

Federal Communications Commission

§ 4.15

§ 4.11 Notification and initial and final communications outage reports that must be filed by communications providers.

Notification and Initial and Final Communications Outage Reports shall be submitted by a person authorized by the communications provider to submit such reports to the Commission. The person submitting the Final report to the Commission shall also be authorized by the provider to legally bind the provider to the truth, completeness, and accuracy of the information contained in the report. Each Final report shall be attested by the person submitting the report that he/she has read the report prior to submitting it and on oath deposes and states that the information contained therein is true, correct, and accurate to the best of his/her knowledge and belief and that the communications provider on oath deposes and states that this information is true, complete, and accurate. The Notification shall provide: The name of the reporting entity; the date and time of onset of the outage; a brief description of the problem; service effects; the geographic area affected by the outage; and a contact name and contact telephone number by which the Commission's technical staff may contact the reporting entity. The Initial and Final Reports shall contain the information required in this part 4. The Initial report shall contain all pertinent information then available on the outage and shall be submitted in good faith. The Final report shall contain all pertinent information on the outage, including any information that was not contained in, or that has changed from that provided in, the Initial report. The Notification and the Initial and Final Communications Outage Reports are to be submitted electronically to the Commission. "Submitted electronically" refers to submission of the information using Commission-approved Web-based outage report templates. If there are technical impediments to using the Web-based system during the Notification stage, then a written Notification to the Commission by e-mail, FAX, or courier may be used; such Notification shall contain the information required. All hand-delivered Notifications and Initial and Final Commu-

nications Outage Reports, shall be addressed to the Federal Communications Commission, The Office of Secretary, Attention: Chief, Public Safety & Homeland Security Bureau. Electronic filing shall be effectuated in accordance with procedures that are specified by the Commission by public notice. Notifications and initial reports may be withdrawn under legitimate circumstances, *e.g.*, when the filing was made under the mistaken assumption that an outage was required to be reported.

[71 FR 69037, Nov. 29, 2006, as amended at 80 FR 34324, June 16, 2015]

§ 4.13 [Reserved]

§ 4.15 Submarine cable outage reporting.

(a) *Definitions.* (1) For purposes of this section, "outage" is defined as a failure or significant degradation in the performance of a licensee's cable service regardless of whether the traffic can be re-routed to an alternate path.

(2) An "outage" requires reporting under this section when there is:

(i) An outage, including those caused by planned maintenance, of a portion of submarine cable system between submarine line terminal equipment (SLTE) at one end of the system and SLTE at another end of the system for more than 30 minutes; or

(ii) The loss of any fiber pair, including losses due to terminal equipment, on a cable segment for four hours or more, regardless of the number of fiber pairs that comprise the total capacity of the cable segment.

(b) *Outage reporting.* (1) For each outage that requires reporting under this section, the licensee (or Responsible Licensee as designated by a Consortium) shall provide the Commission with a Notification, Interim Report (subject to the limitations on planned outages in Section 4.15(b)(2)(iii)), and a Final Outage Report.

(i) For a submarine cable that is jointly owned and operated by multiple licensees, the licensees of that cable may designate a Responsible Licensee that files outage reports under this rule on behalf of all licensees on the affected cable.

(ii) Licensees opting to designate a Responsible Licensee must jointly notify the Chief of the Public Safety and Homeland Security Bureau's Cybersecurity and Communications Reliability Division of this decision in writing. Such notification shall include the name of the submarine cable at issue; and contact information for all licensees on the submarine cable at issue, including the Responsible Licensee.

(2) Notification, Interim, and Final Outage Reports shall be submitted by a person authorized by the licensee to submit such reports to the Commission.

(i) The person submitting the Final Outage Report to the Commission shall also be authorized by the licensee to legally bind the provider to the truth, completeness, and accuracy of the information contained in the report. Each Final report shall be attested by the person submitting the report that he/she has read the report prior to submitting it and on oath deposes and states that the information contained therein is true, correct, and accurate to the best of his/her knowledge and belief and that the licensee on oath deposes and states that this information is true, complete, and accurate.

(ii) The Notification is due within 480 minutes (8 hours) of the time of determining that an event is reportable for the first three years from the effective date of these rules. After three years from the effective date of the rules, Notifications shall be due within 240 minutes (4 hours). The Notification shall be submitted in good faith. Licensees shall provide: The name of the reporting entity; the name of the cable and a list of all licensees for that cable; the date and time of onset of the outage, if known (for planned events, this is the estimated start time/date of the repair); a brief description of the event, including root cause if known; nearest cable landing station; best estimate of approximate location of the event, if known (expressed in either nautical miles and the direction from the nearest cable landing station or in latitude and longitude coordinates); best estimate of the duration of the event, if known; whether the event is planned or unplanned; and a contact name, contact email address, and contact tele-

phone number by which the Commission's technical staff may contact the reporting entity.

