FLOW's Comments on

The Office of Utilities Regulation Supplementary

Consultation Document on

Outage Reporting Protocols and

Measures to Improve Network Resiliency in Disasters

(2022 June 20)

25 July 2022

Introduction

This response is submitted on behalf of Cable & Wireless Jamaica Limited and Columbus Communications Jamaica Limited (hereinafter referred to as "**FLOW**"). FLOW welcomes the opportunity to respond to the Office of Utilities Regulation ("**OUR**") Consultation Document, Outage Reporting Protocols and Measures to Improve Network Resiliency in Disasters, dated 2022 June 20.

Please direct any questions that you may have to Charles Douglas at charles.douglas@cwc.com.

Summary of Questions and FLOW's Responses

FLOW has responded to the OUR's questions in the same order in which they have been posed within its consultation document, as well as used the same reference numbers. FLOW reserves its Right to further expanded on or clarify its responses in the second round of responses.

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

Response: FLOW agrees that when appropriate, the proposed minimum time of 48 hours to notify the OUR of a planned outage is reasonable. Planned outages, such as upgrades to the networks during maintenance windows (when most customers are sleeping) and the scope and duration does not scale should not require notification of the OUR. Where it does scale, the roll back and restoration duration should also be shared

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

Response: FLOW considers that it is reasonable to rank outage categories as critical, major and minor. Since it is expected that these categories will align with the severity and scope of an outage.

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

Response: FLOW considers that this proposal is reasonable EXCEPT for *"i)* **affecting the user's ability to access emergency services".** In our view, the condition is misstated. Instead, consistent with the international benchmarks, is should read "i) **affecting the emergency communication services".** The central issue ought to be an outage to the emergency service itself and not the user's ability to access the service since all outages (planned and unplanned) are will affect the user's ability to access 911 or 119 emergency services. Unless corrected, this provision would make all outages critical which is clearly not the intent.

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

Response: FLOW accepts that designating a contact person who reports ALL outages may be useful. However, FLOW agrees with the OUR that ***"specific contact persons may be identified in an Initial Outage Notification and subsequent periodic reports."***

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

Response: FLOW does not agree that all planned outages should be reported. This will create needless bureaucracy. It seems only reasonable that the reporting criteria that is applied to unplanned outages be also applied to planned outages. It should be noted that it is a common practice for Service Providers to execute network upgrades (that require a planned outage) during a maintenance window where very minimal users are likely to be impacted. Given the limited scope and duration of these planned outages and the time they are done, customers are not impacted, as such the OUR need not be notified. To require otherwise, is to place an unnecessary burden on Service Providers.

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

Response: FLOW considers that the proposed four-step reporting process defined in the draft Protocol and its timeframes to be reasonable.

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

Response: FLOW accepts in principle that Service Providers should be required to share the information outlined in the four-step reporting process. However, making the presumption that all the desirable information will be available to meet the reporting timelines would be an oversimplification of the challenges faced by Service Providers. In particular, at times, it is difficult to accurately identify the reason for the outage, the number of customers affected

and the best estimates on the time required to resolve the outage. As such, we consider that the report should still be submitted even when these details are unclear or are unknown. For example, Industry network(s) are subject to not just theft, but malicious vandalism. On many occasions, fiber optic cables are slashed or other wised damaged and hidden to prevent detection; or damaged in multiple areas to frustrate troubleshooting and early detection of faults. Network outages are also caused by hundreds of power outages across the country, in an environment where there is the wanton theft of backup batteries, generators and sometimes fuel, which are used to provide standby power to cell sites. In the case of electricity outages, our restoration times are dependent of information from the power company which may be delayed for any number of good reasons. For these and other reasons, flexibility and good judgment is required on the part of the OUR, as the Industry collaborates to provide the relevant information as soon as it is available to be shared.

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

Response: FLOW agrees that end-users should be notified about any major or critical unplanned outage.

However, we are of the view, that is unhelpful and unnecessary to notify customers of planned outages that are limited in scope and duration, and which are being undertaken during a maintenance window when most customers are sleeping and hence not impacted. To require otherwise, is to place an unnecessary burden on Service Providers.

We agree that customers should be notified of any planned outages that will be carried out at times when they are likely to be impacted. This includes when the scale and scope is such that the risk of the resulting upgrade or change may have to be reversed if it is not successfully executed.

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

Response: Absent formally agreed Industry outage protocols, Service Providers in Jamaica have been taking steps to manage and report on outages. Whereas, this is best formalized, the OUR should continue to seek to ensure that the final Determination, considers the local issues that negatively impact outages in a big way. The obligation of Service Providers to provide improved quality of service to customers (which they deserve) must be matched with the OUR and government taking all the necessary steps to protect networks from theft and vandalism, as well as a reliable supply of electricity to power networks. All the key stakeholders need to partner and collaborate with the focus on the customer and what is reasonable and practical. Seeking to imposed punitive sanctions should be the absolute last resort and is best avoided.

The OUR needs to ensure that its requirements of Service Providers do not handicap them with needless bureaucracy. But instead allows for flexibility in reporting the required information, such that, efficiencies can be gained, ideally through better use of technology.

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

Response: FLOW shares the concern that there is the need to explore the approaches that can be implemented to help ensure that during or after disasters the country remains connected with mobile wireless services to the extend that it is practical and feasible. Reciprocal national roaming is one option that is worth exploring. However, the OUR needs to be careful not to overreach by inadvertently setting itself up to become the traffic manager on private networks.

FLOW agrees that mobile voice service providers should negotiate and agree on a national roaming framework on a reciprocal basis and to be used only in circumstances of a national disaster. We agree that such an agreement should only be effected after the designated government agency (such as ODPEM) issues a warning duration an impending national emergency or national disaster

AND the network of a mobile provider becomes unavailable to its subscribers. FLOW appreciates the reasonableness of sharing such an agreement with the OUR, for its knowledge and information.

5.1.11 **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?

Response: We agree that such an agreement should only be effected after the designated government agency (such as ODPEM) issues a warning duration an impending national emergency or national disaster AND the network of a mobile provider does not support access to emergency services (namely 911 and/or 119) to its subscribers. In other words, the mobile network continues to operate, but emergency services are inaccessible to its mobile subscribers. Again, FLOW accepts the value of sharing the negotiated agreement with the OUR but objects to its proposed role as the Approver of such an agreement, as explained in our response to Question 10.

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.

Response: FLOW agrees that there is great value in developing and sharing its Disaster Policy and Business Continuity Policy with the OUR for its information. However, FLOW disagrees with any requirement to subject its Disaster Plans and Business Continuity Plans to the OUR for its approval. FLOW's Disaster and Business Continuity Plans are managed according to ISO 2300 requirements.

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