



Comments of AT&T Global Network Services Ireland Limited on ComReg's Consultation on Incident Reporting & Guidance on Minimum Security Standards

6 March 2013

AT&T Global Network Services Ireland Limited ("AT&T") respectfully submits these comments on the ComReg Consultation on Incident Reporting & Guidance on Minimum Security Standards (the "Consultation Paper").

Operating globally under the AT&T brand, AT&T's parent, AT&T Inc., through its affiliates, is a worldwide provider of Internet Protocol (IP)-based communications services to businesses and a leading U.S. provider of wireless, high speed Internet access, local and long distance voice, and directory publishing and advertising services, and a growing provider of IPTV entertainment offerings. In Ireland and other EU Member States, AT&T Inc., through its affiliates, is a competitive provider of business connectivity and managed network services. AT&T Inc. also is a leading provider of bilateral connectivity services linking the U.S. with Ireland and all other EU Member States.

Before providing answers to ComReg's specific questions, AT&T wishes to highlight some specific concerns that we would urge ComReg to take account of when finalising its proposals. These concerns are described in more detail below.

1. A CONSISTENT APPROACH TO INCIDENT REPORTING ACROSS THE EU SINGLE MARKET IS ESSENTIAL

AT&T operates in most EU countries and notes the emergence of inconsistencies with regard to circumstances that trigger a requirement for incident reporting. As a provider of services on a pan-European and global basis, this complicates the task for our 24/7 network operations teams in determining which incidents must be reported in which jurisdictions. AT&T therefore urges ComReg to observe faithfully the ENISA incident definitions to avoid discrepancies.



2. RESELLERS SHOULD BE EXCLUDED FROM INCIDENT REPORTING REQUIREMENTS

AT&T'S understanding of the relevant Regulations¹ is that the incident reporting obligation would apply to all operators providing public communications networks or publicly available electronic communications services, including in relation to services or elements of services that are resold. As incidents on resold services are already reported by the underlying operator, we believe that there is therefore a risk of "double reporting".. In many instances, the reseller will have no access to the underlying network or network elements and may not be aware of the incident unless or until it has exceeded the underlying provider's threshold for reporting. At this point, the underlying provider will be responsible for reporting to the incident to ComReg. AT&T therefore urges ComReg to deal explicitly with the situation of resellers in its guidance.

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AT&T RESPONSES TO COMREG'S QUESTIONS

Q. 1 Do you agree with the proposed thresholds for fixed services? If not please advise the basis of your concern.

AT&T is concerned by ComReg's proposal to express incident reporting thresholds in terms of the lower of actual number of lines or percentage of customer lines affected. We do not believe that a percentage of customer lines threshold is appropriate or practical in the case of operators who focus exclusively on large enterprise customers and therefore have a very small customer base in terms of absolute number of lines and customers. We believe that such a reporting threshold could have a distortive effect in requiring such operators to report incidents which would not be reported were they to occur in identical circumstances with operators with larger customer bases.

¹ The European Communities (Electronic Communications Networks and Services) (Framework) Regulations, 2011

Q. 2 If you do not agree with the fixed services proposed thresholds what alternative thresholds would you consider more appropriate, what reporting periods to use and what is the basis for that approach?

AT&T notes that the UK regulator Ofcom in its equivalent guidance² has chosen to set thresholds solely in terms of the absolute number of lines affected and we urge ComReg to adopt the same approach to address both the possible distortive effects and the importance of consistent approaches to incident reporting across the EU Single Market.

Q. 3 Do you agree with the proposed thresholds for mobile services? If not please advise the basis for your concern.

As we identified in our comments above, AT&T believes that resellers of mobile (or fixed) services should not be subject to incident reporting requirements which should be the responsibility of the underlying network provider.

Q. 4 If you do not agree with the mobile services proposed thresholds, what alternative thresholds would you consider more appropriate, what reporting periods to use and what is the basis for that approach?

No further comment.

Q. 5 Do you agree with the timelines for reports associated with an incident? If you disagree with the reporting periods please provide alternative proposals for reporting periods with the basis for the recommendation.

We note that ComReg is proposing far more exacting timelines than, for example, Ofcom in its guidance which states “For most incidents, the initial report should be submitted within a few days of the incident, but where the incident may be life affecting (such as an outage with an impact on accessing the emergency services), we expect to be notified within 24 hours.” As we have indicated in our comments above, we believe that national regulators should adopt a consistent approach to incident reporting across the EU Single Market.

² *Ofcom guidance on security requirements in the revised Communications Act 2003 - Implementing the revised EU Framework*, 3February 2012, available at: <http://stakeholders.ofcom.org.uk/binaries/telecoms/policy/security-resilience/guidance.pdf>



Q. 6 ComReg in addition to monitoring compliance through incident reporting may initiate audits from time to time to ensure Operators' compliance with obligations. Do you agree with this? Please provide your reasoning for your view if you disagree.

AT&T welcomes ComReg's recognition that not all Operators are the same and therefore the correct degree of risk-management will be a decision for each Operator to make. We also welcome ComReg's approach of not being prescriptive about how operators demonstrate compliance with their obligations under Regulation 23(1). Against this background, we have no objection to ComReg's proposal to monitor compliance through incident reporting and possibly ad hoc audits, provided that such audits are both justified (e.g., on the basis of concerns raised at the level of incidents reported) and proportionate. When considering and assessing compliance, ComReg should give appropriate acknowledgement to circumstances where an operator has already chosen to be audited and assessed for conformance to the requirements of an internationally recognised standard, such as ISO/IEC27001.

Q. 7 Do you agree with ComReg's position on monitoring Operators' compliance primarily through the use of incident reports submitted to ComReg by Operators? Alternatively, should ComReg monitor compliance through regular analysis of work undertaken by operators, e.g. annual review of risk registers, or through spot checks and reviews from time to time as may be triggered by concerns raised such as the level of incidents reported? Please provide your reasoning for your view if you disagree

No further comments beyond those mentioned in our answer to Question 6.

AT&T would be pleased to answer any questions concerning these comments.

Respectfully submitted,

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