

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

In the Matter of)	
)	
Ensuring the Reliability and Resiliency of the 988 Suicide & Crisis Lifeline)	PS Docket No. 23-5
)	
Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications)	PS Docket No. 15-80
)	
Implementation of the National Suicide Hotline Improvement Act of 2018)	WC Docket No. 18-336

Comments of the Alliance for Telecommunications Industry Solutions

The Alliance for Telecommunications Industry Solutions (ATIS) hereby submits these comments in response to the *Notice of Proposed Rulemaking (NPRM)*, released January 27, 2023, in the above-referenced dockets. In the *NPRM*, the Federal Communications Commission (Commission) proposes rules to ensure that relevant parties receive information about service outages impacting the ability of consumers to access the 988 Suicide and Crisis Lifeline (Lifeline). ATIS supports efforts to ensure that consumers have timely, reliable access to the national 988 Suicide and Crisis Lifeline (988 Lifeline). In these comments, ATIS suggests ways in which notifications can be effectively provided based on information available to relevant service providers, while minimizing the burdens associated with these notifications.

I. BACKGROUND

ATIS is a global standards development and technical planning organization that develops and promotes worldwide technical and operations standards the Information and Communications Technologies (ICT) industry. ATIS' diverse membership includes key ICT

stakeholders – wireless, wireline, and VoIP service providers, equipment manufacturers, broadband providers, software developers, consumer electronics companies, public safety agencies, and internet service providers. ATIS is also a founding partner and the North American Organizational Partner of the Third Generation Partnership Project (3GPP), the global collaborative effort that has developed the 4G Long-Term Evolution (LTE) and 5G New Radio (NR) wireless specifications. Nearly 600 industry subject matter experts work collaboratively in ATIS' open industry committees and incubator solutions programs.

ATIS' Network Reliability Steering Committee (NRSC) was formed in 1993 at the recommendation of the Commission's first Network Reliability and Interoperability Council. The NRSC strives to improve network reliability by providing timely consensus-based technical and operational expert guidance to all segments of the public communications industry. The NRSC addresses network reliability improvement opportunities in an open environment and advises the communications industry through the development of standards, technical requirements, reports, bulletins, Best Practices, and annual reports. The NRSC is comprised of industry experts with primary responsibility for examining, responding to, and mitigating service disruptions for communications companies. The NRSC also collaborates with public safety associations and works with the Commission to provide input on the Network Outage Reporting System (NORS) and Disaster Information Reporting System (DIRS). NRSC participants are the industry subject matter experts on communications network reliability and outage reporting.

II. Comments

The Commission's *NPRM* proposes rules to ensure that the 988 Lifeline receives timely and actionable information about 988 service outages that potentially affect those services' ability to meet the immediate health needs of people in suicidal crisis and mental health distress. ATIS NRSC supports the Commission's efforts to ensure that consumers have reliable access to the national 988 Lifeline and suggests ways to make the proposed outage reporting more effective and less burdensome. However, ATIS NRSC believes that the *NPRM* in some places fails to adequately acknowledge the differences between 988 and 911 routing.

From a network routing perspective, 911 routing is fundamentally different than 988 routing. 911 calls are routed on dedicated facilities to the appropriate local PSAP by service providers based on the caller's location. 988 calls, on the other hand, are routed via the Public Switched Telephone Network (PSTN) to the Lifeline's national toll-free number regardless of the caller's location and the Lifeline routes the call to the appropriate local crisis center. Calls to 988 are translated to the 800-273-8255 Lifeline toll-free number, and then routed as any other 8xx toll-free number. The flow for a toll-free number begins with a registered Responsible Organization (Resp Org) acquiring the toll-free 8xx number from the national Service Management System (SMS/800) system. The SMS/800 system administrator oversees the national resource of all 8xx numbers. The Resp Org¹ has responsibility for the account management of their particular toll-free numbers, including creating and maintaining toll-free number customer records. Once the complex routing is complete, it is deployed to network Service Control Points (SCPs). Upon a caller origination to a toll-free number, originating service providers (OSPs) or other service provider networks will retrieve the routing instructions

¹ West Corporation is the Resp Org for the Lifeline number.

from the SCP or SMS/800 database. Once retrieved, the OSP or other service provider sends the call through the PSTN or Internet Protocol (IP) network based on these Resp Org routing provided instructions. Due to these differences, ATIS NRSC believes that some of the Commission's proposals in the *NPRM* are not appropriate for 988.

