

NARUC Resolution on State Access to NORS Database

WHEREAS, The California Public Utilities Commission petitioned the Federal Communications Commission (FCC) requesting direct access to the FCC's Network Outage Reporting System (NORS) on November 12, 2009 [Petition of the California Public Utilities Commission And The People of the State of California for Rulemaking on States' Access to the Network Outage Reporting System (NORS) Database and a Ruling Granting California Access to NORS, ET Docket No. 04-35 (Nov. 12, 2009)]; *and*

WHEREAS, The FCC has not responded to this Petition as of this date; *and*

WHEREAS, While California filed the Petition on its own behalf, and some States may receive certain types of outage information from carriers, States share the need for immediate, secure and confidential access to NORS data for their individual states to carry out their regulatory responsibilities; *and*

WHEREAS, Many States filed in support of California's Petition: *See* Comments of the National Association of State Utility Consumer Advocates, ET Docket No. 04-35 (filed Mar. 4, 2010) ("NASUCA Comments"); Comments of the City of New York, ET Docket No. 04-35 (filed Mar. 4, 2010) ("New York Comments"); Comments of Massachusetts Department of Telecommunications and Cable, ET Docket No. 04-35 (filed Mar. 4, 2010) ("MDTC Comments"); Comments of the Public Service Commission of the District of Columbia, ET Docket No. 04-35 (filed Mar. 4, 2010) ("DCPSC Comments"); Comments of the Missouri Public Service Commission, ET Docket No. 04-35 (filed Mar. 26, 2010) ("MoPSC Comments"); and Comments on behalf of the New York Public Service Commission, ET Docket No. 04-35 (filed Mar. 4, 2010) ("NYPSC Comments"); *see also* Comments of CALTEL (California Association of Competitive Telecommunications Companies), ET Docket No. 04-35 (filed Mar. 8, 2010) ("CALTEL Comments"); Comments of the Alliance for Telecommunications Industry Solutions, ET Docket No. 04-35 (filed Mar. 4, 2010) at 1 ("ATIS recognizes the legitimate needs of states to have access to outage reporting data...") ("ATIS Comments"); Comments of The United States Telecom Association, ET Docket No. 04-35 (filed Mar. 4, 2010) at 1 ("US Telecom's members recognize the legitimate interest that the California Public Utilities Commission (CPUC) has in obtaining federally-collected outage reports for its jurisdiction.") ("USTA Comments"); *and*

WHEREAS, State agencies, including State Utility Commissions and State Offices of Emergency Services, are responsible for maintaining public services, including (tele)communications services, before, during and after emergencies; *and*

WHEREAS, State Commissions have a responsibility to ensure access to 911/E911 service, and many states have obligations to ensure call completion; *and*

WHEREAS, Utilities and public safety officials, including emergency responders, depend on safe, reliable and secure delivery of communications services before, during and after emergencies; *and*

WHEREAS, State Commissions have a responsibility to ensure the stability and resiliency of State communications infrastructure, including telephone and public communications networks; *and*

WHEREAS, Public telecommunications networks are the basis for the operation of advanced services that are also now widely needed before, during, and after emergencies; *and*

WHEREAS, Public telecommunications network outages pose a significant risk to health and safety of the public and “greatly inconvenience the public and cause significant economic disruption” [NASUCA Comments, ET Docket No. 04-35 (filed Mar. 4, 2010 at 4-5)]; *and*

WHEREAS, The U.S. Department of Homeland Security (DHS) recommended to the FCC that it consider making “outage information available to State public utility commissions, in order to assure that State authorities have the ... data they need to support their homeland security and emergency response functions...” [In the Matter of New Part 4 of the Commission’s Rules Concerning Disruptions to Communications, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd. 16830, ¶ 25, at 16845 (2004) (“New Part 4 Rules and Order”)]; *and*

WHEREAS, Granting States secure access to NORS data is consistent with a history of the FCC sharing confidential information with State commissions when a vital need is shown and the information is properly safeguarded [See MDTC Comments, ET Docket 04-35 (filed Mar. 4, 2010) at 5-6 (Describing the finding by the Commission that certain confidential information, such as NANPA and Form 477 data, should be shared with State commissions for the welfare of the public)]; *and*

WHEREAS, Protecting the security, integrity and confidentiality of NORS data is paramount, and the States are well-situated to understand the level of monitoring necessary to maintain the reliability and security of the communications infrastructures within their jurisdictions; *and*

WHEREAS, Secure access to the NORS database will ensure the rapid and effective coordination of efforts to maintain or restore communications services at the local, state, and federal levels; *and therefore be it,*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2015 Winter Committee Meetings in Washington, D.C., urges the Federal Communications Commission to approve expeditiously the petition of the California PUC for State public utility commissions and/or other State-identified State agencies to have direct and immediate secure access to state-specific information in the NORS database, subject to appropriate safeguards between the FCC and the PUCs regarding confidential information, and take the necessary steps to effectuate that access.

Sponsored by the Committee on Telecommunications

Adopted by the NARUC Board of Directors February 18, 2015