

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

In the Matter of)
)
Safeguarding and Securing the Open Internet) WC Docket No. 23-320
)

**Reply Comments of the
Alliance for Telecommunications Industry Solutions (ATIS)**

The Alliance for Telecommunications Industry Solutions (ATIS) hereby submits these reply comments in response to the Federal Communications Commission’s (Commission) *Notice of Proposed Rulemaking (NPRM)* on the above-referenced docket. In the *NPRM*, the Commission proposes to reclassify broadband Internet access service (BIAS) as a telecommunications service under Title II of the Communications Act of 1934, as amended. ATIS’ comments are focused on the proposals in the *NPRM* related to the application of the Commission’s Network Outage Reporting System (NORS). In its comments, ATIS agrees with those commenters that note that there is no need for the Commission to adopt new outage reporting and disagrees with commenters who suggest mandating use of industry Best Practices and opposes those commenters that recommend that the Commission require the reporting of speed, latency, or packet loss.

I. BACKGROUND

ATIS is a global standards development and technical planning organization that develops and promotes worldwide technical and operations standards for information, entertainment, and communications technologies. ATIS’ diverse membership includes key stakeholders from the Information and Communications Technologies (ICT) industry – 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.

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 industry subject matter experts on communications network reliability and outage reporting.

II. REPLY COMMENTS

In the *NPRM*, the Commission seeks comment on its tentative conclusion that reclassifying BIAS as a telecommunications service would enhance the Commission's ability to ensure the nation's communications networks are resilient and reliable.¹ The Commission asks whether broadband reclassification would give it additional authority to facilitate the use of Wi-Fi calling during emergencies, afford public safety officials greater transparency during outages or support

¹ *NPRM* at ¶39

reliability efforts for calls and texts to 911 and the 988 Suicide and Crisis Lifeline.

ATIS NRSC agrees with commenters who note that there is no need for the Commission to intervene in this area.² As Incompas notes, “[t]here is no indication that there is a reliability problem with BIAS networks or Wi-Fi calling, nor is there any indication that reporting to the FCC has improved reliability.”³ As CTIA – The Wireless Association (CTIA) explains in its comments, the Commission has already adopted outage reporting rules that cover general network outages and outages that impact 911 and 988 services and further facilitates situational awareness in times of crisis through DIRS and shares outage reports with authorized state and public safety entities.⁴ AT&T Services Inc. (AT&T) further notes that providers already have strong incentives to ensure the reliability and resiliency of their networks and that creating new reporting requirements would impose billions of dollars in unnecessary costs and deprive providers of the flexibility to respond promptly to changes in technology and environmental circumstances, which would harm rather than improve network reliability and resiliency.⁵

ATIS NRSC disagrees with AARP that “[l]eaving the determination of whether to abide by a best practice to the individual broadband provider will not ensure that all people have access to reliable communications.”⁶ ATIS NRSC strongly believes that this determination must be left to providers. Best Practices, despite having been widely adopted and implemented, are not considered to be universally applicable. There are situations in which a Best Practice may not be implemented by a service provider. Such decisions are made based on expert evaluations, risk assessments, and/or other considerations. In some situations, a Best Practice may have been

² See Comments of Incompas at p. 2, Comments of CTIA at pp.2-29 Comments of AT&T and Opposition to Petitions for Reconsideration at p. 29.

³ Comments of Incompas at p. 28.

⁴ Comments of CTIA at pp. 38-39.

⁵ Comments of AT&T and Opposition to Petitions for Reconsideration at p. 29.

⁶ Comments of AARP at p. 14.

superseded by provider-specific internal practices. The decision whether to implement a specific Best Practice is guided by the overarching concern of providers for their customers' needs and the protection of their networks. The Commission's CSRIC agreed that it would be impractical, if not impossible, to mandate compliance with Best Practices because not every Best Practice is appropriate for every sector of the industry, particularly as network and system designs, technologies, and capabilities differ and are evolving. CSRIC also noted that, even within a particular sector, not every practice is appropriate for every provider because the providers have a different scope of activities, resources, and capabilities. CSRIC also noted that the resource burdens of implementing certain Best Practices may be significant and should be considered by providers in determining which practices to implement.⁷

ATIS NRSC disagrees with those commenters that recommend that the Commission require the reporting of speed, latency, or packet loss as network outages.⁸ ATIS NRSC strongly opposes the collection/use of such performance data for outage reporting. ATIS NRSC does not believe that such data would necessarily provide a clear indication as to whether an event significantly degrades the ability of an end user to establish and maintain communications. Instead, this data is more akin to static/noise on legacy communications systems or error rates, neither of which is reportable under the current rules. Moreover, such data is not necessarily monitored or collected by all carriers in a similar manner that is suitable for consistent outage reporting. Such data is not collected across all end points of the network, nor does the industry deploy performance monitoring capabilities to all its end points as defined from source to

⁷ Final Report of CSRIC Working Group 6: Best Practice Implementation (January 2011), Recommendation 5.2. It is important to note also that providers may also decide not to implement a specific Best Practice based on internal evaluations, risk assessments, and/or other considerations (such as whether a specific Best Practice has been superseded by a provider-specific internal practice).

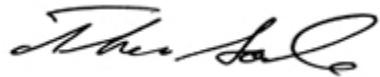
⁸ See Comments of American Library Association at p. 17, Comments of Jon M. Peha Professor and Center Director, Carnegie Mellon University, at p. 14.

destination host. Adopting these performance measurements as outage criteria would require service providers to install additional probes throughout their networks at significant cost and effort with no customer benefit.

III. CONCLUSION

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

Respectfully submitted,



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January 17, 2024