

Federal Communications Commission

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Resilient Networks)	PS Docket No. 21-346
)	
Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications)	PS Docket No. 15-80
)	
New Part 4 of the Commission's Rules Concerning Disruptions to Communications)	ET Docket No. 04-35
)	

ERRATUM

Released: September 21, 2022

By the Managing Director and the Chief, Public Safety and Homeland Security Bureau:

On July 6, 2022, the Commission released a Report and Order and Further Notice of Proposed Rulemaking (*R&O and FNPRM*), FCC 22-50, in the above captioned proceeding. To conform to the publishing conventions of the National Archives and Records Administration's Office of the Federal Register, this Erratum replaces **Appendix A** of the *R&O and FNPRM* in its entirety. See new **Appendix A** attached.

FEDERAL COMMUNICATIONS COMMISSION

Mark Stephens
Managing Director

Debra Jordan,
Chief,
Public Safety and Homeland Security Bureau

APPENDIX A

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 4 as follows:

PART 4 – DISRUPTIONS TO COMMUNICATIONS

1. The authority citation for part 4 continues to read as follows:

Authority: 47 U.S.C. 34-39, 151, 154, 155, 157, 201, 251, 307, 316, 615a-1, 1302(a), and 1302(b); 5 U.S.C. 301, and Executive Order no. 10530.

2. Add § 4.17 to read as follows:

§ 4.17 Mandatory Disaster Response Initiative.

(a) Facilities-based mobile wireless providers are required to perform, or have established, the following procedures when:

(1) Any entity authorized to declare Emergency Support Function 2 (ESF-2) activates ESF-2 for a given emergency or disaster;

(2) The Commission activates the Disaster Information Reporting System (DIRS); or

(3) The Commission's Chief of the Public Safety and Homeland Security Bureau issues a Public Notice activating the Mandatory Disaster Response Initiative in response to a state request to do so, where the state has also either activated its Emergency Operations Center, activated mutual aid or proclaimed a local state of emergency:

(i) Provide for reasonable roaming under disaster arrangements (RuDs) when technically feasible, where:

(A) A requesting provider's network has become inoperable and the requesting provider has taken all appropriate steps to attempt to restore its own network; and

(B) The provider receiving the request (home provider) has determined that roaming is technically feasible and will not adversely affect service to the home provider's own subscribers, provided that existing roaming arrangements and call

processing methods do not already achieve these objectives and that any new arrangements are limited in duration and contingent on the requesting provider taking all possible steps to restore service on its own network as quickly as possible;

- (ii) Establish mutual aid arrangements with other facilities-based mobile wireless providers for providing aid upon request to those providers during emergencies, where such agreements address the sharing of physical assets and commit to engaging in necessary consultation where feasible during and after disasters, provided that the provider supplying the aid has reasonably first managed its own network needs;
- (iii) Take reasonable measures to enhance municipal preparedness and restoration;
- (iv) Take reasonable measures to increase consumer readiness and preparation; and
- (v) Take reasonable measures to improve public awareness and stakeholder communications on service and restoration status.

(b) Providers subject to the requirements of paragraph (a) of this section are required to perform annual testing of their roaming capabilities and related coordination processes, with such testing performed bilaterally with other providers that may foreseeably roam, or request roaming from, the provider during times of disaster or other exigency.

(c) Providers subject to the requirements of paragraph (a) of this section are required to submit reports to the Commission detailing the timing, duration, and effectiveness of their implementation of the Mandatory Disaster Response Initiative's provisions in this section within 60 days of when the Public Safety and Homeland Security Bureau issues a Public Notice announcing such reports must be filed for providers operating in a certain geographic area in the aftermath of a disaster.

(d) Providers subject to the requirements of paragraph (a) of this section are required retain RuDs for a period of at least one year after their expiration and supply copies of such agreements to the Commission promptly upon Commission request.

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(e)(1) This section may contain information collection and/or recordkeeping requirements. Compliance with this section will not be required until this paragraph (e) is removed or contains compliance dates, which will not occur until the later of:

(i) 30 days after the Office of Management and Budget completes review of such requirements pursuant to the Paperwork Reduction Act or the Public Safety and Homeland Security Bureau determines that such review is not required; or

(ii) [INSERT DATE NINE MONTHS AFTER DATE OF FEDERAL REGISTER PUBLICATION] for facilities-based mobile wireless service providers with 1,500 or fewer employees and [INSERT DATE SIX MONTHS AFTER DATE OF FEDERAL REGISTER PUBLICATION] for all other facilities-based mobile wireless service providers, except that compliance with paragraph (a)(3)(ii) of this section will not be required until 30 days after the compliance date for the other provisions of this section.

(2) The Commission directs the Public Safety and Homeland Security Bureau to announce the compliance dates for this section by subsequent Public Notice and notification in the Federal Register and to cause this section to be revised accordingly.