Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Recommendations of the Independent Panel	)	EB Docket No. 06-119
Reviewing the Impact of Hurricane Katrina on	)	
Communications Networks	)	

COMMENTS OF THE

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION,
LOUISIANA CABLE & TELECOMMUNICATIONS ASSOCIATION AND
MISSISSIPPI CABLE TELECOMMUNICATIONS ASSOCIATION

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The National Cable & Telecommunications Association, Inc. (NCTA), Louisiana Cable & Telecommunications Association, and Mississippi Cable Telecommunications Association hereby submit their comments in the above-captioned proceeding. NCTA is the principal trade association representing the cable television industry in the United States. Its members include cable operators serving more than 90% of the nation's cable television subscribers, as well as more than 200 cable programming networks and services. The Louisiana and Mississippi associations represent cable operators on legislative and regulatory matters in those two states. The cable industry is the nation's largest broadband provider of high speed Internet access after investing $100 billion over ten years to build out a two-way interactive network with fiber optic technology. Cable companies also provide state-of-the-art digital telephone service to millions of American consumers.

INTRODUCTION AND SUMMARY

The cable industry commends the Federal Communications Commission's "Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks" ("Panel") for its comprehensive, extraordinary work in the aftermath of the Nation's worst natural disaster. The Panel's experts have taken the lessons learned from this catastrophe and developed

recommendations that aim to heighten emergency readiness in both the public and private sector and promote more efficient and effective response and recovery after an emergency.

The story that emerges from the Panel's hearings and final report to the Commission is one of unparalleled commitment by first responders, government and private sector workers, and many others to get essential services back on line as quickly as possible. With hundreds of thousands of people left without access to news and emergency information, and the ability to contact emergency responders, families and friends in the storm's immediate aftermath, the importance of communications media was never more apparent.

Indeed, Hurricanes Katrina, Rita, Wilma and other storms that struck the Gulf region in 2005 caused unprecedented disruption of regional communications in the United States. As broadband infrastructure providers serving millions of residential and business customers with basic phone services and distributing vital news and information via cable networks, the Internet and broadcast stations, cable companies stepped up to the challenge and the responsibility of restoring service in hurricane-torn communities as quickly as possible. For example, many cable systems serving the Gulf region reconstructed facilities and restored service to buildings housing members of the National Guard, first responders, and other recovery agencies immediately after the storms passed. Cable employees worked around-the-clock to restore television and telephone service to their customers, often well ahead of expert estimates of restoration time.

In New Orleans, which was particularly hard-hit, Cox Communications was able to deliver service to 40 percent of its customers in four weeks and 60 percent of its customers in eight weeks, following major storm-related outages.[1] Twelve weeks after the storms hit, Cox's network was serving 99 percent of its customers living in habitable areas. Comcast restored

[1] *See* Submission of Cox Communications to Hurricane Katrina Panel, January 30, 2006 at 1.

service to 90 percent of its South Florida customers within days after Hurricane Katrina hit and 72 percent of its Mississippi customers had cable service restored before the end of September 2005. In Lake Charles, Louisiana, Suddenlink workers were successful in restoring service in 30 days after Hurricane Rita, two months ahead of most expert predictions.

Cable operators in Mississippi overcame similar issues in the aftermath of Katrina. CableOne, which operates systems in Gulfport, Biloxi, and Pascagoula, was able to restore service to one-third of homes by the second week after the storm, two-thirds by the third week, and 80 percent by the fourth week. SusCom (now Comcast) and Time Warner Cable operate systems in and around Jackson, 150 miles away from the coast, but they also faced extensive damage from the storm and major problems associated with the loss of power. For all of these operators, a key to the successful restoration of service was the invaluable assistance of dedicated employees and contractors who came to Mississippi from all over the United States.

After Hurricane Rita, Time Warner Cable employees and contractors in the southeast region of Texas logged 500,000 hours to repair 50,000 drops and 700 miles of cable plant in just over eight weeks. Virtually all 91,000 of Time Warner's Texas customers were back in service within seven weeks.[2] Charter restored service to 80 percent of its customers within 45 days after Hurricane Katrina hit and the remaining customers were restored by mid-December 2005.

