

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

In the Matters of)	
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911 Governance and Accountability)	PS Docket No. 14-193
)	
Improving 911 Reliability)	PS Docket No. 13-75
)	

**COMMENTS OF THE ALLIANCE FOR
TELECOMMUNICATIONS INDUSTRY SOLUTIONS**

The Alliance for Telecommunications Industry Solutions (ATIS), on behalf of its Network Reliability Steering Committee (NRSC), hereby submits these comments in response to the Federal Communication Commission’s *Notice of Proposed Rulemaking (NPRM)* in the above referenced docket, released November 21, 2014. The *NPRM* seeks input on proposals to enhance the resiliency of 911 services. While ATIS shares the Commission's view regarding the importance of reliable nationwide 911 services, it has significant doubts as to whether the Commission has the appropriate authority to implement many of the proposed rules. Additionally, ATIS believes that some of the proposals, particularly those regarding situational awareness, are unworkable from a technical perspective and should not be adopted. However, to the extent that new rules are adopted in this rulemaking, ATIS suggests modifications to increase their efficacy and workability and reduce unnecessary burdens.

I. Introduction

ATIS is a global standards development and technical planning organization that develops and promotes worldwide technical and operations standards for information, entertainment, and communications technologies. ATIS' diverse membership includes key stakeholders from the Information and Communications Technologies (ICT) industry – wireless and wireline service providers, equipment manufacturers, broadband providers, software developers, consumer electronics companies, public safety agencies, and internet service providers. ATIS is also the North American Organizational Partner of the Third Generation Partnership Project (3GPP), the global collaborative effort that has developed the Long Term Evolution (LTE) and LTE-Advanced wireless specifications. Nearly 600 industry subject matter experts work collaboratively in ATIS' open industry committees and incubator solutions programs.

ATIS' NRSC was formed in 1993 at the recommendation of the first Network Reliability and Interoperability Council. The NRSC strives to improve network reliability by providing timely consensus-based technical and operational expert guidance to all segments of the public communications industry. The NRSC addresses network reliability improvement opportunities in an open environment and advises the communications industry through the development of standards, technical requirements, reports, bulletins, Best Practices, and annual reports. The NRSC is comprised of industry experts with a primary responsibility for examining, responding to, and mitigating service disruptions for communications companies. NRSC participants are the industry subject matter experts on communications network reliability and outage reporting.

II. Comments

As noted above, ATIS agrees with the Commission that reliable 911 service is important and that consumers have high expectations regarding the availability of 911 service.¹ ATIS contends that one of the main reasons that such expectations exist is because the industry works hard to ensure reliable and consistent access to 911 service and continuously strives to improve its service to its PSAP customers and the public. The 911 network is also in a state of transition to IP-based technology that will ultimately improve its reliability and the capabilities it can make available to PSAPs and consumers. The industry is actively investing significant resources in the evolution of the 911 system but, given the enormous task associated with this transition, it cannot happen overnight.

These efforts are not without challenges. Maintaining a reliable communications network is a difficult task, complicated by factors that are often outside of the control of network service providers (weather, natural disasters, manmade disruptions, etc.). The complex, multi-stakeholder nature of the 911 system presents further challenges, as 911 availability and reliability depends on the seamless interaction of different networks, types of service providers, types of available technologies, and the regulatory structures that are applicable.

These challenges are not insurmountable, however, and the Commission can promote this transition (and the innovation associated with it) by avoiding the imposition of unduly burdensome regulation that will discourage market entry and technological advancement. As Commissioner Ajit Pai notes in his dissenting statement, many of the proposals in the *NPRM* “will leave 911 systems less nimble and responsive to the needs of local communities...” and “deter the introduction of innovative and reliable 911 services.”²

¹ *NPRM* at ¶1.

² Dissenting Statement of Commissioner Ajit Pai at p. 1.

