

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Recommendations of the Independent Panel)	
Reviewing the Impact of Hurricane Katrina on)	EB Docket No. 06-119
Communications Networks)	
)	
)	

**COMMENTS OF THE
NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE**

On June 19, 2006, the Commission issued a Notice of Proposed Rulemaking (NPRM) in the above-entitled proceeding, which was noticed in the Federal Register on July 7, 2006. In the NPRM, the Commission asks, *inter alia*, what measures it could take to improve coordination among infrastructure providers and emergency response officials at the federal, state, and local levels. In addition, the Commission seeks comment on methods to expand participation in the National Coordinating Center for Telecommunications by all types of communications systems. The New York State Department of Public Service (NYDPS) submits these comments in response to the NPRM.

SUMMARY

The NYDPS agrees with the Commission's overall assessment, as well as that of the Independent Panel, that actions could be taken to encourage greater efficiency, coordination, and responsiveness to disruptions of communications networks resulting from natural disasters or other emergencies. The Department of Public Service has

developed a vision of regional structures to support emergency response efforts. We believe the Department's approach is consistent with the Commission's goals. The Department's objectives would be to coordinate and more efficiently utilize federal, state, and local resources to respond expeditiously to local and regional events disrupting communications. The concept is patterned along the lines of the existing federal structure, the focal point of which is the National Coordinating Center for Telecommunications (NCC). In the Department's vision, a regional equivalent, or "regional coordinating center" ("RCC") would be created in each key region throughout the Nation (e.g., New York, Chicago, the Gulf, Mid-Atlantic, Mid-West, South, and West). The RCCs would be affiliated with the NCC. In this manner, RCCs would expand representation and involvement with the federal coordination center by bringing in state and local officials, as well as industry representatives active in the region.

DISCUSSION

The telecommunications and cyber sectors represent infrastructure essential to a modern economy. When major disasters and events disrupt or damage those sectors and their infrastructure, the economy no longer functions optimally, social ties upon which people rely are severed, and recovery efforts may thus be hampered. Telecommunications are essential to the Nation as a whole, and are absolutely vital to the States and to local municipalities. Consequently, regional approaches to incident readiness, monitoring and coordination should be given serious consideration.

Substantial benefits can be provided through the implementation of RCCs. In particular, RCCs would be well-positioned to closely monitor activities affecting the region's telecommunications networks around the clock, and to offer ground-level

coordination and assistance to federal, state, and local recovery efforts in the event of a major disaster or emergency. The RCC concept could be deployed nationally to improve federal and state support to telecommunications reliability, security, and recovery nationwide. Regional approaches can significantly improve emergency personnel's ability to respond to disasters, as well as enhance communications reliability and survivability on a continuing basis.¹

New York has experienced substantial challenges to its telecommunications infrastructure in recent years. New York City is often referred to as the financial capital of the world. New York, New Jersey, and Connecticut have substantial ties to the City and as a region are themselves highly vested in its progress. A New York specific RCC affiliated with the NCC could better coordinate response to an emergency, while ensuring more focused planning and preparedness. An RCC could channel federal interests, and simultaneously work with the existing emergency response structures in the three states and New York City, thereby fostering regional monitoring and coordination. Likewise, an RCC could give affected communications providers additional efficiency by reducing the need for real-time reporting at multiple governmental levels.

The RCC concept reflects several key interests which address telecommunications reliability and enhance incident responsiveness: 1) forging public-private partnerships; 2) pursuing ongoing processes and not one-time reactive reports; 3) focusing on telecommunications, financial services, media, broadcasting, and information services in a common forum; and 4) building better relationships and communities of interest. We

¹ The Department's proposal is attached hereto as Appendix A.

believe that all of the above are consistent with the objectives of the Commission and the Independent Panel.

CONCLUSION

The Department of Public Service respectfully requests that the Commission give serious consideration to implementing "regional coordinating centers" for telecommunications incident management and preparedness. We believe that this approach will enhance coordination among federal, state, and local emergency preparedness officials, expand the breadth and effectiveness of the federal NCC, and encourage greater efficiency and responsiveness when a major incident affects communications in a particular region of the country.

