

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY  
APPROVING IN PART, CONCURRING IN PART**

**Re: *Improving Outage Reporting for Submarine Cables and Enhanced Submarine Cable Outage Data*, GN Docket No. 15-206.**

Since joining the Commission, I have advocated for eliminating any unnecessary burdens on regulatees and minimizing the scope and costs of any new regulations being proposed. I am, therefore, supportive of the portion of today's item that reduces burdens by exempting planned submarine cable maintenance, when customers have been notified, from our reporting requirement. I respectfully, however, must concur from the remainder, because, as I said when we first adopted this reporting requirement, there remains a lack of justification for many of these burdens. I am giving these decisions the benefit of the doubt, rather than dissenting in part, because this once rather sleepy service has transitioned into a fairly dynamic sector, experiencing significant change with all of the data traffic traversing the globe. As such, there are slices here that could prove to be helpful, including having a better record of when outages occur.

At the same time, I have serious concerns about much of the information we mandate, the timeframes required, and the multitude of reports that need to be filed. For example, I think the requirement we adopt today that planned outages must still be reported if service is down for longer than announced may lead to the unintended consequence of operators greatly overestimating their maintenance time in order to ensure that they do not have to report. The interim report also continues to be very questionable, because operators do not usually have further information regarding why there was a cable outage at that time and such information can be included in a final report. This is also being considered in the Commission's Part 4 proceeding, so hopefully we will address this requirement there. Moreover, there is not an automated process for reporting outages, so the timelines for initial reporting should have reflected this, especially since it is time consuming to get the data mandated by the Commission. Ultimately, the Commission ignores a real concern that these reporting requirements will detract from the ability to restore service, which it seems should be the main objective.

Additionally, commenters specifically sought reconsideration of these rules based on an analysis that truly reflects the costs and benefits of this outage reporting requirement. Instead of receiving the fulsome cost-benefit analysis and reconsideration of the entirety of the reporting requirement imposed, all that's included is a summary statement that the elimination of the planned maintenance reports will result in fewer reports and costs than originally contemplated. This is not a real or sufficient review of its cost-benefit analysis. When initially adopted, both I and then-Commissioner Pai called the analysis highly flawed and incomplete. Not to sound like a broken record, but we should expect more from this process.

Finally, it is not unreasonable to expect that another priority should be ensuring that there are redundant submarine cables. The Commission should be facilitating deployment, so that, if a submarine cable is cut, there will be other cables in geographically diverse areas to carry the traffic. In fact, submarine cable owners have been trying to do just that, but they are faced with permitting and licensing delays. One hurdle to deployment has been an opaque and timeless Team Telecom process, which is still within the realm to improve. All Commission licensees need certainty that, when they file applications, they will get prompt answers, and the current Team Telecom process certainly is open for necessary improvement.