

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

In the Matter of)	
)	
Improving the Wireless Resiliency)	PS Docket No. 11-60
Cooperative Framework)	
)	

**Reply Comments of
Communications Workers of America**

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I. Introduction and Summary

The Communications Workers of America (CWA) submits these Reply Comments in response to the Federal Communications Commission's (FCC or Commission) Public Safety and Homeland Security Bureau's *Public Notice* seeking comment on improving the Wireless Resiliency Cooperative Framework (hereinafter referred to as the Framework). CWA represents 700,000 workers in telecommunications, customer service, media, airlines, public service, and manufacturing. CWA represents approximately 75,000 frontline network technicians employed by two of the signatories to the Framework, AT&T and Verizon. As a union representing network technicians in the telecommunications industry, CWA is uniquely positioned to provide information to the Commission about the ways in which the Framework could be made more robust.

On Wednesday, October 10, 2018, Hurricane Michael made landfall as a Category 5 storm, slamming into the Florida Panhandle near Panama City.¹ According to the FCC's Communications Status Report for Areas Impacted by Hurricane Michael on October 11, 2018, numerous counties throughout Florida and Georgia reported half or more of their cell sites as out of service.² On Sunday, October 14, 2018, four days after Michael made landfall, former Florida Governor Rick Scott issued a rebuke to Verizon during a press briefing, expressing frustration

¹ See National Oceanic and Atmospheric Administration. April 19, 2019. Hurricane Michael upgraded to a Category 5 at time of U.S. landfall. <https://www.noaa.gov/media-release/hurricane-michael-upgraded-to-category-5-at-time-of-us-landfall>

² See Communications Status Report for Areas Impacted by Hurricane Michael. October 11, 2018. <https://docs.fcc.gov/public/attachments/DOC-354510A1.pdf> The out-of-service counties in Florida were Bay, Gadsden, Gulf, Holmes, Jackson, Liberty, and Washington. The out-of-service counties in Georgia were Grady, Miller, Quitman, Schley, Webster, and Wheeler.

with the carrier’s slow hurricane response.³ Florida Chief Financial Officer and State Fire Marshal Jimmy Patronis reiterated Scott’s concerns the following day as demonstrated by the tweet below.



Scott’s frustration with Verizon stands in contrast to the Governor’s applauding of AT&T’s recovery efforts.⁴

³ See L. Mower, “Rick Scott and Jimmy Patronis are calling out Verizon for not restoring service after Hurricane Michael,” *Tampa Bay Times*, Oct. 5, 2018. <https://www.tampabay.com/florida-politics/buzz/2018/10/15/rick-scott-and-jimmy-patronis-are-calling-out-verizon-for-not-restoring-service-after-hurricane-michael/> See also Tweet from Steve Bousquet. *Sun Sentinel*, Oct. 16, 2018 (“In meeting with Gadsden County officials, Gov. Rick Scott again expresses frustration with Verizon’s hurricane response and says customers should be released from contracts so they can get service from AT&T”).

⁴ See Tweet from Rick Scott. October 13, 2018. (“Thanks, @ATT, for working to get communications back online quickly & helping Florida communities following Michael”). <https://twitter.com/SenRickScott/status/1051143580994207744>



Following the public reprimands, Verizon began issuing Hurricane Michael network updates on its website that outlined the carrier’s day-by-day restoration progress and provided information to the public and first responders about charging stations and communications centers.⁵ Under pressure to explain its poor response, Verizon provided comments to the FCC on December 17, 2018 acknowledging its delayed service restoration. The principle source of the delay, Verizon explained, “was repairing the core and access fiber rings – and keeping them repaired.” According to Verizon, the company faced problems gaining access to fiber rings/hubs and cell towers and experienced repeated fiber cuts by electric contractors, road contractors, and homeowners.⁶

⁵ See Verizon. October 23, 2018. Hurricane Michael network updates. <https://www.verizon.com/about/news/hurricane-michael-network-updates>

⁶ See Verizon Comments Hurricane Michael Preparation and Response. PS Docket No. 18-139, December 17, 2018 (“Verizon Comments”). [https://ecfsapi.fcc.gov/file/121762789392/12-17-2018%20-%20Verizon%20Response%20to%20FCC%20Hurricane%20Michael%20Qs%20\(FINAL%20As%20Filed\).pdf](https://ecfsapi.fcc.gov/file/121762789392/12-17-2018%20-%20Verizon%20Response%20to%20FCC%20Hurricane%20Michael%20Qs%20(FINAL%20As%20Filed).pdf)

In light of the divergence in recovery performance by AT&T and Verizon after Hurricane Michael, CWA collected information from our members who are wireline technicians employed by AT&T in Panama City and worked repairing the AT&T network after Hurricane Michael. These workers provided information that has not been publicly available and that complicates the recovery narrative that has been presented thus far.

