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By email
Attention: Marsha Minott
qosproject@our.org.jm
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Dear Ms Minott

Cenerva response to the OUR consultation on Outage Reporting Protocols and Measures to Improve Network Resiliency in Disasters

Cenerva welcomes this consultation and is pleased to submit a response.

In the annex to this letter we address each of the specific questions in the consultation document. We also have some more general comments and recommendations which I will cover here.

Cenerva fully supports the development of protocols for the reporting of network and/or service outages, and for communication of essential messages to the customers of operators who are affected, and the broader public where this is needed. The flow of relevant information when networks or services are down is important at any time since communications technology and the services it supports are now so central to all our lives. It is even more so in times of emergency and disaster when communications services should be a central feature to coordinate preparedness and response, and to safeguard the lives and wellbeing of all citizens. We think the sector and the OUR is right to look at communications protocols for network outages in both non-emergency and emergency scenarios.

For responses to disasters and emergencies, we recommend that the OUR looks at outage reporting protocols within a broader context from which the sector can mitigate risks, respond to, and manage network or service affecting incidents. We strongly recommend that the OUR and ODPEM work to develop a National Emergency Telecoms Plan (NETP) for Jamaica to achieve this. As the consultation document notes (para 3.3.22), the ITU has done valuable work in this area, advocating the development of NETPs in every jurisdiction, and producing guidance to help the development of NETPs.

Cenerva has direct experience and insight of NETPs having advised and supported the Telecommunications Commission in the Turks and Caicos Islands (TCI) on the successful development and implementation of their NETP. We would be happy to share further information on this with the OUR, ODPEM and other stakeholders.

I hope our response is helpful to you. Please do let me know if you have questions or want to discuss any of it.

For avoidance of doubt, our response is not confidential.

With best wishes.

Sincerely,

James Wild
Managing Partner
Cenerva Limited

About Cenerva
Cenerva is a world-leading regulatory policy consultancy, providing expert advice and support to help clients navigate the complex challenges of today's digital economy.
It has a depth of experience working with Small Island Developing States. The Cenerva team has completed projects in many Caribbean jurisdictions, including Trinidad, Haiti, Jamaica, Barbados, Bahamas, Turks & Caicos Islands, and St Lucia. Further afield, they have worked in Mauritius, Jersey, Guernsey, Isle of Man and almost all the Pacific islands.

Annex – response to consultation questions

Question 1: Do you consider reasonable the proposed minimum time to notify planned outages in advance?

Cenerva response:

Cenerva understands that the OUR is proposing a minimum period of two working days for notification of planned outages by operators to the OUR and members of the public.

We note that very different conditions are likely to influence the management of planned and unplanned outages, and particularly unplanned outages in an emergency (when the outage is relatively more likely to be caused by events or circumstances outside the control of the operators, e.g. bad weather).

Planned outages as defined in the consultation document (i.e. "service interruptions caused by regular operation and maintenance activities") tend to be managed by operators with longer lead times than two days. We therefore think that, whilst two days is a reasonable minimum notice, operators should also be required to give longer notice than this when they can, which we would expect to be in most cases.

We also think that notice should be explicitly required to be given to the operator's own customers. Whilst the requirement to notify members of the public will cover them, the operator's own customers will be the most affected, and the operator has straightforward and direct methods and opportunities to contact them

Question 2: Do you find the number of outage categories reasonable?

Cenerva response:

Cenerva considers the outage classification in three tiers proposed by the OUR ("critical" "major" "minor") to be a reasonable starting point. We suggest the OUR keeps this under review so that it can adjust the classifications in light of experience. We think it is unlikely that a less granular system will ever be appropriate, but greater granularity (e.g. use of sub-categories) may become helpful.

Question 3: Do you find the categorisation criteria and specific thresholds used reasonable?

Cenerva response:

Yes, we find the description of each outage category proposed by the OUR to be appropriate, subject to our general comment in response to Q2 that the system should be flexible and kept under review.

