

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

In the Matter of	)	
	)	
Implementing Kari's Law and Section 506	)	PS Docket No. 18-261
of RAY BAUM'S Act	)	
	)	
Inquiry Concerning 911 Access, Routing,	)	PS Docket No. 17-239
and Location in Enterprise	)	
Communications Systems	)	

**REPLY COMMENTS OF  
THE AD HOC TELECOMMUNICATIONS USERS COMMITTEE**

Andrew M. Brown  
Patrick J. Whittle  
Levine, Blaszak, Block & Boothby, LLP  
2001 L Street, NW, Suite 900  
Washington, DC 20036  
202-857-2550

Counsel for  
Ad Hoc Telecommunications Users  
Committee

Filed: January 9, 2019

## SUMMARY

In its initial Comments, Ad Hoc stressed once again that – as the Commission has recognized for decades – private businesses operating MLTS need broad discretion and flexibility in implementing policies and procedures for accessing 911 emergency services from their many and varied workplaces. Furthermore, the Commission’s limited jurisdiction and subject matter expertise in workplace safety require the Commission to adopt regulations affecting MLTS operators only if and to the extent they are authorized by law. The record in this proceeding demonstrates substantial support for both these propositions.

The majority of commenters recognize that Kari’s Law does not require (or even contemplate) the Commission dictating the content and timing of internal notifications transmitted when 911 calls are made. Similarly, the record is clear that Kari’s Law does not require – and the Commission should not attempt to mandate – any particular on- or off-site staffing requirements associated with such notifications.

Kari’s Law applies on a prospective basis, limiting its provisions to “a multi-line telephone system that is manufactured, imported, offered for first sale or lease, first sold or leased, or installed after the date that is 2 years after the date of enactment (*i.e.*, February 16, 2020).” No part of Kari’s Law suggests application of its requirements to legacy MLTS equipment sold, leased or installed prior to that date, and the Commission has no mandate to impose transitional requirements such as stickering, notification, forced upgrades or software enhancements to legacy equipment. Most commenters agree; the few who ask the Commission to impose requirements on legacy MLTS equipment fail to provide either statutory authority or sound policy reasons for doing so.

Similarly, commenters overwhelmingly support a measured, flexible approach to implementing any dispatchable location information requirements of the RAY BAUM'S Act. Put simply, the Commission should not impose obligations on MLTS owners or operators to transmit any type of information that their MLTS equipment is not technically capable of transmitting or that would require assumption of any unreasonable costs to upgrade. It should allow MLTS operators flexibility to determine what information other than a street address would adequately identify the location of a party calling 911 from their premises. Multiple commenters point out that technological solutions in this area are new and rapidly evolving, that the technical feasibility of providing dispatchable location information varies among fixed and nomadic on-premises and off-premises users, that user expectations vary across technologies and locations, and that, in many instances, highly granular detail may not be helpful in assisting emergency responders. Recognizing the rapidly evolving nature of the technology undergirding these solutions, the RAY BAUM'S Act requires the Commission only to "consider" what measures might be appropriate. Thus, the Commission should proceed diligently and cautiously, not imposing overly detailed requirements or impossible-to-meet timetables regarding the transmission of dispatchable location information or limiting the flexibility of MLTS owner/operators to make individualized decisions about the type of location information to transmit given the wide variety of their workplaces safety issues.

Finally, while some commenters urge the Commission to impose presumptions of liability on MLTS operators or specific fines for non-compliance with rules that the Commission has not yet defined, the Commission should reject this premature and

likely ineffective approach to enforcement of any rules it may—but has not yet—adopted in this proceeding. Access to 911 is a shared responsibility across multiple parties—network service operators, VoIP providers, end-users/MLTS operators, and E911 solutions providers. Each should be required to assume responsibility for its own failures to discharge its obligations to provide access to 911, but none should be permitted to avoid liability because of overly broad and premature Commission action.

