BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of Resilient Networks	§	
	§	
Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications	§	PS Docket No. 21-346
	§	PS Docket No. 15-80
	§	ET Docket No. 04-35
New Part 4 of the Commission's Rules Concerning Disruptions to Communications	§	
	§	

REPLY COMMENTS OF FAILSAFE COMMUNICATIONS, INC.

("FailSafe") https://failsafecommunications.com/ hereby files these Reply Comments with regard to reporting for NORS and DIRS.[1]

FailSafe has filed comments in several FCC dockets[2] with one unifying theme – that the Commission and the industry can utilize *Intelligent Signaling Networks* to provide actionable information on an automated and real time basis. That information can be utilized to:

- Identify network outages affecting specific 911 centers and send text or email Alerts to carriers so that they can respond quickly and comply with FCC notification requirements with 30 minutes[3]
- Identify callers who are unable to get through to 988 providers, so that they can be called back[4]
- Identify geographically specific 911 centers experiencing a heavy volume of calls, enabling an early warning of events that can pose a public safety threat.[5]

---

1 Resilient Networks et al., Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 24-5 (rel. Jan. 26, 2024) ("*Second Report and Order*" or "*Further Notice*").

2 FailSafe Comments Regarding CCA'S Petition For Reconsideration, PS Docket No. 15-80, PS Docket No. 13-75 and ET Docket No. 04-35, April 14, 2023; https://www.fcc.gov/ecfs/document/104143031400844/1 FailSafe's first *ex parte* filing, June 20, 2023 https://www.fcc.gov/ecfs/document/1062099699039/1; FailSafe's Supplemental *ex parte* filing, July 14, 2023 https://www.fcc.gov/ecfs/document/1071513465683/1; FailSafe's Second Supplemental *ex parte* letter, September 6, 2023 https://www.fcc.gov/ecfs/document/10906728330583/1; FailSafe's Third Supplemental *ex parte* letter, October 18, 2023 https://www.fcc.gov/ecfs/document/10183004215540/1; FailSafe's Fourth Supplemental *ex parte* letter, January 16, 2024 https://www.fcc.gov/ecfs/document/101160243030301/1

3 *Id.*

4 FailSafe Reply Comments, PS Docket No. 23-5, PS Docket No. 15-80, WC Docket No. 18-336, June 6, 2023 https://www.fcc.gov/ecfs/document/10606943017850/1

- Enable regulators and local government officials to receive daily automated performance reports for individual 911 centers, as well as real-time "check engine" Alerts from the network during more adverse situations.[6]

FailSafe filed its comments to allow other stakeholders to discover the capabilities that the intelligent signaling network possesses in this regard. We invited all parties to call two test numbers we set up to demonstrate how the existing network can support the services we describe above. Those numbers are still generating rollover alerts simulating these capabilities. We note in passing that no provider has contacted us to discuss this simple solution to issues raised by some parties.

We respectfully encourage the Commission and stakeholders to take another look at our initial comments and consider changing the narrative to one that focuses specifically on the impact on actual people. Our approach would allow regulators and 911 centers to accurately measure consumer impact, rather than depending on estimates based on which network component has failed and what the possible impact of that failure *may* be. We have refined our offering so that it is possible to deliver text messages (as opposed to only emails) to produce the "check engine light" reports. Such texts can be handled the same way as text-to-911 calls. Indeed some 30% of 911 centers have text to 911 systems and the remainder have them planned in one form or another for the future. Incorporating our methodology in these systems will require zero cost or training expense since they are developing text to 911 capabilities anyway.

In short, FailSafe is advocating changing the narrative to one of utilizing intelligent signaling network technology to refocus the industry and regulators into real, achievable, *solutions.*

---

[5] FailSafe Comments, PS Docket No. 21-346. PS Docket No. 15-80, ET Docket No. 04-35, April 23, 2024, https://www.fcc.gov/ecfs/search/search-filings/filing/10423192929678

[6] *Id.*

ANOTHER NEW PROPOSAL

In our initial comments, we took no position as to whether TV and radio broadcasters, satellite providers, and broadband Internet access service (BIAS) providers should report to NORS or DIRS. However, as we read the comments written by other parties, we recognized a common theme – that filing a NORS report in the midst of an emergency would be burdensome for small providers.[7]

After reading these comments, we realized that we could adapt one of the technologies that we were proposing for other purposes – our "Rollover" offering – to provide a simple way for a small provider to provide useful information to the Commission.

For example, take a small radio station. The Commission wants to know one thing each day during an emergency – is that station on the air or not? Filling out a form on NORS will divert resources – resources that could better be used in keeping the station on the air. The Commission has invited proposals as to whether "we should consider adopting different reporting requirements for small broadcasters."[8] FailSafe believes it would be possible to have each radio station email a report each day to the Commission without requiring anything more than a single one second phone call by a station employee.

