

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Resilient Networks)	PS Docket No. 21-346
)	
Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	PS Docket No. 15-80
)	
New Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	ET Docket No. 04-35
)	

COMMENTS OF APCO INTERNATIONAL

The Association of Public-Safety Communications Officials-International, Inc. (APCO),¹ offers the following comments in response to the Notice of Proposed Rulemaking (NPRM) in the above-captioned proceeding.² The Commission seeks comment on proposals to improve the Wireless Network Resiliency Cooperative Framework (Framework) and promote situational awareness through the Disaster Information Reporting System (DIRS) and Network Outage Reporting System (NORS). APCO appreciates the Commission’s continued efforts to enhance the reliability and resiliency of communications networks during emergencies and offers the following comments to highlight how the Commission can take steps to improve these efforts.

¹ Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 36,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems – including 9-1-1 Emergency Communications Centers (ECCs), emergency operations centers, radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies.

² Resilient Networks, Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications, New Part 4 of the Commission’s Rules Concerning Disruptions to Communications, PS Docket Nos. 21-346, 15-80, ET Docket No. 04-35, *Notice of Proposed Rulemaking*, FCC 21-99 (Oct. 1, 2021) (“NPRM”).

In 2016 the Commission declined to adopt certain rules for improving network resiliency based on the expectation that the Framework offered an effective solution.³ But now, the Commission acknowledges that experience has shown gaps in the Framework’s coverage and delays in its implementation.⁴ The voluntary nature and narrow scope of the Framework have proven inadequate. Even the straight-forward, common-sense commitment to establish a service provider-ECC contact database has gone unfulfilled, despite that some service providers already maintain their own contact databases due to previous consent decrees.⁵ To ensure service providers are taking appropriate steps to improve network resiliency and situational awareness, the Commission should mandate participation in the Framework and DIRS, and expand the scope of the Framework.

The Commission seeks comment on whether mandating participation in the Framework⁶ and expanding the scope of its participants⁷ could enhance the Framework’s effectiveness. APCO supports both of these proposals. Any service provider who plays a role in the delivery of 9-1-1 or emergency alerts should be subject to stringent resiliency requirements. Providing a uniform set of expectations for service providers will enhance situational awareness and increase the impact of the Framework’s provisions.

Currently, the Framework only applies when both ESF-2 and DIRS are activated. This is too narrow. For example, with regard to the service provider-ECC contact database that should be established under the Framework, the benefits of this resource should be routinely available.

³ Improving the Resiliency of Mobile Wireless Communications Networks, Reliability and Continuity of Communications Networks, Including Broadband Technologies, PS Docket Nos. 13-239, 11-60, *Order*, 31 FCC Rcd 13745, para. 23 (2016) (“2016 Order”).

⁴ *Id.* at para. 14.

⁵ 2016 Order at para. 5 (discussing the creation of the Framework and the service providers’ commitment to “enhance municipal preparedness and restoration by convening with local government public safety representatives to develop best practices, and establishing a provider/PSAP contact database”).

⁶ *Id.* at para. 14.

⁷ *Id.* at para. 16.

ECCs are always operational and can experience an outage absent a disaster declaration. In determining appropriate triggers for the Framework's various requirements, the Commission should consider the operational needs that exist in the absence of a declared disaster.

The Commission seeks comment on several proposals to extend the scope of the Framework provisions.⁸ As a general matter, APCO supports these proposals and encourages the Commission to adopt rules to foster cooperation and coordination among the service providers and public safety agencies during emergencies. In particular, APCO supports enhanced roaming requirements to ensure the public has access to 9-1-1 and other avenues of emergency communications, such as web-based services the public may rely on for important information during an emergency.⁹ During an emergency, particularly a major disaster, the ability of the public to reach 9-1-1 or access emergency information should not be dependent on which service provider they have. If 9-1-1 service is down, for any reason, and roaming is an option to facilitate emergency assistance, it must be available.

APCO welcomes the Commission's inquiry on steps the Commission can take to increase its situational awareness of the state of 9-1-1 and other emergency services.¹⁰ APCO has elsewhere articulated the benefits and methods of improving situational awareness for ECCs, and we look forward to the Commission's action on those issues.¹¹ Actionable, real-time information on the nature, duration, and scope of an outage impacting 9-1-1 service would provide improved situational awareness to both the ECC and the Commission.

⁸ *Id.* at para. 24.

⁹ *Id.* at paras. 17-18.

¹⁰ *Id.* at para. 33.

¹¹ See Comments of APCO International, Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, Improving 911 Reliability, New Part 4 of the Commission's Rules Concerning Disruptions to Communications, PS Docket Nos. 15-80, 13-75, ET Docket No. 04-35, *Third Notice of Proposed Rulemaking*, FCC 21-45 (April 23, 2021).

The Commission also seeks comment on the benefits of expanding the scope of the NORS reporting requirements to include broadband service outages¹² and mandating participation in DIRS reporting.¹³ While ECCs generally require more timely and detailed information than is provided in NORS and DIRS, improving the information in these important systems will be helpful for situational awareness and ongoing efforts to improve network resiliency.

Finally, the Commission considers these proposals against the backdrop of Hurricane Ida and the significant problems ECCs encountered in the aftermath.¹⁴ APCO appreciates the Commission's efforts to investigate the impacts of Ida on emergency communications, including 9-1-1 systems. As explained during the Commission's field hearing, network failures that impacted 9-1-1 service and first responder communications could have been avoided, in some cases through improved coordination with public safety agencies and adherence to common sense resiliency measures.¹⁵ APCO welcomes further Commission efforts to investigate these situations and make improvements to the rules that enhance network resiliency for emergency communications.

Respectfully submitted,
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¹² NPRM at para. 30.

¹³ *See Id.* at para. 29.

¹⁴ *Id.* at para. 42.

¹⁵ *See*, Testimony of Captain Jack Varnado, Field Hearing on Improving Communications Resiliency and Recovery During Disasters, Public Safety and Homeland Security Bureau (Oct. 26, 2021).

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