Yet for all of the heroic efforts of those on the ground during and after Hurricane Katrina (and the other major hurricanes), the Panel's analysis revealed serious shortcomings and impediments that hampered the ability of communications service providers to respond to the devastating impact of the disaster. As the Panel's report finds, "most of the region's

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[2] *See, e.g.*, Letter from Seth Davidson, Counsel to Time Warner Cable, to Marlene H. Dortch, Secretary, Federal Communications Commission, MB Docket No. 05-192 (filed Nov. 17, 2005) (presentation of Time Warner Cable regarding Emergency Preparedness).

communications infrastructure fared fairly well through the storm's extreme wind and rain, with the coastal areas suffering the worst damage. However, the unique conditions in Katrina's aftermath – substantial flooding, widespread extended power outages, and serious security issues – were responsible for damaging or disrupting communications service to a huge geographic area for a prolonged period of time."[3] Network disruptions and outages caused by flooding and lack of power and/or fuel were further compounded by careless or inadvertent line cuts during restoration and the failure of redundant pathways for communications traffic. The inability of communications repair crews to access affected areas promptly after the storm and an overall lack of coordination between public and private sector entities also greatly impeded the speed and effectiveness of restoration work.

In general, cable companies in the region suffered major plant losses, missing employees, the inability to communicate by wireline or wireless telephone, insufficient fuel to keep auxiliary generators and repair vehicles running, and numerous other logistical problems. On top of this, managers, employees and contractors alike suffered great personal losses, with the accompanying stress and uncertainty associated with such a catastrophe. In the particularly hard-hit coastal areas, cable operators experienced heavy damage to aerial cable lines. And underground cable facilities that largely survived the wind and rain still incurred heavy damage or complete destruction from the subsequent flooding from the breached levees. As Greg Bicket, Cox Communications Vice President/General Manager, New Orleans region, and a member of the Katrina panel described, even where Cox's network was intact, lack of power or fuel prevented it from restoring operations in those areas. He also reported that in the days

[3] Hurricane Katrina Panel, Report and Recommendations to the Federal Communications Commission, Executive Summary, June 12, 2006 (Panel Report).

immediately following the storm, more outages of its regional network were caused by *human* damage than storm damage.[4]

The importance of rectifying these impediments to a fully robust and resilient communications infrastructure during natural disasters and times of crisis can not be underestimated. Indeed, in the tragic aftermath of September 11, 2001, the Commission recognized "the fundamental and essential role that media industries play in providing and coordinating communications in emergency situations."[5] And the President's National Security Telecommunications Advisory Committee ("NSTAC") more recently observed that "communication is at the foundation of the Nation's ability to respond to a catastrophic event because the stability of the telecommunications infrastructure helps to ensure the protection and restoration of other infrastructures."[6]

Restoring cable infrastructure during natural or man-made disasters, as with other communications and telecommunications infrastructure providers, is critical to expediting a community's overall response to emergencies. Cable companies have spent over $100 billion dollars in the past decade to build advanced, broadband communications networks and are leaders in the technology and applications of modern digital communications. Their two-way interactive fiber optic broadband networks are capable of providing a wide range of video, voice and data services. Today the cable industry provides multichannel video programming services to over 65 million U.S. households, digital cable service to 29.6 million customers, high speed

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4 Remarks of Greg Bicket, Katrina Panel, Transcript of January 30, 2006 Meeting at 55 (January 30 Transcript).

5 FCC Media Security and Reliability Council ("MSRC"), Communications Infrastructure Security, Access and Restoration Working Group, Final Report (February 25, 2004) at 1.

6 National Security Telecommunications Advisory Committee, Legislative and Regulatory Task Force, Federal Support to Telecommunications Infrastructure Providers in National Emergencies, Designation as "Emergency Responders (Private Sector)" (January 31, 2006) (NSTAC Task Force Report) at 1.

Internet access to 27.6 million customers, and digital phone service to over 6 million customers. Cable's 1.5 million miles of plant and facilities reach residential and business customers in urban, suburban and rural communities across America.

Cable's multichannel video programming television service is important to providing breaking news and information during and after an emergency. As the tragic events of 9/11 were unfolding the President went directly to national media outlets. And in the days and weeks following the event, most cable program networks voluntarily ceased their regular programming and replaced it with continuous, round-the-clock news coverage from affiliated program networks. Regional cable news networks, such as NY1, also provided live 24-hour news and emergency information. And where broadcast station transmitters were down, cable systems provided the back-up facilities for the public to access broadcast station news coverage and emergency information.

Likewise, during Hurricane Katrina, national and regional news and weather cable networks provided virtually round-the-clock coverage of the events and provided information about evacuations, school closings, road conditions and general public safety. In addition, local cable operators routinely provide their customers with emergency information through, among other things, voluntary dissemination of state and local emergency alert system (EAS) messages on every channel and carriage of public and governmental access channels.

But cable is more than television. Cable is the leading provider of high speed Internet access, a critical resource for people needing information available via the Web in the midst of an emergency and the ability to contact family and friends via e-mail and voice over Internet Protocol ("VoIP") service. Cable also is the sole provider of telephone service to more and more American residences and businesses nationwide.

