

State Office, P.O. Box 27115, Santa Fe, New Mexico 87502, 505-438-7597.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Executive Order No. 5907 dated August 18, 1932, which withdrew public land for Public Water Reserve No. 146, is hereby revoked insofar as it affects the following described land:

New Mexico Principal Meridian

T. 12 N., R. 15 E.,

Sec. 15, lots 5 and 6.

The area described contains 60.82 acres in San Miguel County.

2. The land described above is hereby made available for conveyance under the Recreation and Public Purposes Act of 1926, as amended, 43 U.S.C. 869 (1988).

Dated: October 27, 1995.

Bob Armstrong,

*Assistant Secretary of the Interior.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 63

[CC Docket No. 91-273; FCC 95-417]

### Notification of Common Carriers of Service Disruptions

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This *Order on Reconsideration* (Order) amends the Commission's rules regarding the reporting of telephone network outages in accordance with requests for reconsideration filed in response to the *Second Report and Order*. Previously the rules required carriers to report, *inter alia*, fire-related incidents impacting 1000 or more of a carrier's lines and outages affecting major airports and 911 facilities. Under the previous rule, outages affecting 911 were to be reported if they disrupted 25% or more of the lines to a Public Service Answering Point (PSAP) and outages affecting major airports were to be reported if they were "likely to be of media interest." The present Order alters these aspects of the outage reporting rule.

For 911 outages, the Order replaces the requirement that carriers report all outages that disrupt more than 25% of the lines to any PSAP. The old

requirement was difficult to apply. The new rules simplify the system.

Reports will hereafter be required in the following situations: If, for 24 hours or more, one or more PSAPs cannot be reached by 911 callers, and each such isolated PSAP serves fewer than 30,000 access lines, an initial report of the outage is due within 120 minutes of the carrier's first knowledge of such an outage; if, for at least 30 minutes, an E911 Tandem fails to relay 911 calls to one or more PSAPs, an initial report is due within 120 minutes, regardless of the number of access lines served by that tandem; if, for at least 30 minutes, an end office serving 50,000 or more access lines fails to relay 911 calls, or one or more PSAPs serving in the aggregate 50,000 or more access lines cannot be reached by 911 callers, an initial report is due within 120 minutes; or if, for at least 30 minutes, an end office serving from 30,000 to 50,000 access lines is cut off from 911 service, or one or more PSAPs serving in the aggregate 30,000 to 50,000 access lines cannot be reached by 911 callers, an initial report is due within 3 days. Final reports of all these outages are due within 30 days.

The Order also eliminates the requirement that carriers report any outage affecting a major airport that is "likely to be of media interest." This rule was too subjective. The new rule requires that carriers report any outage affecting a major airport that "has received any media attention of which the carrier's reporting personnel are aware."

The Order denies the request of Pacific Bell that the Commission clarify that the obligation to report fire-related incidents does not apply to telephone poles and aerial cables that are consumed in fires. This requirement has not proved burdensome to carriers and will supply the Commission with valuable information.

**EFFECTIVE DATE:** April 12, 1996.

**FOR FURTHER INFORMATION CONTACT:** Robert E. Kimball, (202) 418-2339, Network Services Division, Common Carrier Bureau.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order in CC Docket No 91-273, FCC 95-417, adopted October 4, 1995, and released October 30, 1995. The item is available for inspection and copying during normal hours in the Commission's FCC Reference Center (room 230), 1919 M St., NW., Washington, D.C., or a copy may be purchased from the duplicating contractor, International Transcription Service, Inc. (202) 857-3800, 2100 M Street NW., Suite 140, Washington, D.C.

20037. The Order will be published in the FCC Record.

### OMB Review

Implementation of this collection of information will be subject to approval by the Office of Management and Budget.

**Title:** Amendment of Part 63 of the Commission's Rules to Provide for Notification by Common Carriers of Service Disruptions (Section 63.100): Order on Reconsideration.

**OMB Number:** 3060-0484.

**Expiration Date:** 6/30/96.

**Action:** Revised collections.

**Respondents:** Business or other for profit.

**Frequency of Response:** On occasion. Initial report due 120 minutes or 3 days after incident depending on number of potentially affected customers and nature of disruption. Final report due twenty-eight or thirty days after initial report, depending on nature of disruption.

**Estimated Annual Burden:** For the entire reporting requirement inclusive of the amendments, the estimated burden remains the same as that approved by the OMB for the *Second Report and Order*, 59 FR 40264, August 8, 1994. 200 responses; 5 hours each; 1000 hours total. The information to be furnished is generally gathered by carriers during outages and will be less than is presently being provided, so the requirement is not burdensome.

