

**SEPARATE STATEMENT OF
COMMISSIONER KATHLEEN Q. ABERNATHY**

*Re: New Part 4 of the Commission's Rules Concerning Disruptions to Communications,
Notice of Proposed Rulemaking, ET Docket No. 04-35*

As the world is becoming increasingly dependent on telecommunications services for commerce, security, and defense, it is imperative that the FCC have information available to it concerning significant service disruptions that impact the American public. Accordingly, I believe that it is appropriate for the FCC to examine how best to collect data concerning significant disruptions from providers of telecommunications services offered over wireline, cable, satellite, and CMRS platforms.

Specifically, the record in this proceeding will enable us to examine the effectiveness our past rules on mandatory outage reporting requirements for wireline carriers and whether such mandatory requirements should be extended to other service providers. In general, I am hesitant to impose new regulatory burdens on service providers in competitive markets, because a fully functioning market generally makes better decisions than the government. However, I also recognize that there are critical public policy goals, such as protecting public safety, that can make regulation imperative. Accordingly, as part of this proceeding, I will carefully analyze the record to determine the best way to ensure the Commission has sufficient information regarding the reliability of our communications infrastructure during times of crisis.