Given cable's vast presence, we believe that the Panel's recommendations with respect to national standards for credentialing communications repair workers, including cable workers and their subcontractors, and obtaining "emergency responder" status for cable infrastructure providers are particularly crucial going forward. We also believe that the FCC has an important role in facilitating recovery coordination among federal, state and local government agencies and officials. And we further believe that the process should avoid regulatory overlays and be applicable to a full range of disasters, both natural and man-made. As described below, the cable industry has a strong track record on emergency preparedness, and in light of the comprehensive efforts of the Media Security and Reliability Council, there is no need for Commission regulation of emergency readiness plans and procedures.

This proceeding provides an important opportunity for all interested parties to address the proposed measures to rectify the problems illuminated in the Panel's report and recommendations. We generally support the Panel's recommendations in the areas of pre-positioning for disasters, recovery coordination, and communications with the public during an emergency. And we urge the Commission to take the lead in working with other disaster recovery agencies to designate cable operators as essential communications and telecommunications providers entitled to the benefits accorded to other critical infrastructure providers during emergencies.

I. THE CABLE INDUSTRY SUPPORTS NATIONAL CREDENTIALING STANDARDS FOR ALL COMMUNICATIONS PROVIDERS AND FIRST RESPONDER STATUS FOR ALL CABLE INFRASTRUCTURE PROVIDERS

One of the most significant findings in the Panel's Report was the inability of communications workers to access their facilities in storm-ravaged areas in a timely manner. Communications infrastructure repair crews had great difficulty crossing law enforcement

perimeters and multiple checkpoints to access and reconstruct plant and equipment. Charter estimates, for example, that within the first week after Katrina, it had restored only a very small percentage of its systems simply because access to the damaged areas was limited or blocked completely. Moreover, had it been able to have on-site access to its facilities immediately after the storm, it might have significantly avoided the damage to its plant at the hands of electric utility crews and out-of-state contractors who were often careless about preserving the communications assets on the poles.

Although some jurisdictions provided credentials to communications repair teams, as the Report points out, the process of obtaining credentials, including knowing which entity was authorized to issue credentials, differed depending on the local jurisdiction. Many crews were required, therefore, to carry multiple credentials and documentation from federal, state and local officials, which may or may not have been honored at various checkpoints depending on the locale. This lack of clarity and uniformity in credentialing requirements for communications infrastructure repair crews and their subcontractors hampered the recovery process.

As Greg Bicket, Panel member from Cox's New Orleans system described in his opening remarks to the Panel:

> The process that we've gone through turned on some assumptions, and some of those were wrong. We have a very thorough disaster recovery and business continuity plan that anticipated the survival of at least one communications medium. We certainly overestimated our ability to access, physically, our network following the disaster. We overestimated the coordination and cooperation of local officials, military and law enforcement, and we anticipated at least some access to generator fuel and unfettered movement by these early responder red-team members within the market.[7]

[7] January 30 Transcript at 58.

To address these problems in future disaster situations, the Panel generally supports "the National Security Telecommunications Advisory Committee's ("NSTAC's") recommendation for a national standard for credentialing telecommunications repair workers." But it advocates *broadening* the recommendation "to include repair workers of all communications infrastructure providers (including wireline, wireless, WISP, satellite, cable and broadcasting infrastructure providers)."[8] The cable industry agrees that national credentialing standards that include cable repair workers and their subcontractors is a critical first step to more efficient and effective restoration of cable and telecommunications service to customers in the wake of a disaster.

We also support the Panel's view that the Commission should work with NSTAC and other appropriate federal agencies and the communications industry to develop promptly national credentialing requirements and processes for post-disaster access. And it is essential that the Commission and the U.S. Department of Homeland Security (DHS) and its agencies work with the states to ensure that their credentialing programs are consistent with these guidelines as promptly as possible. We also strongly support the Panel's recommendation that programs should make credentials available to communications repair workers at any time during the year, including before, during and after a disaster situation, provided infrastructure workers have completed basic National Incident Management System ("NIMS") training (which is to be replaced by a communications-specific training course that can be completed online). And we agree, as the Panel recommends, that the FCC should encourage states to recognize and accept credentials issued by other states.

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[8] Panel Report at 34. NSTAC is a federal advisory committee comprised of chief executives from major communications and network service providers, who advise the President of the United States on national security and emergency preparedness communications policy.