The *Public Notice* asks a number of focused questions related to ensuring and enhancing municipal preparedness and restoration, including:

- To what extent are existing industry best practices, including those recommended by CTIA as part of its commitment to the Framework, sufficient for facilitating local coordination? If not, why not?
- How does one measure the extent to which Signatories are implementing the industry's best practices and how communities leverage best practices or not?

In these comments, CWA highlights some of the ways in which the Framework and CTIA Best Practices are insufficient to achieve the stated goals. We also suggest that these inadequacies may have contributed to delayed recovery efforts and unnecessary risks to worker and public safety. CWA believes the Commission must do more to solicit input from frontline workers regarding service restoration efforts and develop mechanisms that hold Framework Signatories accountable in a meaningful way.

CWA recommends the following measures as important next steps for the FCC:

- Incorporating into the Framework best practices related to telecom network restoration personnel deployment and coordination;
- Adding compliance requirements related to pre-credentialing and verification of state licenses and employment documentation;

- Building greater transparency into disaster recovery by requiring that subcontractors be listed on permits and carriers submit emergency workforce deployment plans to permitting agencies; and
- Soliciting the experiences of frontline workers as part of the Commission’s ongoing review of the efficacy of the framework.

II. Both the Wireless Resiliency Cooperative Framework and CTIA “Best Practices for Enhancing Emergency and Disaster Preparedness and Restoration” Are Insufficient to Ensure that Network Restoration Crews Are Adequately Sourced, Trained, and Credentialed Ahead of Emergency Deployments.

Both the Framework and CTIA Best Practices are intended to facilitate joint efforts between wireless providers and local government to maintain service continuity, promote resiliency efforts, and expedite restoration activities. There are many components required to execute a quick, safe, and successful recovery effort, including expedited permitting processes, access to staging areas, pre-positioning of equipment, public education, and more. Based on the information CWA has gathered from CWA members who are frontline wireline technicians and worked repairing fiber in the wake of Hurricane Michael, CWA believes that the failure to include best practices related to telecom network restoration personnel deployment and coordination, health and safety standards for restoration personnel, and compliance and transparency requirements make the Framework considerably less effective.

a. Lack of Compliance Requirements

Standardized Credentialing of Individuals Participating in Recovery Efforts

The CTIA Best Practices identify standardized credentialing as one tool that can help “streamline efforts to ensure appropriate access for any emergency or disaster.” The rationale behind this best practice is self-evident in that it allows for the timely and verified issuance of access credentials. CWA agrees in principle with this best practice as it increases the likelihood of prompt recovery efforts and protects the public and workers from the risk of fly-by-night contractors that are not appropriately credentialed. Unfortunately the CTIA recommendation does not mandate any compliance requirements for wireless providers that would help guarantee that all relevant employees, agents, and third-party contractors are properly credentialed well ahead of any emergency or disaster.

CWA has learned that workers carrying out repairs on behalf of Uniti, Verizon’s contractor, were initially unable to gain entrance to AT&T’s facilities, where Uniti’s equipment is co-located, to assess the extent and location of damage to Uniti’s fiber, because they did not have the proper credentials. This type of coordination error took place despite CTIA offering the following as a best practice: “Wireless providers that are tenants of a telecom hotel should provide to the property manager a current list of all persons authorized for access, provide

periodic updates to this list, and provide instructions for exceptions (e.g., emergency restoration personnel).”⁷ An incident of this sort makes clear the need for compliance mechanisms.

In addition to advocating for the inclusion of compliance requirements into the *Standardized Credentialing* best practice, CWA also recommends strengthening the CTIA recommendation that wireless providers participate in existing pre-credentialing programs with local, state, and/or federal emergency management and law enforcement agencies. The FCC should develop a multi-jurisdictional pre-credentialing template, with guidance from the Federal Emergency Management Agency, and mandate that wireless providers pre-credential all relevant employees, agents, and third-party contractors to help ensure that restoration crews are adequately vetted and credentialed by relevant government oversight agencies ahead of any emergencies or disasters.

