

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Public Safety and Homeland Security Bureau)	DA 18-612
Seeks Comment on 911 Network Reliability Rules)	
)	
Improving 911 Reliability)	PS Docket No. 13-75
)	

COMMENTS OF WEST SAFETY SERVICES, INC.

West Safety Services, Inc. (“West Safety”) respectfully submits these comments in response to the Commission’s *Public Notice* in the above-referenced proceeding.¹

I. INTRODUCTION

West Safety takes its role in protecting public safety very seriously, and firmly backs the Commission’s active review and development of 9-1-1 reliability rules for covered 9-1-1 service providers. The existing 9-1-1 reliability rules have largely been effective in improving the reliability and resiliency of 9-1-1 communications networks. Nevertheless, the Commission is wise to seek comment on whether the current rules maximize flexibility and account for differences in network architecture without sacrificing 9-1-1 service reliability.² West Safety supports exploration of alternative frameworks for regulation and encourages the Commission to convene a working group to discuss options.

West Safety, however, opposes revision or expansion of the existing definition of covered 9-1-1 service provider. The current definition adequately encompasses the full range of entities

¹ *Public Safety and Homeland Security Bureau Seeks Comment on 911 Network Reliability Rules*, PS Dkt. No. 13-75, Public Notice, DA 18-612 (rel. June 13, 2018) (“*Public Notice*”).

² *Public Notice* at 2; *Improving 911 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies*, Report and Order, 28 FCC Rcd 17476, ¶ 3 (2013) (“*9-1-1 Reliability Order*”).

providing core 9-1-1 capabilities to public safety answering points (PSAPs), and the definition's technology-neutral approach is sufficiently flexible in the transitional and NG9-1-1 environment. By targeting the direct provider of 9-1-1 service to the PSAP that normally routes 9-1-1 calls, calling number or location information to the PSAP under contract, the Commission has established clear roles and responsibilities that are appropriate for PSAP operations and state/local governance of 9-1-1.

The Commission's approach to outage notification, on the other hand, is in need of standardization and reform. West Safety strongly supports the efforts of the Alliance for Telecommunications Industry Solutions (ATIS) to recommend best practices that standardize content and delivery of 9-1-1 outage notifications to PSAPs. West Safety also encourages the Commission to consider alternative approaches to PSAP notification that could consolidate and streamline the number of notifications PSAPs receive about a single outage.

West Safety looks forward to additional Commission review of the 9-1-1 reliability and outage notification rules. Providing end-to-end situational awareness during 9-1-1 outages is essential to reliable 9-1-1 systems. Service providers and PSAPs both have roles and responsibilities in this environment, as outages impacting the ability to deliver 9-1-1 calls occur within provider networks and on the premises of the PSAPs. Thus, the Commission should encourage further collaboration among stakeholders to examine the next steps for improved network reliability and resiliency.

II. DISCUSSION

A. The Current 9-1-1 Reliability Rules Have Returned Positive Results, but the Commission Should Consider Alternatives to Ensure Flexibility and Innovation in Network Design.

West Safety has invested heavily in network reliability and process improvements. With the Commission's spotlight on nationwide 9-1-1 outages, West Safety has fully embraced the Commission's call to action for providers to take reasonable measures to provide reliable 9-1-1 service, including with respect to circuit diversity, central-office backup power and diverse network monitoring.

Over the last few years, the pace of technology upgrades at West Safety has increased considerably, which has improved the stability and availability of West Safety's covered 9-1-1 service provider solution. Recurrent and comprehensive technology and infrastructure review and audit also have become fixtures at West Safety, and the company regularly evaluates and tests new technologies that could improve the speed and accuracy of network outage detection and communication to affected PSAPs. In addition, West Safety continues to make progress toward automating the process for detection, monitoring, failure alarms and response to outages in order to eliminate the risk of human error and better detect, and more accurately and quickly report, 9-1-1 outages.

