

**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	)	PS Docket No. 15-80
Rules Concerning Disruptions to	)	
Communications	)	
	)	
New Part 4 of the Commission’s Rules	)	ET Docket 04-35
Concerning Disruptions to Communications	)	

**OPPOSITION OF APCO INTERNATIONAL**

The Association of Public-Safety Communications Officials, International, (APCO)<sup>1</sup> submits these comments in response to the Petition for Clarification and/or Reconsideration filed by the Alliance for Telecommunications Industry Solutions (ATIS) regarding recent changes to the Commission’s Part 4 rules.<sup>2</sup> Among other things, ATIS asks the Commission to “clarify the application of its waiver of NORS filings during DIRS activations...to the Commission’s Public Safety Answering Points (PSAPs) and 988 Suicide & Crisis Lifeline notification requirements.”<sup>3</sup> If ATIS’s request is to excuse service providers from their obligation to provide timely notifications to PSAPs/ECCs of network outages and disruptions affecting 9-1-1 calls, APCO opposes the request.

ATIS’s request is unclear, in part because it seeks to “clarify” that the waiver of NORS reports during DIRS activations applies to the Commission’s PSAP/ECC notification

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<sup>1</sup> 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 40,000 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.

<sup>2</sup> Petition for Clarification and/or Reconsideration of Second Report and Order, PS Docket Nos. 21-346, 15-80, ET Docket 04-35 (filed May 10, 2024).

<sup>3</sup> *Id.* at 1.

requirements. Neither the Report and Order that is the subject of the ATIS petition nor the NPRM that preceded it contemplated suspending the PSAP/ECC notification requirements. As the final rules reflect, the Commission was addressing service providers' obligations to submit reports in NORS, not taking broader action with respect to the Part 4 outage notification requirements.<sup>4</sup> Thus, the Commission lacks notice from an APA perspective to grant this aspect of ATIS's petition.<sup>5</sup>

In addition to the petition's procedural flaw, APCO has substantive concerns with ATIS's request. NORS/DIRS reports and the outage information service providers deliver to PSAPs/ECCs are separate and serve distinct functions. The outage notifications made directly to PSAPs/ECCs provide a degree of situational awareness that is qualitatively different from the information available in DIRS. For example, because the rules require timely outage notifications specific to PSAPs/ECCs, these notifications are much more likely to enable PSAP/ECC personnel to recognize the impacts on their community and take prompt action to mitigate the impacts.

In a separate proceeding, the Commission tasked the Public Safety and Homeland Security Bureau with investigating ways to improve service providers' outage notifications to PSAPs/ECCs, including by fine-tuning the triggers and providing outage information in a graphical format.<sup>6</sup> APCO looks forward to reviewing the Bureau's research and, if appropriate,

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<sup>4</sup> See 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 04-35, *Second Report and Order*, FCC 24-5 (rel. Jan. 26, 2024) Appendix A, Final Rules amendment to 47 CFR 4.18 (“(b) Cable Communications, Wireline, Wireless, and Interconnected VoIP providers who provide a DIRS report pursuant to paragraph (a) of this section are not required to make submissions in the Network Outage Reporting System (NORS) under this chapter pertaining to any incidents arising during the DIRS activation and that are timely reported in DIRS.”).

<sup>5</sup> See 5 USC § 553.

<sup>6</sup> See 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, *Second Report and Order*, FCC 22-88, at para. 23 n.86, para. 15 (2022).

revision of the PSAP/ECC notification requirements. However, this element of the Part 4 rules has not been explored in the instant proceeding and therefore should not have been part of the petition.

Respectfully submitted,

APCO INTERNATIONAL

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June 24, 2024

### **Certificate of Service**

I, Mark Reddish, Senior Counsel at the Association of Public-Safety Communications Officials, International, Inc., hereby certify that on this 24<sup>th</sup> day of June, 2024, a copy of the foregoing Opposition was served by electronic mail<sup>1</sup> on the following:

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/s/

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<sup>1</sup> 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 to ATIS has agreed to service of this Opposition by electronic mail.