Respectfully submitted,

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APPENDIX A

A PROPOSAL FOR A REGIONAL APPROACH TO TELECOMMUNICATIONS INCIDENT MANAGEMENT

New York State Department
of Public Service – July
2006

Introduction

This document was prepared by the Office of Telecommunications of the New York State Department of Public Service to advance the concept of a "regional" approach to telecommunications incident management. It explores several models currently in use: emergency management, National Coordinating Center, and ChicagoFirst. The report then advances a new model—the Regional Coordinating Center—based upon the concept of a partnership where the public and private sector are both represented in a full-time relationship focusing upon the region. This body would monitor activities affecting the region's telecommunications networks round-the-clock, and would assist in the recovery efforts in the case of a major incident or emergency. The reader may quickly conclude that the country might be naturally divided into regions (e.g., New York, Chicago, the Gulf, Mid-Atlantic, Mid-West, South, and West) and that the concept could be employed nationally to support telecommunications reliability, security, and recovery.

Regional Approaches to Telecommunications Incident Management

The telecommunications and cyber sectors represent infrastructure essential to a modern economy. When major disasters and events disrupt or damage those sectors and their infrastructure, the economy no longer functions optimally, and the social ties we rely on are severed. While telecommunications is essential to the Nation as a whole, it is absolutely *vital* to the states and local municipalities. Here we examine how those sectors are best incorporated into the incident response architecture and whether there is a role for regional approaches. We believe that public-private partnerships are key, and that regional approaches can significantly enhance our ability to respond to disasters, as well as provide an ongoing focus on enhancing reliability and survivability on a continuing basis. The example here is based on New York which has experienced substantial challenges to its telecommunications infrastructure in recent years. New York City is often referred to as the financial capital of the world. New York, New Jersey, and Connecticut provide and derive immense benefits from the City and as a region are themselves highly vested in its progress. The regional concept that we propose is built on the foundation provided by several important federal, state, and local accomplishments:

- The public-private partnership envisioned by the recently-formed New York Telecommunications Reliability Advisory Council (NYTRAC)
- New York City's Mutual Aid and Restoration Consortium (MARC)
- New York State's Office of Cyber-security and Critical Infrastructure Coordination (CSCIC), the NYS Information-Sharing and Analysis Center, and the related Multi-state ISAC
- New York State and New York City's disaster and emergency response infrastructure: the State Emergency Management Office (SEMO) and the New York City Office of Emergency Management (OEM)

- The federal National Communications Service (NCS) and National Coordinating Center (NCC)
- Other regional-based public private partnerships such as ChicagoFirst

It also reflects several of the key interests to address telecommunications² reliability and to enhance incident responsiveness:

- Forging public-private partnerships;
- Pursuing ongoing processes and not static reports;
- Focusing on telecommunications, financial services, media, broadcasting, and information services; and
- Building relationships and communities of interest.

Opportunity

Recent events such as the August 2003 Blackout and last year's Hurricane Katrina reveal the need for consideration of an approach of this nature with support likely at many levels and among a broad group of stakeholders. In its publication of May 2004, Homeland Security Strategy for Critical Infrastructure Protection in the Financial Services Sector, the Financial Services Sector Coordinating Council for Critical Infrastructure Protection and Homeland Security (the "FSSCC") described several factors clearly present here:

The financial services sector is a decentralized and regionalized industry, with several different sector business components – banking, investments, insurance among others – and multiple centers of financial activity that are distributed throughout the United States. Many of the security issues relevant to the sector are most usefully defined at the business component level, since different vulnerabilities and issues exist in each of the components. *In other cases efforts need to focus on the security vulnerabilities and issues for a particular financial center or region.* The decentralized structure of the industry also means that some key infrastructures – markets and otherwise – can function independently and, in the event of an emergency, can be recovered at different times.

² The term telecommunications as used here is intended to encompass both the telecommunications physical facilities themselves and the related cyber aspects (protocol, applications, and the like).

Further, *virtually all key infrastructures within the sector are privately owned, so efforts to address vulnerabilities and issues will require significant private sector participation and close coordination between involved private and public sector representatives.* The Financial Services Strategy must reflect these factors, embracing decentralized solutions that focus on key sector business components and regional centers, with these solutions based on private sector contributions toward these national objectives.