The pace of industry collaboration on 9-1-1 reliability and PSAP notification has also increased significantly since adoption of the 9-1-1 reliability rules. As a subcontractor to several originating carriers and covered 9-1-1 service providers, West Safety has spent considerable time over the last few years working with its customers developing and implementing processes for receiving, gathering, analyzing and reporting information about outages. Although competitive market forces have undoubtedly driven a portion of the industry's recent investment in 9-1-1 service reliability, corrective action is also attributable to the Commission's 9-1-1 reliability rules and enforcement. The Commission should therefore continue its active support of 9-1-1 reliability.

With that said, West Safety is uncertain whether the existing rules are the most effective way to prevent and mitigate outages and hold covered 9-1-1 service providers accountable. One of the main shortcomings of the current certification scheme is its laser-like focus on mandating prescriptive standards for circuit auditing, backup power and network monitoring. While these three areas remain critical to reliable 9-1-1 service, they certainly are not the only elements of reliability and the Commission should consider adopting more adaptable rules capable of embracing new technologies and best practices in the transitional and NG9-1-1 environment.

The *Public Notice* suggests two possible alternative frameworks—first, a general reasonableness requirement without certification of compliance with measures to achieve specific outcomes, and second, a certification of implementation of certain best practices. Of these two, the second proposal presents the most promising alternative to the current rules. A general reasonableness requirement is undesirable because the lack of clearly defined measures would likely lead to subjective carrier compliance and perceived unequal enforcement. A best practice certification could be effective provided the Commission avoids rigid enforcement and affords providers with appropriate discretion to use their best efforts in interpreting and implementing a core set of 9-1-1 reliability practices to the unique needs of the their respective networks.

Critical to the best practice approach would be the Commission, covered 9-1-1 service providers and other stakeholders reaching a consensus on which industry best practices are appropriate. The Commission has previously encouraged providers to implement a number of best practices recommended by the Communications Security Reliability and Interoperability Council (CSRIC) designed to improve 9-1-1 service reliability and prevent major service

disruptions.³ West Safety specifically acknowledges the current efforts of CSRIC VI, Working Group 1 to develop best practices targeted at minimizing outages in the transition from legacy 9-1-1 to NG9-1-1. Once this work is complete, ATIS could convene the relevant stakeholders for education and discussion of the recommendations for consideration, including determination of which of these best practices should be part of a core set of 9-1-1 resiliency practices, and whether any additional best practices need to be developed.

As part of its evaluation of alternative frameworks for the existing 9-1-1 reliability rules, the Commission should also consider including a waiver process for good actors as suggested by Commissioner O’Rielly in his dissent to the 2013 9-1-1 Reliability Order.⁴ In light of the onerous and costly requirements imposed on covered 9-1-1 service providers by the existing rules, the Commission should pursue ways to lessen the burden on providers that display a track record of continued compliance and network reliability. Such high achievers should not be forced to endure costly and continuous audits and annual certifications when the results do not reveal any new problems or information for the providers or PSAPs.⁵

B. The Current Definition of Covered 9-1-1 Service Provider is Appropriate.

The Commission should refrain from revising or expanding the covered 9-1-1 service provider definition. The current definition is sufficiently broad in scope to cover the entire ecosystem of transitional and NG9-1-1 capabilities and services provided directly to a PSAP. By

³ *Public Safety and Homeland Security Bureau Encourages Commissions Service Providers to Follow Best Practices to Help Ensure Network Reliability*, PS Dkt. No. 17-68, Public Notice, DA 18-378 (Apr. 16, 2018); *FCC’s Public Safety and Homeland Security Bureau Reminds Commissions Service Providers of Importance of Implementing Network Reliability Best Practices*, PS Dkt. No. 17-68, Public Notice, DA 17-672 (Jul. 12, 2017).

⁴ *9-1-1 Reliability Order*, Dissenting Statement of Commissioner Michael O’Rielly, 28 FCC Rcd at 17558.

⁵ *9-1-1 Reliability Order*, Dissenting Statement of Commissioner Ajit Pai, 28 FCC Rcd at 17556 (noting 9-1-1 SSPs must conduct costly annual diversity audits even if that information reveals nothing new to the providers or their PSAP customers).

targeting the direct provider of 9-1-1 services to the PSAP, the Commission has crafted bright-line rules and roles for providers that are both simple and sensible.