Question 4: Do you find it reasonable to designate a contact person who reports outages to the relevant authority?

Cenerva response:

We believe this not only to be reasonable, but essential. A key feature of any effective outage reporting and communications system is named points of contact. There should be alternative contact details provided for use at times when the designated contact person is unavailable.

Question 5: Do you find the proposal that all planned outages, and critical and major unplanned outages should be reported reasonable?

Cenerva response:

Cenerva considers the proposal for reporting of outages to be reasonable. However, the OUR should recognise, and the protocol should reflect, that very different conditions are likely to affect the management of:

- *planned outages,*

- *unplanned outages;*

- *outages resulting from a disaster or emergency.*

In turn this will affect the method and timing of response, management and notification.

Question 6: Do you find the four-step reporting process defined in the draft Protocol and its timeframes reasonable?

Cenerva response:

Cenerva considers the four-step process proposed by the OUR to be reasonable. However, we think the OUR should acknowledge that normal conditions are likely to be disrupted in disaster and emergency scenarios, and this may unavoidably affect reporting. We recommend the OUR reviews reporting requirements for disasters and emergencies specifically as part of a comprehensive policy framework for managing and responding to disasters in the sector (i.e. development of a NETP for Jamaica).

Question 7: Do you find the information required at each stage of the notification process reasonable?

Cenerva response:

Yes, we agree that the information required proposed by the OUR is reasonable, subject to our comment in response to Q6 that that normal conditions are likely to be disrupted in disaster and emergency scenarios, and this may unavoidably affect reporting.

Question 8: Do you find it reasonable to notify end-users about any planned outages, and any major or critical unplanned outage?

Cenerva response:

Please see our response to Question 1.

Question 9: Do you have any other comments on the proposed Outage Notification Protocol which have not been discussed previously?

Cenerva response:

As we explain in our covering letter and in response to Questions 6 and 7, we recommend that the OUR looks at outage reporting protocols for disaster and emergencies within a broader context from which the sector can mitigate risks, respond to, and manage network or service affecting incidents. We strongly recommend that the OUR and ODPEM work to develop a NETP for Jamaica to achieve this.

Question 10: Do you think the proposal to include national roaming obligations in cases of disasters is reasonable?

Cenerva response:

We think inclusion of a requirement for national roaming requirements in disasters and emergencies is reasonable. National roaming is a highly effective short-term remedy for service outages at times where effective communications are needed to keep essential contacts open and support restoration efforts. The OUR should recognise that national roaming is appropriate in the specific circumstances of network outages caused by disasters and emergencies, and requirements for this should not affect business-as-usual commercial relationships between operators.

Question 11: Do you think the proposed obligation to extend the accessibility of emergency services by enabling users wishing to call an emergency number to roam on any other available network if their own service provider's network is unavailable reasonable?

Cenerva response:

Cenerva supports a requirement for national roaming for calls to emergency services as a measure to safeguard the wellbeing of all citizens.

Question 12: Do you find the proposed provisions regarding the development, implementation, submission and updates of Disaster Plans and Business Continuity Plans reasonable? Please support your answer with relevant information and internal or international best-practice references.

Cenerva response:

Cenerva thinks it is reasonable to require operators to develop, implement, maintain and submit Disaster Plans and Business Continuity Plans. This is an important feature of a well-functioning disaster management framework as it encourages both the active maintenance of operational plans, and the transparency of such plans to stakeholders. These arrangements should also include regular simulations and drills to test the effectiveness of the disaster management plans and resources.

The process for submission of these plans to the OUR should ensure that information submitted by operators which is operationally or commercially sensitive is kept confidential.

We encourage the OUR to look at the TCI NETP (Telecoms Emergency Preparedness and Response Policy, see https://telecommission.tc/decisions/telecommunications-emergency-preparedness-and-response-policy/) which has established and documented new requirements for reports on disaster preparedness to be made by the operators to the Telecoms Commission before the hurricane season each year. This enables the Commission then to make its own assessment of preparedness and vulnerabilities across the sector.