The cable industry believes it is equally important, as the Panel recommends, for communications infrastructure providers to be accorded "emergency responder" status under the Stafford Act and that this designation should be incorporated into the country's National Response Plan and state and local emergency response plans. In March 2006, NSTAC recommended to the President of the United States that emergency responder status be extended to telecommunications infrastructure providers.[9] Although cable service providers appear to be encompassed with the term "telecommunications infrastructure provider" as defined in the NSTAC report,[10] the Panel rightfully has recommended that the emergency or first responder designation should include *all* communications service providers, including cable and its subcontractors. The Commission should lead the implementation of the Panel's recommendation by working with Congress, NSTAC and other federal agencies to ensure that emergency responder status goes beyond traditional telecommunications providers, such as the Regional Bell Operating companies, and includes cable and other communications infrastructure providers.

Indeed, with regard to credentialing, emergency responder status and other emergency readiness issues, we urge the Commission, particularly its new Homeland Security Bureau, to reach out to the National Communications System (NCS), a federal interagency consortium, to broaden the membership of the National Coordinating Center for Telecommunications (NCC) to

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[9] Letter to President George W. Bush from F. Duane Ackerman, Chairman, National Security Telecommunications Advisory Committee (NSTAC), March 1, 2006. NSTAC found that many telecommunications infrastructure providers, in their response and recovery efforts, "had difficulty accessing vital resources needed to repair essential infrastructure and could have shortened their response times with non-monetary assistance from the Federal Government." NSTAC Task Force Report at 2.

[10] The NSTAC Task Force Report defines "telecommunications infrastructure providers" as "those entities who own and operate infrastructure and/or provide enabling software, hardware and/or services for the purposes of providing 'telecommunications' . . . namely, 'the transmission, emission, or reception of intelligence of any nature, by wire, cable, satellite, fiber optics, laser, radio visual or other electronic, electric, electromagnetic, or acoustically coupled means, or any combination thereof." NSTAC Task Force Report at n.2.

include representation from a cross-section of communications industries, including cable. NCC is a joint government/industry coordinating mechanism whose mission is to assist in the initiation, coordination, and restoration of communications services and facilities with regard to national security and emergency preparedness.[11] The Commission has ample authority under Section 1 of the Communications Act to promote greater membership in these DHS coordinating and policy-making bodies.[12]

In sum, granting appropriate credentials and other authorizations for cable repair crews to gain prompt access to their plant and facilities after an emergency will help avoid the human damage to cable facilities that occurred in the aftermath of Hurricane Katrina. And designating cable companies as private sector emergency responders will make them eligible for certain non-monetary government support, such as assistance with accessing a site, assistance from law enforcement to maintain security of workers and facilities, and priority access to rationed fuel to run generators. All of this contributes to a speedier, wide-scale restoration of service to the public.

II. THE COMMISSION SHOULD WORK WITH STATE AND LOCAL OFFICIALS TO IMPROVE COORDINATION, RAISE AWARENESS OF CABLE AS A CRITICAL INFRASTRUCTURE PROVIDER, AND PROMOTE PRIORITY ACCESS TO POWER AND FUEL FOR CABLE COMPANIES DURING EMERGENCIES

The Panel and the Commission appropriately recognize that the whole area of coordination among federal, state and local authorities and the private sector is key to improving recovery and response time for communications networks. As discussed above, the presence of multiple uncoordinated and inconsistent credentialing requirements impeded access to facilities

[11] *See* www.ncs.gov; *see also* Report at 36.

[12] 47 U.S.C. § 151.

and rapid recovery. Consistent with its statutory charge to promote the safety of life and property through the use of wire and radio communications, the Commission has a critical role to play in encouraging regional, state and local emergency managers and their Emergency Operating Centers (EOCs) to facilitate greater coordination between communications infrastructure providers and state and local officials.

Based on the cable industry's vast experience with a variety of natural disasters – from the Gulf Coast hurricanes to the fires in California to the recent flooding in New England – state and local officials are often acutely unaware that cable is more than a provider of multi-channel video entertainment and information programming. Cable's video channels do provide important EAS and franchise-based emergency notifications to the public. But cable is also the nation's largest broadband provider of high speed Internet access over its two-way interactive fiber optic network, a network which services households, businesses, schools, hospitals, government buildings and other facilities. Cable companies also provide state-of-the-art digital telephone service to millions of American consumers. In New Orleans, for example, Cox's hybrid fiber-coaxial cable broadband network provides both residential and commercial telephone services to more than 130,000 customers – including many first responders.

State and local officials also need greater awareness that the advanced interconnected fiber backbone and concentric fiber rings in today's modern cable systems provide for redundant paths and nearly instantaneous rerouting of services. Cable systems can work around multiple failure points in the cable plant to enable the network to continue to operate effectively. The protection and restoration of these advanced communications capabilities are critical to any community seeking to get back on track as it copes with any crisis situation.