**Paperwork Reduction:** Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, Room 234, Paperwork Reduction Project (3060-0484), Washington, D.C. and to the Office of Management and Budget, Paperwork Reduction Project (3060-0484), Washington, D.C. 20503.

**Needs and Uses:** Section 63.100 of the Commission's Rules, 47 CFR § 63.100, is amended to provide for the collection of information which we believe is essential to our mission of ensuring that the public is protected from major disruptions to telephone services. The amendments modify 47 CFR Section 63.100 to require that local exchange or interexchange common carriers or competitive access providers that

operate either transmission or switching facilities and provide access service or interstate or international telecommunications service report outages that affect 30,000 or more customers or that affect special facilities and report fire-related incidents impacting 1000 or more lines. With such reports the FCC can monitor and take effective action to ensure network reliability. The present amendments provide for the replacement of the requirement that carriers report 911 outages that disrupt 25% or more of the lines serving any PSAP with a less burdensome requirement that will, nevertheless, supply the Commission with all necessary 911 outage information. The present amendment also replaces the requirement that carriers report outages affecting major airports that are likely to attract media attention with a less burdensome requirement that will supply the Commission with all necessary information on major outages affecting airports.

#### Analysis of Proceeding

In requiring carriers to report 911 outages that disrupt more than 25% of the lines serving any PSAP, the previous rules were supposed to simplify the criteria under which carriers had voluntarily reported special facilities outages prior to the *Second Report and Order* (59 FR 40264, August 8, 1994). A subcommittee of the Network Reliability Council, a Federal Advisory Committee providing reporting recommendations to the Federal Communications Commission, suggested that carriers report, *inter alia*, any "outage of a loop facility containing 75% or more of the lines to the PSAP." Prior to the *Second Report and Order*, confusion among carriers submitting voluntary reports seemed to result from the multiplicity of other 911 reporting criteria suggested by the subcommittee, especially the criteria involving tandem or tandem-affecting failures. During the two years of voluntary reporting under the subcommittee's suggestions, the Commission received no indication that carriers were having difficulty determining the percentage of lines affected. By applying a lower percentage standard—25%—and eliminating all other 911 reporting criteria, the *Second Report and Order* attempted to clarify the 911 reporting standards, obtain the same amount of data, better measure the relative impact of 911 outages and motivate carriers to take greater cognizance of those routes that serve 911 PSAPs. In the present Order, however, commenters have demonstrated that determinations of the

exact percentage of lines affecting a particular PSAP involve greater difficulties than had been anticipated.

On the basis of the comments submitted in this proceeding and comparisons of 911 outage reports received before and after the *Second Report and Order* went into effect, the present Orders concludes that the 911 outage reporting requirements adopted in the *Second Report and Order* have produced a far greater number of 911 reports and a far greater reporting burden for some carriers than anticipated. In the five months following September 7, 1994, the effective date of the *Second Report and Order*, the Commission received 64 reports of outages affecting 911 services. In the five months prior to the September 7, 1994 effective date, carriers using the TRG Guideline standards reported only seven 911-affecting outages. Non-911 outages reported since September 7, 1994 have not significantly increased. Commission analyses of 911 reports do not reveal any common causes of 911 outages relating to network vulnerability that account for this increase.

Some 911 reports received since the effective date of the *Second Report and Order* appear to be the result of carriers preferring to err on the side of over-inclusiveness where they are unable to determine accurately the percentage of lines serving PSAPs that may have been affected by an outage. Numerous initial reports, not included in the totals above, have been withdrawn when carriers were subsequently able to determine with greater accuracy the effects of the outages reported. The most pronounced reason, however, for the increased 911 outage reporting is that carriers in less populated areas serve a very large number of small, dispersed PSAPs. Eleven of the sixty-four 911 outages reported since September 7, 1994 occurred in a single state where there are approximately 560 PSAPs. Approximately 80% of these PSAPs are manned by only one or two operators. Twenty of the sixty-four 911 outages were reported by a single carrier serving an area encompassing over 700 PSAPs. Nearly 600 of these PSAPs are served by fewer than three voice connections, including connections maintained solely to provide redundancy. Failure of a single line to any PSAP served by no more than three lines will generate an outage report under the standards set forth in the *Second Report and Order* even if the failed line is provided solely for redundancy. In these circumstances the "outage" will have no effect at all on PSAP operators or customers. Half of the 911 outages reported under these

standards have been reported by the two carriers (including those carriers' subsidiaries) serving the largest number of predominantly rural areas.