While ATIS supports the Commission’s effort to promote 911 reliability, it has two fundamental concerns regarding some of the specific proposals in the *NPRM*. First, there are significant jurisdictional issues with the Commission’s proposed rules, particularly those related to intrastate 911 services, market entry and service discontinuance regulations for 911 services and customer premises equipment, and the proposed obligations for 911 Network Operations Center (NOC) Coordinators. Some ATIS NRSC members will be commenting on the Commission’s lack of authority with regard to the proposed rules and ATIS shares their concern about whether the Commission can or should move forward with many of the proposals in the *NPRM*. Second, ATIS is concerned that some proposals may be problematic or otherwise infeasible. While ATIS does suggest modifications to some of the proposals to make them more effective/workable, some of the proposed regulations, particularly those related to situational awareness and the creation of 911 NOC Coordinators, are particularly concerning and cannot and should not be implemented as recommended.

A. The Commission Should Not Expand the Definition of “Covered 911 Service Providers” Beyond Entities that Provide Network Facilities or Services Solely Related to Providing 911

In the *NPRM*, the Commission proposed to expand the definition of a “covered 911 service provider” in Section 12.4 of the rules to include “all entities that provide 911, E911, or NG911 capabilities, such as call routing, automatic location information (ALI), automatic number identification (ANI), location information servers (LIS), text-to-911, or the functional equivalent of those capabilities, regardless of whether they provide such capabilities under a direct contractual relationship with a PSAP or emergency authority.”³ This definition is far too

³ *NPRM* at ¶42.

expansive and must be appropriately focused to avoid imposing overly broad and unnecessary burdens on 911 stakeholders.

For example, ATIS strongly believes that in no event should the rules apply to providers of originating access service for end users that would use the 911 service or to services and facilities that are not provisioned for the PSAP. Should the Commission expand the definition to include additional 911 system stakeholders beyond those that have contractual relationships with PSAPs, any rule must be limited to facilities and services that are solely provisioned for 911 network service purposes. ATIS also agrees that “covered 911 service providers” should not include providers of retail services that provide customers access to 911 service but that are not directly connected to the PSAP. Moreover, any rule must be calibrated to reflect that parties without a direct contractual relationship to the PSAP may be limited by the specifications, direction, and financial resources of the party in the “prime contractor” position. Where that is the case, liability under the Part 12 rules should be limited accordingly.

B. Limited Expansion of Certification Requirements in Certain Areas Is Workable Provided There Is a Reasonable Implementation Timeframe

The Commission also proposes to expand the certification requirements in Section 12.4.⁴ ATIS recommends that the Commission allow some period of time to assess the effectiveness of the current Part 12 rules, which only recently became fully effective, before proceeding with any of these proposed rules. To the extent that any new certification requirements are imposed, additional time should be provided for existing and any newly covered entities to implement the requirements. ATIS recommends therefore that any new certification requirements should become effective no sooner than one year after the first full certification deadline under the

⁴ *NPRM* at ¶43.

current rules, or October 15, 2017 (whichever is later). ATIS also recommends that the new requirements be phased in, with a 50% completion requirement set for no sooner than the effective date of the new rules or October 15, 2017 (whichever is later) and a 100% completion requirement set for no sooner than one year from the effective date of the rules or October 15, 2018 (whichever is later).

If there is a reasonable implementation timeframe, ATIS would support the expansion of the Section 12(c)(3) certification to include network monitoring so long as this certification is limited only to the network of a Covered 911 Service Provider (and in accordance with the clarifications to the definition of this entity as described above). Also, ATIS strongly believes that the Commission should not mandate the method(s) of alarming that may be used. Providers should have flexibility to determine the method of alarming they use as long as the method is reasonably likely to “quickly bring disruptions of 911 service to the attention of appropriate personnel.”⁵ Mandating a particular alarming method would not be reasonable, and may not be feasible, given the substantial amount of embedded equipment in the 911 ecosystem.

ATIS, however, is concerned about the Commission’s proposal that certification requirements should indicate whether a service provider’s IP-based 911 architecture is “capable of automatic reroutes to backup equipment in the event of a hardware, network, software or database failure.”⁶ ATIS does not believe that an affirmative *automatic* re-route capability certification would significantly promote 911 availability and reliability. While automatic re-routes that are transparent to PSAPs may be appropriate when there are disruptions in the core network, ATIS believes that the Commission should continue to permit service providers to

⁵ *NPRM*, Appendix A, Proposed §12.4 (c) (3).

⁶ *NPRM* at ¶45.

coordinate in real-time with the affected PSAPs, rather than to mandate certification regarding automatic rerouting in all circumstances. Finally on this issue, ATIS recommends that the Commission consider providing greater detail regarding the terms “software” and “database” in this context.

