

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

In the Matter of)	
)	
Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	PS Docket No. 15-80
)	
Improving 911 Reliability)	PS Docket No. 13-75
)	
New Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	ET Docket No. 04-35
)	

OPPOSITION OF APCO INTERNATIONAL

The Association of Public-Safety Communications Officials-International, Inc. (APCO),¹ hereby submits the following opposition to the Competitive Carriers Association’s (CCA) Petition for Reconsideration (Petition)² in the above-captioned proceeding.³ Specifically, APCO opposes CCA’s request that the Commission reconsider certain aspects of the 30-minute deadline for originating service providers (OSPs) to make initial notifications to emergency communications centers (ECCs) of outages impacting 9-1-1 service.⁴

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 39,000 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 Petition for Reconsideration of Competitive Carriers Association, PS Docket Nos. 15-80 and 13-75; ET Docket No. 04-35 (filed Mar. 17, 2023) (“Petition”).

³ Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications, Improving 911 Reliability, New Part 4 of Commission’s Rules Concerning Disruptions to Communications, PS Docket Nos. 15-80 and 13-75, ET Docket No. 04-35, Second Report and Order, FCC 22-88 (Nov. 18, 2022) (“Second Report and Order”).

⁴ Petition at 4. CCA also requests that the Commission reconsider its rule requiring OSPs to individually gather and maintain contact information for 9-1-1 special facilities and instead adopt suggestions to create and maintain a two-way contact database. APCO agrees that a single database would likely reduce costs for service providers, provide helpful information for ECCs, and spare ECCs the burden of responding to contact information requests from numerous service providers. However, APCO maintains that the creation of such a database should be the responsibility of the service providers who have the resources and experience to do so. *See*, Comments of APCO International, PS Docket Nos. 15-80 and 13-75, ET Docket No. 04-35, at 6-9 (filed July 30, 2021).

CCA seeks reconsideration of the Commission’s decision not to “flexibly” apply the 30-minute timeframe.⁵ Alternatively, CCA asks that the Commission start the 30-minute timer when OSPs receive notification of an outage from their vendor or underlying service provider, and deem OSPs compliant with the Commission’s rules if they begin to notify ECCs within 30-minutes.⁶ CCA claims that OSPs will be unable to provide accurate information to all potentially affected ECCs within 30-minutes and that flexible application of the rules would strike a better balance between the need for swift outage notifications and the risk of inaccuracies or over-notification.⁷ Further, CCA claims that absent such flexibility ECCs will be overburdened and confused by the frequency of outage notifications.⁸ As explained below, CCA’s concerns have been fully considered and rejected in the *Second Report and Order*, and its Petition fails to present any material error, omission, or reason warranting reconsideration. Accordingly, the Commission should dismiss CCA’s request to reconsider the 30-minute deadline for OSPs to notify ECCs.⁹

The *Second Report and Order* fully considered the potential challenges for OSPs and the risk of inaccuracies and over-notification when it adopted rules requiring an initial notification within 30-minutes. Rather than flexibly apply the 30-minute deadline, the Commission chose to adopt rules which allow service providers to transmit only the material information they have available at the time of discovery of the outage and to send follow up notifications within two hours.¹⁰ As the Commission explained, the initial notifications are intended to be a preliminary

⁵ See Petition.

⁶ *Id.* at 4, 10.

⁷ *Id.* at 9.

⁸ *Id.*

⁹ 47 CFR § 1.429(I) (“Petitions for reconsideration of a Commission action that plainly do not warrant consideration by the Commission may be dismissed or denied by the relevant Bureau(s) or office(s). Examples include, but are not limited to, petitions that . . . fail to identify any material error, omission, or reason warranting reconsideration. . . rely on arguments that have been fully considered and rejected by the Commission within the same proceeding”).

¹⁰ Second Report and Order at para. 23.

notice of a potential problem to an ECC¹¹ and “the public safety interests served by PSAPs quickly receiving outage notifications outweigh the risk of inaccuracies or over-notification.”¹² Furthermore, the Commission rejected arguments in the record that the use of third parties prevents the timely discovery of outages and presented several alternative means for OSPs to become aware of outages occurring in third party networks.¹³ Regarding CCA’s claim that over-notification to ECCs is already happening, its Petition fails to support this assertion with evidence.¹⁴ Indeed, the current problem for ECCs is not too many notifications, but rather that outages often occur without ECCs receiving notifications at all.¹⁵

Finally, the Commission should dismiss CCA’s proposal to deem OSPs compliant with the notification requirements if they begin to notify affected ECCs within the 30-minute timeframe and continue to notify any ECCs that could not be reached before the expiration of the 30-minutes.¹⁶ This proposal was rejected in the *Second Report and Order*.¹⁷ The Commission explained that “all 911 special facilities need outage notifications as soon as possible and an approach that would potentially allow service providers...to delay some 911 special facilities’ outage notifications for hours after discovery would not serve the public safety purposes of the rule.”¹⁸

¹¹ *Id.* at para. 19.

¹² *Id.* at para. 21 n.80.

¹³ *Id.* at para. 19 n.71.

¹⁴ Petition at 9.

¹⁵ See APCO Comments at 2-4; Reply Comments of APCO International, PS Docket Nos. 15-80 and 13-75, ET Docket No. 04-35 at 2-3 (filed Aug. 30, 2021).

¹⁶ Petition at 10.

¹⁷ Second Report and Order at para. 21 (“We disagree with CTIA, Lumen, and others who request that the Commission apply this 30-minute notification deadline flexibly by allowing providers to merely begin, and not complete, the notification 911 special facilities within 30 minutes.”).

¹⁸ *Id.*

Respectfully submitted,
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CERTIFICATE OF SERVICE

I, Mark Reddish, hereby certify that on this 26th day of June, 2023 at 11:45 a.m., I caused a copy of this filing to be served, via email,¹⁹ on the following:

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¹⁹ Pursuant to Section 1.47(d) of the Commission's rules, the party to be served may agree to accept service in an alternative form. See 47 C.F.R. § 1.47(d). Counsel for CCA has agreed to service by electronic mail of this Opposition.