The Order finds that, because of the disproportionate number of very small rural PSAPs, the criteria for reporting 911 outages are unnecessarily broad to achieve the rule's intended purpose. The effect of the rule is to require the greatest amount of reporting for those PSAPs serving the fewest number of lines. This was not the object of the rule. It is clear from the NRC's E911 Focus Group Report that outages affecting 911 service were believed to be especially important because each 911 system was thought to represent a uniquely vulnerable point in the telecommunications network. An E911 PSAP was viewed as a gateway through which the whole variety of possible requests for emergency help would converge, be rapidly evaluated, and connected with the nearest and most appropriate public safety services. The rapid nationwide deployment of these increasingly complex and concentrated systems justified federal interest in discovering any common threats to their reliability. In rural areas where PSAPs are numerous and very small, where, for example the PSAP is a telephone in the local fire department, such convergence and vulnerability is more limited. The large number of 911 outage reports proceeding from these areas does not provide the Commission with significant, new information or promote the stated objectives of 911 outage reporting in the *Second Report and Order*.

Burdensome federal reporting requirements may also increase the costs of 911 service reliability. Under the present reporting standard, for example, providing a redundant line to a PSAP will increase the probability that additional outages will have to be reported. The costs of such reporting could increase the costs of the line. Since the reliability of 911 service in rural areas will often depend on whether local governments can afford to deploy redundant lines, the federal reporting requirements could make it less likely that reliability will be increased in this way. The particular expenses carriers incur as providers of 911 service capabilities should not be inflated by a requirement that they monitor, analyze, tabulate, and report 911 outages that are numerous, not because of any real threat to reliability, but only because the PSAPs in certain areas are, by necessity, small, separate and widely dispersed. The cost of providing 911 service reliability should

not be augmented by unnecessary federal reporting requirements.

The problem of unnecessary 911 outage reporting can be fairly resolved without ignoring outages that affect smaller PSAPs. No statistical base of comparison will be sacrificed if a longer reporting threshold is established for outages that isolate the smaller PSAPs likely to be found outside major urban areas. A duration of 30 minutes or more for an outage in a rural area will not necessarily have the same significance for purposes of analyses as an outage of 30 or more minutes in an urban area. Restoration times for small installations over widely dispersed areas are likely to be longer due to their remoteness from vendors and from the more sophisticated equipment or technical help often needed to diagnose and to restore service. An outage lasting just 30 minutes in a rural area, for example, is likely to proceed from different causes and involve simpler solutions than an outage lasting the same amount of time in an urban area. A longer reporting threshold for smaller PSAPs will, however, alleviate the disproportionate burden the present 911 requirements impose on carriers serving such PSAPs. This order, therefore, amends Section 63.100(a)(4) of our rules, altering the duration threshold for reporting smaller outage affecting PSAPs.

The amendments herein adopted replace the percentage standard, which has proven confusing and difficult to apply, by redefining 911 reportable outages as those that lead to isolation of one or more PSAP(s) for 24 hours or more, if the isolated PSAP(s) collectively serve fewer than 30,000 access lines and no alternate routing has been invoked. The amendments define 911 outages requiring a report as those for which loss of call processing capabilities in the E911 tandem(s) continues for 30 minutes or more, regardless of the number of customers affected, if no alternate routing has been invoked. The amendments require reporting of both these types of 911 outages within 2 hours of the carrier's first knowledge that the outage is reportable. This will resolve the problems of reporting outages affecting smaller PSAPs while enabling the Commission to continue monitoring such outages at a more reasonable level.

Previously, the rules allowed use of the blocked calls standard to determine whether the numerical thresholds had been reached for LEC tandem outages. In the case of 911 outages, however, it is more practical to require reporting of larger 911 outages according to the number of access lines served by the affected PSAP, regardless of the number

of blocked calls. Carriers have had considerable difficulty determining the number of blocked 911 calls during outages. 911 outages are also less likely to be predictable on the basis of historical time-of-day traffic loads, the alternative method of determining blocked calls provided for in the *Second Report and Order*. The number of access lines, on the other hand, is easily determined and will ensure maximum coverage of larger 911 outages. The amendments herein require reporting of larger 911 outages according to the number of access lines served by the affected PSAP, regardless of the number of blocked calls.

