



**Federal Communications Commission
Washington, DC 20554**

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SMALL ENTITY COMPLIANCE GUIDE

**Amendments to Part 4 of the Commission's Rules
Concerning Disruptions to Communications**

FCC 22-88

PS Docket Nos. 15-80, 13-75; ET Docket No. 04-35

Adopted November 18, 2022

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)

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I. OBJECTIVES OF THE PROCEEDING

Section 1 of the Communications Act of 1934, as amended, charges the Federal Communications Commission (FCC or Commission) with “promoting safety of life and property through the use of wire and radio communications.”¹ This statutory objective supports the Commission’s institution of outage reporting requirements, codified in part 4 of the Commission’s rules, which requires communications service providers to report network outages that exceed specified magnitude and duration thresholds.² Outage data allows for critical situational awareness that enables the Commission to be an effective participant in emergency response and service restoration efforts, particularly in the early stages of communications disruption. The Commission collects network outage information in the Network Outage Reporting System (NORS) through reports submitted by communications service providers. In addition to obligations to report service outages to the Commission, the part 4 rules also require service providers to report outage information to potentially affected 911 special facilities, including Public Safety Answering Points (PSAPs).³

Part 4 rules currently contain discrete 911 special facility outage notification requirements for originating service providers (OSPs), which includes cable, satellite, wireless, wireline, interconnected VoIP service providers⁴, and covered 911 service providers (C911SPs) that deliver traffic directly to 911 special facilities, including PSAPs. The rules impose more stringent reporting requirements on C911SPs in terms of notification content, timing, means, and frequency. For example, with respect to timing and frequency, C911SPs are required to notify 911 special facilities of outages that potentially affect them as soon as possible, but no later than 30 minutes after discovering the outage. OSPs are only required to notify 911 special facilities of outages as soon as possible, without the 30-minute deadline. In addition, C911SPs are required to follow-up with a 911 special facility within two hours of transmitting the initial notification, while there is no follow-up requirement for OSPs. Further, although OSPs and C911SPs are required to notify the 911 special facilities they serve, there is no requirement for those providers to maintain accurate contact information for those 911 special facilities.

In the *911 Reliability Second R&O* in PS Docket Nos. 15-80 and 13-75 and ET Docket No. 04-35,⁵ the Commission harmonized the 911 special facility outage reporting rules among OSPs and C911SPs. This rule change will provide more uniform and predictable notifications to 911 special facilities regardless of where in the call transport journey an outage occurs. OSPs and C911SPs will also have clear instructions regarding the content, timing, means, and frequency for required outage notifications to the 911 special facilities they serve.

The *911 Reliability Second R&O* also places a specific requirement on OSPs and C911SPs to develop, maintain, and update annually a list of accurate contact information for the 911 special facilities within their service area. This new rule will reduce the number of misdirected or nondelivered 911 special facility notifications.

Finally, C911SPs are required to annually file a 911 network reliability certification with the Commission. Presently, when the FCC does not receive a certification from a particular C911SP, it expends resources to contact that provider. In some instances, the failure to file is because the C911SP stopped

¹ 47 U.S.C. § 151.

² See 47 CFR pt. 4.

³ See 47 CFR § 4.9.

⁴ We note that OSP services are not limited to call originations and they must comply with our rules even when they experience an outage in a location other than their call origination networks (e.g., in “middle mile” or wholesale transport network facilities). *911 Reliability Second R&O* at 2, note 5.

⁵ *Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications; Improving 911 Reliability*; PS Docket Nos. 15-80 and 13-75, and ET Docket No. 04-35, Second Report and Order, FCC 22-82, released November 18, 2022) (*911 Reliability Second R&O*).

providing service at some point during the prior year. To avoid that wasteful expenditure of Commission resources, the *911 Reliability Second R&O* adopted a rule requiring C911SPs to notify the Commission within 60 days of the day they cease operations.

Small businesses, whether OSPs, C911SPs, or 911 special facilities will benefit from the clarity the new and amended rules provide regarding the 911 special facility outage notification process. 911 special facilities will receive more timely, complete, and informative outage reports from providers. Small businesses that are OSPs or C911SPs will also benefit from the clarity of the outage notification requirements provided by the new and amended rules. Taken together, the rules adopted in the *911 Reliability Second R&O* will make the nation's 911 service more dependable for stakeholders and consumers and the public safer.