For cable's part, it must continue to build relationships and raise awareness with federal agencies, such as DHS and its agencies, the FBI, and state and local emergency managers, law enforcement and other government officials. As the lead agency for communications oversight, however, the Commission is uniquely positioned to help drive home how essential cable is as a provider of communications services to the public in times of emergency. As part of its facilitative function, the Commission should also promote a streamlined, integrated regulatory approach to disaster management and should avoid unnecessary or counterproductive regulatory overlays among federal, state and local jurisdictions.

With regard to the Panel's other practical recommendations in the area of recovery coordination, we support: (1) the Commission stepping in to encourage EOCs to develop and include in the state's Emergency Preparedness Plan one or more clearly identified post-disaster coordination areas for communications infrastructure providers; and (2) the need for the FCC to encourage EOCs to share information and coordinate resources to facilitate repair of key communications infrastructure.

Priority Access to Power and Fuel

As the Panel found, "lack of power to cable facilities and security proved to be key problems."[13] Even where Katrina's wrath left Cox's network intact, lack of power and fuel prevented the company from restoring operations in those areas.[14] We therefore support the panel's recommendation that the Commission encourage regional, state and local EOCs to facilitate the inclusion of commercial communications providers, such as cable, in the priority lists for commercial power restoration of electric and other utilities. Disaster victims rely on high speed Internet access and cable video programming for information, and increasingly digital telephone service provided by cable, that can literally provide the vehicle to save lives and property.

Private communications providers and electric utilities are already coordinating and cooperating to a large extent because of shared use of infrastructure.[15] And cable companies will continue to work with electric utilities to provide cable and other telecommunications providers higher priority in power restoration. Moreover, if power companies notify communications crews in advance where they will be working, other communications companies, including cable operators, can direct crews to those sites so that service restoration can occur in tandem with as little plant damage as possible. Given the importance of this coordination, the Commission should take every opportunity to caution electric utilities about the public harms that result when their crews and contractors do not pay sufficient attention to attachments and inflict damage on essential communications networks. In addition, the Commission should be mindful that state

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[13] Panel Report at 12.

[14] *Id.*

[15] *See e.g.* January 30 Transcript at 55 (noting partnership forged with BellSouth and Entergy during New Orleans disaster).

commissions also are looking at these issues and there may be potential conflicts with vital Commission pole attachment policy, regulatory and enforcement jurisdiction.[16]

Finally, in the category of recovery coordination, the Panel recommends that the FCC work with DHS to promote existing priority communications services, such as Government Emergency Telecommunications Service (GETS) to eligible government, public safety and industry groups. Time Warner Cable, for example, has been working on various communications strategies during crisis situations, such as securing satellite phones, and obtaining GETS cards. Promotion of these programs, of course, must be coordinated with industry to ensure that providers can absorb the additional demands that will be placed on their networks through increased participation in the programs.

III. THE COMMISSION SHOULD RELY ON MSRC AND CABLE COMPANIES' COMPREHENSIVE EMERGENCY READINESS AND DISASTER RESPONSE PLANS AND SHOULD ADOPT AUTOMATIC WAIVERS AND SPECIAL TEMPORARY AUTHORITY TO EASE REGULATORY BURDENS DURING CRISIS SITUATIONS

Readiness Plans and Checklists

Apart from proposing various measures to improve post-storm recovery efforts, the Panel also advocated comprehensive advance planning and preparation to improve communications network reliability and resiliency. The Panel recommends that the Commission work with industry sectors to establish a "Readiness Checklist" that would include creating business continuity plans, conducting training exercises, developing plans and procedures, and maintaining pre-positioned supplies and equipment. It further recommends that the Commission

[16] *See, e.g., Proposed Rules Governing Placement of New Electric Distribution Facilities Underground, and Conversion of Existing Overhead Distribution Facilities to Underground Facilities, to Address Effects of Extreme Weather Events*, Docket No. 060172-EU (Fla. PSC 2006).

rely on checklists developed by the Media Security and Reliability Council (MSRC) and the Network Reliability and Interoperability Council (NRIC).

The cable industry endorses these recommendations. Even before MSRC was created in 2001, cable companies had made emergency preparedness a priority in their business operations. For example, in a 2003 survey of the broadcast, cable and satellite industries, MSRC found that a large majority of cable companies already had developed disaster recovery plans, and most had rehearsed their plans and updated them after the events of September 11, 2001.[17] Under the auspices of MSRC, the cable industry further refined its best practices by developing a "Local Cable System Model Vulnerability Assessment Checklist" (November 16, 2004) and a "Local Cable System Model Disaster Recovery Plan and Incident Response Manual" (November 30, 2005), which have been adopted by many local cable systems or are being used to supplement existing plans.