**b. Failure to Include Best Practices Related to Telecom Network Restoration
Personnel Deployment and Coordination**

The *Facilitating Coordination During and After Emergencies and Disasters* section of the CTIA best practices lacks comprehensiveness because it solely focuses on streamlining coordination between wireless providers and local governments. One critical component that CTIA does not address is the need to have an orderly and timely deployment process that stations an adequate number of restoration personnel in high impact areas.

⁷ See CTIA. Best Practices for Enhancing Emergency and Disaster Preparedness and Restoration. <https://api.ctia.org/docs/default-source/default-document-library/best-practices-for-enhancing-emergency-and-disaster-preparedness-and-restoration.pdf>

To understand the differences between Verizon and AT&T’s Hurricane Michael restoration efforts, it is useful to examine each company’s approach to the deployment and coordination of personnel assigned to network restoration. Verizon relied on its contractor Uniti – an Arkansas-based, publicly-traded fiber company structured as a real estate investment trust – to coordinate its recovery work.⁸ CWA’s frontline members confirmed working side-by-side with these contracted linemen, but were unable to determine if they were direct Uniti employees or subcontractors, because magnetic Uniti placards were oftentimes placed onto the sides of their work vehicles. Based on interviews with CWA members, it appeared that Uniti had relatively few employees in-house and was not able to quickly deploy a high number of restoration crew personnel. One AT&T technician stated that he did not see the number of Uniti linemen placing fiber increase until seven to ten days after the storm. In contrast, AT&T utilized direct, union-represented employees, which allowed the company to immediately source a well-trained workforce large enough for the critical task at hand.⁹ The same AT&T technician also stated that within 48 hours, AT&T deployed 40 digital technicians and a crew of 25 fiber splicers to critical sites. Verizon’s comments to the FCC indicate that Uniti began work before dawn on October 11, 2018, one day after the storm hit.¹⁰ One CWA member stated that his work group was deployed at 1:30 pm Central Time on October 10, 2018, after winds dropped below 45 mph.

Verizon maintains a company-wide Business Continuity/Disaster Recovery (“BC/DR”) program that “has evolved over the last two decades to incorporate lessons learned from disaster

⁸ See Uniti. <https://uniti.com/about> See also Verizon Comments Hurricane Michael Preparation and Response. PS Docket No. 18-139, December 17, 2018 (“Verizon Comments”). [https://ecfsapi.fcc.gov/file/121762789392/12-17-2018%20-%20Verizon%20Response%20to%20FCC%20Hurricane%20Michael%20Qs%20\(FINAL%20As%20Filed\).pdf](https://ecfsapi.fcc.gov/file/121762789392/12-17-2018%20-%20Verizon%20Response%20to%20FCC%20Hurricane%20Michael%20Qs%20(FINAL%20As%20Filed).pdf)

⁹ CWA records.

¹⁰ See Verizon Comments Hurricane Michael Preparation and Response. PS Docket No. 18-139, December 17, 2018 (“Verizon Comments”). [https://ecfsapi.fcc.gov/file/121762789392/12-17-2018%20-%20Verizon%20Response%20to%20FCC%20Hurricane%20Michael%20Qs%20\(FINAL%20As%20Filed\).pdf](https://ecfsapi.fcc.gov/file/121762789392/12-17-2018%20-%20Verizon%20Response%20to%20FCC%20Hurricane%20Michael%20Qs%20(FINAL%20As%20Filed).pdf)

events.” The company states that it “provides internal training and increases awareness of BC/DR program initiatives through general employee alerts, completion of training and exercise sessions, and maintaining an internal BC/DR website for employees.”¹¹ It is unclear how or if contractors and subcontractors are integrated into these BC/DR education and training programs. Given the critical role that telecom network technicians play in business continuity and disaster recovery, CWA recommends that the Framework incorporate best practices related to personnel deployment and coordination as well as integration of contractors and subcontractors into company-wide BC/DR program initiatives.

c. Failure to Include Health and Safety Standards for Telecom Network Restoration Personnel

Technicians responsible for the installation and maintenance of telecommunications infrastructure should be highly trained and professionally certified. Their work interacts with electrical wiring, utility lines, RF radiation, and heavy equipment, all of which pose safety risks that require appropriate training, clear warnings, and strong protections for reporting. The existence of multi-layered employment structures can weaken employer accountability for ensuring safe conditions, impacting both workers and the public.