To make as accessible and clear as possible the 911 outage reporting requirements under both the special facilities subsection and the numerical thresholds subsection of section 63.100 of the Commission's Rules, the amendments change the definition of "special facilities" to remove reference to 911 in that paragraph and consolidate all 911 reporting rules in a separate new subsection, 47 CFR 63.100(h). To make application of this new subsection as specific as possible, the amendments complete the definition of reportable 911 outages in section 63.100(a)(4) by including outages for which there is: (1) isolation of one or more PSAP(s) for 30 or more minutes, if the isolated PSAP(s) collectively serve(s) 30,000 or more access lines and no alternate routing has been invoked; or (2) isolation of an end office switch or host/remote cluster from 911 services for 30 minutes or more, if these installations collectively serve 30,000 or more access lines and no alternate routing has been invoked. For 911 outages, only those that fall within these two categories or those described in the paragraph above will be reportable under the amendments.

Under the previous rule, the time periods for initially reporting outages at the 50,000 and 30,000 potentially-affected-customers thresholds are 2 hours and 3 days, respectively. To avoid confusion, the amendments herein establish parallel reporting periods for 911 outages affecting 50,000 and 30,000 customers respectively. Whether these thresholds have been reached will be determined by the number of access lines served by the isolated 911 installations. The amendments set a 3 day deadline for filing initial reports of outages isolating 911 installations serving 30,000 to 50,000 lines and 2 hours for those serving 50,000 or more access lines.

Finally, the amendments change the information requirements by eliminating the sentence, "Carriers must indicate, when 911 is one of those

services, whether more than 25% of the lines to any PSAP were disrupted and there was no automatic rerouting to an alternate PSAP." Any known effect on 911 services attributable to any outage reportable under other criteria is to be described under the information requirement that carriers specify the "types of services affected." The amendments make this clear.

In establishing an exemption for reporting 911 outages in situations where there is automatic rerouting to an alternate PSAP, the *Second Report and Order* attempted to avoid the reporting of 911 outages that had no real impact on 911 customers. The phrase "automatic rerouting to an alternate PSAP," however, has resulted in some confusion and overreporting. Therefore, the present Order eliminates that phrase and, instead, requires 911 outage reports only where rerouting to the same or an alternate PSAP location did not occur. This will make it clear that an outage is reportable if there is a rerouting capability that is not used, but not reportable when calls are successfully rerouted.

Since the *Second Report and Order* went into effect on September 7, 1994, few outages affecting major airports have been reported. None has been reported because of the likelihood that it would attract media interest. Commenters have shown that attempting to estimate the newsworthiness of an outage, along with the other reporting and restoration efforts at hand, is an unreasonable task to impose on telecommunications technicians. The Commission's role as a source of information to which the public can turn when concerned about matters involving telecommunications, however, the Commission needs to know if an outage affecting a major airport does, in fact, receive media attention. The Order amends Section 63.100(a)(6) of the Commission's rules, therefore, to require the reporting of any outage affecting a major airport that "has received any media attention of which the carrier's reporting personnel are aware."

The reporting requirement triggered when an outage arises because of a fire can give us and the industry valuable information about such vulnerabilities, particularly if alternative technologies, such as underground cable, could significantly improve reliability. For these reasons, the Order declines, at this time, to modify the reporting requirement for fire-related incidents.

#### Ordering Clauses

Accordingly, pursuant to Sections 1, 4(i), and 201 of the Communications Act

of 1934, as amended, 47 U.S.C. 151, 154 and 201, Section 63.100 of the Commission's Rules, 47 CFR 63.100, IS AMENDED as set forth below, effective April 12, 1996.

It is Further Ordered, that, the Secretary shall cause a summary of this Order to be published in the Federal Register which shall include a statement describing how members of the public may obtain the complete text of this Commission decision. The Secretary shall also provide a copy of this Order to each state utility commission.

List of Subjects in 47 CFR Part 63

Communications common carriers, Reporting and recordkeeping requirements, Service disruptions. Federal Communications Commission. William F. Caton, Acting Secretary.

Rule Changes

Part 63 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS**

1. The authority citation for part 63 is revised to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 201–205, 218, 403 and 533, unless otherwise noted.

2. Section 63.100 is amended by revising paragraphs (a)(3), (a)(4), and (a)(6); in paragraphs (b), (c), (d) and (e)

by removing the sentence “Carriers must indicate, when specifying the types of service affected by any reportable outage, when 911 is one of those services, whether more than 25% of the lines to any PSAP were disrupted and there was no automatic rerouting to an alternate PSAP.” and adding in its place “When specifying the types of services affected by any reportable outage, carriers must indicate when 911 service was disrupted and rerouting to alternative answering locations was not implemented.”; and adding paragraph (h) to read as follows:

**§ 63.100 Notification of service outage.**

(a) \* \* \*  
(3) *Special offices and facilities* are defined as major airports, major military installations, key government facilities, and nuclear power plants. 911 special facilities are addressed separately in paragraph (a)(4) of this section.