Time Warner Cable, for example, has developed a broad Business Continuity Management Plan that covers emergency planning, crisis management, disaster recovery, and business continuity. Crisis management teams have been established in all Time Warner divisions and key operating areas, and the overall continuity plan will be tested this year in exercises at cable systems around the country. The company is strengthening its relationships with emergency response organizations at the local, state, and federal level; improving back-up systems in its communications infrastructure; devising an employee communications initiative to better prepare its work force for emergency response; and discussing best practices with peer companies.

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[17] *See* Media Security and Reliability Council, Communications Infrastructure Security, Access, and Restoration Working Group, Final Report at 32 (Feb. 25, 2004).

Similarly, Charter Communications has developed a comprehensive "Disaster Recovery Planning Aid" manual for its systems, which covers technical operations specific to catastrophic events. It includes instructions for command centers, recovery management teams, education and training, post-disaster review and plan maintenance. The manual also provides an exhaustive disaster recovery checklist covering, among other things, outside plant, facilities, electronics failures, and software recovery. Following Hurricane Katrina, Charter developed a detailed step-by-step "Hurricane Action Plan" involving all departments and operations in the Louisiana cable systems.

Comcast has formed a communications task force to address crisis management; doubled the number of back-up electrical generators in its hurricane-prone territories; taken steps to ensure adequate levels of fuel for company vehicles; created redundancy in call center operations to sustain telephone and computer operations in a power-out; and arranged for better levels of contractor support if storms or emergencies increase the need for resources.

Mediacom has distributed a Preparedness Plan to local cable managers of its cable systems in the Gulf Coast region. The plan provides step-by-step guidance on preparedness and emergency response activities as a threatening storm approaches and potentially passes through Mediacom service areas. It also includes a guide to call center procedures, evacuation procedures, and web-based information services that may be useful in emergencies. The company also has assembled and distributed emergency contact information for first responders, local utilities, public officials, contractors, and other key personnel and affiliates.

For many years Cox and its individual cable systems have annually prepared and continually improved comprehensive Disaster Recovery Plans. The components of the New Orleans plan and its effectiveness to manage the challenges of Hurricane Katrina were discussed

during the Panel proceedings. Elements of the plan include detailed methods and procedures for pre-storm preparation, assessing impact of storm damage, and post-storm deployment of restoration teams. Central to the success of the plan is the identification of a "Red Team" composed of essential personnel critical to the protection and the restoration of the broadband network and the communication services it supports, including both residential and commercial telecommunications. In addition to detailed procedures for protecting and restoring essential communications services, the plan also addresses the evacuation of Cox employees and their families; marshalling of resources to support displaced personnel; contingency plans for assuring continual communication with customers in storm-damaged areas; and a method for mobilizing corporate resources and the technical assistance of Cox sister systems throughout the country. Cox employs dedicated personnel to interface with local, state, and federal emergency preparedness agencies and actively participates in the development of policies and procedures that impact its local systems. Very recently the Louisiana Public Service Commission was designated as the state coordinating agency for telecommunications during disaster situations and Cox is an active industry participant in the development of statewide emergency/recovery procedures. This on-going communication and lessons learned are vital to Cox's update of its Disaster Recovery Plan each year.

These types of emergency readiness plans are replicated by cable companies across the country. In May 2006, the nation's top cable companies pledged to review and assess their emergency preparedness plans and continue ongoing efforts to coordinate emergency activities with first responders, government agencies, and other service providers. Responding to the need for ongoing emergency readiness, especially as the hurricane season approaches, the industry's

"*Cable: Ready*" operational and educational initiative seeks to strengthen the nation's cable infrastructure to deal with natural disasters and other emergencies.[18]

Under the initiative, cable multiple system operators such as Comcast, Time Warner, Cox, Charter, Cablevision, Bright House, Mediacom, Insight, Suddenlink, and Bresnan, have undertaken a variety of steps, including:

- reviewing and updating emergency preparedness plans;
- conducting a fresh assessment of system needs and vulnerabilities;
- coordinating emergency preparedness plans with local and regional equipment vendors, public utilities, broadcasters, and wireline and wireless phone companies, and
- reaching out to emergency managers, first responders, local government officials and broadcasters to ensure coordination in the event of an emergency.

