



**N A R U C**  
National Association of Regulatory Utility Commissioners

March 10, 2021

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW, Portals II Building  
Washington, D.C. 20544

**RE: Notice of Oral and Written Ex parte filed in the proceeding captioned:**

**Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, PS Docket No. 15-80**

**Opposition to the March 5, 2021 CTIA-CCA-USTelecom request to include text in ¶ 57 to suggest the FCC has already determined it has the authority to preempt any State reporting rules – an issue the R&O disclaims reaching.**

Dear Secretary Dortch,

On Tuesday, March 9, 2021, I spoke with Carolyn Roddy, Chief of Staff and Senior Legal Advisor for Wireline issues in the office of Commissioner Nathan Simington about the issues raised in this proceeding. I added some additional points in this letter and copied key advisors from the other offices on this filing.

***During the conversation, I expressed NARUC strong support, and great appreciation, for the FCC's consideration and passage of the Second Report and Order (R&O) at the March 17, 2021 agenda.***

NARUC has strongly supported FCC action on providing State access to the agency's outage data since the California Public Service Commission first filed a request for access in 2009. NARUC's most recent resolution, which is attached, passed November 11, 2020. It provides a short history of this proceeding and urges the FCC to expeditiously "*assure that State public utility commissions and/or other State-identified State agencies ... have direct and immediate secure access to . . . NORS and DIRS filings, subject to appropriate safeguards*"<sup>1</sup>

***The FCC should not add additional text proposed by the CTIA ex parte to the R&O.***

I specifically raised NARUC explicit and strong support for the FCC's conclusion in ¶ 56 to specifically reject requests from commenters to preempt state outage reporting requirements. I also pointed out that for some of the less densely populated states the triggers for the FCC's outage reporting is always likely to be sufficient. I emphasized that point because of a request included the March 5, 2021 filed CCA, CTIA, and USTelecom ex parte (*CTIA ex parte*), available online [here](#). Among other things, that *CTIA ex parte* suggests the FCC add unnecessary and inconsistent text to the end of ¶57 of the order.

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<sup>1</sup> [Resolution on State Access to the Network Outage Reporting System and Disaster Information Reporting System Filings](#), November 11, 2021.

The *CTIA ex parte*, at page 2, suggests adding:

*“Parties concerned that a particular state or other government agencies’ laws or rules conflicts with or contravenes the policies reflected in our Part 4 rules may request a declaratory ruling in accordance with our Part 1 rules, 47 C.F.R. § 1.2.”*

***The proposed texts is flatly inconsistent with the FCC’s express statements in the R&O.***

That text is, at a minimum, flatly inconsistent with the FCC declarations in ¶¶ 56 and 57 (1) expressly rejecting “requests from commenters that urge the Commission to preempt state outage reporting requirements . . . that do not align with the FCC’s reporting criteria,” (2) that currently, “states can determine what outage reporting requirements are most appropriate to their jurisdiction,” and that (3) “preemption is not an issue” in this proceeding.

The added text, and the rationale provided for including it ignore those specific FCC statements. The draft makes clear, at a minimum, that the FCC has not made any determinations about its authority to preempt any state outage laws.<sup>2</sup> The proposed added text clearly indicates it has already made that determination.

As the rationale for including such text – the *CTIA ex parte*, at page 2, makes arguments the order correctly and specifically rejects. Specifically, the *CTIA ex parte* contends the FCC “should not permit states...to, for example, require more granular descriptions of affected facilities and geographic areas...”

That is exactly what the FCC explicitly permits in those two paragraphs.

The *CTIA ex parte* also suggests the text must be included because states and local authorities should not be allowed to require “public posting of those reports.” However, the draft Report and Order covers at length the confidential treatment of data acquired from the FCC’s reporting systems. As for possible State “public posting” of data States *acquire directly from carriers* - it is no coincidence that the *CTIA ex parte* does not reference any existing (or past) state regulations that require such “public” postings. Indeed, NARUC has not yet found in the record of this proceeding even one cited incidence of a State exposure of competitive or confidential information. History and logic suggest that is very unlikely. After all States routinely handle crucial information about all critical infrastructure sectors – gas, electricity, water and communications. Many States already have direct access to data on not just telecommunications outages, but on other information of equivalent or perhaps greater sensitivity about telecommunications and those other critical infrastructures.

