



May 14, 2007

VIA FACSIMILE AND ELECTRONIC MAIL

Allison E. Zaleski
Office of Management and Budget
Room 10236 NEOB
Washington, D.C. 20503

**Re: Communications Providers Emergency Contact Information
OMB Control Number: 3060-1003**

Dear Ms. Zaleski:

T-Mobile USA, Inc. ("T-Mobile") submits these comments in response to the above-referenced Notice of Public Information Collection issued by the Federal Communications Commission ("FCC").¹ The FCC seeks to revise an information collection (Control No. 3060-1003), which was previously approved by the Office of Management and Budget ("OMB"). The current information collection involves gathering emergency contact information of the appropriate personnel at "key telecommunications providers"² via telephone during an emergency to assess the status of their facilities and network(s), and to determine the appropriate agency response.³ The FCC intends to update the manner in which it collects emergency contact information, and to allow communications providers the opportunity to provide critical information about their network status and resource requirements in the event of an emergency.⁴ Specifically, the FCC seeks to modify the information collection to enable communications providers to file such information electronically via the Internet (initially emergency contact information and eventually network status information).⁵

With regard to the issue of preserving the confidentiality of the information collected, the FCC states that respondents are not being asked to submit confidential information and adds that respondents may seek confidential treatment in accordance with the FCC's rules, if asked to submit information deemed confidential.⁶ We encourage the FCC to amend its rules to provide, preferably in the form of an Order on its

¹ See Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget, 72 Fed. Reg. 11876 (Mar. 14, 2007). ("Information Collection Notice")

² See *id.* Examples of "key telecommunications providers" include wireline, wireless, broadcast, cable and satellite entities.

³ Information Collection Notice at 11876

⁴ *Id.* at 11877.

⁵ *Id.*

⁶ *Id.* at 11876.

own motion, a blanket declaration of confidentiality for carrier information involving network status and associated resource requirements that are voluntarily submitted to the FCC and inserted in the proposed disaster/emergency reporting system. Such information would be treated under FCC rules as not routinely available for public inspection, which is consistent with what T-Mobile understands to be the FCC's intention for its Disaster Information Reporting System.

As referenced above, the FCC intends to utilize its electronic information tool to eventually collect information on network status and resource requirements of communications providers. Typically, any information released about a wireless telecommunications provider's network status and resource requirements is commercially sensitive information and warrants confidential treatment. A blanket declaration of confidentiality is an effective approach to facilitating the FCC's goal of promptly collecting this information in an emergency while also protecting any sensitive or proprietary information included in the reports. In addition, a blanket declaration would reduce the burdens communications providers would incur by having to submit specific requests for confidential treatment on a per-filing basis. It is our understanding that blanket confidentiality is indeed the FCC's preferred approach.

Some records submitted to the FCC are not routinely available for public inspection, even in the absence of a request for confidential treatment, consistent with statutory requirements.⁷ Specifically, Section 0.457 of the FCC's rules lists certain trade secrets and commercial or financial information that is routinely not available for public inspection, *i.e.*, given blanket confidential treatment without the need for a specific request for confidentiality.⁸ We believe the network status data the FCC would seek as part of this information collection is a similar type of information that should be given blanket confidentiality status under the "trade secret/commercial information" category and therefore, not be made routinely available for public inspection.

A communications provider's network information is comprised of proprietary and confidential data that, if acquired by its competitors or the public, could cause the provider significant commercial harm. Communications providers do not regularly disclose or make public specific information associated with the location or operation of the various components of its infrastructure. Blanket confidentiality for these types of submissions would be much more efficient than requiring case-by-case confidentiality requests. This approach would allow providers to focus on the most important issue during an emergency – ensuring that customers have consistent and reliable communications service.

⁷ See Freedom of Information Act, 5 U.S.C. §552 (b) ("FOIA").

⁸ 47 C.F.R. §0.457(d)(i)-(vi). Moreover, a FOIA request will be granted for such information only upon a "persuasive" showing. *Id.* §0.457(d).



The current obligations, in particular the narrative format, of confidentiality requests as necessitated by Section 0.459 are incompatible with the purpose of the electronic information collection tool for disaster and emergency reporting that the FCC is seeking to deploy.⁹ By implementing an electronic information collection tool, the FCC is setting out to simplify and streamline the process a communications provider would have to undergo to provide the information. The submission of a narrative confidentiality request with every instance of reporting is inconsistent with the goal of simplifying the reporting process. Accordingly, T-Mobile urges OMB to permit the FCC to provide, preferably in an Order amending Section 0.457 on its own motion, a blanket declaration of confidentiality for the submitted information.

If you have any questions about this matter, please contact the undersigned.

Sincerely,

/s/ Harold Salters

Harold Salters

Director, Federal Regulatory Affairs

T-Mobile USA, Inc.

cc: Judith Herman, FCC

⁹ See 47 C.F.R. § 0.459