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November 16, 2018

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
<Filed Electronically>

Re: ET 04-35 and PS 15-80

Ms. Dortch:

The Michigan Public Service Commission (MPSC) provides the following information as follow-up to the phone call held with the Federal Communications Commission (FCC) staff on October 31, 2018.

The MPSC has previously filed comments in the proceedings ET 04-35 and PS 15-80 expressing interest in obtaining access to the Network Outage Reporting System (NORS) data. The MPSC maintains its position that access to this information would permit state agencies to perform their statutory duties in a more robust fashion, while enabling more efficient reporting practices for service providers.¹ There is precedent for granting states access to confidential federal data, and these protections can be extended to states prior to obtaining access to their respective region's NORS outage information using processes previously established at the FCC. Previous examples of the FCC granting states access to protected carrier information include access to numbering data as well as Form 477 data.

While access to the NORS information would be helpful for states when performing their duties, an incomplete picture of outages would be present when NORS outage information is exclusively utilized as disaster reporting is done through another system. For this reason, the MPSC also seeks access to the FCC's Disaster Information Reporting System (DIRS). Access to both databases would provide greater understanding about all types of outages including natural disasters. The

¹ 2015 MPSC Comments Pg. 7.

MPSC also supports similar restrictions being put into place to protect the information contained in both NORS and DIRS.

As noted in its previous comments to the FCC, local exchange carriers are no longer required to report service outages to the MPSC. While the MPSC does not expend substantial resources on the investigation of service outages, the MPSC staff is still obligated to address complaints and reports of outages brought to its attention by consumers for safety and public interest considerations. Within the last four years, the MPSC has received several customer inquiries or complaints regarding outages referred to the MPSC's Customer Assistance Division. Some of these outages are further referred to the technical Staff within the MPSC's Telecommunications Division for review, in which additional contact with the companies that are experiencing the outages is necessary to determine what the causes of the outages are and whether there appears to be chronic issues. This is especially true for outages that do not appear to be weather related. Although the estimated cost-savings as to staff hours worked is low, it does not account for the potential benefit to Michigan residents. By having access to NORS and DIRS data, the MPSC can proactively respond to outage situations and actively work with providers to prevent and mitigate outages. This goal is not easily expressed in numbers, especially when we do not have any data regarding outages *with* MPSC access to the data. We can only reiterate how access would aid the MPSC in accomplishing its mission. The MPSC shares the FCC's concerns regarding information security. The MPSC routinely handles confidential trade secrets, commercial information, and other sensitive data and is already equipped to handle and store sensitive and confidential information. The MPSC's internal security policies are robust and comprehensive, and include firewalls and other cyber-security measures, physical information security features, and breach notification procedures.

In addition, data received from NORS or DIRS would be exempt from disclosure under Michigan's Freedom of Information Act, MCL 15.231 *et seq.* Specifically, commercial or financial information voluntarily provided to an agency is exempt under certain circumstances, including when the information is submitted under the condition that the agency will keep it confidential. MCL 15.243(1)(f).

The MPSC appreciates the opportunity to provide input on the proceedings regarding proposed amendments to the Commission's Part 4 Rules concerning

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disruptions to communications. If there are any questions regarding the information provided, please contact Robin Ancona at (517)284-8190 or anconar1@michigan.gov.

Respectfully submitted,

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EAJ:pp