## TABLE OF CONTENTS

INTRODUCTION .....	1
I. THE RECORD SUPPORTS GIVING MLTS OPERATORS FLEXIBILITY IN IMPLEMENTING THE NOTIFICATION REQUIREMENTS OF KARI'S LAW .....	2
II. THE COMMISSION SHOULD NOT EXCEED THE SPECIFIC LIMITATIONS OF KARI'S LAW BY IMPOSING REQUIREMENTS ON LEGACY MLTS EQUIPMENT. ....	6
III. THE RECORD OVERWHELMINGLY SUPPORTS A MEASURED, FLEXIBLE APPROACH TO IMPLEMENTING RAY BAUM'S ACT. ....	8
IV. THE COMMISSION SHOULD NOT ADOPT PRESUMPTIONS OF LIABILITY OR IMPOSE FINES NOT AUTHORIZED BY STATUTE .....	12
CONCLUSION .....	13

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

In the Matter of	)	
	)	
Implementing Kari's Law and Section 506 of RAY BAUM'S Act	)	PS Docket No. 18-261
	)	
Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems	)	PS Docket No. 17-239
	)	

**REPLY COMMENTS OF  
THE AD HOC TELECOMMUNICATIONS USERS COMMITTEE**

The Ad Hoc Telecommunications Users Committee ("Ad Hoc") submits these reply comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM")<sup>1</sup> in the aforementioned proceeding.

**INTRODUCTION**

In its initial Comments filed in this proceeding, Ad Hoc reiterated its longstanding position, supported by decades of Commission policy, that private businesses operating MLTS need broad discretion and flexibility to customize and implement policies and procedures for accessing 911 emergency services from their many and varied workplaces.<sup>2</sup> Individual operators of MLTS are best positioned to adopt the most effective solutions to enhance workplace safety for

---

<sup>1</sup> *Implementing Kari's Law and Section 506 of RAY BAUM'S Act*, PS Docket No. 18-261, *Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems*, PS Docket 17-239, Notice of Proposed Rulemaking, FCC No. 18-132 (rel. Sept. 26, 2018).

<sup>2</sup> Comments of the Ad Hoc Telecommunications Users Committee on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*Ad Hoc Comments*") at 2-3.

their companies given their innate knowledge of their MLTS capabilities, specific workplace activities, and layout of their physical facilities, all of which profoundly affect successful emergency responses to 911 calls. Furthermore, the Commission's limited jurisdiction over and subject matter expertise in the workplace safety issues that affect the myriad of private sector businesses that operate MLTS require the Commission to adopt regulations affecting MLTS operators only if and to the extent they are authorized by law.

The record in this proceeding demonstrates substantial support for this approach. The Commission must, therefore, implement Kari's Law and Section 506 of RAY BAUM'S Act consistent with the specific and limited requirements unambiguously set forth in each piece of legislation.

**I. THE RECORD SUPPORTS GIVING MLTS OPERATORS FLEXIBILITY IN IMPLEMENTING THE NOTIFICATION REQUIREMENTS OF KARI'S LAW.**

Kari's Law does not contemplate—and certainly does not require—the imposition of overly prescriptive, top-down Commission mandates to implement the basic statutory requirement that MLTS be manufactured and operated so as to provide direct-dial access to emergency services and internal notification that an emergency call has been placed.<sup>3</sup> The majority of commenters, representing

---

<sup>3</sup> 47 U.S.C. §§ 623(b)-(c).

equipment manufacturers,<sup>4</sup> integrated solution providers,<sup>5</sup> telecom providers,<sup>6</sup> VoIP providers,<sup>7</sup> and enterprise users,<sup>8</sup> all emphasize the importance of maintaining enterprise user flexibility with regard to the content and timing of, and staffing associated with, the notification requirement of Kari's Law. While Kari's Law mandates contemporaneous internal notification that an emergency call has been placed, Ad Hoc urged the Commission not to impose a one size fits all mandate for the specific content of such notification, allowing MLTS operators flexibility to include the information that would be most useful to their operation in an emergency and that is technically feasible for their specific MLTS equipment.<sup>9</sup>

---

<sup>4</sup> Comments of Panasonic Corp. of North America on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*Panasonic Comments*") at 11-14; Comments of Cisco Sys., Inc. on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*Cisco Comments*") at 13-14.

<sup>5</sup> Comments of West Safety Svcs., Inc. on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*West Comments*") at 5; Comments of ADT LLC d/b/a ADT Security Svcs. on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*ADT Comments*") at 4; Comments of Avaya, Inc. on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*Avaya Comments*") at 2-3. (Avaya generally supports user flexibility, with some exceptions seemingly tailored to promote its own products/solutions. While Avaya may well have viable 911 solutions for some enterprises in certain scenarios, the Commission should be cautious about adopting any rules or requirements that effectively favor one company's solutions over another's. Instead, the Commission should focus on broadly stated Commission public policy/safety objectives and allow MLTS operators to determine the best methods and products necessary to achieve those goals.)

