

## **MegaPath Corporation's Comments Regarding**

### **ATTACHMENT 1: Telecommunications Network Restoration Following Superstorm Sandy - Summary of Recommendations**

#### **Emergency Plans**

1. Companies should ensure that their Emergency Plans are updated to reflect operational changes and improvements resulting from lessons learned from Superstorm Sandy.

#### **MegaPath Corporation ("MegaPath") Comment:**

The Hurricane Sandy disaster caused MegaPath to validate our existing business continuity procedures and we found they were sufficient and handled effectively throughout the event. We did not find a need to perform any additional changes in our procedures.

That said, the impacts to our customers were heavily dependent on the efforts employed by Verizon. MegaPath has identified at least two areas lacking during the restoral efforts:

- 1) Verizon has yet to issue CLECs the notice that declares the force majeure has ended and that business is officially back to normal; yet on May 1, 2013, "Verizon declared its network operations to be back to normal." (Staff Memorandum at 6). We believe that Verizon's reluctance and failure to lift the force majeure event relates to: (1) an inherent and ongoing lack of resources to address normal operational conditions, workloads, for the copper-based DS0 business in particular (and perhaps other copper-based facilities or services) and (2) Verizon's failure to meet performance metrics associated with monetary remedies related to its network and wholesale obligations to MegaPath and other CLECs. MegaPath recommends: (1) Verizon be required to lift the force majeure related to these storms effective as of May 1, 2013, which would enable CLECs to accurately assess Verizon's network performance since the time it declared the network operations to be back to normal and be compensated, if appropriate, according to performance metrics; and (2) Specific rules should be established that evaluates force majeure situations from an unbiased 3<sup>rd</sup> party and relieve the ILEC from unilaterally determining when such an event can be lifted such that the CLECs, who are wholesale customers of Verizon, are not placed at a competitive disadvantage (which is what has occurred in this situation).
- 2) MegaPath also recommends that it would be extremely helpful if there were regulatory rules that establishes increased staffing criteria for the "utilities" (i.e. ILECs) during force majeure situations that stipulates a higher level of responsiveness to align with service level agreements until the force majeure event is lifted.

#### **Customer Credit Policies**

2. Wireless and other phone service providers should ensure that their customer credit policies are clearly defined and readily available to customers, and companies should maintain records of credits issued to New York State customers for major weather, or other large scale events.

**MegaPath Comments:**

MegaPath's credit policies are readily available on our public website as follows:

<http://www.megapath.com/about/corporate-policies/>. In addition, MegaPath posts its Service Level Agreements applicable to customers on the same website.

MegaPath's customer contracts include terms and conditions surrounding force majeure events and billing in that event. With respect to SuperStorm, in areas that were totally demolished and Verizon indicated no copper was available, MegaPath ceased billing to these customers for the destroyed circuits in an effort to avoid the need to issue credits.

### **Customer Communication**

3. During and following a major storm, disaster, or other emergency, all telecommunications providers should strive to update website information and/or issue press releases on a regular (daily) basis and provide accurate estimates of the number of customers affected, areas impacted, and reasonable restoration time estimates.

**MegaPath Comments:**

MegaPath has launched a network status page on our website where service impacting events are viewable, and the information posted includes estimated restore times, impacted areas, and the number of impacted users: <http://www.megapath.com/support/network-status/>. We also post outage and maintenance information within our customer portals, which are readily available to our Customers.

4. Companies should investigate ways to continue to expand the use of newer technologies to communicate with customers during outages (i.e., email, text messaging, and social media) and report their findings to staff.

**MegaPath Comments:**

MegaPath sends network status email notifications to our customers with ongoing updates until the matter is resolved. These notifications include estimated restore times, impacted areas, and the number of impacted users. MegaPath includes a link to our network status web page within our social media sites. In the event of a major network event such as Superstorm Sandy, we would potentially post updates on social sites and/or direct impacted customers to our network status web page and/or their portal for the latest updates. MegaPath also updates its Interactive Voice Response (IVR) system with outage information in these cases.

## **Network Restoration**

5. Because wireless communications services are critical during emergency events, better coordination is needed between wireless and wireline providers of backhaul facilities to prioritize and expedite critical service restoration during emergencies.

### **MegaPath Comments:**

MegaPath has no comment, as we do not provide wireless backhaul today.

6. Telecommunications companies should explore protocols to improve communications and coordination with electric utilities that would mutually benefit telecommunications and electric network restoration, including the identification of critical infrastructure for priority restoration and the sharing of outage information among industries.

### **MegaPath Comments:**

MegaPath is a tenant in Verizon's Central Offices, as well as Carrier Neutral Facilities. We receive our electrical power service via building landlords (e.g., ILECs such as Verizon and Collocation landlords such as Level3 and Equinix). We provide a critical telecommunications service and, therefore, restoration of power to the facilities and our leased locations in particular are critical to restoring service interruptions.

6. Companies should investigate ways to improve communications between contractors, utility tree trimming crews and municipal highway departments to minimize unnecessary damage to telecommunications cables and prevent avoidable outages.

### **MegaPath Comments:**

Megapath has no comment as it does not work on Outside Plant.

8. All wireless carriers should consider establishing free-roaming service agreements to assist their customers during emergency events, and investigate other ways to help mitigate customer impact and network congestion, during and immediately after, significant network-affecting events.

### **MegaPath Comments:**

MegaPath has no comment as it is not a wireless carrier.

9. All companies should review their portable generator inventories, manpower levels, and refueling contracts to determine whether additional resources are necessary to expedite service restorations and prioritize equipment deployment plans. Emergency Plans should be updated accordingly.

**MegaPath Comments:**

MegaPath's Uninterruptible Power Supplies ("UPS") are provided via ILECs and Carrier Hotel landlords, who are responsible for maintaining service availability of these UPS.

### **Outage Reporting**

10. All companies should work with staff on steps necessary to improve compliance with established outage reporting guidelines; review their internal policies to ensure that outage information is reported in a timely and accurate manner; and, confirm that company representatives responsible for outage reporting are familiar with those guidelines and relevant staff contacts.

**MegaPath Comments:**

MegaPath has established outage reporting guidelines. Outage information is reported automatically via alarms and proactively communicated to customers. We follow ILEC guidelines to issue trouble tickets and have carrier escalation lists as provided by carriers.

11. Outage information from wireless carriers should be granular, to include cell sites and facilities impaired, impairment cause(s), estimated customer impact, and specific locations (municipality and/or county basis).

**MegaPath Comments:**

MegaPath has no comment as it is not a wireless carrier.

### **System Reliability and Resiliency**

12. All companies should review their network architecture plans to determine whether battery backup enhancements are necessary to improve network resiliency.

**MegaPath Comments:**

MegaPath has audited its network architecture and determined that we have sufficient battery and power supplies in place to insure network resiliency.

13. All companies should review their facilities, especially those located in areas known for heavy rainfall and/or flooding, to determine whether targeted network enhancements, in the form of cable or equipment replacements or facilities additions, would help diminish repetitive, large scale outages.

**MegaPath Comments:**

MegaPath performs ongoing reviews of network availability and architecture. We address diversification and equipment redundancy issues as opportunities are identified and solutions exist that meet overall business objectives.