(iii) The Interim Report is due within 24 hours of receiving the Plan of Work. The Interim Report shall be submitted in good faith. Licensees shall provide: The name of the reporting entity; the name of the cable; a brief description of the event, including root cause, if known; the date and time of onset of the outage; nearest cable landing station; approximate location of the event (expressed in either nautical miles and the direction from the nearest cable landing station or in latitude and longitude); best estimate of when the cable is scheduled to be repaired, including approximate arrival time and date of the repair ship, if applicable; a contact name, contact email address, and contact telephone number by which the Commission's technical staff may contact the reporting entity. The Interim report is not required where the licensee has reported in the Notification that the outage at issue is a planned outage.

(iv) The Final Outage Report is due seven (7) days after the repair is completed. The Final Outage Report shall be submitted in good faith. Licensees shall provide: The name of the reporting entity; the name of the cable; whether the outage was planned or unplanned; the date and time of onset of the outage (for planned events, this is the start date and time of the repair); a brief description of the event, including the root cause if known; nearest cable landing station; approximate location of the event (expressed either in nautical miles and the direction from the nearest cable landing station or in latitude and longitude coordinates); duration of the event, as defined in paragraph (a)(2) of this section; the restoration method; and a contact name, contact email address, and contact telephone number by which the Commission's technical staff may contact the reporting entity. If any required information is unknown at the time of submission of the Final Report but later becomes known, licensees should amend their report to reflect this knowledge. The Final Report must also contain an attestation

as described in paragraph (b)(2)(i) of this section.

(v) The Notification, Interim Report, and Final Outage Reports are to be submitted electronically to the Commission. “Submitted electronically” refers to submission of the information using Commission-approved Web-based outage report templates. If there are technical impediments to using the Web-based system during the Notification stage, then a written Notification to the Commission by email to the Chief, Public Safety and Homeland Security Bureau is permitted; such Notification shall contain the information required. Electronic filing shall be effectuated in accordance with procedures that are specified by the Commission by public notice.

(c) *Confidentiality*. Reports filed under this part will be presumed to be confidential. Public access to reports filed under this part may be sought only pursuant to the procedures set forth in 47 CFR 0.461. Notice of any requests for inspection of outage reports will be provided pursuant to 47 CFR 0.461(d)(3).

[81 FR 52363, Aug. 8, 2016]

EFFECTIVE DATE NOTE: At 81 FR 52363, Aug. 8, 2016, § 4.15 was added. This section contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

PART 5—EXPERIMENTAL RADIO SERVICE

Subpart A—General

Sec.

- 5.1 Basis and purpose.
- 5.3 Scope of service.
- 5.5 Definition of terms.

Subpart B—Applications and Licenses

LICENSE REQUIREMENTS

- 5.51 Eligibility.
- 5.53 Station authorization required.
- 5.54 Types of authorizations available.

GENERAL FILING REQUIREMENTS

- 5.55 Filing of applications.
- 5.57 Who may sign applications.
- 5.59 Forms to be used.
- 5.61 Procedure for obtaining a special temporary authorization.
- 5.63 Supplemental statements required.
- 5.64 Special provisions for satellite systems.

- 5.65 Defective applications.
- 5.67 Amendment or dismissal of applications.
- 5.69 License grants that differ from applications.
- 5.71 License period.
- 5.73 Experimental report.
- 5.77 Change in equipment and emission characteristics.
- 5.79 Transfer and assignment of station authorization for conventional, program, medical testing, and compliance testing experimental radio licenses.
- 5.81 Discontinuance of station operation.
- 5.83 Cancellation provisions.
- 5.84 Non-interference criterion.
- 5.85 Frequencies and policy governing frequency assignment.
- 5.91 Notification to the National Radio Astronomy Observatory.
- 5.95 Informal objections.

Subpart C—Technical Standards and Operating Requirements

- 5.101 Frequency stability.
- 5.103 Types of emission.
- 5.105 Authorized bandwidth.
- 5.107 Transmitter control requirements.
- 5.109 Responsibility for antenna structure painting and lighting.
- 5.110 Power limitations.
- 5.111 Limitations on use.
- 5.115 Station identification.
- 5.121 Station record requirements.
- 5.123 Inspection of stations.
- 5.125 Authorized points of communication.

Subpart D—Broadcast Experimental Licenses

- 5.201 Applicable rules.
- 5.203 Experimental authorizations for licensed broadcast stations.
- 5.205 Licensing requirements, necessary showing.
- 5.207 Supplemental reports with application for renewal of license.
- 5.211 Frequency monitors and measurements.
- 5.213 Time of operation.
- 5.215 Program service and charges.
- 5.217 Rebroadcasts.
- 5.219 Broadcasting emergency information.

Subpart E—Program Experimental Licenses

- 5.301 Applicable rules.
- 5.302 Eligibility.
- 5.303 Frequencies.
- 5.304 Area of operations.
- 5.305 Program license not permitted.
- 5.307 Responsible party.
- 5.308 Stop buzzer.
- 5.309 Notification requirements.
- 5.311 Additional requirements related to safety of the public.