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October 9, 2008

VIA ELECTRONIC SUBMISSION

Mr. Nicholas A. Fraser
Office of Management and Budget
nfraser@omb.eop.gov

Federal Communications Commission
PRA Mailbox
PRA@fcc.gov

Re: Information Collection Regarding Emergency Backup Power For
Communications Assets As Set Forth In The Commission's Rules (47 C.F.R. §
12.2)

Dear Mr. Fraser and FCC Staff:

On January 14, 2008, AT&T Inc. (AT&T) filed comments on the Commission's First Paperwork Reduction Act (PRA) Notice seeking comment on the information collection mandated by the *Katrina Reconsideration Order*.¹ In those comments, a copy of which is attached, AT&T explained that while we support the goal of ensuring the continuity of communications services in the event a natural or man-made disaster results in the loss of commercial power, we had significant concerns with the Commission's PRA estimate of the burdens imposed by the information collection in the *Order*. In particular, AT&T pointed out that, based on the Commission's PRA estimate that each provider subject to the *Order* would need only 70 hours to complete the information collection, AT&T would have less than 2 seconds for each of its approximately 170,000 covered assets to complete the multitude of tasks required by the *Order*.² We urged the Commission to work with OMB to develop a revised PRA analysis with a more realistic burden estimate.

¹ See *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, EB Docket No. 06-119, WC Docket No. 06-63, Order on Reconsideration, FCC 07-177 (released Oct. 4, 2007) (*Katrina Reconsideration Order*); *Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested*, 72 Fed. Reg. 64221 (November 8, 2007) (First PRA Notice).

² AT&T Comments at 2-3 (explaining that for each asset, a provider will -- at a minimum -- need to identify the asset and place it on an inventory list (which may involve extracting data from multiple regional databases as well as on-site physical inspections); assign the asset to one of the three categories in the Commission's rules, which will require (i) an analysis of the asset's original backup power design specifications, (ii) an analysis of whether backup power compliance is precluded by risk to safety of life or health, private legal obligation or agreement, or federal, state, tribal or local law (including relevant facts and legal citations); and (iii) to the extent compliance is not precluded for the reasons in (ii), the development and submission of a backup power plan for non-conforming assets.)

The Commission did, in fact, produce a revised PRA analysis.³ Unfortunately, the Commission's burden estimate continues to grossly understate the amount of time required to satisfy the *Order's* information collection.⁴ The Commission now estimates that it will take providers an average of approximately 117 hours to complete the information collection and that no provider will spend more than 192 hours on that task. But even using the high end of the Commission's estimate (192 hours), AT&T would still have only about 4 seconds per asset to complete all of the tasks required by the *Order*, which is obviously a serious underestimate of the actual amount of time necessary to comply with the information collection in the *Order*. Accordingly, OMB should not approve that information collection in its current form for all of the reasons stated herein and in AT&T's previously filed comments.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

/s/
Jack Zinman

³ *Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget, Comments Requested*, 73 Fed. Reg. 52354 (September 9, 2008) (Second PRA Notice).

⁴ The Commission also continues to estimate the total annual cost of the information collection as "none," which is inexplicable given the extent of that collection. *See* AT&T Comments at 4 n.10.

**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)	WC Docket No. 06-63
)	
Notice of Public Information Collection(s))	
Being Reviewed by the Federal Communications)	
Commission, Comments Requested)	

COMMENTS OF AT&T, INC.

I. INTRODUCTION

AT&T Inc. and its affiliated companies (collectively, AT&T) respectfully submit the following comments in response to the Commission's Paperwork Reduction Act Notice seeking comment on the information collection mandated by the *Katrina Reconsideration Order*.¹

AT&T firmly supports the Commission's goal of ensuring the continuity of communications services in the event a natural or man-made disaster results in the loss of commercial power. Indeed, for more than a century, AT&T and its corporate predecessors have devoted substantial resources to building and maintaining robust communications networks that are designed to provide reliable service in the face of adverse operating conditions and we are committed to continuing to do so in the future.

While AT&T supports the overarching goals of the *Katrina Reconsideration Order*, we nonetheless file these comments to alert the Commission to a major flaw in the PRA Notice supporting that *Order*. Specifically, in the PRA Notice, the Commission estimates that the

¹ See *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, EB Docket No. 06-119, WC Docket No. 06-63, Order on Reconsideration, FCC 07-177 (released Oct. 4, 2007) (*Katrina Reconsideration Order*); *Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested*, 72 Fed Reg. 64221 (November 8, 2007) (PRA Notice).

average amount of time it will take a carrier to respond to the information collection mandates in the *Order* is approximately 70 hours.² For the reasons discussed below, AT&T believes that 70 hours *grossly underestimates* the amount of time required to comply with those mandates and we urge the Commission to work with the Office of Management and Budget (OMB) to develop a more realistic estimate.