In the Notice, the Commission asks whether it should adopt guidance or criteria for emergency readiness plans. As noted above, cable companies have extensive experience and a notable track record in responding to a range of natural disasters and other emergency situations. The industry widely supports the checklist elements provided in the Panel's recommendations, including business continuity plans which address power reserves, cache of essential replacement equipment, adequate spare levels, credentialing, Emergency Operations Center coordination, training and disaster drills, communications plans identifying key players and multiple means to communicate with them, and the routine archiving of critical system back-ups and secure off-site storage.

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[18] *See* NCTA News Release, "Cable Commits to Readiness Plan for Hurricane Season," May 17, 2006. The launch of the initiative coincided with National Hurricane Preparedness Week, May 21 – 27, 2006, and was intended to support and complement efforts at the FCC and other agencies to develop recommendations to improve communications continuity and recovery in the wake of the 2005 hurricane season.

In light of the high degree of emergency planning and preparation that the cable industry has undertaken on a company-by-company and industry-wide basis, the cable industry does not believe that the Commission need adopt criteria for emergency preparedness plans for the cable industry. Cable companies are constantly updating and refining their plans to reflect changes in technology, operations and personnel, and changes in their individual service areas. Indeed, as Greg Bicket of Cox noted in his opening remarks to the panel, "we believe that in preparing for the future, what worked is a very careful, thoughtfully wrought disaster recovery plan. We've certainly gotten a little more practice with it than we'd hoped, but the good news is the plan works well and stood up well in the face of Hurricane Katrina."[19]

Where Commission expertise and guidance should come into play, as discussed in the previous section, is in the area of coordinating and facilitating relationships between communications service providers and federal, state and local agencies involved in emergency management and response. Indeed, we hope that the Commission will take a leadership role in advocating for first responder designations for cable system operators and other communications infrastructure providers with the White House, Congress and the Department of Homeland Security.

Automatic Waivers, Special Temporary Authority and Outage Reporting

Another area aimed at pre-positioning for disasters is the Panel's recommendation that the Commission establish a prioritized system of automatically waiving regulatory requirements or granting Special Temporary Authority (STA) in certain instances. In times of crisis, when normal everyday life may be interrupted by mass property damage and destruction, human casualties, public health threats and population displacements, it is sensible to have regulatory

[19] January 30 Transcript at 58.

processes already in place to suspend "business as usual" activities. Therefore, we support the authorization of cable-related waivers and STAs as outlined in the Panel's report.[20] To ensure smooth operation of an automatic waiver system, the Commission should articulate clearly which waivers will be available for which services, and publicize the procedures that service providers must follow (if any) to take advantage of waivers.

With regard to network outages, the Commission is the appropriate agency, as the Panel recommends, to monitor communications outages and to be the single point of contact and repository for outage information in the wake of an emergency. We agree that the Commission is best suited to coordinate all federal outage and infrastructure reporting requirements, and it should establish a single point of contact within the Commission to which reports would be submitted. The objective here should be to avoid unnecessary, burdensome reporting requirements that could impede ongoing field work and other critical restoration activities. The reporting requirements should be narrowly drawn, developed in consultation with industry, and focused on obtaining information that will enable the federal government to assist with restoration, such as facilitating interconnects, and the repair and replacement of vital facilities, equipment and resources.

Education Campaigns

The Notice asks whether community education campaigns are needed to raise awareness in the public safety community about non-traditional alternatives to emergency communications and to educate the public about emergency preparedness. Looking ahead, local cable systems have programs aimed at informing local residents about emergency preparedness in the event of

[20] Panel Report at 33. As to eligibility for waivers or STAs, if an area is declared a federal "disaster area," for example, communications infrastructure providers servicing communities in that area would automatically be entitled to FCC regulatory relief.

future storms and other crisis situations. A number of cable's national programming services also are assisting with this effort. Here are just a few examples:

- Comcast has teamed up with The Weather Channel to create a first-of-its-kind "Hurricane On Demand" service, which will offer short features on the company's video-on-demand platform informing customers on a range of topics, including how to prepare for a hurricane, prepare for an evacuation, secure your home, boat safety, and steps to take in the storm's aftermath.

- On June 1, 2006, the official start of the hurricane season, Cox Communications began airing a new all-local, all-the-time weather forecasting service, WeatherScan, a service of The Weather Channel, on systems serving the New Orleans area. The channel will also be used for emergency alerts, with forecasts, radar reports, and satellite images supplemented by information on road closures, evacuation routes, shelter locations and other emergency data and updates.

- The Central Florida Division of Bright House has partnered with local utilities in staging several "town hall" style meetings throughout the region to inform residents about preparation, response and restoration plans and procedures. They have created and distributed easy to understand collateral materials explaining the basics of cable and electric power, particularly as they pertain to how they operate in an emergency.