This solution can be implemented by assigning two individual "FCC Emergency Report" telephone numbers for use by each small radio station in America. One number is for "yes, we are on the air" and the other for "no, we are not on the air."[9] Like all of our other offerings, the telephone numbers use

---

[7] Joint Comments of the Foster Garvey Coalition at 2 – 8; REC Networks at 5 – 6; Cumulus Media at 2 – 3; National Public Radio at 5 – 8; NTCA–The Rural Broadband Association at 2 – 5; CTIA at 9 - 11; WISPA – The Association for Broadband Without Boundaries at 3 – 4; ACA Connects at 2; Public Knowledge, Communications Workers of America, New America's Open Technology Institute at 11 – 12; One Ministries Inc. at 1.

[8] *Further Notice* at ¶ 45.

[9] The *Further Notice* reports that there are 21,392 broadcast stations. (*Further Notice* at fn. 107). Thus, the FailSafe proposal would require 42,784 telephone numbers. If given a list of the stations and their locations, FailSafe could even assist in having the assigned phone numbers in the station's area code.

only intelligent signaling network technology and therefore never complete a call.[10] However, the intelligent signaling network can generate a report if a station employee calls one of the numbers. Just as FailSafe and its vendors can create a "Check Engine Light" notification, we can generate an email to an account specified by the FCC. It is possible to pre-populate that email with the radio station's name, call sign and location.

This is technology that can be implemented promptly after the Commission orders it. It would require almost no training for the station personnel. They would be instructed that if the Commission issued a NORS notification, they should make a single one second phone call once a day until the notification was rescinded. The phone call can be made from any phone, so the employee can make the call even if the local phone lines are down or the employee has been forced to relocate. It would add no cost to the station. Because it would be so simple, FailSafe anticipates near universal compliance at minimal cost beyond a nominal license fee.[11]

FailSafe acknowledges that a cluster of emails is not as accessible to the Commission Staff as would be NORS reports. While FailSafe is not yet prepared to propose solutions to that challenge, we would be willing to work with the Staff and our GIS vendor to explore developing user-friendly maps, showing every station that reports "on" and "off" the air status.[12] Furthermore, our "rollover" solution produces

---

[10] True Intelligent Signaling Network ISUP messages are a technology with "four nines" / 99.99% reliability. They are not to be confused with texts over the Internet or other means. While limited to 160 characters, this is more than enough to contain the phrase "On the Air" or "Off the Air" as well as identify the affected station. It's also the most reliable technology in widespread disasters. Consider the January 2018 North Korean false missile scare in Hawaii. On that day when all available networks were down, SMS messages by and large continued to process flawlessly. They were the only available means of communicating that day in Hawaii for these reasons.

[11] It is beyond the scope of these Reply Comments to discuss how the Commission might resolve provider's concerns over costs. At first glance, it would appear to be a function that could be supported using the Universal Service Fund. As a recent Congressional report affirmed, one of the purposes of the Fund is "affordable rates, rural access, essential to education, public health, or *safety*." (emphasis added) https://crsreports.congress.gov/product/pdf/R/R47621

[12] The PDC software (DisasterAware®) automatically generates the time and date of the call with the added benefit of providing an "at a glance" map illustration that give the GIS map viewer an immediate indication as to the reasons why the station is on or off the air. FailSafe believes such capabilities could be quickly adapted to the solution we propose in these Reply Comments.

a summary report on a daily basis. We would anticipate that we could work with the Commission to provide a useful summary report.

The Commission should be aware – the proposal made in these Reply Comments is *not* a primary product offering of FailSafe's. We are making this proposal because we saw the need and recognized that we had a potential solution. FailSafe would be happy to work with the Commission staff and stakeholders to develop this solution further. We would hope that one of the industry associations would be willing to be the sponsor of a nation-wide rollout.

While this solution would clearly address the concerns of small radio providers, it might also work for other industry segments. FailSafe has not explored that possibility. If the Commission expresses an interest in this approach and indicates a willingness to take daily email reports, we would anticipate widespread interest in FailSafe's ability to provide solutions for other industry segments.

FailSafe encourages the Commission to review all of our filings in all of the proceedings before the Commission. We are seeking to help the Commission meet its goal of a safer America and are proposing innovative uses of technology to accomplish that goal.

We look forward to working with the Commission, stakeholders and industry groups in implementing all of the proposals that FailSafe has made to the Commission.

Respectfully submitted,

s/

Eddie M. Pope
General Counsel
FailSafe Communications, Inc.
1510 North Hampton Road, Suite 230
DeSoto, TX 75115
(512) 689-7815
empope@telesentient.com