ATIS NRSC also notes that there are no standards specific to 988 reporting; service providers would report general outages using existing thresholds. There is no standardized view or way to identify the completion of 988 calls in the network. Until the outage occurring in December 2022, the underlying 800 number had been operational without any reported significant issues. In fact, it is ATIS NRSC's understanding that the December 2022 outage occurred because of a cyberattack, rather than a failure in the PSTN network.² Moreover, in the absence of point of failure standards, each service provider would be required to develop its own means of discovering these calls, which would introduce inconsistency in the process. As explained below, should the Commission require 988 outage reporting for OSPs, ATIS NRSC supports the use of existing voice outage thresholds.

In the *NPRM*, the Commission seeks comment on how it should define "covered 988 service providers" and asks if the category should be limited solely to service providers that have contracted with the 988 Lifeline administrator to provide communications services and functionality in support of 988.³ ATIS NRSC supports this definition and agrees that the definition of "covered 988 service providers" should include only those service providers that have a direct contractual obligation with the 988 Lifeline administrator to provide communications services and functionality in support of 988. This proposed definition correctly

² *Feds say cyberattack caused suicide helpline's outage*, *AP News* (February 3, 2023) (<https://apnews.com/article/technology-health-mental-76f75061bdc4ff3c4ec024f337e9a426> - last visited April 26, 2023).

³ *NPRM* at ¶15.

excludes OSPs, as OSPs do not receive, process, or forward 988 calls, but instead merely translate a 3 digit 988 code to the Lifeline toll-free number.⁴ This translation does not involve the routing instructions of a call.

The Commission asks about the appropriate reporting threshold for 988 outages for 988 covered service providers and suggests that this threshold could require the reporting of outages impacting the toll-free access number lasting at least 30 minutes in duration and potentially affecting at least 900,000 user minutes.⁵ Should the Commission require the reporting of 988 outages by 988 covered service providers, ATIS NRSC strongly supports the use of the existing 900,000 user minutes and 30 minute duration threshold. ATIS NRSC points out that general voice outages impacting 911 dialing will similarly impact a user's ability to dial 988. The industry already has systems in place to facilitate the identification and reporting of voice outages based on this threshold.

The Commission proposes that 988 covered service providers outage reports be filed with the Commission in its Network Outage Reporting System (NORS), consistent with current outage filing processes.⁶ ATIS NRSC supports the use of NORS for this reporting. ATIS NRSC notes that industry is already familiar with NORS and believes that the use of NORS will reduce implementation costs associated with 988 outage reporting and would be significantly less costly and burdensome than the implementation of a new or different reporting system. To facilitate 988 outage reporting in NORS and reduce the burden to 988 covered service providers' reporting entities, ATIS NRSC recommends that the Commission create a checkbox in NORS that could be used to indicate whether an outage has impacted 988 calls.

⁴ This exclusion is consistent with the Commission's definition of "covered 911 service providers" in 47 CFR §9.9(a)(4), which also specifically excludes originating service providers.

⁵ *NPRM* at ¶17.

⁶ *NPRM* at ¶16.

The Commission seeks comment whether it should require cable, satellite, wireless, wireline, and interconnected VoIP providers to report outages that potentially affect the 988 Lifeline to the Commission's NORs.⁷ ATIS NRSC believes that OSPs should be explicitly excluded from the reporting obligations as they do not receive, process, or forward 988 calls but merely translate the calls to the Lifeline's national toll-free number. The Commission should limit reporting obligations to service providers that have contracted with the 988 Lifeline administrator to provide communications services and call routing functionality in support of 988.

The Commission proposes to designate the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA), the Veterans Administration, and the 988 Lifeline administrator (Vibrant) as 988 special facilities that will receive notifications of outages that potentially affect a 988 special facility.⁸ ATIS NRSC supports identification of these entities as 988 facilities that would receive notifications from 988 covered service providers, should the Commission determine such notifications are necessary.

