

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

In the Matter of)	
Amendments to Part 4 of the)	
Commission's Rules Concerning)	PS Docket No. 15-80
Disruptions to Communications)	

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

Introduction

On March 2, 2020, the Federal Communications Commission (FCC or Commission) released a Second Further Notice of Proposed Rulemaking (Second FNPRM or FNPRM) in the docket number referenced above seeking comment on proposals for an information sharing framework that would provide state and federal agencies with access to NORS and DIRS information while also preserving the confidentiality of that data. On April 1, 2020, the FCC released a Public Notice that the Second Further Notice of Proposed Rulemaking had been published in the Federal Register and that comments and reply comments are due April 30, 2020 and June 1, 2020, respectively. The Michigan Public Service Commission (MPSC) has participated in FCC proceedings surrounding the subject of outage reporting in

the past, which includes filing initial comments in the current Second FNPRM proceeding,¹ and respectfully offers its reply comments in this docket.

Discussion

Upon review of the comments filed, the MPSC supports the comments of the Massachusetts Department of Telecommunications and Cable (MDTC), which state that, “[t]he FCC should clarify that the “public safety purposes” for which state and local agencies may only use the data obtained from NORS and DIRS include analyzing that data in ways those agencies believe will help improve service and avoid future outages.”² As the MPSC discussed in its initial comments in this proceeding, the issues related to identifying the root causes of an outage become increasingly important for ensuring public safety and that telecommunications networks are resilient, and further stated that access to this information would also assist the MPSC’s mission of protecting the public by ensuring safe, reliable, and accessible energy and telecommunications services for Michigan’s residents. The MPSC believes that allowing states to perform such analysis on the outage data would benefit the public by helping to ensure more resilient telecommunications

¹<https://ecfsapi.fcc.gov/file/10912797320905/MPSC%20NORS%20Reply%20Comments-9-12-2016.pdf>

<https://ecfsapi.fcc.gov/file/60001116116.pdf>

<https://ecfsapi.fcc.gov/file/7021713392.pdf>

<https://ecfsapi.fcc.gov/file/7021700978.pdf>

<https://ecfsapi.fcc.gov/file/111669175359/FCC%2011-16-18.pdf>

<https://ecfsapi.fcc.gov/file/104301609520258/MPSC%20NORS%20Comments%204.30.20%20Final.pdf>

² MDTC Comments pg. 2

<https://ecfsapi.fcc.gov/file/104292835802850/MDTC%20Comments%20Outage%202nd%20NPRM.pdf>

networks for consumers in their region. The MPSC also agrees with the MDTC that states should be granted access to both historical and future NORS and DIRS outage information.³ As other commenters have noted, this would allow for greater visibility into network reliability, and would allow for baseline statistical measurements for network reliability related to any outages that may occur going forward.⁴ While the MPSC is not charged with investigating telecommunications service outages in all instances, the MPSC remains obligated to address complaints and reports of outages brought to its attention. Within the last two weeks the Michigan city of Midland and its surrounding communities have experienced catastrophic flooding as a result of heavy rains and the breach of two dams in the area. While the MPSC has worked with providers to obtain information regarding service outages (which was provided on a voluntary basis), the MPSC believes access to information in DIRS and NORS is essential to have, especially during emergencies such as this flood event. As at least one provider pointed out to MPSC staff, the outage information is normally provided to the FCC on a confidential basis. By having direct access to NORS and DIRS data, the MPSC can proactively respond to outage situations and work with providers to prevent and mitigate outages as well as inform policy makers.⁵ In its comments, AT&T Services, Inc. opines that some information, such as root cause analysis of the outage, not be

³ MDTC Comments Pg. 2

⁴ Colorado PUC Comments Pg. 6

<https://ecfsapi.fcc.gov/file/104290252904262/Comments%20of%20CoPUC%20to%20FCC%2015-80%202020-04-29.pdf>

⁵ MPSC Comments Pg. 4

included in the information states have access to.⁶ The MPSC believes that, while this information may be sensitive and should be subject to confidentiality protections, the information involved in determining the reason for an outage is essential for helping ensure future reliable telecommunications networks and public safety access after the outage is resolved. The MPSC believes states should be allowed access to this information. Lessons learned from past data can provide important insight for future emergency situations.

In its initial comments, the MPSC expressed concern that elements of the downstream sharing of information, as currently proposed by the FNPRM, raise potential liability concerns for the sharing organization.⁷ The MPSC agrees with the California PUC's belief that state organizations being put in the role of sharing outage information downstream with agencies that have a "need to know" could prove to be administratively challenging, and that any delay in access to crucial outage information slows effective response times when expedient action is required.⁸ To remedy these concerns, the MPSC urges the FCC to consider the recommendations that commenters have proposed to address these concerns and to also consider allowing local agencies to have access to the information.

⁶ AT&T Comments Pg. 4

<https://ecfsapi.fcc.gov/file/1043025558840/AT%26T%20Comments%204.30.20.pdf>

⁷ MPSC Comments, Pg. 4

⁸ CPUC Comments Pg. 6

<https://ecfsapi.fcc.gov/file/1043027219512/FCC%20PS%20Docket%20No.%2015-80%20CPUC%20Comments%20NORS-DIRS%20Access%20.pdf>

The California PUC suggests that local agencies with a “need to know” also be granted access to NORS and DIRS outage information. This would alleviate the concerns the MPSC outlined in its initial comments regarding the confidentiality liabilities placed on the sharing entity for inappropriate outage data disclosure by downstream agencies with a “need to know”.⁹

The MPSC also supports the California PUC’s comments suggesting that the FCC perform further analysis regarding the confidential nature of much of the NORS and DIRS outage information.¹⁰ If it were determined that much of the data is not in fact confidential in nature, this data could simply be released publicly as the information becomes available. This change would reduce both the inappropriate disclosure of information deemed confidential and the overall need to grant additional direct access to sensitive information within the databases. The MPSC also notes that the California PUC’s comments indicate that providers may support and be receptive to more public disclosure of outage information.¹¹ These developments seem to illustrate a willingness by providers to allow more access to this information and should be considered when crafting the rules to allow state access to outage information.

⁹ CPUC Comments Pg. 6

¹⁰ CPUC Comments Pg. 9

¹¹ CPUC Comments Pg. 10

Conclusion

The MPSC continues to support granting states access to NORS and DIRS outage information. Access to this information would allow states greater visibility into the telecommunications networks serving their communities. This is particularly important when the public's access to, and reliance upon, reliable telecommunications services has been highlighted by the ongoing COVID-19 pandemic, as well as the recent catastrophic flooding event. States should be granted access to historical and current outage data to obtain a measurement of network reliability before and after emergencies. The Commission should consider granting wider access to outage information or making more outage information publicly available and ensure that states or other upstream agencies are not inadvertently penalized for improper disclosure of any confidential information by downstream agencies. The MPSC appreciates the opportunity to offer reply comments regarding the development of new outage reporting rules.

Respectfully submitted,

**MICHIGAN PUBLIC
SERVICE COMMISSION**

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