The covered 9-1-1 service provider under the existing rules is almost always the carrier with the direct contractual relationship with the PSAP for routing and/or location services. This contractual relationship is easy to track and visible to all participants, so there rarely are instances where it is unclear if a provider fits within the definition.⁶ Expanding the definition to indirect providers of 9-1-1 products and services not under contract with the PSAP will inevitably introduce confusion into the reliability and PSAP notification scheme, leading to increased risk of notice fatigue and apprehension at the PSAPs from excessive notifications and ambiguous provider roles and responsibilities.

The current definition of covered 9-1-1 service provider most properly aligns federal regulatory obligations with practice and state/local governance. The contracting 9-1-1 service provider with the PSAP is the critical point of contact between the PSAP and 9-1-1 environment. These entities generally offer their services within each state under tariff or contract, and they have very close relationships and regular communications with their PSAP customers.

PSAPs engage and select covered 9-1-1 service providers for their expertise in building and supporting 9-1-1 systems, including the ability to manage their subcontractors. PSAPs have the opportunity to negotiate contract terms with covered 9-1-1 service providers that provide the necessary control, reliability and transparency needed to support the specific requirements of each locality. Moreover, PSAPs are capable of holding these providers accountable for failing to meet service-level commitments or other contractual requirements. There is no basis for

⁶ To the extent the Commission decides revision of the covered 9-1-1 service provider definition is needed, the revisions should clarify that the definition applies only to entities in direct contractual privity with the PSAP, and these prime contractors will be held responsible for compliance with all rules and certifications.

undermining this established system of local contracting and accountability through an expanded definition of covered 9-1-1 service provider that would advance federal regulation beyond its supplementary role over 9-1-1 service provisioned to PSAPs.⁷

C. West Safety Supports the ATIS Template for PSAP Notification Template and Encourages Further Industry Discussion Regarding Ways to Streamline PSAP Notifications.

As a co-chair of the ATIS Network Reliability Steering Committee (NRSC) Situational Awareness Task Force (NSA-TF)⁸, West Safety proudly endorses the efforts of the joint task force to provide actionable information about 9-1-1 outages to PSAPs in a consistent manner and format. West Safety encourages the Commission to review both the model PSAP notification template and the accompanying ATIS Technical Report, which ATIS highlighted in its *ex parte* filing in this docket on June 29, 2018. West Safety believes standardizing content and delivery of outage notification to PSAPs is essential to minimizing confusion and communicating pertinent information, and the ATIS template is a promising step toward uniformity and enhancement of the outage notification process.

West Safety also encourages the Commission to collaborate with covered 9-1-1 service providers and other stakeholders to develop potential solutions to the confusion caused by PSAPs receiving multiple notifications regarding a single outage. The ATIS NRSC NSA-TF has made significant strides toward identifying the types of outages that occur in 9-1-1, and this data will be very important to optimizing the outage notification process. In addition, the ATIS Technical Report highlights the important issue of on-premises outages that affect a service provider's ability to deliver 9-1-1 calls into the appropriate public safety agency. Although not

⁷ See 47 U.S.C. §§ 615, 615a-1.

⁸ West Safety is represented on the NSA-TF by Mary Boyd, VP of Regulatory and Government Affairs.

reportable to the Commission, outages within PSAP systems, including failures of 9-1-1 Customer Premises Equipment (CPE), internal Local Area Network (LAN), PSAP generator/back-up power failures, stand-alone Automatic Location Information (sALI) systems and physical facilities (e.g. fire), frequently impact call delivery. Communicating these on-premises outages to service providers and the Commission is crucial to creating end-to-end situation awareness of 9-1-1 outages, and the Commission should evaluate and address this gap in its review of alternative rule frameworks.

III. CONCLUSION

West Safety appreciates the opportunity to provide these comments and looks forward to continued dialogue regarding enhancements to the Commission's rules regarding 9-1-1 reliability and PSAP notification.

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Respectfully submitted,

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