But in any case, as the draft *R&O* clearly indicates, the question of the scope of the FCC’s authority to preempt is premature. That means it is also premature to add the requested text.<sup>3</sup>

***Including the requested text in the R&O would be bad policy.***

Separate and apart from the obvious inconsistency of the proposed additional sentence with the text of the *R&O*, inviting petitions to preempt is a bad idea from a policy perspective.

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<sup>2</sup> See draft *R&O* at ¶ 57: “We further agree with the California Public Utilities Commission that “preemption is not an issue in the FNPRM,” and acknowledge that because the Commission did not seek comment on this issue, the record on this significant federalism question is not fully developed.”

<sup>3</sup> Even assuming there was a threat of a new rule or state law requiring public posting, this proposed added text would be still be at best superfluous. No added text is needed for any interested party to seek a declaratory order re: preemption or to claim preemption in federal court.

Even the FCC, in the seminal Report and Order in this proceeding, recognized that State's might need the - "more granular descriptions of affected facilities and geographic areas" - the *CTIA ex parte* seeks to block with the proposed additional text:

*With respect to the issue of potential duplication of the efforts of the states, we emphasize that we do understand the potential value of having one outage template instead of 50 different templates. Individual states, however, may have their own unique needs that could necessitate their collection of outage-reporting data that may differ from that needed by the Commission. For example, South Dakota requires many more outage reports than our criteria would generate. But since South Dakota is a small state, it may need tighter criteria in order to generate more than a handful of useful outage reports.*<sup>4</sup>

It is a fact that outages that may not meet the high reportable thresholds under FCC requirements can nevertheless endanger the safety of local communities, particularly when outages prevent communities from accessing 9-1-1 services or receiving emergency notification. As the R&O implicitly recognizes, State and local public safety authorities will, in some circumstances, need additional data for a variety of reasons, e.g., NORS data is not reported in real time, and service providers do not report on the status of equipment functioning on back-up power; NORS data does not, nor is it intended to, provide a complete portrait of communications infrastructure during a disaster; DIRS reporting is voluntary so some carriers may not provide reports to the FCC; DIRS reports are typically delivered 24 hours after the operational period, and cannot be used to support near real-time outage reporting.

The additional text requested in the *CTIA ex parte* would be a magnet for unnecessary FCC or Court litigation at taxpayer (and ratepayer) expense – whenever a state seeks data to maintain the safety and integrity of the networks – whether through required regular reports or investigation-instigated specific requests. At a minimum, inclusion of this requested statement in the *R&O* suggesting preemption will become part of the default carrier response to delay or ignore valid State requests for regular reports or specific data about particular outages or outage trends/history.

The FCC should include the current text in ¶¶ 56 and 57 with no additions. Any additional text that appears to limit on State independent authority to require reports will only inhibit carrier cooperation to State outage investigations and invite counterproductive and wasteful lawsuits at taxpayer and ratepayer expense. It will, long term, cost lives and undermine public safety.

As always, I am sending Ms. Roddy a copy of this *ex parte* so she can let me know if I failed to cover adequately the advocacy points raised during our conversation. I have also attached NARUC's resolution as per her request and included in the appendix an overview of NARUC's advocacy in this proceeding. If she sees any deficiency and lets me know I will refile to make any needed corrections or additions.

Respectfully submitted,

James Bradford Ramsay  
NARUC General Counsel

cc: Travis Litman, Acting Chief of Staff & Trent Harkrader, Acting Special Advisor, Office of the Chairwoman  
Greg Watson, Policy Advisor, Office of Commissioner Carr  
Austin Bonner, Legal Advisor for Wireline and Public Safety, Office of Commissioner Starks  
Carolyn Roddy, Chief of Staff and Legal Advisor for Wireline Issues, Office of Commissioner Simington

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<sup>4</sup> *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 16830 (2004) at 16909, ¶ 158. {emphasis added}

