

**DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS TESTIMONY  
BEFORE THE CITY COUNCIL COMMITTEES ON RECOVERY AND RESILIENCY  
& FIRE AND CRIMINAL JUSTICE SERVICES  
RE: INTRO. 0425-2014 / COMMUNICATIONS ACCESS PLANNING  
THURSDAY, NOVEMBER 20, 2014**

---

Good morning Chair Treyger and Chair Crowley, and members of the Committee on Recovery and Resiliency and the Committee on Fire and Criminal Justice Services. My name is Charles Fraser and I am the General Counsel of the Department of Information Technology and Telecommunications, or DoITT. With me today are Priya Shrinivasan, our Assistant Commissioner for Telecommunications Planning and Resiliency, and Patrick Bryant, the Senior Policy Analyst for the Telecom Planning and Resiliency Office. I am overseeing that office pending the hiring of a new Deputy Commissioner for Telecommunications Planning, which I am hopeful will be completed by the end of the year.

Thank you for the opportunity to testify today on Intro. 425 of 2014, which would amend the New York City Administrative Code in relation to a communications access plan for certain emergency events.

The strength and devastation of Hurricane Sandy was a wake-up call for all of us to get serious about climate change and its consequences, especially rising sea levels and stronger and more frequent storms. The City conducted a comprehensive analysis of the vulnerabilities of the City's infrastructure to Sandy-like events in the future, summarized in a report issued in June 2013. The report outlined, in 18 chapters, recommendations for mitigation of those vulnerabilities.

Chapter 9 of the 2013 report concerned the resiliency of the private sector's provision of telecommunication services in the City. The lead recommendation of that chapter was the creation in DoITT of a Telecommunications Planning and Resiliency Office, and we completed the implementation of that recommendation last summer with the hiring of Assistant Commissioner Shrinivasan, who comes to us from the Federal Communications Commission (FCC, where she spent 20 years in telecommunications policy and enforcement.

The initial steps for that office are information-gathering, and to that end, we have begun regular meetings with the private telecom providers in New York.

It is important to understand the legal context of the City's relationship with the private telecommunications industry. Telecommunications services are regulated primarily at the federal level, and secondarily at the state level, pre-empting regulation in some areas by municipalities such as New York. Therefore gathering information from private telecom providers relies in very large part on the voluntary cooperation of those providers, and given the highly competitive nature of the modern telecom industry, as might be expected, providers have so far been cooperative in varying degrees.

The Telecom Resiliency Office will work on a number of matters, including:

- Developing more strategic communication with telecommunications providers so the City has an ongoing dialogue to discuss resiliency initiatives and address barriers to implementation;

- Developing resiliency and disaster recovery negotiation objectives for future telecommunications franchise agreements (this might include things like providing back-up power sources, tightening service and restoration standards, etc.);
- Ensuring that the City has access to more complete and detailed maps about telecommunications assets installed in, on, or above City streets;
- Standardizing the formats and frequency of performance data reporting about significant outages across providers;
- Exploring options to increase conduit resiliency;
- Exploring options with providers for voluntary real-time outage reporting for use by first-responders; and
- Advocating for State and Federal regulatory changes and State, Federal and Local legislative changes that would lead to better emergency preparation, awareness and response.

Before I turn to Intro 425 itself, I would like to review some of the other measures that the City has undertaken in the telecom field following Hurricane Sandy.

The City maintains a program of vigorous advocacy before the FCC and the New York State Public Service Commission (PSC). We regularly submit comments on policy initiatives, including those involving resiliency measures, and submit policy recommendations of our own. DoITT and the Law Department are leaders on the Intergovernmental Advisory Committee to the FCC, where we have earned respect for thorough policy analysis and thoughtful commentary on policy proposals and initiatives.

For instance, in December 2013, the City submitted comments to the FCC encouraging stronger backup power requirements for wireless companies, better transparency on outages to customers and more immediate communication with first responders regarding outages within affected areas.

Similarly, in July of this year, DoITT submitted comments to the PSC urging increased PSC focus on telecom resiliency issues.

As proposed in the City's Hurricane Sandy After-Action report in May 2013, DoITT works with the Mayor's Office and the Office of Emergency Management on the Emergency Management Data Task Force, which is establishing protocols for regular reporting of outages to the City from utility providers.

Earlier this week, we joined Mayor de Blasio in announcing LinkNYC, the winning proposal to replace public pay telephones with sleek, modern structures that will provide free, unlimited, high-speed WiFi service and free domestic telephone calling for all users. This proposed franchise agreement is subject to Franchise and Concession Review Committee approval and, notably, is the first telecom franchise to incorporate climate change-related resiliency requirements – including a fiber optic network to minimize outages as a result of flooding, and battery back-up to sustain 911 calling functionality for 24 hours after a power outage. We expect to negotiate for similar resiliency provisions in future telecommunications franchise agreements.

DoITT's primary concern about Intro 425 is that, as written, it contemplates greater City access to private telecom industry information than we believe is realistic. In order for the Commissioner of Emergency Management to develop and issue the plan contemplated by the bill, at the level of detail described in the bill, the Commissioner would need comprehensive access to private telecom industry operational information, business continuity plans, and other information that, in our experience, is not easy to come by. Our concern is therefore that the bill will create expectations that may prove to be unrealistic in light of the City's existing legal authority in the field of private sector telecommunications services.

Preparing and fortifying New York City's telecommunications infrastructure for the next emergency event is a priority for DoITT, and we look forward to continuing our work with the City Council, our agency partners, telecommunications partners, and the public to that end.

I thank the committee members for their time this morning, and look forward to answering any questions.