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

COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Alexi Maltas
Alexandra Mays
Joshua Perez
Competitive Carriers Association
601 New Jersey Avenue NW, Suite 820
Washington, DC 20001

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COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association ("CCA")[1] respectfully submits these comments regarding the Federal Communications Commission's ("FCC" or "Commission") Notice of Proposed Rulemaking seeking comment on "measures to help ensure that communications services remain operational when disasters strike."[2]

INTRODUCTION AND SUMMARY

CCA's members strongly support the Commission's objective of ensuring that communications services can withstand disasters and emergency situations. Many CCA members have been directly impacted by such emergencies, and CCA members across the country have been highly proactive in hardening their networks, implementing policies, and

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[1]   CCA is the nation's leading association for competitive wireless providers and stakeholders across the United States. Members range from small, rural carriers serving fewer than 5,000 customers to regional and nationwide providers serving millions of customers, as well as vendors and suppliers that provide products and services throughout the wireless communications ecosystem.

[2]   *Resilient Networks*, Notice of Proposed Rulemaking, FCC No. 21-99, PS Docket No. 21-346 et al., ¶3 (rel. Oct. 1, 2021) ("*Notice of Proposed Rulemaking*").

deploying resources that will help them withstand disasters and emergency situations based on the specific territories that they serve. CCA members also are active contributors to wireless industry and cross-industry efforts to improve network resiliency.

CCA acknowledges that there is important ongoing work to be done to improve resiliency. CCA encourages the Commission to support and facilitate practical solutions that reflect the diversity of localized conditions and types of disasters, rather than attempt to prescribe broad, one-size-fits-all requirements that could prove counter-productive. These comments describe several ways the Commission can act to help ensure wireless networks are resilient and best positioned for recovery efforts when disasters do occur.

DISCUSSION

I. CCA MEMBERS ARE ACTIVELY WORKING TO BUILD AND MAINTAIN RESILIENT NETWORKS IN THE FACE OF EMERGENCIES

Wireless network resiliency is an important and timely topic. As just one example, Hurricane Ida earlier this year affected countless communities from Louisiana up to the northeastern United States, with flooding, tornadoes, high winds, and other challenges. The Commission's October 26, 2021, virtual field hearing offered vital local perspective on how disasters like Hurricane Ida affect communities and how difficult it can be to ensure that first responders can reach victims, that homes have power, and that families and friends can reach one another. The field hearing confirmed what is already clear: Communications networks are pivotal for all those response efforts in the wake of disasters and emergencies.

CCA members throughout the United States have served their communities through natural disasters and other emergencies, and CCA members are committed to building and operating resilient and reliable networks. CCA members GCI, Southern Linc, T-Mobile, and UScellular are direct signatories to the voluntary Wireless Network Resiliency Cooperative

Framework ("Framework"), and CCA itself has written in support of the Framework and many of its principles.[3] CCA members also spend enormous resources before, during, and after emergencies to harden their networks and provide uninterrupted service to customers, including by burying fiber, adding redundancy, securing generators and other backup power resources, and more.[4] For example, one CCA member is working on a generator penetration project to ensure that there are sufficient generators throughout its network to handle natural disasters. Another CCA member provided aid after a hurricane and ensured continuity of service by carrying the traffic of two larger carriers for several months after their networks went down. This CCA member also voluntarily left legacy networks in place beyond the scheduled end of life retirement to support the additional traffic. CCA members invest in their networks because of their commitments to support their communities and serve their customers as best they can, no matter the circumstances. Community members affected by disasters are not only carriers' customers, but their employees, families, friends, and the first responders that protect others.

CCA members also work voluntarily to help other service providers in their areas where possible in response to disasters. GCI, for example, has worked with other providers to share technical resources that are limited particularly in remote areas of Alaska, such as providing the assistance of employees with expertise in networks and equipment in remote areas where the other provider cannot readily bring in employees. After Hurricane Maria hit the U.S. Virgin Islands, Puerto Rico, and Florida, crews necessary for restoration of service in the Territories

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[3]   *See id.* ¶ 16; *see also* Letter from Rebecca Murphy Thompson, EVP & General Counsel, Competitive Carriers Association to Marlene H. Dortch, Secretary, FCC, PS Docket No. 11-60, 13-239 (filed May 31, 2016); Comments of Competitive Carriers Association, PS Docket No. 11-60 (filed Feb. 8, 2019) ("2019 CCA Comments").

