

**SEPARATE STATEMENT OF  
COMMISSIONER KATHLEEN Q. ABERNATHY**

*Re: New Part 4 of the Commission's Rules Concerning Disruptions to Communications;  
ET Docket No. 04-35, Report and Order*

There is no issue facing the FCC that is more important than homeland security. The Commission is fully committed to working with the Department of Homeland Security to take whatever steps are necessary to help safeguard critical telecommunications infrastructure and ensure that the American people can communicate with one another, even in times of an emergency.

As American consumers rely on an increasingly broad array of technologies and services, the FCC must continue to promote the reliability of these services. With this order, we expand our current mandatory reporting requirements to include all technologies that use the Public Switch Telephone Network. The information we collect in these reports will provide us with critical data that will further our efforts to formulate best practices to guard against future network outages. In addition, the information will be shared with the Department of Homeland Security, thus enhancing our ability to protect our homes and businesses.

A central issue in this proceeding is whether the outage reporting requirements we are adopting should be mandatory. Given the increasing importance of communications capabilities during times of emergencies, I believe that the reporting requirement should be mandatory. At the same time, I understand and share the concerns raised in this proceeding about the need to ensure that the data contained in these outage reports remains confidential. By presumptively affording filed data confidentiality under Exception 4 of the Freedom of Information Act, we are protecting the data while also meeting our data collection needs.