The FCC recognizes in its proposal that, most providers of local exchange service are small entities that may be affected by the rules and policies proposed in the NPRM. But the Commission also recognizes that the small entities affected are not easily categorized at the moment. Considering the expansiveness of the defined entities that will be covered under the expanded definitions of service provider proposed in 12.4, the majority of the incumbent local exchange carriers that can be classified as small should be exempt from this NPRM pending further study.

The Commission relies almost exclusively on the April 2014 Multistate 911 Outage: Cause and Impact Report and Recommendations. Yet, the problem with the Commissions sole reliance on the April 2014 Report in regards to the incumbent local exchange carriers classified as small, is that the root of the multistate outage was exposed as a preventable software coding error in equipment at a highly centralized Emergency Call Management Center. A small incumbent local exchange carrier is on the
opposite end of the size spectrum from a consolidated Emergency Call Management Center, and they were not related to the problem causing the multistate outage. Even though this NPRM attempts to create an easily accessible avenue for an annual reporting requirement, the Commission has not demonstrated through relevant studies the need for small incumbent local exchange carriers to be regulated under the same accountability reporting requirements. The Recommendations outlined in the April 2014 Report did not mention that small incumbent local exchange carriers needed to be subjected to burdensome certification and reporting requirements. Therefore, due to lack of supportive authority for the Commissions proposed rule as applied to small incumbent local exchange carriers, the incumbent local exchange carriers that the Commission has acknowledged are classified as small should be exempt from this NPRM.

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