[4]   The progression to LTE over recent years, while not directly related to emergency response, has made roaming in response to disasters more feasible, as LTE is more nimble than previous technologies.

were stranded stateside. A local carrier provided "remote hands" technical assistance to the large carriers until they could get their recovery teams into the market. Another CCA member assisted in efforts to restore power to remote regions in Puerto Rico after Hurricane Maria, providing restoration teams of over 230 employees over several months. Yet another CCA member deployed fiber to a ship in a harbor that housed rescue workers so they could get their daily assignments and coordinate, and also lit up a new network that had been under construction pre-hurricane on an accelerated basis to provide communications to first responders. Many other CCA members have had similar experiences giving and receiving aid.[5] As with direct network investments, these actions are not borne of regulatory obligation but of commitment to community.

Preparation among communications companies and other stakeholders for disasters is improving, and there is increased dialogue and cooperation within the wireless industry and across industries. Participants in the Commission's recent virtual field hearing described the recent "Cross-Sector Resiliency Forum," which has "fostered collaboration between" the communications and energy industries.[6] Companies in the communications and energy industries have exchanged "contact information for coordination before, during and after an event," participated in "exercises, workshops, and summits" to address key issues, and developed

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[5] *See*, *e.g.*, 2019 CCA Comments at 3-4 (describing voluntary efforts by several companies).

[6] Testimony of Scott Bergmann, Senior Vice President, Regulatory Affairs, CTIA, at 6 (Oct. 26, 2021) (Bergmann Hearing Testimony), *available at* https://www.fcc.gov/sites/default/files/field-hearing-10262021-statement-scott-bergmann.pdf; *see also* Comments from Louie Dabdoub, Director of Incident Response, Entergy (Oct. 26, 2021) (Dabdoub Hearing Statement), *available at* https://www.fcc.gov/sites/default/files/field-hearing-10262021-statement-louis-dabdoub-iii.pdf.

"targeted initiatives to promote overall resiliency."[7] Forum participants have met several times

with Commission staff to update the Commission on their "progress on short-term,

medium-term, and long-term activities to advance resiliency."[8] CCA participates in the Forum

on behalf of its members, and a number of its members also participate directly, and CCA agrees

that "[w]hile there is more work to be done, the [Forum] continues to facilitate the sharing of

service expectations and planning needs to enable better coordination during emergency and

disaster events, and these efforts will continue to promote overall resiliency."[9]

II.   VOLUNTARY COOPERATION RATHER THAN PRESCRIPTIVE REGULATION BEST FOSTERS MUTUAL AID AND OTHER RESPONSES TO EMERGENCIES

The *Notice of Proposed Rulemaking* seeks comment on a number of potential regulatory

measures for continuing to increase wireless network resiliency. The Commission asks, for

example, whether it should "revisit the voluntary nature of the Framework," work with industry

to "expand[] the scope of the Framework participants" to include smaller carriers and even other

parties like "cable, wireline, broadcast, satellite, or interconnected VoIP providers," or "revisit

the prerequisites . . . that trigger the Framework or that govern the duration of its obligations."[10]

CCA encourages the Commission to continue to support voluntary, industry-driven efforts on

wireless network resiliency, rather than attempt to prescribe additional preparation or response

measures.

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[7]   Bergmann Hearing Testimony at 6.

[8]   Letter from Matthew Gerst, Vice President, Regulatory Affairs, CTIA, et al. to Marlene H. Dortch, Secretary, FCC, PS Docket No. 11-60, at 1 (filed June 7, 2021).

[9]   *Id.* at 2.

[10]   *Notice of Proposed Rulemaking* ¶¶ 14-16.