<sup>6</sup> Comments of the Telecommunications Industry Ass'n ("TIA") on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*TIA Comments*") at 10-12; Comments of Verizon on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*Verizon Comments*") at 2-3; Comments of USTelecom – The Broadband Ass'n ("USTelecom") on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*USTelecom Comments*") at 4; Comments of the American Cable Ass'n ("ACA") on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*ACA Comments*") at 4.

<sup>7</sup> Comments of BlulP, Inc. on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*BlulP Comments*") at 4; Comments of Bandwidth Inc. on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*Bandwidth Comments*") at 5-6; Comments of RingCentral, Inc. on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*RingCentral Comments*") at 6-8.

<sup>8</sup> Comments of the American Hotel & Lodging Ass'n ("AHLA") on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*AHLA Comments*") at 3-6.

<sup>9</sup> Ad Hoc Comments at 5.



Multiple commenters support this position by expressing clear opposition to overly rigid requirements for the content of the notifications.<sup>10</sup>

Ad Hoc supports the Commission's proposal that internal notifications be "contemporaneous" with the placement of a 911 call. But we urged the Commission to clarify that any prescribed timing is conditional on the technical feasibility of the embedded MLTS equipment to deliver such notice.<sup>11</sup> Both AHLA and TIA agree that flexibility in the timing of notification is necessary to ensure that users can find technically feasible and commercially reasonable solutions.<sup>12</sup> Importantly, nothing in Kari's Law indicates that Congress intended to require costly upgrades or replacement of MLTS equipment to satisfy Commission mandated timing of the required internal notification.

Ad Hoc urged the Commission not to mandate requirements for the notification, configuration, or staffing of notification end-points.<sup>13</sup> The Commission itself noted that the language of Kari's Law indicates Congressional intent to provide MLTS installers, managers, and operators with "broad flexibility" in selecting destination points<sup>14</sup> and, importantly, *nothing* suggests that Congress intended to impose staffing or monitoring requirements on MLTS operators. Underscoring this point, Panasonic, RingCentral, West, ADT, BluIP and USTelecom all stress that enterprises should have great flexibility in determining how to staff the notification

---

<sup>10</sup> See Panasonic Comments at 11, 13-14; Cisco Comments at 13-14; ACA Comments at 4; BluIP Comments at 3; AHLA Comments at 3, 7; TIA Comments at 10.

<sup>11</sup> Ad Hoc Comments at 6-7.

<sup>12</sup> AHLA Comments at 7-8; TIA Comments at 11.

<sup>13</sup> Ad Hoc Comments at 7-9.

<sup>14</sup> NPRM at ¶ 24.

points.<sup>15</sup>

Panasonic sums up the salient point as follows:

[T]he Commission should emphasize flexibility for a given enterprise to determine the content, form, and destination of the notification. Businesses should be provided with the flexibility to customize notifications as they see fit given their understanding of the physical nature of their enterprise, the technical capabilities of their system, and their personnel that will be involved in assisting with an emergency response (including on-site private emergency response teams in some cases).<sup>16</sup>

The broad consensus in the record, the absence of a Congressional imperative included in the actual language of Kari's Law, and the Commission's limited jurisdiction over MLTS operators and subject matter expertise in workplace safety issues direct the Commission toward a restrained, "light-touch" regulatory approach to implementation of the internal notification requirement.

Only two commenters advocate specific staffing or location requirements to receive and/or monitor the on- or off-site notifications, and even these proposals would leave most of the details to the individual MLTS operator. The National Association of State 911 Administrators, for example, proposes that notification should be sent "to a location that is normally staffed or where on-site staff are likely to hear or see the notification," though it agrees that the type of notification (visual alert, audible alarm, text message or similar means) would be subject to MLTS operator discretion.<sup>17</sup> NENA argues that notification should be directed to someone who "has the keys" – *i.e.*, who can allow emergency responders access to the site

---

<sup>15</sup> Panasonic Comments at 11; RingCentral Comments at 2-6; West Comments at 5; ADT Comments at 4; BlulP Comments at 4; USTelecom Comments at 4.

<sup>16</sup> Panasonic Comments at 11.

<sup>17</sup> Comments of the National Ass'n of State 911 Administrators ("NASNA") on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) ("*NASNA Comments*") at 2.

where the victim is located – but that it does not otherwise matter who the notice recipient is or whether the notice recipient is on- or off-site.<sup>18</sup> While these suggestions may be appropriate for *some* circumstances, they could be pointless or counterproductive in others such as cases where access to a facility is not subject to the MLTS operator’s control or not otherwise limited to emergency responders. More importantly, however, these commenters do not—indeed, cannot—support their proposals with any relevant statutory language granting the Commission the authority to impose such specific mandates and provide no reason why the Commission should impose such requirements that exceed the scope of the statute adopted by Congress.