The danger posed by heavily sub-contracted employment structures that lack adequate accountability can be seen in a July 2018 accident in Sun Prairie, Wisconsin. A contractor for

¹¹ See Verizon Comments Hurricane Michael Preparation and Response. PS Docket No. 18-139, December 17, 2018 (“Verizon Comments”). [https://ecfsapi.fcc.gov/file/121762789392/12-17-2018%20-%20Verizon%20Response%20to%20FCC%20Hurricane%20Michael%20Qs%20\(FINAL%20As%20Filed\).pdf](https://ecfsapi.fcc.gov/file/121762789392/12-17-2018%20-%20Verizon%20Response%20to%20FCC%20Hurricane%20Michael%20Qs%20(FINAL%20As%20Filed).pdf)

Verizon Wireless hit a natural gas line, causing an explosion that destroyed nearby buildings and claimed the life of Sun Prairie Firefighter Cory Barr. This worker was not directly employed by Verizon Wireless, but rather worked for VC Tech Inc., a subcontractor of Bear Communications. Verizon Wireless utilized Bear Communications to provide fiber backhaul to its networks.¹² At the time of the incident, VC Tech’s registration with the state of Wisconsin was designated as “delinquent.” The company submitted a “notice of administrative dissolution” on July 11, 2018, one day after the explosion.¹³

A similar incident was reported in February 2019 in San Francisco, California when a subcontracted employee hit a gas main while digging to install fiber-optic cables for Verizon.¹⁴ The explosion and ensuing fire damaged five nearby buildings. Once again, the worker involved was not directly employed by Verizon, but worked for Kilford Engineering. Verizon hired MasTec, a Florida-based engineering and construction company, to carry out fiber work. MasTec in turn contracted with Advanced Fiber Works, which hired Kilford Engineering for part of the construction. Advanced Fiber Works did not have a license in California at the time of the

¹² J. Martin, “Bear Communications identifies subcontractor hired to work in Sun Prairie,” 15WMTV, July 13, 2018. <https://www.nbc15.com/content/news/Bear-Commications-Releases-Statement-regarding-Sun-Prairie-Explosion-488141121.html>

¹³ Wisconsin Department of Financial Institutions. VC Technologies LLC. Accessed May 13, 2019. <https://www.wdfi.org/apps/CorpSearch/Details.aspx?entityID=V026292&hash=646382736&searchFunctionID=bcfaece0-316d-4297-82f0-9646dbc3ad9f&type=Simple&q=vc+tech>

¹⁴ J. Morrus, S. Ravani, & G. Wu, “Site of gas line explosion in San Francisco was properly marked, PG&E says,” San Francisco Chronicle, February 7, 2019,. <https://www.sfchronicle.com/bayarea/article/Gas-line-explosion-in-SF-keeps-crews-busy-morning-13597673.php>

incident.¹⁵ Lawsuits allege that the explosion was a direct result of a “reckless and willful violation of California law of using a backhoe to dig a trench near subsurface installation.”¹⁶

In the case of Hurricane Michael, CWA members observed the following safety hazards associated with work done by network recovery personnel:

- Sagging fiber too low, which became a danger to passing vehicles;
- Unauthorized removal from AT&T facilities of FOOSC closures (equipment to protect fiber from the public and environment) – see image below;



- Use of makeshift fiber splicing trailers that do not provide adequate protections. AT&T’s dedicated fiber splicing trailers have flashing lights and arrow boards to alert traffic to slow down and move over to protect workers. Dedicated fiber splicing trailers also route generator exhaust fumes to outside of a fiber splicer's working area. The makeshift fiber splicing trailers did not have these protections.

¹⁵ T, Goldberg, “Contractor Tied to San Francisco Pipeline Explosion Didn’t Have a License,” KQED, February 19, 2019. <https://www.kqed.org/news/11725622/contractor-tied-to-san-francisco-pipeline-explosion-didnt-have-a-license>

¹⁶ Bay City News, “Residents File Lawsuit Against Contractors, Verizon Over San Francisco Gas Explosion,” NBC Bay Area, February 20, 2019. <https://www.nbcbayarea.com/news/local/Residents-File-Lawsuit-Against-Contractors-Verizon-Over-San-Francisco-Gas-Explosion-506126261.html>

III. The Lack of Transparency Regarding Telecom Network Restoration Subcontractors and Personnel Deployment Procedures Impedes Disaster Recovery Accountability.

