

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
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July 7, 2011

Filed electronically Via ECFS

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Suite TW-A325
Washington, DC 20554

Re: PS Docket No. 11-60, PS Docket No. 10-92, and EB Docket No. 06-119,
New York State Public Service Commission Initial Comments

Dear Ms. Dortch:

On behalf of the New York State Public Service Commission, I have enclosed the Initial Comments of the New York State Public Service Commission for filing in the referenced proceedings.

Thank you for your attention. Please contact me at (518) 474-2510 if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter McGowan'.

Peter McGowan
General Counsel

Enclosure

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20544**

In the Matter of)	
)	
Reliability and Continuity of Communications Networks, Including Broadband Technologies)	PS Docket No. 11-60
)	
Effects on Broadband Communications Networks of Damage or Failure of Network Equipment or Severe Overload)	PS Docket No. 10-92
)	
Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks)	EB Docket No. 06-119

**INITIAL COMMENTS OF THE
NEW YORK STATE PUBLIC SERVICE COMMISSION**

INTRODUCTION AND SUMMARY

The Federal Communications Commission (FCC) issued a Notice of Inquiry (Notice) to investigate the need for action to improve and strengthen the reliability and resiliency of the nation's commercial communications networks, specifically, wireless and broadband. The need for the inquiry arises from the long-standing and ever-increasing recognition of the public policy imperative to effectuate reliable wireless and broadband networks, due to the burgeoning public reliance on these networks.

The Notice inquires into the ability of these communications networks to provide continuity of service during major emergencies, such as natural or manmade disasters; possibility that the communications infrastructure using these technologies may or may not be built to the higher standards applied to older technology; and capability of commercial networks to support mission-critical applications used by electric utilities to operate the electric grid more efficiently, recover from disasters and implement the communications and information technology build-out

to produce the Smart Grid.¹ FCC action could include specific requirements adopted as part of a future rulemaking proceeding and/or recommendations for best practices implemented by these communications carriers on a voluntary basis.

The Notice initiates an examination of several substantive issues, including the sufficiency of wireless data networks' onsite backup power and redundant backhaul facilities; and, what regulatory actions, if any, the FCC should take to foster improved performance with respect to the reliability and continuity of service.² In addition, the Notice seeks comments on its proposal to terminate the dockets in two related proceedings and transfer the records into a more comprehensive proceeding initiated as a result of this Notice.³

The NYPSC urges the FCC to establish a regulatory framework for continuity of service and network reliability that is applicable to all communications networks, supplemented by relevant industry best practices in specific areas. After the World Trade Center attack, the NYPSC established requirements for the public switched telecommunications network (PSTN) to improve reliability. The NYPSC recommends adoption of comparable measures applicable to wireless and broadband networks to achieve similar reliability standards. Identification of critical wireless and broadband networks infrastructure, prioritization and phasing-in adoption of standards is recommended because it is necessary to take into account the costs of the improvements. These network improvements are essential to achieve reliable and resilient communications networks to meet the nation's objectives for continuity of service during

¹ A Smart Grid is intended to increase the reliability of the electric system, automatically reroute power around outages, facilitate energy efficiency, integrate renewable generation, reduce peak demand through demand side management and support the adoption of electric vehicles (Omnibus Broadband Initiative, Federal Communications Commission, Connecting America: The National Broadband Plan, Chapter 12 (Energy and the Environment, §12.1 Broadband and Smart Grid (March 2010)).

² The Notice also requests comments on the need for expansion of the FCC's reliability and resiliency standards (outage reporting requirements) to include broadband networks and the sources of legal authority that would serve as the basis for any FCC action.

³ In the Matter of Reliability and Continuity of Communications Networks, Including Broadband Technologies; Effects on Broadband Communications Networks of Damage or Failure of Network Equipment or Severe Overload; 26 FCC Rcd 5614, April 7, 2011; Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, 22 FCC Rcd 10541, June 8, 2007.

disasters, establish a standard of reliability for broadband and wireless networks comparable to the one achieved for the PSTN and provide the necessary support for critical needs.

DISCUSSION

Continuity of Service and Network Reliability

After the World Trade Center attack, the NYPSC undertook an extensive review of telephone network reliability and resiliency issues and adopted an order establishing requirements for specific network upgrades applicable to incumbent local exchange carriers (ILECs).⁴ The upgrades included: geographic route diversity of critical interoffice facilities; retrofitting remote central offices for standalone capability (*i.e.*, independent operation in the event of power or connectivity loss); identification of the physical path of critical circuits and priority service restoration; and, reliability audits of SS7 and E911 services. After implementation, 77% of central offices in New York were provisioned with geographic route diversity, covering 98% of the total access lines, substantially strengthening the reliability and resiliency of the ILECs' networks.