## **II. THE COMMISSION SHOULD NOT EXCEED THE SPECIFIC LIMITATIONS OF KARI’S LAW BY IMPOSING REQUIREMENTS ON LEGACY MLTS EQUIPMENT.**

As the NPRM acknowledges,<sup>19</sup> Kari’s Law expressly applies *only* to “a multi-line telephone system that is manufactured, imported, offered for first sale or lease, first sold or leased, or installed after the date that is 2 years after the date of enactment [*i.e.*, February 16, 2020].”<sup>20</sup> No part of Kari’s Law refers to legacy MLTS equipment sold, leased or installed prior to that date. Accordingly, the Commission has no authority or mandate to impose requirements on operators of legacy MLTS equipment or to impose transitional requirements on legacy equipment, whether in

---

<sup>18</sup> Comments of the National Emergency Number Ass’n (“NENA”) on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) (“*NENA Comments*”) at 3.

<sup>19</sup> NPRM at ¶ 39.

<sup>20</sup> Kari’s Law Act of 2017, Pub. L. No. 115-127, 132 Stat. 326 at § 2(b).

the form of sticker notifications, mandated software solutions, or forced upgrades.<sup>21</sup>

Any such requirement would impose huge implementation costs on large and small businesses.<sup>22</sup>

Numerous commenters urge the Commission not to impose any such requirements on operators of legacy MLTS. As AT&T notes, for example,

The Commission should not require warning labels for grandfathered MLTS. Many of these systems have been in place for years and requiring warning labels on each of them would be incredibly disruptive to customers. Stickers have not been shown to be effective.... Kari's Law does not mandate sticker usage—or any other requirements—on systems manufactured, imported, sold or installed before February 16, 2020.<sup>23</sup>

A handful of commenters suggest that the Commission should either require notification of 911 dialing limitations to individual users through stickers or other means,<sup>24</sup> or require legacy MLTS equipment to be brought into compliance with Kari's Law or sunsetted by some fixed deadline.<sup>25</sup> None of these commenters, however, provides any guidance as to how the Commission might overcome its lack of authority to impose such requirements. Even though the Commission specifically requested “comment on potential sources of statutory authority for such

---

<sup>21</sup> Ad Hoc Comments at 7-9.

<sup>22</sup> *Id.*

<sup>23</sup> Comments of AT&T on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) (“*AT&T Comments*”) at 7. See also TIA Comments at 12; AHLA Comments at 4; Panasonic Comments at 3-4; Verizon Comments at 4.

<sup>24</sup> NASNA Comments at 3.

<sup>25</sup> NENA Comments at 7; Comments of Florida Dep't of Management Svcs., DIVTEL, Bureau of Public Safety on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) (“*DIVTEL Comments*”) at 1; Comments of RedSky Technologies Inc. on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) (“*RedSky Comments*”) at 10. APCO only urges the Commission to “encourage” operators to bring legacy systems into compliance. Comments of the Ass'n of Public-Safety Communications Officials-Int'l, Inc. (“APCO”) on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) (“*APCO Comments*”) at 3.

requirements,”<sup>26</sup> no commenter advocating this expansive promotion of Commission regulation has provided any source of authority to support it or explain why Kari’s Law does not include it. Moreover, none has made any attempt to quantify either the costs or the benefits of such requirements. In the absence of such authority, the Commission should adhere to the unambiguous requirements of the statutory language and adopt narrowly-tailored, forward-looking regulations which does not include retroactive or transitional requirements for legacy equipment.

### **III. THE RECORD OVERWHELMINGLY SUPPORTS A MEASURED, FLEXIBLE APPROACH TO IMPLEMENTING RAY BAUM’S ACT.**

The public safety policy goals of the RAY BAUM’S Act will be best served if the Commission adopts a measured, flexible approach to implementation of any requirements that MLTS operators transmit location information with 911 calls. As Ad Hoc noted in our initial Comments, the Commission should not impose obligations on MLTS owners or operators to transmit any type of information that their MLTS equipment is not technically capable of transmitting or that would require assumption of any unreasonable costs to upgrade.<sup>27</sup> Similarly, the Commission should allow MLTS operators, in their own discretion, to determine what additional information [other than street address] is reasonably necessary to adequately identify the location of a party calling 911 from their premises.”<sup>28</sup> The record strongly supports the approach

---

<sup>26</sup> NPRM at ¶ 41.