CWA obtained through a public records request Florida Department of Transportation (FDOT) utility permits approving Southern Light LLC (dba Uniti) to conduct fiber infrastructure work in the wake of Hurricane Michael. The utility permits do not list any subcontractors so it is impossible to determine if the network recovery personnel that were working on behalf of Uniti were direct employees or subcontractors. Without the ability to verify the use and identity of subcontractors, public agencies cannot confirm if companies have the requisite state licenses, and stakeholders cannot assess the contractors' labor and safety record. Additionally, without transparency into a wireless carrier's procedures for personnel deployment and coordination, government entities and the public are unable to assess the role of workforce coordination as a contributing factor to substandard recovery efforts.

IV. Conclusion

While the Framework and CTIA best practices are intended to enhance “voluntary coordination efforts between wireless providers and local governments,”¹⁷ it is clear that the

¹⁷ See CTIA. Best Practices for Enhancing Emergency and Disaster Preparedness and Restoration. <https://api.ctia.org/docs/default-source/default-document-library/best-practices-for-enhancing-emergency-and-disaster-preparedness-and-restoration.pdf>

Framework needs to go further. To improve the efficacy of the Framework, CWA recommends implementing the following measures:

1. Additional Compliance Requirements for Wireless Providers, Agents, and Third-Party Contractors

- a. Require all wireless providers, agents, and third-party contractors to pre-credential their employees. The FCC should develop a multi-jurisdictional pre-credentialing template, with guidance from the Federal Emergency Management Agency, for use by local permitting agencies to pre-credential personnel. All wireless providers should be mandated to pre-credential all relevant employees, agents, and third-party contractors to help ensure that restoration crews are adequately vetted and credentialed by relevant government oversight agencies ahead of any emergencies or disasters. The FCC should also establish policies and procedures to provide credentialing exceptions when necessary. Housing this information with a public agency helps ensure that stakeholders have access to these records through normal data collection means.
- b. All wireless providers, agents, and third-party contractors should also be required to provide to the initial permitting agency copies of state licenses, employment documentation (e.g., workers compensation insurance), and documentation of compliance with labor and environmental laws. Building an employer profile with the permitting agency is the first step in ensuring the agency can hold contractors accountable. This type of information enables the agency to determine whether certain contractors, for example those with a history of licensing violations or

poor labor and health and safety records, should be permitted to conduct critical infrastructure work. While the CTIA best practices offer some tools to enhance preparedness and coordination, it is clear that a best practice is only as effective as its accountability mechanism.

2. Build Greater Transparency Into Disaster Recovery

- a. Without transparency it is impossible to have true disaster recovery accountability. Permitting agencies should require that lead companies identify their subcontractors when applying for work permits. Without this information, it becomes impossible to assess the extent to which Signatories are implementing the industry's best practices.
- b. Wireless providers, agents, and third-party contractors should also be required to submit to the permitting agency an emergency workforce deployment plan that outlines how the company plans to source and mobilize its highly-trained and professionally-certified workforce in the event of an emergency or disaster.

3. Solicit the Experiences of Frontline Workers

- a. Officials from the wireless industry and local government public safety were the only stakeholders convened to develop the CTIA's Best Practices.¹⁸ Conversations with CWA members have highlighted the limitations in this approach and the need for direct consultation with frontline workers. We

¹⁸ See CTIA. Best Practices for Enhancing Emergency and Disaster Preparedness and Restoration. <https://api.ctia.org/docs/default-source/default-document-library/best-practices-for-enhancing-emergency-and-disaster-preparedness-and-restoration.pdf>

appreciate the Bureau's interest in soliciting comments from cross-sector stakeholders with on-the-ground experience for this proceeding. We look forward to working closely with our members and the FCC to further improve the efficacy of the Framework.

Respectfully Submitted,

A handwritten signature in black ink that reads "Bianca Garcia". The signature is written in a cursive style with a large, sweeping flourish at the end.

Bianca Garcia

Communications Workers of America

May 20, 2019