

**Before the
OFFICE OF MANAGEMENT AND BUDGET
Washington, DC 20503**

INFORMATION COLLECTION)	
BEING SUBMITTED FOR REVIEW)	OMB 3060-1003
AND APPROVAL TO THE OFFICE)	FR ID 234948
OF MANAGEMENT AND BUDGET)	

**COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

To the Office of Management and Budget:

NTCA–The Rural Broadband Association (“NTCA”), a trade association representing more than 850 small, locally operated rural broadband service providers, hereby submits comments in the above-captioned proceeding.¹ NTCA welcomes the opportunity to submit these comments as the Office of Management and Budget (“OMB”) considers the proposed information collection by the Federal Communications Commission (the “Commission”) related to the Commission’s rules requiring cable communications, wireless, wireline and interconnected VoIP providers to report on their infrastructure during emergencies and crises when the Disaster Information Reporting System (DIRS) is activated and to submit a final report to the Commission within 24 hours of DIRS deactivation.

Obligations to collect and report information during an emergency situation, and on an ongoing basis, impose tremendous costs and burdens on small providers. The Commission argues that “[t]he size of the provider a consumer uses should not affect a consumer’s right to

¹ *Resilient Networks, et. al.* PS Docket No. 21-346, *et. al.*, Second Report and Order (released Jan. 26, 2024) “Second R&O”.

public safety and potentially life-saving information, nor should small rural communities be less entitled to functioning networks that provide alerts and 911 capability than communities served by large providers.”² NTCA agrees. NTCA’s members are committed to the reliability and resiliency of networks that serve their rural areas. However, requiring daily infrastructure reports does nothing to hasten repair or restoration of service to consumers and, in fact, compelling time-consuming reporting amid emerging issues is more likely to divert resources from the very job of restoring service. In its Second R&O, the Commission failed to point to any instance in which additional mandated reporting would be helpful to maintain or restore communications in an emergency, but such action would most certainly magnify the burden of small providers in a crisis. A lesser burden that would accomplish the Commission’s goal of obtaining relevant information should be considered.

A small provider’s ability to file a daily report is not always simply a matter of a person logging in and spending less than 10 minutes typing in a short report, as the Commission assumes.³ A provider’s ability to comply depends upon technical feasibility, the scope of an emergency and its impacts, and the needs of consumers and staff. There is also an opportunity cost in that it may take an employee who would otherwise be engaged in restoration efforts to complete the report, especially for smaller rural operators. Unlike large providers with multiple offices spread throughout the United States, small providers are situated in the communities they serve. When disaster strikes, it often affects not just infrastructure, but also operations. Offices may be damaged, and employees’ homes may be destroyed. In the immediate aftermath of a disaster, these small companies are immersed in the business of assessing damage and restoring

² Second R&O and FNPRM, ¶ 11.

³ Second R&O, Final Regulatory Flexibility Analysis, Appendix B, ¶ 71.

service. Additional regulatory considerations and compliance measures during a disaster is counterproductive.

In its Second R&O, the Commission stated that it is taking action mandating DIRS to “ensure the nation’s communications providers are maintaining the resiliency of networks, advancing their ability to enhance network reliability, and supporting the tools necessary to mitigate and eliminate threats to their systems.”⁴ It added that such reporting will enable the Commission to “determine whether the outages likely could have been prevented or mitigated had the service providers involved followed certain network reliability best practices, and whether such practices are employed broadly in the industry.”⁵ Once DIRS is activated in an area, providers are required to file reports daily, even in the event there is no change in status or circumstance from the previous day, or if they are fully operational and not affected by the event.⁶

In its Regulatory Flexibility Analysis, the Commission outlines its efforts to minimize the burden on small providers.⁷ It points out that it waives Network Outage Reporting (NORS) requirements for providers while they are obligated to report in DIRS but fails to acknowledge that there is a threshold below which NORS reporting is not required - a threshold not frequently met by small providers, that NORS reports are not daily reports, and that final NORS reports are required 30 days after discovery of the event, not within 24 hours of a FCC determination that a

⁴ Second R& O, ¶ 6.

⁵ *Id.* ¶ 7.

⁶ Second R&O, Final Rules, Appendix A.

⁷ Second R&O, Appendix B, ¶ 79.

disaster is controlled.⁸ This elimination of duplicative NORS reporting is also offered as justification for the Commission’s determination that there is apparently no cost associated with mandated daily reporting.

Further, without any context or comments filed by any party to support the assertion, the Commission presumes that small and rural providers already engage in the production of some type of report(s) to track emergency events, “and therefore the Commission does not expect that small providers will have to hire professionals” to comply with the requirement. And its last attempt to argue that it has tried to lessen the burden on small providers it points to the “flexibility” afforded by “allowing providers to submit detailed written information that identifies and provides the status of its outstanding infrastructure equipment, and its estimated dates for resolving all outstanding issues remaining at the time of deactivation, *in a free form text box* (emphasis added).” NTCA’s members inform us that there is a significant time, financial and opportunity cost associated with mandatory daily report, particularly in a scenario in which DIRS is activated. The Commission utterly failed to seriously consider or mitigate the substantial burden of daily mandatory DIRS reports on small providers.

The Commission indicates it will use the reports to “determine whether the outages likely could have been prevented or mitigated had the service providers involved followed certain network reliability best practices, and whether such practices are employed broadly in the industry.”⁹ The assessments are admittedly important, but they will take place after the fact of a

⁸ NORS reporting thresholds vary by provider type but are generally required if an outage lasts at least 30 minutes and potentially affects at least 900,000 customers or user minutes, or a 911 facility. 47 C.F.R. § 4.9.

⁹ Second R& O, ¶ 6.

disaster and likely, after service restoration efforts are completed. While the Commission may be frustrated at not having daily information about a company's challenges and restoration efforts, a daily infrastructure report will do little to inform the Commission and will be less informative than a more detailed and thoughtful report completed by the provider within a reasonable period of time after services are substantially restored.

If the Commission seeks situational awareness to “effectively manage and mitigate the short-term and long-term impacts of disasters on communications networks, ultimately increasing network resiliency and availability during and after disasters to enable viable access to emergency communications”¹⁰ it should encourage providers who seek the agency's assistance during a disaster to file according to a schedule that meets their needs and abilities, which may, or may not, be on a daily basis at their discretion. It could also then mandate a report from providers within a reasonable period AFTER the immediate needs of a disaster are addressed and service is restored. The Commission's goals in collecting the information so that it may perform an analysis would be met, while simultaneously reducing the burden on small providers.

¹⁰ Second R&O, ¶ 10.

NTCA urges OMB to consider lesser regulatory burdens for small providers. In the situation of DIRS activation, it may be possible for the Commission to collect a single report after service is restored, rather than a daily report submitted during the emergency.

Respectfully submitted,



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