

issuing warnings to ship station licensees when it becomes apparent that an accounting authority is failing to settle accounts. See also §§3.70 through 3.74.

PART 4—DISRUPTIONS TO COMMUNICATIONS

GENERAL

Sec.

- 4.1 Scope, basis, and purpose.
- 4.2 Availability of reports filed under this part.

REPORTING REQUIREMENTS FOR DISRUPTIONS TO COMMUNICATIONS

- 4.3 Communications providers covered by the requirements of this part.
- 4.5 Definitions of outage, special offices and facilities, and 911 special facilities.
- 4.7 Definitions of metrics used to determine the general outage-reporting threshold criteria.
- 4.9 Outage reporting requirements—threshold criteria.
- 4.11 Notification and initial and final communications outage reports that must be filed by communications providers.
- 4.13 [Reserved]
- 4.15 Submarine cable outage reporting.

AUTHORITY: Sections 1, 4(i), 4(j), 4(o), 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j), 316, 332, 403, 615a–1, and 615c of Pub. L. 73–416, 48 Stat. 1064, as amended, and section 706 of Pub. L. 104–104, 110 Stat. 56; 47 U.S.C. 151, 154(i)–(j) & (o), 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j), 316, 332, 403, 615a–1, 615c, and 1302, unless otherwise noted.

SOURCE: 69 FR 70338, Dec. 3, 2004, unless otherwise noted.

GENERAL

§ 4.1 Scope, basis, and purpose.

(a) In this part, the Federal Communications Commission is setting forth requirements pertinent to the reporting of disruptions to communications and to the reliability and security of communications infrastructures.

(b) The definitions, criteria, and reporting requirements set forth in Sections 4.2 through 4.13 of this part are applicable to the communications providers defined in Section 4.3 of this part.

(c) The definitions, criteria, and reporting requirements set forth in Section 4.15 of this part are applicable to

submarine cable providers who have been licensed pursuant to 47 U.S.C. 34–39.

[81 FR 52362, Aug. 8, 2016]

EFFECTIVE DATE NOTE: At 81 FR 52362, Aug. 8, 2016, section 4.1 was revised. This revision contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 4.2 Availability of reports filed under this part.

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).

REPORTING REQUIREMENTS FOR DISRUPTIONS TO COMMUNICATIONS

§ 4.3 Communications providers covered by the requirements of this part.

(a) *Cable communications providers* are cable service providers that also provide circuit-switched telephony. Also included are affiliated and non-affiliated entities that maintain or provide communications networks or services used by the provider in offering telephony.

(b) *Communications provider* is an entity that provides for a fee to one or more unaffiliated entities, by radio, wire, cable, satellite, and/or lightguide: two-way voice and/or data communications, paging service, and/or SS7 communications.

(c) *IXC or LEC tandem facilities* refer to tandem switches (or their equivalents) and interoffice facilities used in the provision of interexchange or local exchange communications.

(d) *Satellite communications providers* use space stations as a means of providing the public with communications, such as telephony and paging. Also included are affiliated and non-affiliated entities that maintain or provide communications networks or services used by the provider in offering such communications. “Satellite operators” refer to entities that operate space stations but do not necessarily

provide communications services directly to end users.

(e) *Signaling System 7 (SS7)* is a signaling system used to control telecommunications networks. It is frequently used to “set up,” process, control, and terminate circuit-switched telecommunications, including but not limited to domestic and international telephone calls (irrespective of whether the call is wholly or in part wireless, wireline, local, long distance, or is carried over cable or satellite infrastructure), SMS text messaging services, 8XX number type services, local number portability, VoIP signaling gateway services, 555 number type services, and most paging services. For purposes of this rule part, SS7 refers to both the SS7 protocol and the packet networks through which signaling information is transported and switched or routed. It includes future modifications to the existing SS7 architecture that will provide the functional equivalency of the SS7 services and network elements that exist as of August 4, 2004. SS7 communications providers are subject to the provisions of this part 4 regardless of whether or not they provide service directly to end users. Also subject to part 4 of the Commission’s rules are affiliated and non-affiliated entities that maintain or provide communications networks or services used by the SS7 provider in offering SS7 communications.

(f) *Wireless service providers* include Commercial Mobile Radio Service communications providers that use cellular architecture and CMRS paging providers. See §20.9 of this chapter for the definition of Commercial Mobile Radio Service. Also included are affiliated and non-affiliated entities that maintain or provide communications networks or services used by the provider in offering such communications.

(g) *Wireline communications providers* offer terrestrial communications through direct connectivity, predominantly by wire, coaxial cable, or optical fiber, between the serving central office (as defined in the appendix to part 36 of this chapter) and end user location(s). Also included are affiliated and non-affiliated entities that maintain or provide communications net-

works or services used by the provider in offering such communications.

(h) *Interconnected Voice over Internet Protocol (VoIP) providers* are providers of interconnected VoIP service. See §9.3 of this chapter for the definition of interconnected VoIP service. Such providers may be facilities-based or non-facilities-based. Also included are affiliated and non-affiliated entities that maintain or provide communications networks or services used by the provider in offering such communications.

(i) *Exclusion of equipment manufacturers or vendors.* Excluded from the requirements of this part 4 are those equipment manufacturers or vendors that do not maintain or provide communications networks or services used by communications providers in offering communications.

[69 FR 70338, Dec. 3, 2004, as amended at 77 FR 25097, Apr. 27, 2012]

§ 4.5 Definitions of outage, special offices and facilities, and 911 special facilities.

(a) *Outage* is defined as a significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider’s network.

(b) *Special offices and facilities* are defined as entities enrolled in the Telecommunications Service Priority (TSP) Program at priority Levels 1 and 2, which may include, but are not limited to, major military installations, key government facilities, nuclear power plants, and those airports that are listed as current primary (PR) airports in the FAA’s National Plan of Integrated Airports Systems (NPIAS) (as issued at least one calendar year prior to the outage).

(c) A critical communications outage that potentially affects an airport is defined as an outage that:

(1) Disrupts 50 percent or more of the air traffic control links or other FAA communications links to any airport;

(2) Has caused an Air Route Traffic Control Center (ARTCC) or airport to lose its radar;

(3) Causes a loss of both primary and backup facilities at any ARTCC or airport;