



Federal Communications Commission  
Washington, D.C. 20554

December 14, 2012

DA 12-2027

## **Small Entity Compliance Guide**

### **Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting To Interconnected Voice Over Internet Protocol Service Providers**

FCC 12-22  
PS Docket No. 11-82

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 new rules adopted in the above-referenced FCC rulemaking docket. This Guide is not intended to replace the rules and, therefore, final authority rests solely 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.

As a result, in any civil or administrative action against a small entity for a violation of a rule or rules, the content of the Small Entity Compliance Guide may be considered only as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. This Guide may not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will 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 to 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)  
TTY: 1-888-TELL-FCC (1-888-835-5322)  
Fax: 1-866-418-0232  
[fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

## COMPLIANCE REQUIREMENTS

### I. Key Objective of the Proceeding

A major objective of amending the communications network outage reporting rules (Part 4 of the FCC's rules) is to extend reporting requirements to interconnected Voice over Internet Protocol (VoIP) service providers so that the FCC can obtain and evaluate all necessary information regarding losses of service to help ensure that the Nation's 911 systems are as reliable and resilient as possible and also to allow the FCC to monitor compliance with the statutory 911 obligations of interconnected VoIP service providers. The FCC implemented these changes in recognition that interconnected VoIP subscribership has grown so much that it is now an integral part of the communications infrastructure of the country.

### II. COMPLIANCE

#### A. Rule Requirements

- The FCC now includes **interconnected Voice over Internet Protocol (VoIP) service providers** in the pool of communications providers that must comply with Part 4 outage reporting requirements. When a service provider has an outage (defined by Section 4.5(a) of the Commission's Rules, 47 C.F.R. §4.5(a), as a network failure or degradation that significantly degrades the end user's ability to make or maintain communications), that provider must report the event to the FCC if the outage meets certain threshold criteria. **For interconnected VoIP service, the FCC interprets an outage to mean a complete loss of service and/or connectivity to customers.**<sup>1</sup> The amended rule (47 C.F.R. §4.3(h)) notes that such interconnected VoIP service providers may be facilities-based or non-facilities-based, and that the providers' affiliated and non-affiliated entities that maintain or provide communications networks or services are subject to the amended rule.
- The FCC, at 47 C.F.R. §4.7(e), defines the term "user minutes," to capture the impact of an outage, as:
  - (1) assigned telephone number minutes (defined in 47 C.F.R. §4.7(c)), for telephony, including non-mobile interconnected VoIP telephony, and for those paging networks in which each individual user is assigned a telephone number;
  - (2) the mathematical result of multiplying the duration of an outage, expressed in minutes, by the number of end users potentially affected by the outage, for all other forms of communications. For wireless service providers and interconnected VoIP service providers to mobile users, the number of potentially affected users should be determined by multiplying the simultaneous call capacity of the affected equipment by a concentration ratio of 8.
- The FCC, at 47 C.F.R. §4.9(g), provides threshold criteria that trigger the interconnected VoIP reporting obligations, requiring that all interconnected VoIP service providers must

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<sup>1</sup> See Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting To Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers, *Report and Order*, PS Docket No. 11-82, 27 FCC Red 2650, 2655 at para. 8, and 2683 at para. 80 (2012).

notify the FCC through its Network Outage Reporting System (NORS).<sup>2</sup> This information must be provided:

(1) within 4 hours of discovering that they have experienced on any of their facilities that they own, operate, lease, or utilize, an outage lasting at least 30 minutes that potentially affects a “911 special facility,”<sup>3</sup> in which case the providers must also immediately notify any official who has been designated by the management of the affected 911 special facility as the contact person on interconnected VoIP communications outages at that 911 special facility, and provide that person all available information that may be useful to the management of the affected 911 special facility in mitigating the effects of the outage on efforts to communicate with that 911 special facility; or

(2) within 24 hours of discovering that they have experienced on any of their facilities that they own, operate, lease, or utilize, an outage lasting at least 30 minutes that potentially affects:

(a) at least 900,000 user minutes of interconnected VoIP service and results in complete loss of service; or

(b) any of the defined “special offices and facilities.”<sup>4</sup>

The amended rule also directs that not later than 30 days after discovering a reportable outage, the provider must submit through NORS a Final Communications Outage Report to the FCC.

