



**Federal Communications Commission  
Washington, D.C. 20554**

**November 19, 2024**

**DA 24-1153**

**SMALL ENTITY COMPLIANCE GUIDE**

**Resilient Networks; Amendment to Part 4 of the Commission's Rules Regarding Disruptions to Communications; New Part 4 of the Commission's Rules Concerning Disruptions to Communications**

**FCC 22-50; FCC 23-71**

**PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35**

**Released July 6, 2022; September 15, 2023**

In accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, this Small Entity Compliance Guide (Guide) is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide in the above referenced docket and the appropriateness of its application to a particular situation. The Commission will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The Commission may decide to revise this Guide without public notice to reflect changes in its approach to implementing a rule, or it may clarify or update the text of the Guide. Please direct comments and recommendations, or requests for further assistance, to the FCC's Consumer Center:

**1-888-CALL-FCC (1-888-225-5322)**

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## I. OBJECTIVES OF THE PROCEEDING

The Commission adopted the Mandatory Disaster Response Initiative (MDRI) to enhance and improve the resiliency and reliability of our nation's networks both during and in the aftermath of disasters such as hurricanes, earthquakes, severe winter storms, and wildfires that have occurred in recent years.<sup>1</sup> The MDRI builds on the industry-developed voluntary Wireless Network Resiliency Cooperative Framework (Framework) utilized by signatory providers since 2016,<sup>2</sup> which was not consistently adhered to by many facilities-based mobile wireless providers. Compliance with the MDRI was made mandatory in 2022 by the Commission and expands the triggers for activation beyond the previous voluntary Framework to ensure more disasters and emergencies will be covered.

The MDRI, which consists of five mandatory provisions, specifies the criteria that trigger activation of the MDRI and requires providers to test roaming capabilities of their networks and report on the performance of their MDRI implementation to the Commission following disaster and emergency events that apply to all facilities-based mobile wireless providers. Under these provisions, facilities-based mobile wireless providers must: (1) provide for reasonable roaming<sup>3</sup> under disaster arrangements (RuDs) when technically feasible;<sup>4</sup> (2) establish mutual aid agreements with other facilities-based mobile wireless providers; (3) take reasonable measures to enhance municipal preparedness and restoration; (4) take reasonable measures to increase consumer readiness and preparation; and (5) take reasonable measures to improve public awareness and stakeholder communications on service and restoration status.

The MDRI may be activated under the following conditions:

- The Federal Emergency Management Agency's (FEMA) Emergency Support Function-2 (ESF-2) is activated;
- The Commission's Disaster Information Reporting System (DIRS) is activated; or
- The Chief of the Commission's Public Safety and Homeland Security Bureau (PSHSB) announces that the MDRI has been activated in response to a request received from a state, in conjunction with at least one of the following:
  - The state has activated its Emergency Operations Center;

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<sup>1</sup> See *Resilient Networks; Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; New Part 4 of the Commission's Rules Concerns Disruptions to Communications*, PS Docket Nos. 21-346 and 15-80; ET Docket No. 04-35, Report and Order and Further Notice of Proposed Rulemaking, FCC 22-50, 37 FCC Rcd 8059 (*Report and Order*). See also *Resilient Networks; Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; New Part 4 of the Commission's Rules Concerns Disruptions to Communications*, PS Docket Nos. 21-346 and 15-80; ET Docket No. 04-35, Order on Reconsideration, FCC 23-71, (Sept. 15, 2023) (*Order on Reconsideration*).

<sup>2</sup> See Federal Communications Commission (FCC), *Wireless Network Resiliency During Disasters*, (Nov. 17, 2022), <https://www.fcc.gov/wireless-network-resiliency-during-disasters>. (Signatories of the voluntary Framework include: AT&T Mobility, CTIA, GCI, Southern Linc, Spring (prior to its merger with T-Mobile), T-Mobile, U.S. Cellular and Verizon Wireless). See also CTIA, *Wireless Network Resiliency Cooperative Framework: Best Practices for Enhancing Emergency and Disaster Preparedness and Restoration*, <https://www.ctia.org/the-wireless-industry/industry-commitments/wireless-network-resiliency-cooperative-framework> (last visited July 13, 2023).

<sup>3</sup> *Report and Order* at 9-10, paras. 21-22. (Reasonable roaming is roaming that does not disturb, but includes compliance with, the Commission's existing requirements that voice roaming arrangements be just, reasonable, and non-discriminatory, and that data roaming arrangements be commercially reasonable. Reasonable roaming would include providing a means of denying a roaming request in writing to the requesting provider, preferably with the specific reasons why roaming is infeasible.)

<sup>4</sup> *Id.* at 9, para. 21. (Technically feasible roaming for purposes of the Commission's disaster roaming rules requires a host provider to permit a requesting provider's customers to roam on the host provider's network on all compatible generations of network technology that it offers to its own customers.)

- The state has activated mutual aid; or
- The state has proclaimed a local state of emergency.

The MDRI requires that each facilities-based mobile wireless provider enter into bilateral roaming arrangements with all other facilities-based mobile wireless providers from which it may foreseeably request roaming privileges, or that may foreseeably request roaming privileges from it. These arrangements are designed to benefit both parties should either provider request roaming assistance from the other when its own network faces connectivity issues during a disaster or emergency. Facilities-based mobile wireless providers do not need to create these arrangements with all other providers, but only those that are foreseeable. The Commission in the *Report and Order* clarified that roaming is foreseeable, without limitation, when two providers' geographic coverage areas overlap.<sup>5</sup> Facilities-based mobile wireless providers must also negotiate the terms of and test the roaming capabilities of their networks before a disaster or emergency strikes. After an MDRI activation, facilities-based mobile wireless providers must report to the Commission on the performance of the MDRI.