In the *NPRM*, the Commission asks whether there are additional entities (such as local crisis centers) that should receive notice of an outage that potentially affects a 988 special facility.⁹ ATIS NRSC does not believe that there are any other entities other than SAMHSA, the Veterans Administration, and the 988 Lifeline administrator that should receive notifications. ATIS NRSC notes that OSPs will not have insight into routing decisions made by these entities or to which local crisis center a caller may be forwarded. Calls to the three-digit 988 number are routed by service providers to the Lifeline administrator and only the administrator will know

⁷ *NPRM* at ¶17.

⁸ *NPRM* at ¶21.

⁹ *NPRM* at ¶25.

how and whether the calls are appropriately routed to the crisis centers. Because 988 calls ultimately are routed to local crisis centers based on the caller's area code, there is no geographic nexus between failed wireless and VoIP network facilities and the local crisis centers. This makes local notifications unwieldy at best, and meaningless at worst, because any local crisis center across the nation can be deemed "affected" by an outage in any geography, so long as there's potentially one caller with an area code associated with each crisis center in the area of a reportable network outage. As an example, a wireless outage in Washington, D.C. (a city with countless tourists, business travelers, and transplants at any point in time) could create the need for outage notifications to every jurisdiction and territory from where these tourists, business travelers, and transplants came. Moreover, ATIS NRSC believes that it would be inappropriate for the Commission to assign potential liability for third party operations over which there is no contractual or other relationship and no control or insight. ATIS NRSC believes that, if such notice to other entities is required, it should be provided by the 988 Special Facilities, not by service providers. These entities have direct relationships with the local crisis centers.

If the Commission were to nonetheless impose obligations on OSPs to notify entities other than SAMHSA, the Veterans Administration and the 988 Lifeline Administrator, it should not do so unless: (1) SAMHSA, the Veterans Administration, and the 988 Lifeline administrator has identified entities to notify; and (2) these entities, and their contact information, are provided to affected OSPs by the Lifeline administrator or by the Commission. Without this information from the SAMHSA, the Veterans Administration and/or Lifeline administrator, OSPs would have no way to notify these entities. One way to facilitate the notification of these additional entities would be for SAMHSA, the Veterans Administration, and the 988 Lifeline administrator to maintain a list of the entities to be contacted along with their contact information and to

provide a single point of contact for each entity for OSPs to use to notify entities that require notifications. However, even with a list provided by SAMHSA, the Veterans Administration, and the 988 Lifeline administrator, the sheer diversity of call centers may make such notifications challenging for both OSPs and crisis centers. ATIS notes that, given the nature of 988 NPA NXX routing methods, any general network outage has the potential to impact all 988 call centers (calls are routed to call centers based on originating NPA NXX) and could result in a very large number of outage notifications that could lead to notification fatigue on the part of crisis centers.¹⁰

The Commission also asks about the content of 988 notifications and proposes to require the same information in these notifications as is required in 911 notifications.¹¹ ATIS NRSC supports the Commission’s proposal to require the same content for both 988 and 911 notifications. This proposal would minimize the impact of the new notification requirements to 988 covered service providers as service providers already have systems in place to provide this content. ATIS NRSC does not believe any additional information is necessary for 988 notifications and strongly recommends that the Commission not consider deviating from the content of 911 notifications unless there is a demonstrated need for additional or different information in 988 notifications.

The Commission proposes to require that covered 988 service providers exercise “special diligence” to maintain accurate, up-to-date contact information for 988 special facilities, which includes the name and contact information of the person designated by each of these entities to

¹⁰ ATIS NRSC estimates that, based on the aggregated outage data provided by the Commission’s quarterly Network Outage Reporting Analysis, SAMHSA, the Veterans Administration, the 988 Lifeline administrator and the local crisis centers may receive in the range of 44 to 79 notifications per day, 1,340 to 2,400 notifications per month and 16,080 to 28,800 notifications per year. See https://access.atis.org/apps/group_public/download.php/70333/NRSC-2023-00004R000.pptx.

¹¹ *NPRM* at ¶26.

receive notification of 988 outages.¹² As ATIS NRSC noted in its comments in response to the similar proposal for 911 service providers, it would be extremely difficult to apply the proposed “special diligence” definition to the maintenance of 988 contact information. This definition from Black’s law dictionary has little meaning to those who will be responsible for maintaining the 988 contact information. It is even more difficult to apply the definition – which is the diligence expected from a person practicing in the particular field of specialty – in the context of 988 because there are no subject matter experts practicing in the field of 988 routing or 988 contact information maintenance. As an alternative to this confusing “special diligence” definition, ATIS NRSC recommends that SAMHSA, the Veterans Administration, and the 988 Lifeline administrator establish and maintain this information.