## APPENDIX A

### ADDITIONAL BACKGROUND FROM EARLIER NARUC FILING IN THIS PROCEEDING

#### ❖ *Providing Access to NORS can only Increase the Reliability of the Network.*

- *The States, after all, frequently are better positioned to, and frequently respond more quickly to, communications outages.<sup>5</sup> As past experience has shown,<sup>6</sup> communications network outages pose a significant risk to health and safety of the public. State agencies, including NARUC's member commissions as well as State Offices of Emergency Services, are responsible for maintaining public services, including telecommunications services, before, during and after emergencies.*
- *The States have staff resources around the country that the FCC cannot duplicate which frequently substitute for and can supplement any FCC activity.*
- *Unlike the FCC, in disaster and emergency situations, almost all of NARUC's members have responsibility for oversight and restoration of not just communications infrastructure, but also multi-sector critical infrastructures – including gas, electricity, communications and often water facilities. Most state commissions are key to post-disaster restoration efforts. Having access to any additional data on the size and scope of any communications outages can only facilitate service restoration for all critical infrastructures.*

#### ❖ *There is no reason to micromanage state access to data.*

- *The FCC in past proposals has proposed a laundry list of industry-proposed unworkable, inefficient and possibly illegal, restrictions on State access. The characteristic all those industry suggestions share is that – in large measure – they are simply unnecessary and undermine the public interest.<sup>7</sup> All require additional, wasteful and complicated expenditure of both federal and State resources to address a non-existent problem.*
- *States routinely handle crucial information about all critical infrastructure sectors – gas, electricity, water and communications. Many States already have direct access to data on not just telecommunications outages, but on other information of equivalent or perhaps greater sensitivity about telecommunications and those other critical infrastructures.*
- *There is no reason to require any specific training – that is simply another federal mandate to expend scarce taxpayer dollars on duplicative and unnecessary requirements. As noted elsewhere, commenters have not managed to cite to even one instance of State exposure of competitive or confidential information about outages.*

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<sup>5</sup> It is no accident that in the section of the federal legislation that grants the FCC its broadest pre-emptive power, 47 U.S.C. § 253, Congress also specifically preserves State authority “to protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.”

<sup>6</sup> See, e.g., March 18, 2015 FCC News Release *Verizon Agrees to \$3.4 Million Settlement to Resolve 911 Outage Investigation*, at: <http://www.fcc.gov/document/verizon-pay-34-million-resolve-911-outage-investigation-0>; March 18, 2015 FCC News Release *Oklahoma Carrier Fined \$100,000 for failing to direct 911 Calls to Local Emergency Responders*, at: <http://www.fcc.gov/document/oklahoma-carrier-fined-100k-sending-911-calls-autorecording-0>, December 2, 2014 Washington Utilities and Transportation Commission Press Release: *CenturyLink facing (\$2.9 Million in) Penalties for Statewide 911 Outage*, at: <http://www.utc.wa.gov/aboutUs/Lists/News/DispForm.aspx?ID=291>; January 17, 2013 Commonwealth of Virginia, State Corporation Commission, Staff Report of Final Findings and Recommendations (Derecho Report) at [http://media10.washingtonpost.com/wapo\\_generic/media/document\\_cloud/document/pdf/PUC-2012-00042\\_1-17-13.pdf](http://media10.washingtonpost.com/wapo_generic/media/document_cloud/document/pdf/PUC-2012-00042_1-17-13.pdf). *Note both the cited Washington and Virginia investigations provided data to FCC staff critical to their own investigations of those two outages.*

<sup>7</sup> For example, why should the FCC be concerned if data is being used “for any other purpose” as long as confidentiality is not breached? No supposed nefarious/inappropriate State “other purpose” is identified. After all, outage data has a fairly discrete set of possible uses – all lawful – and all related to the ongoing reliability of the network. It is no accident that no commenter has suggested even a hypothetical potentially “abusive” State use of such data.

