

to NORS and DIRS information while also preserving the confidentiality of the data submitted by communications providers.

NTCA recognizes that allowing federal, state and local agencies access to NORS and DIRS filings could help those agencies respond more quickly to the needs of communications providers during severe weather or other local, state or federal emergencies and thereby ensure individuals and businesses affected by emergencies are able to maintain access critical communications services or regain access more quickly. Accordingly, NTCA supports the Commission's proposal; however, the Commission needs to ensure sufficient safeguards are in place to mitigate the risk of information contained in providers' NORS and DIRS filings being accessed or disclosed in an unauthorized manner. Specifically, the Commission should not allow local, state or other federal agencies to grant third-party requests for access to information contained in the filings, even with a requirement that the Commission be notified of the request and providers given an opportunity to object.³ Instead, NTCA recommends the Commission guarantee the information contained in providers' outage reports will be protected from requests for third-party access, including a preemption of any FOIA-style state laws that might require or otherwise contemplate disclosure of such information. Furthermore, consistent with the Commission's intention of allowing local, state and federal agencies access to NORS and DIRS filings in order to "help restore affected communications and ultimately help save lives,"⁴ these agencies should only be permitted to use the information gained through access to the

³ *See Notice* at ¶ 33.

⁴ *Id.* at ¶ 18.

DIRS/NORS systems for public safety functions, and not for the imposition of punitive measures or state or local regulatory activity.

The Commission should also take additional steps to ensure the data submitted by providers in their NORS and DIRS filings is protected against unauthorized access. As the Commission noted, to help guard against misuse or manipulation of the data, any permitted access to DIRS or NORS should be read-only.⁵ NTCA further recommends that agencies accessing the filings be required to track the name of the authorized individual within the agency that accessed information and when. NTCA also encourages the Commission to adopt rules requiring any local, state or federal personnel with access to NORS and DIRS filings sign a certification attesting they have undertaken security training consistent with the Commission's recommendation in the *Notice* and will access and use the information only for the public safety purposes for which it is intended.⁶

In response to the Commission's proposal to allow state agencies to access NORS and DIRS filings for events that "occur within their jurisdiction," NTCA submits that this would likely require changes in how providers submit DIRS and NORS information, and such changes must be done, if at all, in a manner that minimizes the burden on service providers.⁷ Accordingly, NTCA recommends the Commission undertake a cost benefit analysis of any proposed changes to the method in which providers submit information into the NORS and DIRS systems to ensure any burdens imposed on providers caused by having to modify the way they

⁵ *Notice* at ¶ 34.

⁶ *Id.* at ¶ 58.

⁷ *Id.* at ¶ 47.

report outages and any additional time needed to report outages to meet any new requirements are outweighed by the benefit to public safety.⁸

Based on the foregoing, NTCA supports the Commission's proposal to allow other federal, state and local agencies to access NORS and DIRS submissions provided that access is allowed only for public safety purposes and essential safeguards are put in place to protect the security and integrity of NORS and DIRS information.

Respectfully submitted,



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⁸ Commission rules require wireline providers to submit a NORS report within 120 minutes of discovering an outage that meets the threshold specified in the Commission's rules. For a rural provider with few employees, all hands are mobilized during a service outage to communicate with the public and to bring the system back into operational status; tasking even one staff member with reporting an outage during that time may inadvertently impede restoration efforts, and even more so if the staff member has to file multiple reports for multiple states. Therefore, the Commission must ensure any changes in how outages are reported can be made with minimal additional time commitment from providers.