

² 47 C.F.R. §§ 12.1 *et seq.*; see also *Improving 9-1-1 Reliability*, Report and Order, FCC 13-158 (rel. Dec. 13, 2013) (“*9-1-1 Reliability Order*”).

NG9-1-1 and in the smooth and efficient transition to NG9-1-1, including location based 9-1-1 call routing. Vesta, which became a Covered 9-1-1 Service Provider (“Covered Provider”) after expanding its portfolio of 9-1-1 services shortly after the Commission adopted the Reliability Rules, has spent significant time and resources to ensure compliance with those rules.

Motorola Solutions believes that the Reliability Rules have been successful in enhancing 9-1-1 network resiliency. Accordingly, Motorola Solutions does not support replacing the specific measures currently embodied in the rules with a general reasonableness requirement or eliminating the current certification requirements. Such proposals would undermine, rather than promote, 9-1-1 reliability.

That said, the Commission should adopt modest clarifications to its Reliability Rules to further promote their effectiveness. First, the Commission should clarify the period covered by the annual certification, which is due in mid-October of each year, by requiring that Covered Providers certify compliance as of June 30 of that same year. Second, the Commission should revise the definition of a Covered Provider by clarifying that the Covered Provider is an entity with a direct contractual relationship with a Public Safety Answering Point (“PSAP”), statewide default answering point, or appropriate local emergency authority to provide 9-1-1, E9-1-1 or NG9-1-1 call routing, Automatic Location Information (“ALI”), or Automatic Number Identification (“ANI”) service or functional equivalent of those services.

II. DISCUSSION

A. The Commission Should Retain Specific Measures for Achieving 9-1-1 Reliability and Not Adopt a General Reasonableness Requirement.

The Commission should retain the specific measures with respect to the network elements in the Reliability Rules as well as the ability to implement alternative measures to achieve compliance. This approach provides Covered Providers with precise, achievable

benchmarks that promote reliability during the design and implementation phase of new 9-1-1 network deployments. In addition, precise, achievable benchmarks serve as a valuable tool for companies striving to build an effective compliance program and to measure compliance.

Eliminating the specific measures under the Reliability Rules in favor of a “general reasonableness requirement” would jeopardize the progress the Commission has made in improving 9-1-1 network reliability and resiliency and would pose compliance challenges for Covered Providers.³ Indeed, the Commission considered previously this approach in 2014, when it proposed replacing the specific measures in the Reliability Rules with a requirement that Covered Providers take reasonable measures to provide reliable 9-1-1 service.⁴ Although the Commission suggested that a general reasonableness requirement would allow the agency to keep pace with “evolving network architectures and reliability risks,”⁵ many commenters expressed concerns with this proposal, which the Commission ultimately did not adopt. For example, CTIA argued that the Commission’s “proposal to revise Section 12.4 with a general reasonableness standard and certification – in place of specifics related to circuit diversity, central-office backup power, and diverse network monitoring – is ... misplaced.”⁶ These concerns were echoed by multiple commenters – concerns that remain equally valid today.⁷

³ *Public Notice* at 2.

⁴ *911 Governance and Accountability Improving 911 Reliability*, Policy Statement and Notice of Proposed Rulemaking, FCC 14-186, ¶ 44 (rel. Nov. 2014) (“*Reliability Rules NPRM*”).

⁵ *Id.*

⁶ See Comments of CTIA – the Wireless Association, at p. 11 (March 23, 2015) (available at <https://ecfsapi.fcc.gov/file/60001041247.pdf>).

⁷ While the current Reliability Rules should not be replaced with a general reliability standard, the Commission should consider updating several definitions in its Reliability Rules, many of which were written for a legacy E9-1-1 environment. For example, the definition of a “critical 9-1-1 circuit” incorporates the concept of a “central office,” a term anchored in a legacy network architecture. 47 C.F.R. §12.4(a)(5). In addition, the Reliability Rules require Covered

B. The Commission Should Retain the Annual Certification Requirement but Should Clarify the Period Covered by the Certification.

The Commission should retain its annual certification requirement,⁸ which is intended to “ensure senior management is aware of significant vulnerabilities in the 9-1-1 network and accountable for decisions regarding design, maintenance, and disaster preparedness.”⁹ In Motorola Solutions’ experience, the certification requirement satisfies its intended purpose. Vesta senior management spends considerable time ensuring that the company adheres to the circuit diversity and diverse network monitoring elements of the Reliability Rules. And, because Vesta takes seriously its obligation under the rules, it devotes substantial resources to ensuring that senior management can provide the requisite certification.¹⁰

One of the reasons the current certification process is effective is because of its flexibility that accommodates evolving technologies – flexibility that the Commission should preserve. The Commission has clarified that Covered Providers may certify that they have either met the specific measures in the rules or taken reasonable alternative measures to promote network reliability with respect to the network elements.¹¹ In 2017, more than 70 percent of Covered

(footnote cont’d.)

Providers to conduct a diversity audit and tag critical 9-1-1 circuits, 47 C.F.R. §§ 12.4(a)(6), (11), a requirement the Commission has recognized is antiquated and may be exceedingly difficult – if not impossible – to do in a next generation, IP-based world. *Improving 911 Reliability and Reliability and Continuity of Communications Networks, Including Broadband Technologies*, Order on Reconsideration, PS Docket No. 13-75, FCC 15-95 at ¶15 (rel. July 30, 2015) (“*Reconsideration Order*”).

⁸ See *Public Notice* at 2 (seeking comment on the utility of the certification process).

⁹ *9-1-1 Reliability Order* at ¶ 50.

¹⁰ See 47 C.F.R. § 12.4(a)(3). In Vesta’s experience, senior management is heavily involved in the certification process because the rules require the certification to be signed by a corporate officer with supervisory and budgetary authority over network operations in all relevant service areas.