II. COMPLIANCE REQUIREMENTS

The *911 Reliability Second R&O* harmonizes the Commission's rules regarding outage reporting requirements for OSPs and C911SPs to 911 special facilities, including PSAPs by amending rule sections 4.9 and 9.19.

A. Outage Reporting Requirements (47 CFR §§ 4.9(a)(4), (c)(2), (e), (f)(4), (g)(1), (h), and (h)(1)-(5)).

OSP and C911SPs are now required to identify, maintain, and on an annual basis, confirm accurate contact information for the 911 special facilities they serve. This new rule requires providers to utilize "special diligence" to gather the contact information for the 911 special facilities they serve. "Special diligence" is defined as "the diligence expected from a person participating in a particular field of specialty under circumstances like those at issue."⁶ The requirements of the amended rules are detailed below.

1. *Timing of the Initial Notification.* The new rules require OSPs to notify potentially affected 911 special facilities of an outage within 30 minutes of discovery of the outage, just as C911SPs do, improving the speed with which OSPs deliver outage notifications to the potentially affected 911 special facilities they serve.
2. *Content of the Notification.* All outage notifications to potentially affected 911 special facilities must contain the following specific items:
 - A unique identifier for each outage, assigned by the provider;
 - The name, telephone number, and email address where the 911 special facility can contact the provider if follow up is necessary;
 - The name of the provider experiencing the outage;
 - The date and time the outage began including relevant time zone information;
 - The types of communication service(s) potentially affected;
 - A description of the geographic area affected by the outage;
 - A statement from the provider explaining how the outage might potentially affect 911 special facilities (*e.g.*, dropped calls or missing metadata);
 - The expected date and time the provider expects service will be restored including relevant time zones;
 - A description of the best known cause of the outage; and
 - A statement of whether the notification is the provider's initial notification, an update to information provided in the initial notification, or a final communication from the provider serving as its final assessment of the outage.

⁶ *911 Reliability Second R&O* at 6, n. 26.

3. *Means of Notification.* Absent a written mutual agreement between the parties, OSPs and C911SPs must transmit outage notification to 911 special facilities by telephone and in writing by electronic means.
4. *Timing Notification.* All providers shall provide outage notifications to potentially affected 911 special facilities as soon as possible, but no later than within 30 minutes of the discovery of the outage, whether the outage affects transmission facilities that the provider owns, leases, or otherwise utilizes to provide service.
5. *Follow-up Notification.* Providers are required to communicate additional material information to the affected 911 special facilities as soon as possible after the information becomes available and must continue to provide updates with material information to the 911 special facilities until the outage is repaired and service is completely restored.

B. Reliability of Covered 911 Service Providers (47 CFR § 9.19(d)(4))

C911SPs that cease operations are required to notify the FCC by filing a notification with the FCC no later than 60 days after cessation of service.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The rules adopted in the *911 Reliability Second R&O* contain new information collection requirements for outage recordkeeping and reporting by OSPs and C911SPs. The details and specifics of the reporting and recordkeeping requirements adopted in the *911 Reliability Second R&O* are discussed in Section II of this guide under the Compliance Requirements. Additionally, C911SPs are reminded of their continued annual reliability certification requirement pursuant to 47 CFR § 9.19 (c).

IV. IMPLEMENTATION DATE

The following rules in the *911 Reliability Second R&O* became effective on March 17, 2023: 47 CFR §§ 4.9(c)(2) and (e)(1) which codifies our previous decision to exempt outage reporting to all special offices and facilities for satellite operators and wireless providers, rather than limiting the outage reporting exemption to just airports, and 47 CFR § 9.19(d)(4), which adds the requirement for C911SPs to file a notice with the FCC within 60 days of ceased operations as a service provider.

The following rules in the *911 Reliability Second R&O* require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act: 47 CFR §§ 4.9(a)(4), (c)(2), (e), (f)(4), (g)(1), (h), and (h)(1)-(5). These rules harmonize the 911 outage reporting requirements for OSPs and C911SPs and shall become effective after the Commission publishes a notice in the Federal Register announcing OMB approval and the relevant effective date.

V. INTERNET LINKS

A copy of the *911 Reliability Second R&O* is available at:

<https://docs.fcc.gov/public/attachments/FCC-22-88A1.pdf>.

A copy of the Federal Register Summary of the *911 Reliability Second R&O* is available at:

<https://www.federalregister.gov/d/2023-01479>.