- *The fact is, there simply no evidence in the record before the Commission to support additional restrictions or State use/access. There are only unsupported statements by parties that have a financial interest in constraining oversight and investigations of outages.*
- *NARUC members routinely deal with sensitive information dealing with energy, water, gas and telecommunications services, often participate in outage/disaster tabletop exercises in a range of sectors with other federal and State agencies- including the Department of Homeland Security, and are often a focus point for restoration of all critical infrastructures after disasters and outages of any sort. I did not find in my review of the comments a single cited instance of State “malfeasance” that disclosed crucial industry information in any sector. But to some commenters in this proceeding, telecommunications outages apparently require additional limitations, well beyond competitive or critical infrastructure protections accorded data from other sectors. Several suggest the use of the data (even subject to confidentiality protections) be restricted so that assuming the State agency has a related statutory charge – that is by definition in the public interest – they can litigate at taxpayer expense the internal (and confidential) use of that data. Some suggest the FCC handicap State specific efforts by requiring States to waive their own reporting requirements to access the FCC database.*
- *There is no logical reason (or evidence to support the need) to impose any additional burdensome requirements on State access. All the FCC has to do to avoid concerns raised by the tiny minority of States that have arguably deficient “FOIA” type protections in-place, is to condition access to the data on a State providing some level of confidential treatment. That is the solution. The FCC need do no more. Other industry-proposed restrictions, on either access or use of the data, are simply not necessary. Most, by their own terms, are suggested not to protect competition or assure security of the network, but simply to prevent States from using information to otherwise fulfill their statutory duty to – like the FCC - act in the public interest. Outage data has, after all, a limited “use.” Restrictions can only hamper State outage investigations and State restoration efforts.*
- ❖ ***States should have access to all the information from the FCC whatever the region and whatever the title of the FCC outage reporting program – DIRS AND NORS.***
  - *The FCC concludes correctly concludes that “direct access to NORS by our state and federal partners is in the public interest.” If access to NORS data is important, similar access to DIRS information when the FCC lifts NORS requirements in favor of DIRS is also in the public interest. The logic and rational of the FNPRM concerning State access to NORS data, applies with greater force when the FCC suspends NORS in hurricanes and other broader disasters in favor of the DIRS system.*
  - *States can only benefit from the full range of outage information providers are already required to report to the FCC for the States and region they operate in. Access to data about outages – in any jurisdiction – can only have one purpose. That is the same purpose underlying the FCC’s NORS/DIRS systems. Access will help States respond to exist outages, anticipate problems involving specific companies and equipment, and permit additional analysis of trends to head off future outage events.*
  - *It is also obvious that State access to outage data can only facilitate actual emergency responses (particularly in large scale events) for emergency response officials in around outage areas.*

## APPENDIX B LINKS TO APRIL 2020 COMMENTS SUPPORTING STATE ACCESS

[Comments of the Boulder Regional Emergency Telephone Service Authority](#), at 5, (“The Commission must make outage reporting, disaster information reporting . . . available to state and local public safety authorities, and make such regulatory changes as are necessary to meet the needs of state and local stakeholders who actually respond to emergencies, natural disasters, and homeland security incidents.”);

[Comments of The Utility Reform Network](#), at 2, (“The data is essential for public safety agencies to get a complete picture of the extent and nature of outages”);

[Comments of Competitive Carriers Association](#), at 2, (“NORS and DIRS are helpful tools for keeping . . . agencies aware of any service outages or disruptions so assistance can be quickly deployed when necessary.”);

[Comments of T-Mobile USA, Inc.](#), at 2 (“T-Mobile has long supported jurisdiction-specific state access to NORS data on a read-only basis.”);

[Comments of the Alliance for Telecommunications Industry Solutions](#), at 3, (“ATIS NRSC agrees that eligible state and federal agencies may obtain access to DIRS filings.”);

[Comments of NCTA - The internet & Television Association](#), at 1, (“NCTA fully supports . . . ensuring that federal and state agencies. . . have timely access to reliable information about service outages...The current coronavirus crisis has highlighted the vital role played by these networks in ensuring the safety and well-being of the American public.”);

[Comments of New York State Public Service Commission](#), at 2-3, (“[A]ccess will facilitate and enhance rapid and effective responses to major service disruptions.”);

[Comments of California Public Utilities Commission](#), at 11, (“[FCC] should amend its Part 4, § 4.2 rule now to provide secure, direct access to NORS and DIRS filings to federal, state, Tribal nations, and local agencies.”);

[Comments of AT&T](#), at 7, (“AT&T agrees that sharing NORS/DIRS information with government agencies could . . . provide important benefits.”);

[Comments of Verizon](#), at 2, (“Verizon has long supported many of the *NPRM*’s proposals, which would provide state public safety agencies timely access regarding the geographic scope, consumer impact and duration of outages.”);