The *financial services sector is highly dependent on certain other critical sectors (most notably telecommunications), and the Financial Services Strategy should seek to identify means of addressing adverse impacts on the financial services sector from events affecting the other sectors, especially where there are specific vulnerabilities unique to financial services.* (Page 4, emphasis added; see also www.fsscc.org)

The recently developed National Response Plan indicates steps to ensure an appropriate response to incidents and emergencies that should be discharged at the lowest possible jurisdictional level, and that this will "require extensive cooperation, collaboration, and information-sharing across jurisdictions, as well as between the government and the private sector at all levels."³ At the same time, the federal experience suggests that a regional approach might not be accomplished easily or quickly:

Homeland Security's most unusual entity -- the Information Analysis and Infrastructure Protection Directorate -- is also on the chopping block. It was originally set up to map intelligence about terrorist threats against the nation's most vulnerable facilities in order to help set priorities for federal attention and resources. The unit made little headway. *Few businesses in pivotal sectors of the economy wanted to share information about their vulnerabilities with Homeland Security, fearing it could be used against them by regulators or leaked to competitors.* ("Homeland Security Overhaul Is in Works", Wall Street Journal, July 13, 2005, emphasis added)

A regional model needs to defeat the reluctance of those who must participate to make it successful, and deliver on the promise of the benefits to be produced.

³ "A basic premise of the NRP is that incidents are generally handled at the lowest jurisdictional level possible." (National Response Plan, December 2004, Page 1 and 13, see also http://www.dhs.gov/interweb/assetlibrary/NRP_FullText.pdf)

Potential Models

At least three models present themselves as ones that could be emulated or leveraged to achieve a suitable support entity: government emergency management operations, the National Coordinating Center of telecommunications, or the Chicago region's public-private partnership for financial security, ChicagoFirst.

Emergency Management

The emergency management models (e.g., SEMO, New York City's EMO, and the Federal Emergency Management Agency) currently support an institutionalized basis for dealing with disaster conditions according to a standard incident response protocol in a secure setting.

National Coordinating Center

The National Coordinating Center is also focused on emergency response, yet from a national telecommunications perspective. At the NCC (<http://www.ncs.gov/ncc/>), the Nation's major telecommunications interests are represented and work directly with government counterparts both civilian and military. They operate in an environment of tight security under specific protocols designed to enhance the Nation's responsiveness to a telecommunications event, without compromising the competitiveness of the private interests represented. However, they are focused nationally, not locally or regionally.

ChicagoFirst

ChicagoFirst is an entity created in 2003 which is dedicated to "enhance the resiliency of the area's financial institutions in the face of terrorist threats and natural disasters."⁴ It seeks to achieve this goal through a public—private partnership between Chicago's financial community, the City of Chicago, the State of Illinois, and federal agencies. As part of its mission, it has achieved a seat on Chicago's Emergency Management Joint Operation Center (JOC) and developed plans to assist the financial sector and its personnel in a disaster. While this organization is an appropriate regional model, it is primarily focused on the financial sector.

⁴ See www.chicagofirst.org

New Model

A regional incident response effort could emulate and leverage the models and resources above to create a new entity, tentatively called the "Regional Coordinating Center" or RCC. The Center's initial task, once formed, would be to serve in a variety of capacities consistent with the public interest, specifically to support reliability and emergency response. The diagrams below visualize this conceptually using the New York entities for illustration purposes:

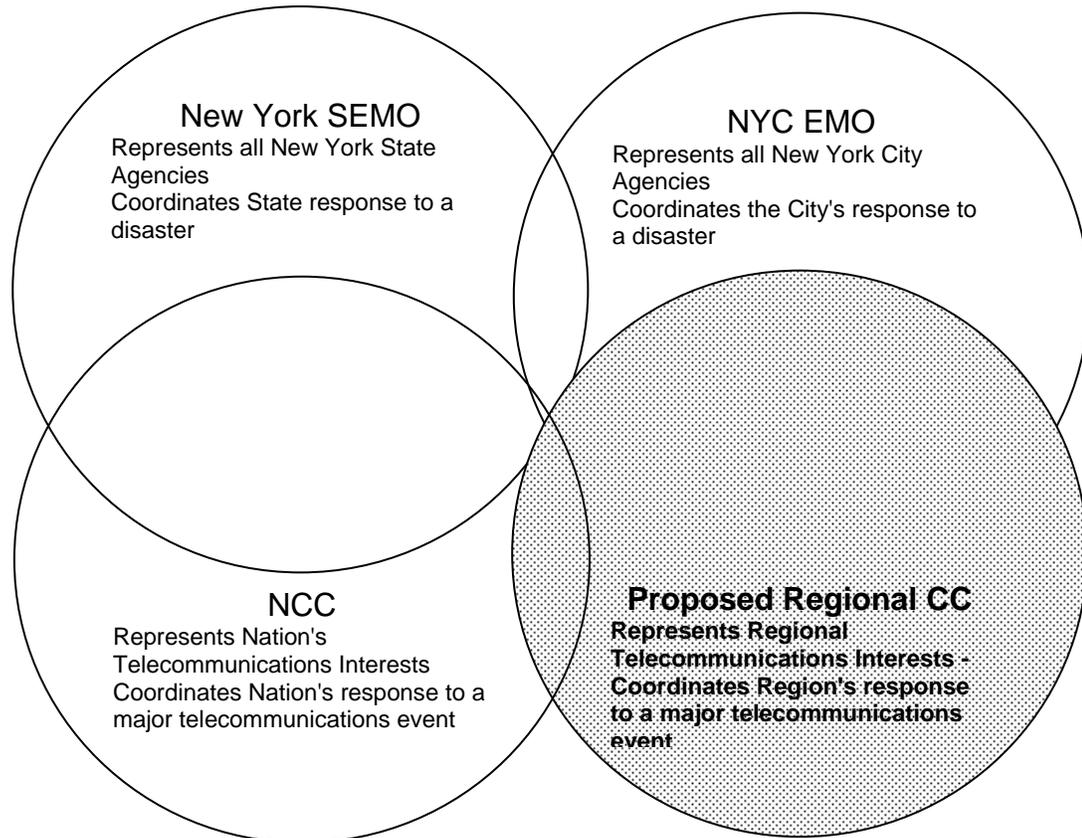


Figure 1: Entity Relationship

Figure 2: Partnerships

Entity:	Carriers	Equipment Suppliers	Software Providers	Government	Large Private Users (e.g., financial)	Other Infrastructure Providers (e.g. ConEd and the Port Authority)
Represented on the federal NCC						
Represented at SEMO and the New York City's EMO						
Represented on ChicagoFirst				Via Partnerships and seat at Chicago's JOC	Via Partnerships	
Proposed to be represented on a New York RCC	Via NCC representation	Via NCC representation	Via NCC representation	Via seat at New York City EMO; SEMO in NY, NJ, CT	Via Partnerships	Via Partnerships

This regional coordinating center could, once it is functional, be used to fill a gap in the current emergency response equation—that is the lack of an organization specifically geared to a *regional response* to major telecommunications events.

Structure

The offered perspective is *in brief* that the Regional Coordinating Centers (RCCs) borrow upon the name and organizational structure of the existing federal NCC in the hope of establishing a direct linkage to that national body. The NCC was established as a result of a Presidential directive born of the potentially dire experiences of the Cuban Missile crisis related to communications. The White House established the National Communications Service to oversee the Nations' telecommunications assets. The NCS empowered the NCC to manage and execute these tasks day to day.

A similar structure is suggested for the RCCs. The Federal Communications Commission would identify and empower the RCCs and establish the appropriate governance protocols. A Committee of Principals supported by a dedicated RCC Manager could be responsible for managing efforts day to day. All other staff might be assigned to participate in the effort for fixed terms (e.g., six months, a year) during which they would continue to be paid by their employer. Much of what goes on within a designated RCC would be confidential in nature and appropriate assurances would need to be provided to the principals. This synopsis is

intentionally superficial as to important details because the development of a governance structure and a legal basis for operation of the RCCs would be a key task of a proposed work plan.

CONCLUSION

A regional approach could be of great value in telecommunications incident and disaster response management, and would expand the degree of partnership and participation in this activity. A new entity, the Regional Coordinating Center, is proposed. The RCCs would emulate the structure of the National Coordinating Center and seek an affiliation so as to gain access to the relationships it has already established with industry and the federal government.