<sup>27</sup> Ad Hoc Comments at 12.

<sup>28</sup> *Id.*

recommended by Ad Hoc.

Most commenters stress that technological solutions in this area are new and rapidly evolving. They also vary greatly depending on the MLTS equipment involved and underlying network services in use. As TIA points out, “any promulgated rule must be respectful of implementation cost and burden, technical feasibility, end-user expectations, and the potential impact on the MLTS marketplace.”<sup>29</sup> TIA also notes that the costs of implementing an overly prescriptive set of requirements may be prohibitive for many users, especially since the level of detail that is technically feasible varies significantly by type of MLTS system.<sup>30</sup>

Cisco further supports this position: “the Commission must pay keen attention to the wide variation in the types of systems that are captured by that definition and the equally wide variation in the ability for different services to provide granular dispatchable location information.”<sup>31</sup> Cisco notes that not only does the technical feasibility of providing dispatchable location information vary among fixed and nomadic on-premises and off-premises users, but so too do user expectations.<sup>32</sup> It welcomes the NPRM’s recognition that the information needed to “adequately identify the location of the calling party” will vary from case to case and supports the NPRM proposal that MLTS installers, managers, and operators “should have the flexibility to identify situations in which street address is sufficient for first responders to find the calling party.”<sup>33</sup>

---

<sup>29</sup> TIA Comments at 15.

<sup>30</sup> *Id.* at 14-19.

<sup>31</sup> Cisco Comments at 16-17.

<sup>32</sup> *Id.* at 16-20.

<sup>33</sup> *Id.* at 19, citing NPRM at ¶ 58.

Verizon also describes the differences between fixed and nomadic on-site and off-site deployments and the varying challenges for determining the best approach to defining and implementing dispatchable location in each case.<sup>34</sup> This fundamental point is echoed by several other parties.<sup>35</sup>

Avaya points out that in many instances, highly granular detail may be useless for emergency responders and that in such instances on-site help may be an appropriate substitute for such information.<sup>36</sup> Of course, as noted above, the details of any such on-site assistance should be left to the enterprise, which is best positioned to understand how to most effectively assist emergency personnel.

Microsoft too stresses that an overly prescriptive approach is likely to backfire: “the more flexibility the Commission permits (including the flexibility to rely on readily available marketplace solutions)—while also reasonably protecting Americans and their confidence in the emergency calling system—the sooner we will see improvements in our emergency calling system in the U.S.”<sup>37</sup>

Some entities representing public safety agencies recommend more specific standards but the details of their recommendations diverge from each other and are not readily reconcilable.<sup>38</sup> Thus, the record demonstrates little consensus in the

---

<sup>34</sup> Verizon Comments at 5-7.

<sup>35</sup> Panasonic Comments at 17-19; RingCentral Comments at 5-6; Comments of the Voice on the Net Coalition (“VON”) on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) (“*VON Comments*”) at 4-8; West Comments at 11, 13; *see also* AHLA Comments at 3-4 (Commission should take note that many calls from hotel rooms are on cell phones and that front desk coordination may be needed in directing emergency personnel to specific rooms).

<sup>36</sup> Avaya Comments at 3-5, 7-8.

<sup>37</sup> Comments of Microsoft Corp. on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) (“*Microsoft Comments*”) at 9.

<sup>38</sup> *See, e.g.*, APCO Comments at 5-6 (wireless rules should be applied to all solutions); Comments of the Boulder Regional Emergency Telephone Serv. Auth. (“BRETSA”) on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) (“*BRETSA Comments*”) at 3-5 (states

public safety community for specific location standards that the Commission can reasonably adopt. The Commission should therefore not mandate location information requirements for MLTS operators but, instead, adopt a flexible approach that encourages MLTS operators to transmit the location information that the MLTS operator determines would provide the most effective emergency response at its particular facilities.<sup>39</sup>

For enterprise MLTS operators, who do not have significant resources available to dedicate to a solution in this area and must deploy these limited resources to manage varied and often time complex networks, flexibility and choice are critically important in empowering them to provide the most effective solutions for assisting first responders. RAY BAUM'S Act wisely does *not* require the Commission to impose any single solution on enterprise operators—and indeed does not grant the Commission jurisdiction to impose such obligations. It cautiously requires the Commission only to “consider” what measures might be appropriate. Thus, the Commission should proceed with care in this area and should not impose either overly detailed requirements or impossible-to-meet timetables with regard to the transmission of dispatchable location.<sup>40</sup>

---

might exclude certain entities, adopt varying size standards, include varying interior ALI requirements, etc.); NENA Comments at 5-6 (adopt NENA model legislation with additional validation requirements); Comments of the Texas 9-1-1 Entities on the NPRM, PS Docket No. 18-261, PS Docket No. 17-239 (filed December 10, 2018) (“*Texas 9-1-1 Entities Comments*”) at 4-8 (use wireless rules, but NENA standards should also be “safe harbor”).