[Comments of International Association of Chiefs of Police](#), at 3, (“[T]his outage and disaster reporting information would be beneficial to state, local . . . agencies.”);

[Comments of Pennsylvania Public Utility Commission](#), at 4 (“Pa. PUC agrees with the Commission and the majority of commenters that sharing NORS and DIRS information with state and federal agencies—in a manner that preserves the confidentiality of that information—would provide important public safety benefits.”);

[Comments of Communications Workers of America](#), at 4, (“[T]o best serve the public interest, the Commission should provide access to NORS and DIRS data to relevant state and local jurisdictions with confidentiality safeguards. Because state agencies are key to post-disaster recovery and ***are often able to respond more quickly to outages than federal agencies***, providing access to this data will protect the public interest and mitigate future outages.”(emphasis added));

[Comments of NTCA - The Rural Broadband Association](#), at 2, (“[A]llowing federal, state and local agencies access to NORS and DIRS filings could help those agencies respond more quickly.”);

[Comments of USTelecom](#), at 5, (“[We] recognize the legitimate interest of an information sharing framework [to] provide state and federal “need to know” public safety agencies with access to NORS and DIRS information.”);

[Comments of CTIA](#), at 3, (“CTIA shares the Commission’s view that providing public safety stakeholders access to certain outage reporting data can “improve the situational awareness and ability” of public safety stakeholders to respond more quickly to outages.”);

[Comments of Michigan Public Service Commission](#), at 5, (“(G)ranting states access to the databases . . . will allow for a more robust picture into service outages that effect both end users and public safety efforts.”); and the

[Comments of Montrose Emergency Telephone Service Authority](#) at 2, (“In July, 2019, a fiber cut impacted 9-1-1 service in multiple locations across Colorado. METSA . . . [was] notified that service in our jurisdiction was impacted. . . with NORS access, the COPUC could have assisted with generalized information regarding areas which were truly impacted by the outage.”);

[Comments of National Association of State 911 Administrators](#), at 23, (“When disasters or large-scale emergencies involving multiple contiguous states occur, access to NORS and DIRS data may allow impacted states to coordinate emergency responses with each other’s 911 systems to facilitate continuity in cross-border services as well as planning for future action for similar events.”);

[Comments of Colorado Public Utilities Commission](#), at 12, (“[D]ata obtained through the data-sharing process [would allow] development of aggregated and anonymized statistical analysis of outage data that may reveal trends in the frequency, size, and duration of outages affecting the public’s ability to call 911 in an emergency. . . immediate use in improving emergency management response to disasters and large-scale emergency, thereby potentially saving lives and property.”):

[Comments of Telecommunications Regulatory Bureau of Puerto Rico](#), at 2, (“DIRS. . .is most helpful in responding to public health and safety needs immediately following a disaster . . .NORS will be helpful for both short-term network assessment and longer-term system analytics”);

[Comments of the Massachusetts Department of Telecommunications and Cable](#), at 6, (“Direct access to NORS data would have provided the MDTC . . .local official and town residents, businesses, and government offices—with timely, and therefore, actionable information.”); all filed on April 29, 2020.

## ***APPENDIX C - TEXT OF NARUC'S NOVEMBER 11, 2020***

### ***Resolution on State Access to the Network Outage Reporting System and Disaster Information Reporting System Filings***

*Whereas* the California Public Utilities Commission (“CPUC”) 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 NORS Database and a Ruling Granting California Access to NORS, ET Docket No. 04-35 (Nov. 12, 2009)];

*Whereas* the National Association of Regulatory Utility Commissioners (“NARUC”) has filed extensive comments in this proceeding based on a February 15, 2015, *NARUC Resolution on State Access to the NORS Database*;

*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;

*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); Comments of the City of New York, ET Docket No. 04-35 (filed Mar. 4, 2010); Comments of Massachusetts Department of Telecommunications and Cable, ET Docket No. 04-35 (filed Mar. 4, 2010); Comments of the Public Service Commission of the District of Columbia, ET Docket No. 04-35 (filed Mar. 4, 2010); Comments of the Missouri Public Service Commission, ET Docket No. 04-35 (filed Mar. 26, 2010); and Comments on behalf of the New York Public Service Commission, ET Docket No. 04-35 (filed Mar. 4, 2010); *see also* Comments of California Association of Competitive Telecommunications Companies, ET Docket No. 04-35 (filed Mar. 8, 2010); 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...”); and 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 CPUC has in obtaining federally-collected outage reports for its jurisdiction.”);