As discussed above, members of the wireless industry are hard at work building both resilient networks and cooperative relationships with others to foster mutual aid efforts. Some companies working to those ends are signatories to the Framework, but many are not, yet they are also committed to the goals of promoting resilience and mutual aid. The Framework has been successful because of its voluntary nature and its flexibility in allowing companies to assess their own customers' needs, local conditions, the types of disasters experienced in a particular area, and what is technically feasible.[11] Even signatories to the Framework often take proactive efforts in emergency situations regardless of whether the Framework's triggers have been satisfied. The Framework has proven to be successful precisely because it is a helpful foundation for cooperation, not prescriptive requirements that mandate companies' actions in response to dynamic and varied on-the-ground conditions. But not all carriers or other actors in the communications ecosystem have the resources or circumstances to participate in the Framework—smaller carriers, in particular, may need to focus their limited resources on threats to their own networks in response to emergencies, making participation in the Framework a potentially poor fit. More broadly, it could be dangerous and counter-productive to require carriers to prioritize others' networks over their own, particularly during a time when they are focused on protecting their employees and restoring their own services as the immediate priorities. The best way to strengthen the Framework is to make more resources available to companies that need them for both preparation and disaster response, rather than by compelling participation in the Framework or attempting to add new triggers for its application. As demonstrated in the examples above, carriers already have ample business, service continuity,

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[11] *See* 2019 CCA Comments at 4.

and public safety incentives to plan for natural disasters, invest in network improvements, and

work cooperatively and assiduously to restore service.

Disaster preparation and recovery are poorly suited to one-size-fits-all regulatory

responses and attempting to codify overly specific obligations into the Framework, or especially

the Commission's rules, could easily prove counter-productive. Carriers in different regions of

the country face different emergencies: Alaska sees forest fires, tsunamis, and earthquakes, while

other areas of the country may be more prone to tropical storms, tornadoes, or flooding. Even

superficially similar emergencies, like two hurricanes, can have significantly different impacts

depending on myriad unpredictable factors and local conditions. As one witness in the

Commission's recent field hearing explained, disaster preparation and response are "often

site-specific, region-specific decisions."[12] Carriers need flexibility to harden and repair their

own networks based on their knowledge of their communities. Prescriptive regulatory mandates

risk diverting scarce, critical resources away from where they are needed most. Regulation can

even slow critical efforts to get customers re-connected, as carriers must consider and satisfy

requirements regardless of whether or not they are appropriate in the circumstances.

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[12] Bergmann Hearing Transcript at 3; *see also id.* ("For example, wireless providers have installed more permanent generators in the Gulf region, elevated equipment to account for future flooding in Texas and Louisiana, and buried new fiber in Panama City, Florida. Wireless providers have used steel rather than wood poles to better withstand high winds in Puerto Rico and the U.S. Virgin Islands. And in wildfire prone areas, providers have equipped critical cell sites with permanent generators and deployed backup battery power at other sites along with densifying the network. These are often site-by-site decisions in which network, environmental, community, and access considerations all contribute.").

III. THE COMMISSION SHOULD CONTINUE ITS IMPORTANT ROLE IN THIS AREA, SUCH AS BY SUPPORTING COORDINATION EFFORTS WITH OTHER GOVERNMENT ACTORS AND STAKEHOLDERS

While prescriptive mandates are unlikely to be effective in increasing wireless network resiliency in the face of disasters and other emergencies, the Commission nonetheless has an important role to play. Communications services are critical to supporting the coordination of first responders, power, food, and other recovery efforts, and accordingly should be prioritized to the same degree as other vital restoration efforts.[13] The Commission therefore should encourage and promote cooperative efforts among government actors and industry players to ensure that communications restoration receives the support it deserves during critical times.

To start, the Commission can play a central role in facilitating communication and information sharing among carriers, third-party entities, and other government agencies. Particularly for larger storms and events that affect multiple communities, multiple industries, and potentially multiple states, collecting and sharing information can become extremely complex. For a variety of reasons, companies often have found communication and cooperation with one another more fluid and adaptable than communication among various government agencies, and FCC leadership could help improve those inter-government coordination efforts.