(4) *An outage which potentially affects a 911 special facility* is defined as a significant service degradation, switch or transport, where rerouting to the same or an alternative answering location was not implemented, and involves one or more of the following situations:

(i) Isolation of one or more Public Service Answering Points (PSAPs) for 24 hours or more, if the isolated PSAPs collectively serve less than 30,000 or more access lines, based on the carrier's database of lines served by each PSAP; or

(ii) Loss of call processing capabilities in the E911 tandem(s), for 30 minutes or more, regardless of the number of customers affected; or

(iii) Isolation of one or more PSAP(s), for 30 or more minutes, if the isolated

PSAPs collectively serve 30,000 or more access lines, based on the carrier's database of lines served by each PSAP; or

(iv) Isolation of an end office switch or host/remote cluster, for 30 minutes or more, if the switches collectively serve, 30,000 or more access lines.

\* \* \* \* \*

(6) *An outage which “potentially affects” a major airport* is defined as an outage that disrupts 50% or more of the air traffic control links or other FAA communications links to any major airport, any outage that has caused an Air Route Traffic Control Center (ARTCC) or major airport to lose it radar, any ARTCC or major airport outage that has received any media attention of which the carrier's reporting personnel are aware, any outage that causes a loss of both primary and backup facilities at any ARTCC or major airport, and any outage to an ARTCC or major airport that is deemed important by the FAA as indicated by FAA inquiry to the carrier management personnel.

\* \* \* \* \*

(h)(1) Any local exchange or interexchange common carrier or competitive access provider that operates transmission or switching facilities and provides access services or interstate or international telecommunications services, the experiences an outage on any facilities that it owns, operates or leases that potentially affects 911 services must notify the Commission within the applicable period shown in the chart in this paragraph (h)(1) if such outage meets one of the following conditions, as defined in paragraph (a)(4) of this section:

Condition	Lines affected	Duration	Period
Loss of E911 Tandem capability .....	No limit .....	30 minutes or more .....	120 minutes.
Isolation of PSAP(s) .....	Under 30,000 access lines served .....	24 hours or more .....	120 minutes.
Isolation of PSAP(s) .....	50,000 or more access lines served .....	30 minutes or more .....	120 minutes.
Isolation of PSAP(s) .....	30,000 to 50,000 access lines served .....	30 minutes or more .....	3 days.
Isolation of EO switch, host/remotes from 911	50,000 or more access lines served .....	30 minutes or more .....	120 minutes.
Isolation of EO switch, host/remotes from 911	30,000 to 50,000 access lines served .....	30 minutes or more .....	3 days.

(2) Satellite carriers and cellular carriers are exempted from the reporting requirement in this paragraph (h). Notification must be served on the Commission's Monitoring Watch Officer, on duty 24 hours a day in the FCC headquarters building in Washington, D.C., or on a secondary basis it may be served on the Commission's Watch Officer on duty at the FCC's facility at Grand Island, Nebraska. The notification must be by facsimile or other record means

delivered within the notification period indicated above from the time of the carrier's first knowledge that the service outage “potentially affects a 911 special facility” as described in paragraph (a)(4) of this section and summarized in the chart in paragraph (h)(1) of this section and the service outage has continued for the duration indicated in paragraph (a)(4) of this section and summarized in the chart in paragraph (h)(1) of this section. Notification shall identify a contact person who can provide further

information, the telephone number at which the contact person can be reached, and the information known at the time notification is made about the service outage including: the date and estimated time (local time at the location of the outage) of commencement of the outage; the geographic area affected; the estimated number of customers affected; the types of services affected; the duration of the outage, i.e. time elapsed from the estimated commencement of the outage

until restoration of full service; the estimated number of blocked calls during the outage; the apparent or known cause of the incident, including the name and type of equipment involved and the specific part of the network affected; methods used to restore service; and the steps taken to prevent recurrences of the outage. The report shall be captioned Initial Service Disruption Report. Lack of any of the information in this paragraph (h)(2) shall not delay the filing of this report. Not later than thirty days after the outage, the carrier shall file with the Chief, Common Carrier Bureau, a Final Service Disruption Report providing all available information on the service outage, including any information not contained in its Initial Service Disruption Report and detailing specifically the root cause of the outage and listing and evaluating the effectiveness and application in the immediate case of any best practices or industry standards identified by the Network Reliability Council to eliminate or ameliorate outages of the reported type.

[FR Doc. 95-27300 Filed 11-13-95; 8:45 am]

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