*Whereas* the FCC did not respond directly to this Petition;

*Whereas* the CPUC withdrew this Petition [Motion of the California Public Utilities Commission and the People of the State of California to Withdraw California’s Request for a Ruling Granting California Access to the NORS Database] in 2018;

*Whereas* the CPUC addressed the need for access to NORS data through the development of their own outage database;

*Whereas* the U.S. Department of Homeland Security (“DHS”) recommended to the FCC that it consider providing State and federal agencies, and Tribal nations direct access to the FCC’s NORS and Disaster Information Reporting System (“DIRS”) filings; “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)];

*Whereas* the FCC disseminated a Notice of Proposed Rulemaking on March 2, 2020, further acknowledging “the crucial role state and local authorities can play in the successful restoration of disrupted communications” with appropriate outage data access [Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications Second Further Notice of Proposed Rulemaking - PS Docket Nos. 15-80 and RM No. 11588 (terminated)];



*Whereas* many States filed comments in support of the proposed Rulemaking; *See* Comments of the California Public Utilities Commission, PS Docket No. 15-80 (filed April 30, 2020); Comments of the Colorado Public Utilities Commission, PS Docket No. 15-80 (filed Apr 30, 2020); Comments of Massachusetts Department of Telecommunications and Cable, PS Docket No. 15-80 (filed April 29, 2020); Comments of the Michigan Public Service Commission, PS Docket No. 15-80 (filed April 30, 2020); Comments of the New York State Public Service Commission, PS Docket No. 15-80 (filed April 30, 2020); and Comments of the Pennsylvania Public Utility Commission, PS Docket No. 15-80 (filed April 30, 2020); see also Comments of the Washington APCO-NENA Chapter, PS Docket No. 15-80 (filed April 29, 2020); Comments of the Satellite Industry Association, PS Docket No. 15-80 (filed June 2, 2020); and Comments of The National Association of State 911 Administrators, PS Docket No. 15-80 (filed July 20, 2020);

*Whereas* the Commonwealth of Puerto Rico issued support to the Rulemaking, citing previous instances of disaster recovery in which, “timely access to network information during a disaster is literally a matter of life and death;”

*Whereas* NARUC has filed comments to support the proposal of providing States and other federal agencies access to the FCC’s NORS and DIRS filings, and in general support of the commenting state commissions;

*Whereas* the FCC released a Report of the Public Safety and Homeland Security Bureau on the June 15, 2020 T-Mobile Network Outage (October 22, 2020), lasting over 12 hours and resulting in 911 outages and disrupted service for customers across the country;

*Whereas* the FCC released a Report of the Public Safety and Homeland Security Bureau regarding the 37 hour December 27, 2018, CenturyLink Network Outage (August 19, 2020), detailing that the outage affected as many as 22 million consumers across 39 states, 29 of which experienced 911 outages;

*Whereas* the FCC has announced an investigation of the August 30, 2020 CenturyLink network outage;

*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;

*Whereas* State commissions have a responsibility to ensure access to 911/E911 service, and many States have obligations to ensure call completion;

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

*Whereas* States and local jurisdictions may need more granular or different outage information to fulfill their public safety mandates and the FCC should not preempt those efforts;

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

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

*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)];

*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* McDonough Telephone Cooperative Comments, ET Docket 04-35 (filed Mar. 4, 2010) at 5-6 (describing the finding by the Commission that certain confidential information, such as North American Number Plan and Form 477 data, should be shared with State commissions for the welfare of the public)];

*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; *now, therefore be it*

*Resolved* the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2020 Annual Meeting and Education Conference, urges the FCC to approve expeditiously the Notice of Proposed Rulemaking, PS Docket No. 15-80, for State public utility commissions and/or other State-identified State agencies to have direct and immediate secure access to State-specific NORS and DIRS filings, subject to appropriate safeguards between the FCC and the PUCs regarding confidential information, and take the necessary steps to effectuate that access.