Embedding FCC representatives with agencies like FEMA and with first responders is one way to deliver that expertise and leadership when it can be most helpful. A persistent challenge in emergencies is the loss of communications fiber and cables that are inadvertently cut by third parties during other response efforts. A representative from REV Broadband explained in the Commission's field hearing that "cutting intact fiber … or otherwise taking

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[13] For example, one CCA member experienced shipping crews deprioritizing and removing its trucks, fiber, and personnel from ships in favor of power cable and crews.

down operational communications facilities in the process of tree trimming or installing replacement poles" impedes recovery of communications networks and puts "active critical services to 911, [Emergency Operations Centers], and first responders" at risk.[14] Commission assistance in preventing those cuts wherever possible would be extremely helpful.

Likewise, Commission engagement with municipalities and other government actors charged with clearing debris from roads could help increase preparedness and coordination. Carriers often find that municipal crews that are clearing debris may not be trained on what fiber lines look like and may not be trained on how to avoid cuts. Carriers also need priority access to locations to address their networks, and localities may close off streets or areas in order to protect public safety but may inadvertently block carriers from making needed repairs. Additional training and coordination efforts will promote more efficient use of fuel, labor, and other resources that can quickly become scarce in emergencies, so that wireless carriers are able to reach facilities and equipment in need of repair.

Finally, the Commission can help carriers deploy backup power without unnecessary obstacles from other regulators. A representative from the Western Fire Chiefs Association explained in the Commission's field hearing how "[l]ocal and state siting rules, environmental, and other regulations governing the placement of backup power generators can make it exceedingly difficult to get this equipment installed at communication towers[,] … hinder[ing]

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14   Statement of Janet Britton, General Counsel, REV Broadband, at 2 (Oct. 26, 2021), *available at* https://www.fcc.gov/sites/default/files/field-hearing-10262021-statement-janet-britton.pdf; *see also* Dabdoub Hearing Statement (explaining that in responding to Hurricane Ida, Entergy "used hydrovac systems wherever possible to set new poles instead of an auger" in order to "help reduce the risk of cutting into telecommunications cables underground").

backup generator placement at sites in jurisdictions across the country."[15] "[P]reemptive siting and environmental streamlining rules to make it easier for these backup power facilities to be installed"[16] deserves careful consideration. The Commission should not, however, pursue regulation of carriers' use of backup power.[17] As with other preparation and response issues, the need for and availability of backup power is a highly variable and local issue. Carriers have strong incentives to secure the backup power that they will need, and they prioritize resources accordingly.

CONCLUSION

CCA appreciates the Commission's dedication to wireless network resiliency and its efforts to seek information and perspective through the *Notice of Proposed Rulemaking*. The wireless industry has invested enormous sums in hardening networks to stand up to disasters and emergency situations, and CCA members remain committed to ensuring their networks are available to their customers and communities when needed. CCA respectfully submits that the most important work the Commission can do in this area is making resources available and coordinating among the wireless industry, federal and local government actors, and other stakeholders, rather than taking an overly prescriptive approach to unpredictable and highly variable events.

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[15] Testimony of Chief Jeffrey D. Johnson, Chief Executive, Western Fire Chiefs Association, at 4 (Oct. 26, 2021), *available at* https://www.fcc.gov/sites/default/files/field-hearing-10262021-statement-jeff-johnson.pdf.

[16] *Id.*

[17] *See Notice of Proposed Rulemaking* ¶¶ 38-41.

Respectfully submitted,

/s/ Alexi Maltas
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Alexi Maltas, SVP & General Counsel
Alexandra Mays, Policy Counsel
Joshua Perez, Associate Policy Counsel[*]
Competitive Carriers Association
601 New Jersey Avenue NW, Suite 820
Washington, DC 20001
(202) 747-0711

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[*] Admitted to practice law in Florida; all work supervised by members of the DC Bar.