

July 26, 2019

***EX PARTE NOTICE***

**VIA ECFS**

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

**Re: 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 System, PS Docket No. 17-239; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules, GN Docket No. 11-117**

Dear Ms. Dortch:

On Wednesday, July 24, 2019, Angie Kronenberg and the undersigned counsel of INCOMPAS met by phone with the following members of the Public Safety and Homeland Security Bureau (PSHSB)—David Furth, Deputy Chief; John Evanoff, Deputy Chief, Policy and Licensing Division (“PLD”); William Beckwith; Thomas Eng, Electronics Engineer, PLD; and Dr. Rasoul Safavian, Technologist, PLD and separately with Joseph Calascione, Legal Advisor, of Commissioner Carr's office. In each of these discussions, we covered issues pending in the above-captioned proceedings as described below.

On the implementation of Kari's Law and Section 506 of RAY BAUM'S ACT, INCOMPAS conveyed that the Commission's approach to dispatchable location information for non-fixed interconnected VoIP may be impracticable. The public draft of the *Report and Order* requires non-fixed VoIP providers to provide alternative location information for callers, as an alternative to automated dispatchable location information or manual updating of Registered Location information.<sup>1</sup> While our members appreciate the flexibility this approach provides, certain location information as required by the original definition—such as “approximate in-building location, including floor level”<sup>2</sup>—may be technically infeasible for services that can be used from any location where the user can access the internet. INCOMPAS proposed that the

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<sup>1</sup> See *Draft Report and Order* at ¶ 181.

<sup>2</sup> *Id.*

Commission allow non-fixed interconnected VoIP providers to use the “enhanced location information” standard that it has applied to other services that face similar hurdles in locating users, such as off-premises, non-fixed MLTS services. Specifically, INCOMPAS proposed additional language (attached hereto) that would allow non-fixed interconnected VoIP providers to use enhanced location information if alternative location information is impracticable.

INCOMPAS also suggested additional language (attached hereto) that would clarify the effective date for imposing new obligations on outbound-only interconnected calls to 911. The public draft extends the interconnected VoIP definition to new services not previously subject to 911 obligations and requires providers to comply with these obligations two years after the effective date of the rules.<sup>3</sup> However, our members have raised concerns that, as written, proposed rule 9.11(a) may immediately impose these requirements on one-way outbound 911 calls. The suggested language is intended to clarify the rules to reflect a two-year compliance deadline.

Additionally, with respect to the new dispatchable location requirements for 911-capable communications services, INCOMPAS urged the Commission to extend the compliance deadline for fixed services and give all providers two years to comply with these new obligations. INCOMPAS also recommended eliminating the sticker requirement, or limiting it to certain specified scenarios, as it is generally unnecessary in an environment in which callers will be contacting 911 via applications on devices that require user IDs and passwords.

If you have any questions about this filing, please feel free to contact me.

Respectfully submitted,

*/s/ Christopher L. Shipley*

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cc: David Furth  
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<sup>3</sup> *Id.* at ¶ 182.

## APPENDIX

INCOMPAS proposes the following edits (in red) to the Commission's *Draft Report and Order* implementing the requirements of Kari's Law and Section 506 of RAY BAUM'S Act:

### Subpart D – Interconnected Voice over Internet Protocol Services

#### § 9.11 E911 Services

(a) *Before [one year after the effective date of this rule] for fixed services and before [two years after the effective date of this rule] for non-fixed services.* Subsection (a) is not applicable to an interconnected VoIP service that fulfills only subsections (1)-(3) of the definition of interconnected VoIP in §9.3 and permits users generally to terminate calls to the public switched telephone network.

\* \* \* \* \*

(b) On or after [one year after the effective date of this rule] for fixed services, and on or after [two years after the effective date of this rule] for non-fixed services. Subsection (b) applies to all interconnected VoIP services as defined in § 9.3.

\* \* \* \* \*

(b)(4)(ii)(C): Provide Alternative Location Information as defined in §9.3, if technically feasible, or enhanced location information, which may be coordinate-based, consisting of the best available location that can be obtained from any available technology or combination of technologies at reasonable cost.