

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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

To: The Commission

**REPLY COMMENTS OF  
THE NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION  
(NRECA)**

The National Rural Electric Cooperative Association (“NRECA”) hereby submits these Reply Comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Second Further Notice of Proposed Rulemaking (“*Second Further Notice*”) inviting comment on whether to extend the Commission’s Network Outage Reporting System (“NORS”) and Disaster Information Reporting System (“DIRS”) outage reporting requirements to additional entities, including broadband Internet access service (“BIAS”) providers.<sup>1</sup>

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<sup>1</sup> *In the Matter of Resilient Networks; Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications; New Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, PS Docket Nos. 21-346 and 15-80, ET Docket No. 04-35, Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 24-5 (rel. Jan. 26, 2024) (“*Second Further Notice*”).

## **I. INTRODUCTION**

### **A. Background on NRECA**

NRECA is the national service organization for more than 900 not-for-profit rural electric cooperatives that provide electric power to 56% of the nation's landmass, approximately 42 million people in 48 states, or approximately 12 percent of electric customers. Rural electric cooperatives serve 327 of the nation's 353 persistent poverty counties, which is 92% of these persistent poverty counties.

Rural electric cooperatives were formed to provide safe, reliable electric service to their member-owners at the lowest reasonable cost. They are dedicated to improving the communities in which they serve, and the management and staff of rural electric cooperatives are active in rural economic development efforts. Electric cooperatives are private, not-for-profit entities that are owned and governed by the members to whom they deliver electricity. All NRECA's distribution cooperative members are small businesses as defined by the U.S. Small Business Administration. Electric cooperatives are democratically governed and operate according to the seven Cooperative Principles.<sup>2</sup>

### **B. Electric Cooperatives Are Deeply Committed To Promoting Broadband**

America's rural electric cooperatives are deeply committed to promoting the deployment of advanced telecommunications capabilities within the rural communities and areas in which they serve and are expected to play a crucial role in the development of broadband infrastructure to serve rural unserved and underserved locations. Over 200 rural electric cooperative

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<sup>2</sup> The seven Cooperative Principles are: Voluntary and Open Membership, Democratic Member Control, Members' Economic Participation, Autonomy and Independence, Education, Training, and Information, Cooperation Among Cooperatives, and Concern for Community.

broadband projects are already underway across the country, and NRECA estimates that another 100 or so are currently exploring the feasibility of providing broadband. NRECA members are providing (or will provide) these broadband services either by themselves or through partnerships of some kind with affiliated or unaffiliated ISPs.

## II. REPLY COMMENTS

### A. NRECA Supports Comments Urging the Commission To Not Impose Mandatory DIRS or NORS Reporting on BIAS Providers.

As an initial matter, NRECA agrees with initial comments suggesting that the Commission should not apply new mandatory DIRS and NORS outage reporting requirements on BIAS providers.<sup>3</sup>

### B. If the Commission Chooses To Mandate DIRS or NORS Reporting for BIAS Providers, It Should Adopt a Less Burdensome Alternative Applicable To Small Providers in General, and To Electric Cooperatives in Particular.

If the Commission opts to apply new DIRS or NORS reporting mandates on BIAS providers, NRECA strongly supports the comments of ACA Connects, NTCA—The Rural Broadband Association, and WISPA urging the Commission to do so in a way that does not unduly burden smaller providers.<sup>4</sup>

More specifically, NRECA is very concerned that its members may face an additional regulatory burden at the worst possible time, during a disaster response. As providers of

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<sup>3</sup> See Comments of WISPA – *The Association for Broadband Without Boundaries*, PS Docket Nos. 21-346 and 15-80, ET Docket No. 04-35, at 3-6 (filed May 13, 2024) (“WISPA Comments”); Comments of NTCA—The Rural Broadband Association, PS Docket Nos. 21-346 and 15-80, ET Docket No. 04-35, at 4 (filed May 13, 2024) (“NTCA Comments”).

<sup>4</sup> See WISPA Comments, at 3-4; NTCA Comments, at 2-6; Comments of ACA Connects on the Second Further Notice of Proposed Rulemaking, PS Docket Nos. 21-346 and 15-80, ET Docket No. 04-35, at 12-13 (filed May 13, 2024) (“ACA Connects Comments”).

essential electric power service to their member customers, the nation’s rural electric cooperatives are well aware of the time constraints and resource issues associated with restoring service following disaster-related outages. During these “all hands on deck” events, electric cooperative personnel work tirelessly to restore electric power and broadband as quickly and safely as possible. NRECA respectfully submits that diverting staff resources away from this critical mission to fully investigate and complete an FCC DIRS form relating to broadband service each day during a disaster is not the best allocation of limited resources.

Fortunately, the Commission has various options at its disposal to minimize these concerns. The Commission could adopt an exemption specific to BIAS providers that also provide essential utility services, like electric service, in recognition of the critical concerns associated with restoring electric service following an emergency. As suggested by NTCA, the Commission could require reporting on a more flexible schedule by entities that seek the Commission’s assistance during disasters, or could mandate reporting only after the immediate needs of the disaster have been addressed.<sup>5</sup> Finally, the Commission could loosen its requirement to report “significant degradations in throughput” as that applies to BIAS providers, and require reporting for smaller providers of “hard down” outages alone, as suggested by WISPA and ACA Connects.<sup>6</sup>

Finally, NRECA notes that the Commission in the *Second Further Notice* explicitly sought comment on whether small *broadcasters* might be entitled to relief or streamlined outage reporting procedures,<sup>7</sup> but did not invite comment on whether small *BIAS providers* should

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<sup>5</sup> NTCA Comments, at 5.

<sup>6</sup> WISPA Comments, at 7-8; ACA Connects Comments, at 8-11.

<sup>7</sup> *Second Further Notice*, ¶ 47.

similarly be afforded some measure of relief. If the Commission ultimately adopts a minimized reporting requirement for small broadcasters, NRECA respectfully submits it should do so for small BIAS providers as well.

### **III. CONCLUSION**

NRECA appreciates the opportunity to participate in this proceeding and encourages the Commission to take the above suggestions into consideration.

Respectfully submitted,

**National Rural Electric Cooperative Association**

By:     /s/ Brian M. O'Hara    

Brian M. O'Hara  
Senior Regulatory Affairs Director | Broadband and  
Telecommunications  
National Rural Electric Cooperative Association  
4301 Wilson Blvd.  
Arlington, VA 22203  
703-907-5798  
[brian.ohara@nreca.coop](mailto:brian.ohara@nreca.coop)

Of Counsel:  
Casey Lide  
Thomas B. Magee  
Keller and Heckman LLP  
1001 G Street NW, Suite 500 West  
Washington, DC 20001  
202-434-4186  
[lide@khlaw.com](mailto:lide@khlaw.com)  
[magee@khlaw.com](mailto:magee@khlaw.com)

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