<sup>39</sup> One measure the Commission could and should adopt is to require interconnected VoIP providers to update Registered Location information immediately following receipt of such information from the customer/end-user. Ad Hoc Comments at 18. As the NPRM recognizes, Registered Location information is an important first piece (and sometimes the only available piece) of location information for VoIP users. NPRM at ¶¶ 72, *et seq.*

<sup>40</sup> A couple of commenters advocate that the compliance timetable for any dispatchable location rules should use the same February 16, 2020 date that applies under Kari’s Law. West Comments at 8; AT&T Comments at 3. But, as other commenters point out, no such timetable is required by



#### **IV. THE COMMISSION SHOULD NOT ADOPT PRESUMPTIONS OF LIABILITY OR IMPOSE FINES NOT AUTHORIZED BY STATUTE.**

Some commenters urge the Commission to impose presumptions of liability on MLTS operators or specific fines for non-compliance with rules that the Commission has not yet defined or even decided whether to adopt.<sup>41</sup> Ad Hoc urges the Commission to reject this premature, overzealous and ineffective approach to enforcement of any rules it may adopt in this proceeding.

As Ad Hoc described in its Comments to the Commission's 2017 ECS NOI,<sup>42</sup> MLTS operators function at a distinct disadvantage in the market for network services and E911 solutions when attempting to apportion responsibility and liability for 911 calling. When negotiating contracts for their services, carriers and E911 solutions providers regularly maintain that they have no liability to MLTS operators or to third parties for failures in providing access to 911 services or transmitting accurate location information for which they are responsible unless their failures result from their gross negligence or willful misconduct, an extraordinarily high standard of liability.<sup>43</sup> The MLTS operator, on the other hand is often required to

---

RAY BAUM'S Act, and the challenges of transmitting granular and accurate dispatchable location information are significantly more complex than the requirements of Kari's Law. Thus, any timetable should be realistic in light of these very real challenges. Panasonic Comments at 22; Microsoft Comments at 9; Verizon Comments at 9-10.

<sup>41</sup> Avaya Comments at 6; RedSky Comments at 10-11.

<sup>42</sup> Comments of the Ad Hoc Telecommunications Users Committee on the Notice of Inquiry, PS Docket 17-239 (filed Nov. 15, 2017) at 11-14.

<sup>43</sup> 47 U.S.C. §615a(a) (statutory provision granting "provider parity" such that a wireless carrier, IP-enabled voice service provider, or *other emergency communications provider*, receives protection from liability equal to that of the local exchange carrier) (emphasis added).

indemnify the vendor against third party claims—from which they are presumably by their own arguments presumptively immune—even when the vendor is responsible for any failure and resulting damage caused.

The Commission should not presumptively put its thumb on the scale by imposing liability on MLTS operators. Access to 911 is a shared responsibility across multiple parties—network service operators, VoIP providers, end-users/MLTS operators, and E911 solutions providers. Each should be required to assume responsibility for its own failures to discharge its obligations to provide access to 911, but none should be permitted to avoid liability because of overly broad and premature Commission action.

## **CONCLUSION**

The record evidence in this proceeding strongly suggests that, when implementing the requirements of Kari's Law and RAY BAUM'S Act, the Commission should maintain its longstanding practice of allowing operators of MLTS significant discretion in determining the best practices and procedures for ensuring their workplaces have access to emergency services. Narrowly tailored rules that impose only the “light touch” regulation favored by the Commission and that adhere to statutory mandates will advance the Commission's and Congress's important public safety objectives. At the same time, this measured approach will minimize the potentially significant economic costs and compliance burdens on

American business that rely heavily on affordable and efficient MLTS and other communications technologies to engage successfully in global economic activity.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew M. Brown", with a long, sweeping horizontal line extending to the right.

Andrew M. Brown  
Patrick J. Whittle  
Levine, Blaszak, Block & Boothby, LLP  
2001 L Street, NW, Suite 900  
Washington, DC 20036  
202-857-2550

Counsel for  
Ad Hoc Telecommunications Users  
Committee

Filed: January 9, 2019