

**STATEMENT OF  
COMMISSIONER GEOFFREY STARKS  
DISSENTING**

Re: *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications*, PS Docket No. 15-80; *Petition of California Public Utilities Commission and the people of the State of California for Rulemaking on States' Access to the Network Outage Reporting System ("NORS") and a Ruling Granting California Access to NORS*, RM No. 11588 (terminated).

One of the Commission's primary duties is to promote access to communications services so that all Americans can access and share critical information—especially in support of public safety. Last weekend, I visited Puerto Rico because I wanted to hear directly from Puerto Ricans about the steps taken to improve the resiliency of communications networks since Hurricanes Irma and Maria, how communications networks and recovery efforts performed during the recent earthquakes, and what additional actions are needed to ensure that communications networks are always available. I held a field hearing, and I am grateful to the many individuals and stakeholders from local government, the labor movement, the healthcare and education sectors, disaster recovery workers, and the communications sector who shared their on-the-ground experience with me.

I heard personal stories of loss and tragedy. About schools that have closed, and never re-opened. About homes that were destroyed, and how hard it has been to rebuild. And of course, well beyond structures, I heard from people working hard to rebuild lives that were forever altered by communications failures. Jaime Pla-Cortes, Executive President of the Puerto Rico Hospital Association, told me that mental health has been the number one ongoing medical issue on the island. And most movingly, I heard from a volunteer working to restore communications in areas impacted by the earthquakes about how her own father died after Hurricane Maria because they were unable to call 911 and get the medical help he urgently needed.

We cannot take away the anxiety and fear that many Puerto Ricans felt when they could not reach friends, family, and emergency services, and we cannot bring back loved ones who died because help was unreachable, but we can work to make sure communications failures like the one Puerto Rico experienced never happen again. That's why I am calling on the FCC to bring the full strength of its resources and to come to Puerto Rico, engage with all stakeholders here to understand what happened to the communications networks on the island and its people, understand what can be done better, and issue a report after a thorough assessment. For months after Hurricane Maria, critical communications infrastructure remained out of service, making it overwhelmingly difficult for Puerto Ricans to access potentially lifesaving information. As I have said many times, as a former enforcement official I believe in accountability, and it is imperative that the FCC hold itself accountable for how it responded to Hurricane Maria.

One broader theme I took away from those conversations is the need for fast and effective coordination during an emergency. That includes coordination between ordinary Americans and government, between companies, across levels of government, among first responders, and across industries. But I heard specifically from Puerto Rican communications providers who also indicated that as important as all this communication is, it comes with tradeoffs. Coordination takes time, and time during a disaster response is in short supply. The FCC needs to help make disaster-related coordination predictable, fast, efficient, and effective.

Which brings us to today. Giving state and local officials access to the Network Outage Reporting System (NORS) and the Disaster Information Reporting System (DIRS) is a step in the right direction, but I believe we have a sufficient record to move forward with rules. Bringing those officials

into the DIRS and NORS systems will help minimize duplicative reporting and ensure that different levels of government are working from the same playbook. Securing and maintaining the confidentiality of those systems remains important, but I believe we can provide adequate protections while still expanding access to this lifesaving and recovery-enhancing information.

As our communications networks have expanded, we sometimes take stable, reliable access to communications—and the access to friends and family, emergency services, employment, and all of the many benefits those networks provide—for granted. Puerto Rico’s experience, especially in the wake of Hurricanes Irma and Maria, shows that we shouldn’t. The next hurricane season is already on its way, and we need to take action now.

Going forward, I think it is time we considered making provider participation in DIRS mandatory. In dire instances, this information is frequently lifesaving, and participation should not be optional. Yesterday, the House Energy and Commerce Committee held a legislative hearing on the RESILIENT Networks Act sponsored by Chairman Pallone and Representative McNerney. That bill would, among many promising proposals, require the FCC to expand access to DIRS and make participation for all advanced communications service providers mandatory during times of emergency. DIRS has proven to be a valuable tool in disaster response, and I support congressional efforts to make it even more useful.

I thank the staff of the Public Safety and Homeland Security Bureau for their hard work on this item.