- The Weather Channel, the 24-hour weather service, has a broad list of projects to help viewers prepare for weather-related emergencies and deal with hurricane-season events. Prior to hurricane season, Weather Channel staffers go "on the road" to locations within storm-prone areas where on-camera personnel and staffers hold day-long community events to educate and prepare people for the upcoming tropical season. Viewers are provided weather tracking and preparedness materials; guidelines for creating personal, family, and business plans for severe weather; special materials for children to help them better understand weather developments; and information about products aimed at ensuring home safety. And its educational initiative, "Weather Classroom," reaches out to teachers and school children to share knowledge, information, and preparedness activities that apply to each weather emergency.

- Bay News 9, a regional 24-hour news channel in the Tampa Bay area operated in partnership with Bright House, has produced a "Hurricane Preparedness" DVD that is distributed to all new customers and at hurricane preparedness educational events throughout the region. The channel also has designed a "weather activity" book for children; a

school-based curriculum focusing on weather and hurricanes; and a "hurricane guide" which will appear as a special newspaper supplement and will be distributed at local sporting events.

- Lifetime Television has pledged to contribute airtime to public service announcements that may be created by the Red Cross and other emergency relief organizations in the wake of any emergency or disaster. The company also stands ready to create or publish emergency-related on-line content on its various websites. Cable will continue to add to its arsenal of educational materials related to disaster planning.

IV. THE COMMISSION SHOULD WORK WITH ITS PARTNER AGENCIES TO ESTABLISH A NATIONAL PUBLIC WARNING SYSTEM THAT BUILDS ON THE EMERGENCY ALERT SYSTEM AND REPLACES THE DISPARATE MANNER IN WHICH STATES AND LOCALITIES IMPLEMENT EMERGENCY ALERTING TODAY

The Panel recommends that the Commission educate state and local officials and the public about the Emergency Alert System and how it can be utilized to provide valuable pre- and post-storm information to the public. Cable operators voluntarily disseminate state and local EAS messages to customers around the country and recognize the importance of a national public warning system that responds to the public's need for timely information in protecting life and property during crisis situations. And we have supported ongoing efforts to utilize advanced digital technology to promote the widespread dissemination of all-hazard alerts over a variety of communications platforms.[21]

Cable operators believe that the Commission's goal of a comprehensive advanced public warning system is best achieved through federal, state and local coordination leading to one alert system, rather than multiple alerting systems. We have therefore urged the Commission, along with its partner agencies, to facilitate the establishment of one fully-integrated national warning

[21] *See In the Matter of Review of the Emergency Alert System*, Notice of Proposed Rulemaking, EB Docket No. 04-296, 19 FCC Rcd 15775, Comments of the National Cable & Telecommunications Association, filed January 24, 2006.

system to replace the disparate, often discretionary, manner in which states and localities implement emergency alerting today.[22]

The Panel also recommends that the Commission promptly find a mechanism to resolve technical hurdles to multilingual EAS messaging, where a significant portion of the population served by a digital service provider speaks a language other than English as its primary language. Some cable operators are beginning to migrate toward multilingual EAS where the demographics of their community support it. However, we urge the Commission not to act prematurely given the complex technical and operational issues that need to be worked out, particularly for the visual portion of the EAS message. The best approach is a commitment by EAS message originators, such as the National Weather Service and FEMA, to issue both the English and Spanish (or other language) versions of the message for dissemination by cable systems.

Similarly, with respect to the accessibility of emergency alerts to persons with disabilities, EAS message originators should be urged to provide detailed information in both audio and visual format so that individuals with hearing and visual disabilities receive the same information. With regard to the Panel's urging that the Commission work with the various industry trade associations to create and publicize best practices for serving persons with disabilities or persons who do not speak English, we support such efforts. NCTA supported the FCC's proposal in its review of the Emergency Alert System to encourage EAS message originators to provide detailed alerts in both audio and visual format and we support the Panel's

[22] For a full discussion of how the patchwork of emergency alerting requirements that cable systems are subject to that impedes the overall effectiveness of EAS, *see* NCTA's Comments and Reply Comments in EB Docket No 04-296.

recommendation that state and local government agencies which provide emergency information do so as well.

CONCLUSION

The cable industry supports the Panel's recommendations to improve resiliency and reliability of communications infrastructure and strengthen response and recovery during an emergency. A robust communications capability across a variety of media and telecommunications platforms, including cable, is pivotal to protecting human life and safety during natural disasters and other emergency situations.

Respectfully submitted,

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