One of the MDRI's goals is to assist small providers who may not have the same resources as large providers. With the MDRI, small facilities-based mobile wireless providers will now have access to roaming arrangements and mutual aid agreements they would not have previously benefitted from and will have the assistance, collaboration, and resources of larger providers to assist them with initial implementation and upkeep of MDRI elements. The Commission believes that the new information collection requirements will "provide baseline actions and assurances that facilities-based mobile wireless providers will undertake to ensure effective coordination and planning to maintain and restore network connectivity around disasters."<sup>6</sup> These updates to the Framework will also promote public safety response efforts by providing better situational information related to the nation's network outages and infrastructure status.

## II. COMPLIANCE REQUIREMENTS

The MDRI adds a new rule section to the Commission's Part 4 rules to help ensure that communications remain operative during emergencies. Five MDRI provisions are mandatory for all facilities-based mobile wireless providers.

### **Mandatory Disaster Response Initiative (47 CFR § 4.17)**

A. Five provisions are mandatory for all facilities-based mobile wireless providers:

- Establish bilateral roaming under disaster arrangements (RuDs) with other facilities-based mobile wireless providers.
  - Facilities-based mobile wireless providers must enter into bilateral roaming arrangements with all other facilities-based mobile wireless providers from which the provider may foreseeably request roaming privileges, or that may foreseeably request roaming privileges from it. Roaming is foreseeable when two providers' geographic coverage areas overlap.
  - Facilities-based mobile wireless providers must provide for reasonable roaming under disaster agreements (RuDs) when technically feasible<sup>7</sup> in situations where:

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<sup>5</sup> *Id.* at 8.

<sup>6</sup> *Id.* at 6-7, para. 14.

- The requesting provider’s network has become inoperable and that provider has taken all appropriate steps to restore its own network; and
  - The provider who receives the request for roaming assistance has determined that roaming is technically feasible and it will not adversely affect service to its own subscribers, provided that existing roaming arrangements and call processing methods do not already achieve these objectives. Any new roaming arrangements are limited in duration and are contingent on the requesting provider taking all possible steps to restore service on its own network as quickly as possible.
- Establish mutual aid agreements with other facilities-based mobile wireless providers.
    - Facilities-based mobile wireless providers must establish mutual aid agreements with other facilities-based mobile wireless providers from which each provider may request aid, or receive a request for aid, during emergencies.
    - Agreements must cover the sharing of physical assets and commit providers to engage in consultation when feasible during and after disasters and emergencies.
    - A provider’s mutual aid obligations apply only if it has reasonably first managed the needs of its own network.
  - Take reasonable measures to enhance municipal preparedness and restoration.
  - Take reasonable measures to increase consumer readiness and preparation.
  - Take reasonable measures to improve public awareness and stakeholder communications on service and restoration status.
- B. Providers must retain roaming under disaster arrangements (RuDs) for at least one year after their expiration and must supply copies to the Commission promptly upon request. RuDs filed with the Commission are considered to be presumptively confidential.
- C. Providers are required to perform annual testing of their roaming capabilities and any related coordination processes.
- This testing should be performed bilaterally with other facilities-based mobile wireless providers that may foreseeably roam on, or request roaming from, the provider’s network during the time of a disaster or emergency.
- D. Facilities-based mobile wireless providers are required to submit reports to the Commission that describe the time, duration, and effectiveness of their implementation of the MDRI’s provisions within 60 days of when PSHSB issues a Public Notice that announces such reports must be filed for providers operating in a certain geographic area after a disaster or emergency.
- E. Facilities-based mobile wireless providers must have implemented all provisions of the MDRI in 47 CFR section 4.17 by the compliance date of May 1, 2024.

### **III. RECORDKEEPING AND REPORTING REQUIREMENTS**

The *Report and Order* contains new information collection requirements for facilities-based mobile wireless providers when PSHSB activates MDRI. The MDRI recordkeeping and reporting requirements require facilities-based mobile wireless providers to:

- Submit reports to the Commission detailing the timing, duration, and effectiveness of their implementation of the MDRI’s provisions within 60 days of PSHSB’s issuance of a Public

Notice asking for such reports to be filed in the aftermath of a disaster.

- Retain their roaming under disaster arrangements (RuDs) for at least one year following expiration of the arrangement, and supply copies of such arrangements to the Commission, which are afforded a presumption of confidentiality, promptly upon request.

#### **IV. IMPLEMENTATION DATE**

The *Report and Order* established May 1, 2024, as the implementation deadline for facilities-based mobile wireless providers to comply with the MDRI rules.<sup>8</sup>

#### **V. INTERNET LINKS**

A copy of the *Report and Order* is available at: <https://docs.fcc.gov/public/attachments/FCC-22-50A1.pdf>, and a copy of the *Order on Reconsideration* is available at: <https://docs.fcc.gov/public/attachments/FCC-23-71A1.pdf>.

A copy of the Federal Register Summary of the *Report and Order* is available at: <https://www.federalregister.gov/documents/2022/09/30/2022-19745/disruptions-to-communications>.

A copy of the Federal Register Summary of the *Order on Reconsideration* is available at: <https://www.federalregister.gov/documents/2024/01/26/2023-28834/disruptions-to-communications>, and

A copy of an updated Federal Register Summary of the *Order on Reconsideration* is available at: <https://www.federalregister.gov/documents/2024/03/26/2024-06092/resilient-networks-disruptions-to-communications>.

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<sup>8</sup> Notice of OMB approval was published in the Federal Register on March 26, 2024.