

July 24, 2019

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte Letter: Implementing Kari's Law and Section 506 of RAY
BAUM'S Act; PS Docket Nos. 18-261 and 17-239, and GN Docket No. 11-
117*

This letter is written on behalf of the Micronesian Telecommunications Corporation ("MTC") and its wholly-owned subsidiary PTI Pacifica Inc. ("PTI"), collectively doing business as IT&E, with respect to the draft *Report and Order* ("R&O") in the above-captioned proceeding.¹ IT&E requests that the R&O be supplemented to a small extent to provide additional flexibility with respect to 911 automated location identification requirements to those insular U.S. territories where no buildings have addresses with street numbers (and many streets do not even have names) and/or where the local Public Safety Answering Point ("PSAP") does not yet have the capability to receive/process 911 automated location identification information.

MTC is a small incumbent local exchange carrier serving the Commonwealth of the Northern Mariana Islands ("CNMI"), a chain of Pacific Ocean islands located approximately 6,000 miles from the U.S. western coastline. CNMI's population of approximately 50,000 people is spread primarily over the islands of Saipan, Tinian, and Rota, with Saipan having the largest population. PTI is a competitive local exchange carrier in Guam (which is approximately 90 kilometers south of the southernmost inhabited CNMI island, Rota) and a Tier III commercial mobile radio service ("CMRS") provider in both CNMI and Guam.

CNMI is a rural and economically challenged area where the median per capita income is \$24,500,² or 41.1 percent of the U.S. average.³ No area in CNMI has street numbers. Although the Saipan government established a street naming directory in 2012

¹ *Implementing Kari's Law and Section 506 of RAY BAUM'S Act*, Report and Order, PS Docket Nos. 18-261 and 17-239, and GN Docket No. 11-117, FCC-CIRC1908-05 (rel. July 11, 2019) ("Draft R&O").

² See The World Bank, *GDP per capita*, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=TR> (last visited July 21, 2019).

³ *Id.*

and initiated proceedings in 2017 to develop street numbers,⁴ no plans for establishing street numbers in Saipan have been developed or implemented. Streets on other CNMI islands often do not have names, and many buildings in CNMI do not have signage identifying them. Buildings are often referred to by names of businesses that currently or formerly operate there and individuals who used to live there or own the premises. Because the U.S. Postal Service does not provide home mail delivery, it provides residents post office boxes without charge. The CNMI PSAP does not have the technical capability to receive 911 automated location identification for either wireline or wireless calls, and the Guam PSAP only recently initiated procedures to attain the capability to implement 911 automated location identification.

IT&E shares the Commission's goal of ensuring that 911 callers are located quickly and accurately. Applying continental United States standards to insular territories 6,000 miles away, however, should include some flexibility in recognition that one size does not fit all.

It is Not Feasible to Provide Dispatchable Location Information in All Jurisdictions

The draft R&O would require fixed telephony providers to deliver automated dispatchable location with 911 calls, effective one year from the effective date of the rule adopted in the R&O.⁵ Dispatchable location information must include a "validated" street address under the Commission's draft rules.⁶ However, no database currently is available to conduct street address validation in CNMI, where, as noted, street numbers are not used anywhere and where even some streets are without names. Accordingly, the Commission should consider revising the R&O to provide an exception to the new dispatchable location information requirement for fixed telephony providers in insular territories where the provision of dispatchable location is impossible because of factors beyond the provider's control. Such an exception aligns with the public interest and would significantly reduce the burden placed on fixed telephony providers following the adoption of the R&O.

In those insular territories where 911 automated location identification information is not provided to the PSAP, a provider of multi-line telephone systems ("MLTS") also should be relieved of the requirement to deliver such information to the MLTS central location under proposed new Section 9.16 of the FCC's rules.

⁴ See, e.g., Kimberly Bautista, House numbering system in the works (July 25, 2017), <https://www.saipantribune.com/index.php/house-numbering-system-works/>.

⁵ Draft R&O ¶¶ 171-72.

⁶ *Id.* ¶¶ 140-43.

Some PSAPs Remain Unable to Receive or Process Dispatchable Location Information

The Commission should also consider revising the R&O to provide an exception where a PSAP is unable to receive or process the dispatchable location information collected by a fixed telephony service provider. The Commission has adopted similar exceptions in other contexts, including for commercial mobile radio service providers,⁷ interconnected voice over internet protocol (“VoIP”) service providers and telecommunications relay service (“TRS”) providers, in their provision of 911 location information.⁸

The PSAPs in Guam and CNMI currently do not have the same capabilities as PSAPs in the mainland. In CNMI, no PSAP has the capability to receive and process automated location information for either landline or wireless calls to 911. In Guam, the PSAP has initiated but not yet implemented upgrades to its enhanced 911 system.

As the draft R&O is currently written, providers like IT&E would be required to invest significant time and resources into compliance with the rules, even though the PSAPs are unable to receive or process that information by the time the requirements become effective. This would require ITE and other providers to expend costs on something that provides no additional public safety benefit. Instead, the Commission should consider adopting a phase-in approach where providers would be required to comply within a specified period of time following a valid request from a PSAP.⁹ Alternatively, the FCC should temporarily suspend the obligations of a service provider in an insular territory that submits a request for a waiver prior to the effective date of a new requirement until the waiver request is acted upon.

⁷ See proposed 47 C.F.R. § 9.10(m) (“The requirements set forth [regarding wireless location identification] shall be applicable only to the extent that the administrator of the applicable designated PSAP has requested the services required under those paragraphs and such PSAP is capable of receiving and using the requested data elements and has a mechanism for recovering the PSAP’s costs associated with them.”). PTI Pacifica was one of several CMRS providers that recently received a waiver of wireless E911 location accuracy standards until six months after it receives a request for Phase II location data from a PSAP. *Wireless E911 Location Accuracy Requirements*, Order, DA 19-463 (PSHSB May 24, 2019).

⁸ See proposed 47 C.F.R. § 9.5 (“if a PSAP, designated statewide default answering point, or appropriate local emergency authority is not capable of receiving and processing either ANI or location information, an interconnected VoIP service provider need not provide such ANI or location information”); see also 47 C.F.R. § 64.605 (same).

⁹ See, e.g., 47 C.F.R. § 20.18(m) (requiring CMRS licensees to provide additional location information to a designated PSAP within six months of a valid request).

Conclusion

Service providers in CNMI and Guam face unique challenges in terms of street address information and PSAPs lack the capabilities to receive and process dispatchable location information. The R&O should expressly acknowledge, and provide sufficient flexibility to manage, these challenges.

Respectfully submitted,

/s Steven Carrara

General Counsel