## **B. Impact on Small Businesses**

The amended rules will require small interconnected VoIP service providers to collect and to report certain outage-related information to the FCC. Because this will necessarily cost time, the FCC took the step of applying the rules to small interconnected VoIP service providers only after determining that the benefit of receiving and evaluating the information outweighed the burden to all providers, including small providers. Regarding information collection, the FCC concluded that there will be only minimal impact on small interconnected VoIP service providers, because those providers most likely already collect the kinds of information (e.g., date, duration, circumstances of an outage) that the FCC seeks. Regarding information reporting, the impact on small interconnected VoIP service providers likewise will be minimal: the costs are essentially those of (1) identifying those cases that meet the outage reporting threshold, (2) determining the

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<sup>2</sup> Specifically, such notification is accomplished by providing electronic input into NORS, using FCC-approved Web-based outage report templates unless there are technical problems preventing this input, in which case information may be submitted to the FCC by e-mail, FAX, or courier. *See* 47 C.F.R. § 4.11.

<sup>3</sup> Section 4.5(e) defines when an outage that “potentially affects a 911 special facility” occurs. *See* 47 C.F.R. § 4.5(e).

<sup>4</sup> Section 4.5(b) of the Commission’s Rules, 47 C.F.R. § 4.5(b), defines “special offices and facilities” as major military installations, key government facilities, nuclear power plants, and those airports that are listed by the Federal Aviation Administration (FAA) as current primary, commercial service, and reliever airports. Section 4.5(b)-(d) discusses general requirements related to special offices and facilities. 47 C.F.R. § 4.5(b)-(d). Note that a “911 special facility” is not included in the definition of “special offices and facilities” and receives different treatment under the rules.

cause of the outage, and (3) uploading the outage information into the FCC's Network Outage Reporting System (NORS). Finally, the FCC's two-decade long experience of communications network outage reporting strongly suggests that small interconnected VoIP service providers may never meet the minimum thresholds (e.g., an outage affecting at least 900,000 user-minutes of interconnected VoIP service resulting in a complete loss of service) which trigger the reporting requirement.

### **C. Actions a Small Entity Must Take to Comply with the Amended Rules**

In order to comply with the Commission's amended rules that extend Part 4 requirements to interconnected VoIP service providers, a small entity must:

- be an interconnected VoIP service provider:
  - provision of interconnected VoIP services can be either "facilities-based," meaning the VoIP provider owns and operates the broadband access communications infrastructure needed to deliver VoIP services; or "non-facilities-based," meaning the VoIP provider does not actually own the infrastructure, but rather leases or otherwise utilizes another's infrastructure.
- have (or establish) the ability to provide input through NORS.<sup>5</sup>
- have suffered an outage on its interconnected VoIP service system:
  - If the outage even *potentially* affects a 911 special facility and lasts at least 30 minutes, then within 4 hours of having knowledge of the outage, the provider has to notify the FCC of the outage, through NORS. The interconnected VoIP service provider also has to contact, as soon as possible, the appropriate personnel at the affected or potentially affected 911 special facility with information that could help mitigate any effects of the outage.
  - If the interconnected VoIP service provider experiences an outage on any of its own facilities or those it operates, leases or otherwise uses (not including 911 special facilities) and the outage lasts at least 30 minutes and has the potential to affect at least 900,000 user minutes, then within 24 hours of having knowledge of the outage, the provider has to notify the FCC of the outage, through NORS.
  - If the outage even *potentially* affects any "special offices and facilities" and the outage lasts at least 30 minutes, then within 24 hours of having knowledge of the outage, the interconnected VoIP service provider has to notify the FCC of the outage, through NORS.
- file, through NORS, no later than 30 days after discovering the outage, a Final Communications Outage Report.

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<sup>5</sup> Section 4.11 describes the manner in which information must be submitted. See 47 C.F.R. § 4.11.

## **D. Notification**

The amended rules require each interconnected VoIP service provider, even if it is a small interconnected VoIP service provider, to:

- notify the FCC, through NORS, within 4 hours of discovering that they have experienced an outage of at least 30 minutes on any of their facilities, where such outage potentially affects a 911 special facility.
- notify the FCC, through NORS, within 24 hours of discovering that they have experienced an outage of at least 30 minutes that potentially affects at least 900,000 user minutes of interconnected VoIP service; or an outage of at least 30 minutes that potentially affects any of the defined special offices and facilities.
- submit, through NORS, a Final Communications Outage Report to the FCC not later than 30 days after discovering any reportable outage.

## **III. COMPLIANCE DATE**

- **Dec. 16, 2012** – Rules become effective.

## **IV. WEB Link**

FCC extends network outage reporting requirement to interconnected VoIP service providers to help ensure a more resilient and reliable 9-1-1 System. (Docket No. 11-82). Action by: the FCC. Adopted: 02/15/2012 by Report and Order (FCC No.12-22).

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