations Comments at 6; ATIS Comments at 4.

ensure that smaller operators are invited to participate in appropriate ways in this coordination.

In pursuing such measures to improve coordination between power companies and communications providers, there is a critical role for the Bureau to play. For many years, Bureau staff has overseen and guided the work of the Communications Security, Reliability and Interoperability Council – and its predecessor, the Network Reliability and Interoperability Council – through which the communications industry has developed a robust and evolving body of best practices pertaining to network reliabilty and resiliency. The BDAC presents an opportunity for the Bureau to help the industry build on this strong foundation with the adoption of recommendations specific to coordination between the power and communciations sectors, along the lines that ACA and other commenters have suggested. The Bureau is also a key participant in other multi-stakeholder forums where the power and communications sectors interact, including the Department of Homeland Security's National Coordinating Center ("DHS/NCC").[16]

IV. THE COMMISSION SHOULD REJECT OTHER PROPOSALS RAISED BY POWER COMPANIES IN THIS INQUIRY THAT WOULD UNDERMINE NETWORK RESILIENCY AND OTHER IMPORTANT POLICY OBJECTIVES

ACA encourages the Commission and Bureau to focus their energies on constructive measures, such as those outlined above, that would improve network resiliency by enhancing the coordination that occurs between power companies and communications providers during disasters. The Commission should reject other

[16] Following Hurricane Michael, DHS/NCC convened representatives of the power and communications sectors to discuss, among other issues, how to mitigate fiber cuts when restoring power. *See Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60, Comments of the Communications Sector Coordinating Council at 6-7 (filed Feb. 8, 2019). A meeting has been planned for early March to continue these discussions.

proposals raised by power companies that are more likely to undermine than advance network resiliency, and that would compromise other important policy objectives.

In particular, the Commission should not adopt rules that discourage attachment of communications equipment to investor-owned utility poles under the guise of promoting network resiliency.[17] Far from being "fast and cheap," as power companies suggest,[18] attaching to poles ranks among the most costly and burdensome elements of deploying a broadband network.[19] The Commission took significant steps to address this problem when it adopted rules last year aimed at streamlining the pole attachments process, which will accelerate broadband deployment and help close the digitial divide.[20] These rules already take into account safety and reliability concerns that power companies raised in the record of that proceeding,[21] and there is no basis to relitigate them here.[22] Moreover, the Commission's pole attachment reforms will yield

[17] *See Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60, Comments of FirstEnergy at 4-5 (filed Feb. 8, 2019); AEP/Southern Comments at 14-17; Electric Trade Associations Comments at 16-17.

[18] AEP/Southern Comments at 15.

[19] *See Communications Marketplace Report*, GN Docket No. 18-231, Comments of ACA at 8-9 (filed Aug. 17, 2018).

[20] *See Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure* Investment et al., WC Docket No. 17-84 et al., Report and Order and Declaratory Ruling, 33 FCC Rcd 7705 (2018).

[21] *See id*., ¶ 99 (self-help above the communications space); ¶ 116 (overlashing), ¶¶ 121-22 (responsibility for pre-existing violations of other attachers).

[22] In any event, power companies raised many of the same concerns in a petition for reconsideration of the 2018 order, which remains under review. *See Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment* et al., WC Docket No. 17-84 et al., Petition for Reconsideration of Coalition of Concerned Utilities (filed Oct. 15, 2018) ("Petition for Reconsideration"); *see also* Opposition of ACA to Petition for Reconsideration (filed Nov. 9, 2018). A separate coalition of power companies filed a petition for review of the 2018 order in the Eleventh Circuit. *See American Electric Power Service Corp. v. FCC*, No. 18-14408 (11th Cir. 2018).

improvements overall to the safety of the public by helping ensure that all Americans enjoy access to advanced communications networks.

Finally, ACA is not convinced that sharing Disaster Information Reporting System ("DIRS") reports with power companies, whether directly or indirectly through an EOC, would be an effective means of improving coodination between the sectors.[23] When it established DIRS, the Commission observed that the sensitivity of information the system was designed to collect merited treatment of DIRS filings as presumptively confidential.[24] Communications providers voluntarily file in DIRS under this presumption. Disseminating DIRS filings more widely as power companies propose would increase the risk of improper disclosure and could sap participation in the program, impeding disaster recovery and undermining efforts to improve network resiliency over time. As an alternative to expanding access to these confidential filings, the Commission and Bureau should focus on measures, such as those identified above, that enhance direct coordination between power companies and communications providers before and during emergencies.

[23] *See* Electric Trade Associations Comments at 8-9.

[24] *See The FCC's Public Safety and Homeland Security Bureau Launches Disaster Information Reporting System (DIRS)*, Public Notice, 22 FCC Rcd 16757 (2007) ("DIRS filings voluntarily report weaknesses in and damage to the national communications infrastructure. The release of this sensitive information to the public could potentially facilitate terrorist targeting of critical infrastructure and key resources. Further, the DIRS filings contain internal confidential information that constitutes trade secrets and commercial or financial information. Public availability of these reports, which contain information the filers themselves do not routinely make public, could competitively harm the filers by revealing information about the types and deployment of their equipment and the traffic that flows across their networks.").

V. CONCLUSION

ACA appreciates the opportunity to file reply comments in this proceeding, and it encourages the Bureau to takes its comments into consideration.

Respectfully submitted,

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