¹¹ *Reconsideration Order* at ¶ 14.

Provider certifications indicated that reasonable alternative measures had been implemented to ensure circuit diversity and diverse network monitoring,¹² which confirms that Covered Providers are taking advantage of the flexibility permitted under the Commission’s current certification process.

Motorola Solutions does not believe that the Commission should “revise the frequency of certification filings.”¹³ An annual certification helps ensure that a Covered Provider is actively auditing and reviewing actual and on-going compliance with all elements of the Reliability Rules.

However, the Commission should clarify the period covered by the annual certification. Currently, it is unclear under whether a Covered Provider is certifying compliance with the Reliability Rules as of December 31 of the prior year, the date the certification is made, or some unknown date in between. Providing the Commission with network information in mid-October from an IP network audit conducted in December of the prior year is unlikely to be helpful to the Commission. Clarifying that the annual certification made in mid-October applies to network information as of June 30 of that same year would eliminate any confusion and provide the Commission with more updated information about 9-1-1 network reliability. It also would give new Covered Providers a few months to finalize the information required by the Reliability Rules and to establish compliance procedures necessary to make the annual certification.

C. The Commission Should Clarify the Definition of a Covered 9-1-1 Service Provider.

The Reliability Rules define a Covered Provider as an entity that “provides 911, E911, or NG911 capabilities such as call routing, automatic location information (ALI), automatic number

¹² See, Summary of 911 Certification Data for 2017, Report (*rel.* May 8, 2018) (available at: <https://www.fcc.gov/document/summary-911-certification-data-2017>).

¹³ See *Public Notice* at 2

identification (ANI), or the functional equivalent of those capabilities, *directly to* a public safety answering point (PSAP), statewide default answering point, or appropriate local emergency authority.”¹⁴ The Commission should modify this definition to clarify that, in order to be a Covered Provider, the entity must have a *direct contractual relationship* with a PSAP, statewide default answering point, or appropriate local emergency authority to provide 9-1-1, E9-1-1 or NG9-1-1 call routing, ALI, *or* ANI *service* or functional equivalent of those services.

The requested clarification is consistent with the intent of the Commission’s rules. As the Commission has explained, Covered Providers are generally those entities “that operate the portion of the 911 network between the selective router and the central office serving each PSAP, not those that originate 911 calls or provide NG911 capabilities that are not the ‘functional equivalent’ of legacy 911 service.”¹⁵ In the Commission’s view, such entities “provide[] 911 services pursuant to a contractual agreement with a PSAP or emergency authority.”¹⁶

The Commission can eliminate some confusion within the industry if it revises the definition of a Covered Provider to clarify that the entity must have a direct contractual relationship with a PSAP, statewide default answering point, or appropriate local emergency authority to provide 9-1-1, E9-1-1, NG9-1-1 call routing, ANI, ALI or the functional equivalent of those services. The confusion revolves around the “*directly to*” language in the current definition, the correct interpretation of which will dictate who meets the definition of a Covered Provider. Many NG9-1-1 deployments involve a prime contractor with a direct contract with the PSAP and multiple subcontractors that may actually provide the services directly to the PSAP.

¹⁴ 47 C.F.R. §12.4(a)(4)(i)(A) (emphasis added).

¹⁵ *Reliability Rules NPRM* at ¶ 19.

¹⁶ *Id.* at ¶ 39.

Erring on the side of caution, the prime contractor and the subcontractors may each view themselves as a Covered Provider. Worst case, the prime contractor and subcontractors point to the other, with no party abiding by the Reliability Rules.

The Commission can and should fill this gap by revising its definition of a Covered Provider to delete the words “*directly to*” and replace them with “*pursuant to a direct contract with.*” This revision will clarify that a Covered Provider is any party to a contract with a PSAP, statewide default answering point, or appropriate local emergency authority that includes the provision of the identified 9-1-1 services (call routing, ALI, ANI or functional equivalent), even if the covered 9-1-1 service is actually provided by another party.

Clarifying the definition of a Covered Provider also will help streamline the PSAP notification process and avoid PSAPs receiving “multiple notifications regarding a single outage, which can give the mistaken impression that separate 911 outages are occurring simultaneously in multiple provider networks.”¹⁷ Under the Commission’s Reliability Rules, Covered Providers are required to communicate directly with PSAPs during 9-1-1 network outages and significant service degradations so that PSAP personnel can promptly respond to network issues. Unfortunately, because of the current confusion regarding the scope of the current Covered Provider definition noted above, an individual PSAP may receive updates from multiple entities trying to be responsive to the situation, even though the outage involves only a single network event.

Some of these duplicative PSAP communication problems could be eliminated by clarifying that the Reliability Rules, including the PSAP communication obligation, apply to the entity with a direct contractual relationship with the PSAP. If the entity in contractual privity

¹⁷ See *Public Notice* at 3.

with a PSAP is responsible for communicating network issues with its impacted PSAP customer(s), there would be no need for other subcontractors supporting that entity to communicate with the PSAP as well. This unified approach to PSAP communication also would help address concerns about standardizing PSAP communications. The Covered Provider could work with its individual PSAP customers to develop PSAP-preferred communications in the event of network outages and service degradations consistent with the rules and each PSAP's needs.

III. CONCLUSION

Motorola Solutions shares the Commissions commitment to ensure deployment of reliable 9-1-1 networks. Accordingly, it encourages the Commission to retain the current Reliability Rules while making modest adjustments to those rules outlined above. Such adjustments would provide much-needed clarity to the industry and would help promote the resiliency of 9-1-1 networks consistent with the intent of the Reliability Rules.

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Respectfully submitted,

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