II. DISCUSSION

In the *Katrina Reconsideration Order*, the Commission adopted rules that, with certain exceptions, require LECs and CMRS providers to “have an emergency backup power source (e.g., batteries, generators, fuel cells,) for all assets necessary to maintain communications that are normally powered from local commercial power, including those assets located inside central offices, cell sites, remote switches and digital loop carrier system remote terminals.”³ Under these rules, central offices must have at least 24 hours of backup power and cell sites, remote switches and digital loop carrier system remote terminals must have at least 8 hours of backup power.⁴

In addition, the Commission’s rules require each LEC and CMRS provider to submit an extensive report that places each individual asset subject to the rule into one of three categories: (1) assets that were originally designed to comply with the applicable backup power requirement; (2) assets where compliance is precluded due to risk to safety of life or health, private legal obligation or agreement, or federal, state, tribal or local law (including specific factual and legal information to support the claim of preclusion); and (3) assets designed with less than the applicable backup power requirements where compliance is not precluded for

² See PRA Notice, 72 Fed. Reg. at 64222 (estimating the average time per response at “70.32 hours”).

³ 47 C.F.R. § 12.2(a).

⁴ *Id.*

reasons specified in (2).⁵ Further, for all assets in category (3), LECs and CMRS providers must submit a “certified emergency backup power compliance plan” that describes how the carrier “will provide emergency backup power to 100 percent of the area covered by any non-compliant asset in the event of a commercial power failure.”⁶

Although AT&T is still in the process of reviewing its relevant assets, we preliminarily estimate that approximately 170,000 of our wireline and wireless assets may be subject to the Commission’s information collection requirements.⁷ In order to satisfy those requirements, AT&T will at a minimum need to perform the following tasks for each such asset: identify the asset and place it on an inventory list (which may involve extracting data from multiple regional databases as well as on-site physical inspections); assign the asset to one of the three categories in the Commission’s rules, which will require (i) an analysis of the asset’s original backup power design specifications, (ii) an analysis of whether backup power compliance is precluded by risk to safety of life or health, private legal obligation or agreement, or federal, state, tribal or local law (including relevant facts and legal citations); and (iii) to the extent compliance is not precluded for the reasons in (ii), the development and submission of a backup power plan for non-conforming assets.

According to the PRA Notice, satisfying the information collection requirements in the *Katrina Reconsideration Order* should take each respondent about 70 hours.⁸ But with approximately 170,000 assets potentially subject to these requirements, the Commission’s 70 hour estimate means that AT&T would have *less than 2 seconds per asset* to perform all of the

⁵ 47 C.F.R § 12.2(c)(1), (2).

⁶ 47 C.F.R § 12.2(c)(4).

⁷ AT&T has approximately 6,500 central offices and remote switches, 120,000 remote terminals and 45,000 cell sites.

⁸ PRA Notice, 72 Fed. Reg. at 64222.

tasks described above. Moreover, although the Commission's 70 hour estimate is an "average" for the carriers subject to the rule, even a carrier one-tenth AT&T's size would still only have about 15 seconds per asset to perform the requisite tasks.⁹ Quite obviously, the Commission's 70 hour estimate seriously understates the amount of time that carriers will need to satisfy the information collection mandated by the backup power rules.¹⁰ While it is difficult to provide an accurate hour estimate at this early stage of the compliance process given the number of assets involved and the complexity of the analysis potentially required for a substantial number of those assets (e.g., the factual and legal showings for each asset in category (2)), we believe that – *at a bare minimum* – it will take thousands of hours for AT&T to comply with the Commission's information collection mandate. For example, if AT&T spent only an average of 5 minutes per asset – an estimate that may itself be too low – it would take AT&T alone approximately 14,000 hours to complete the information collection, which is more than double the total aggregate amount of time the Commission estimated that it would take for *all carriers* subject to the backup power rule to complete the collection.¹¹

III. CONCLUSION

For the reasons stated above, AT&T respectfully requests that the Commission work together with OMB to revise the PRA analysis supporting the *Katrina Reconsideration Order* by

⁹ The Commission's backup power rules only apply to large and mid-sized carriers because it exempted small LECs and CMRS providers from those rules. See 47 C.F.R. § 12.2(a) ("LECs that meet the definition of a Class B company as set forth in Section 32.11(b)(2) of the Commission's rules and non-nationwide CMRS providers with no more than 500,000 subscribers are exempt from this rule.").

¹⁰ Given the broad scope of the information collection, the Commission's assertion that the annual cost of the collection will be "none" is simply inexplicable and must be revised. See PRA Notice, 72 Fed. Reg. at 64222 ("Total Annual Cost: None").

¹¹ PRA Notice, 72 Fed. Reg. at 64222 (estimating the total industry-wide number of hours to complete the information collection at "6,540 hours").

developing a more realistic estimate of the time necessary to complete the information collection mandated by that *Order*.

Respectfully Submitted,

By: /s/ Jack Zinman

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