The Commission proposes that covered 988 service providers be required to provide 988 outage notifications to potentially affected 988 special facilities as soon as possible, but no later than within 30 minutes of discovering that they have experienced, on any facilities that they own, operate, lease, or otherwise utilize, an outage that potentially affects a 988 special facility.¹³ ATIS NRSC recommends that initial notifications should be required within four (4) hours of discovery to allow 988 covered service providers with more time to evaluate outages, thereby minimizing the number of notifications that would subsequently have to be withdrawn.¹⁴

The Commission proposes that covered 988 service providers communicate additional material information, which includes, among other information, the date and time when the incident began, the types of communications services affected, the geographic area affected by

¹² *NPRM* at ¶29.

¹³ *NPRM* at ¶30.

¹⁴ ATIS NRSC has similarly recommended a four-hour reporting threshold for outages affecting entities enrolled in Telecommunications Service Priority at Priority Level 2. See ATIS’ Petition for Rulemaking submitted to the Commission on August 18, 2022 (<https://www.atis.org/wp-content/uploads/2022/08/ATIS-Petition-as-filed.pdf>).

the outage, how the outage affects the 988 special facility, the expected date and time of restoration, and the best-known cause of the outage, to potentially affected 988 special facilities in notifications subsequent to the initial notification as soon as possible after that information becomes available, but no later than two hours after the initial contact.¹⁵ ATIS NRSC agrees that such additional information, once it becomes available, should be provided in a notification within 2 hours of the initial notification.¹⁶

The Commission seeks comment on whether covered 988 service providers should similarly be required to file 988 reliability certifications to ensure the network supporting the 988 Lifeline remains resilient and robust.¹⁷ ATIS NRSC does not believe that there is any reason to require such certifications. There has been no indication that there are reliability concerns associated with 988. The Commission does not have the same justification for 988 certifications that it had for 911 certifications. Before adopting 911 certification requirements, the Commission had investigated and identified in its *Derecho* report the weaknesses in 911 routing that served as a basis for 911 certification.¹⁸ That record included: 534 outage reports from 22 communications providers; 45 comments from stakeholders in response to the *Derecho Public Notice*; interviews with representatives of eight communications providers, twenty-eight PSAPs, three battery manufacturers, one generator manufacturer, numerous state and county entities; information obtained through six supplemental data requests; participation in several federal, state, and local meetings and hearings on the effects of the *Derecho*; and review of relevant Best

¹⁵ *NPRM* at ¶31.

¹⁶ While ATIS NRSC does not believe additional notifications are necessary for OSPs, if the Commission nonetheless determines such notifications are necessary, the Commission should not deviate from what is required for 911.

¹⁷ *NPRM* at ¶32.

¹⁸ *Impact of the June 2012 Derecho on Communications Networks and Services Report and Recommendations*, released January 2013 by the Public Safety and Homeland.

Practices generated by NRSC and CSRIC¹⁹ There is no comparable record for 988. The record for this current proposal appears to be entirely contained within this *NPRM* and does not clearly demonstrate areas of concern around the reliability of the PSTN, which routes 988-translated calls.

Moreover, ATIS NRSC does not believe that such a certification program would be effective as it is unclear what the providers would be certifying. As explained above, 988 is very different than 911. The differences in 911 and 988 routing mean that weaknesses in 911 are unlikely to apply to 988. Moreover, the content of 911 certification is not applicable to calls to 988 (e.g., PSAP circuit audits, backup power audits for PSAPs and 911 selective routers, and NOC aggregation audits). There are no comparable network components. ATIS NRSC also notes that there are no 988-specific network standards on which to audit.

¹⁹ *Impact of the June 2012 Derecho on Communications Networks and Services*, Report and Recommendations of the Public Safety and Homeland Security Bureau (January 2013).

III. CONCLUSION

ATIS appreciates the opportunity to respond to the comments to the *NPRM* and urges the Commission to consider the recommendations above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Goode". The signature is fluid and cursive, with the first name "Thomas" being more prominent than the last name "Goode".

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