With appropriate implementation deadlines, ATIS would not oppose other modifications to the Commission’s existing certifications requirements, such as load-balancing and geographic distribution with respect to IP-based 911 architecture.⁷ However, ATIS strongly recommends that the timeframe for implementation be no sooner than one year after the first full certification deadline under the current rules of the order or October 15, 2017 (whichever is later). In addition, ATIS would not oppose the expansion of the certification requirements to include *reasonable* measures to maintain continuity of 911 service during planned maintenance and/or software or database updates.⁸ Reasonable measures could include implementing planned re-routes and coordinating with PSAPs to mitigate potential issues from the planned maintenance or upgrade. Any certification requirements for planned maintenance should be implemented no earlier than one year after the first full certification deadline under the current rules of the or October 15, 2017 (whichever is later).

⁷ *NPRM* at ¶45.

⁸ *Id.*

C. Several of the *NPRM*'s Proposals on Situational Awareness Are Problematic

In the *NPRM*, the Commission proposes new rules aimed at addressing purported gaps in situational awareness and coordination when 911 outages affect multiple jurisdictions and service providers.⁹ While ATIS supports the implementation of reasonable measures to share appropriate information with PSAPs in the event of a disruption of service, including requiring Covered 911 Service Providers to confirm PSAP contact information and to test notification plans periodically, ATIS believes that there are significant challenges with the requirements proposed in the *NPRM*.

ATIS is particularly concerned with, and does not support, the Commission's proposed establishment of 911 NOC Coordinators.¹⁰ ATIS believes that it is not reasonable or even feasible for one carrier to monitor, control, or repair another carrier's network, particularly given the number of PSAPs serviced by many large service providers.¹¹ Moreover, there could be significant liability issues associated with performance of these duties. Even when it has no actual knowledge of any problem, a 911 NOC Coordinator could be subject to a substantial FCC penalty for failing to monitor another Covered 911 Service Provider's 911 network, failing to recognize an outage or significant disruption in 911 service caused by another provider's network, and failing to communicate (or adequately communicate) that disruption to other Covered 911 Service Providers and PSAPs.

⁹ *NPRM* at ¶¶65 *et seq.*

¹⁰ *NPRM* at ¶66.

¹¹ ATIS questions the Commission's statements in its description of the reporting and recordkeeping requirements in Section D of Appendix B that "most or all of these information-sharing activities would be performed by in-house personnel who already are employed to monitor and maintain covered 911 service providers' networks." While it is true that this role, if implemented, would likely be performed in-house, it is likely that additional significant resources would be required, particularly by large service providers.

D. Federal Regulation of Market Entry, Discontinuance of Service, and Major Changes to 911 Service Is Unnecessary and Amounts to the Federalization of 911 Service

Finally, the *NPRM* proposes to require Covered 911 Service Providers to notify the Commission of the discontinuance of, or a major change to, 911 service or customer premises equipment and to provide a certification as to their capabilities associated with the provision of new service(s) that affect 911 call completion.¹² ATIS does not support these proposals.

ATIS does not believe that the proposed regulations are warranted or that the *NPRM* identifies a problem that needs to be solved. There has been no indication that the providers are inappropriately discontinuing or changing service, that any such discontinuance/change has negatively impacted the availability or reliability of 911 service, or that the 911 market is not competitive.¹³ Moreover, state and local authorities are well-equipped to govern and manage the 911 services and equipment purchases in their areas. Commission regulation in this area, therefore, is completely unnecessary and represents a burdensome step backwards, injecting needless delay, given the state of the market.

¹² *NPRM* at ¶¶48 *et seq.*

¹³ ATIS believes, in fact, that the 911 market is as competitive as it has ever been, with a variety of entities competing for PSAP business.

III. Conclusion

ATIS appreciates the opportunity to provide comments in response to the *NPRM*. As described above, ATIS: (1) believes that there are significant jurisdictional issues with the Commission's proposed rules; (2) notes that some of the proposals in the *NPRM*, particularly those regarding situational awareness, are technically unworkable and therefore should not be adopted; and (3) suggests modifications/clarifications to particular recommendations to avoid the imposition of unnecessary burdens on the industry.

Respectfully submitted,



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March 23, 2015