Wireless and broadband networks provide services to entities that require reliable public utilities service in emergencies, including governments, financial institutions, other communications carriers, first responders and public safety organizations, and use critical facilities, including cell sites, carrier hotels and super-nodes. Given the expanding customer base of wireless and broadband networks and the possibility of damage or overload of these networks particularly during emergencies, the NYPSC supports FCC proposals to establish requirements that identify critical network points and phase-in hardening features, such as, independent power sources and "geographic redundancy" to ensure reliability and survivability.

The deployment of backup power, route redundancy facilities and adequate backup equipment varies among communications platforms and companies, resulting in different levels of network reliability and survivability. The NYPSC supports the FCC's proposal to

⁴ Case 03-C-0922, Proceeding on Motion of the Commission to Examine Telephone Network Reliability, Order Concerning Network Reliability Enhancement (issued July 28, 2004).

examine regulatory standards and, where service to critical users is involved, to apply these standards to wireless and broadband networks.

The NYPSC recommends that the FCC require geographic redundancy standards for circuits and contingency power standards for critical facilities that provide high volume wireless and broadband network backhaul and critical interconnection points in voice over internet protocol (VoIP) networks, including points of interconnection with the circuit switched telephone network. The same standards for achieving continuity of service and network reliability for traditional telecommunications infrastructure should apply uniformly to wireless and broadband networks as these networks are increasingly reliant on each other and an outage or reliability concern focusing on one platform often impacts other types of infrastructure. These requirements are necessary to achieve because consumers are increasing reliance upon interconnected broadband and wireless networks for communication needs. Further, it is necessary to maintain a high quality, reliable and secure communications infrastructure that consumers, businesses, governmental agencies and public safety entities may confidently rely upon for their communications needs and is critically important, regardless of the communications platform used.

Costs Associated with Continuity of Service and Network Reliability

The Notice acknowledges the practical costs and benefits of achieving continuity of service and network reliability. While the costs associated with deploying continuity of service and network reliability measures, such as backup power and redundancy of critical facilities, must be considered, to mitigate this impact, the NYPSC suggests a phased-in approach based upon the critical nature of the facilities.

In implementing improvements following the World Trade Center attack, the NYPSC allowed the ILECs to provide geographic route diversity and other capabilities for most end offices within one year and to make

exception requests based on high cost or regulatory and/or permitting hardship. In evaluating the requests that the ILECs presented, the NYPSC concentrated on public safety, acknowledged that competition will not drive reliability and resiliency interests, and cost is always a consideration and limitation even with public safety issues. So, some exemptions are

reasonable. Therefore, it applied different standards to critical need facilities, such as public safety answering points (PSAPs) for 911 service, hospitals, military and government facilities and public utilities. Retrofitting of critical need facilities was required, despite high cost. Ultimately, exemptions were denied in 138 of 345 offices; and, initial estimated costs were reduced from \$116.5 million to \$13.2 million.

Similar to this approach, the NYPSC recommends that the FCC require all communication providers to conduct a needs-based study to determine what wired and wireless broadband facilities require redundancy based upon a common definition of critical services. Once criteria are defined and the companies conduct their studies, a timeline should be established that prioritizes critical services in light of existing redundancy, technical feasibility and cost concerns. It is suggested that the FCC consider first the development of a target standard based on particular facilities, technical feasibility, services and populations served. For instance, timelines could establish priorities, focusing initially on facilities and services supporting emergency services and other critical communications. Entities requiring critical communications would include, minimally: PSAPs used for dispatch of 911 calls; police; fire department, and emergency management organizations; hospitals and ambulance dispatchers; and, wireless service on major highway corridors. It is recommended that carriers be given a reasonable amount of time to implement the phased-in approach.

FCC Action to Foster Improved Reliability and Continuity of Service

Telecommunications Service Priority (TSP) is a federal program that directs wire line and wireless telecommunications service providers to give preferential treatment to users enrolled in the program when they need to add new lines or require restoration of lines following disruption of service, regardless of cause. It is suggested the FCC expand the program to include interconnected VoIP providers.

Consolidation of Proceedings

The NYPSC supports the FCC's proposal to terminate two of its pending proceedings investigating issues similar to the ones proposed for consideration in the Notice.

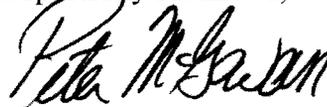
NYPSC Initial Comments
July 7, 2011
PS Docket No. 11-60, PS Docket No. 10-92
and EB Docket No. 06-119

The issues in the two pending proceedings are interrelated and overlap with the proposals contained in the Notice.

CONCLUSION

The NYSPSC supports the FCC proposals to examine methods for producing efficient and cost effective reliability, resiliency and continuity of service and network reliability standards for communication networks, including wireless and broadband.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter McGowan". The signature is written in a cursive, flowing style.

Peter McGowan, General Counsel
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