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FEDERAL COMMUNICATIONS COMMISSION  
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March 17, 1995

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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RE: Revision of the Commission's Rules to Ensure  
Compatibility With Enhanced 911 Emergency  
Calling Systems, CC Docket No. 94-102

Dear Mr. Caton:

Pursuant to Sections 1.415 and 1.419 of the Commission's Rules, attached please find an original and 4 copies of the joint Reply Comments of the Ad Hoc Telecommunications Users Committee, the California Bankers Clearing House and the New York Clearing House Association, in the above captioned matter. Please date stamp the additional copy and return it with our messenger.

If you have any questions regarding this filing, please do not hesitate to call.

Sincerely,

  
Ellen G. Block

cc. Chairman Reed Hundt  
Commissoner James Quello  
Commissioner Andrew Barrett  
Commissioner Susan Ness  
Commissioner Rachelle Chong  
ITS

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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

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In the Matter of \_\_\_\_\_  
\_\_\_\_\_  
Revision of the Commission's Rules  
to Ensure Compatibility with \_\_\_\_\_  
Enhanced 911 Emergency Calling \_\_\_\_\_  
Systems \_\_\_\_\_  
\_\_\_\_\_

CC Docket No. 94-102

RM 8143

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**Reply Comments of the  
Ad Hoc Telecommunications Users Committee,  
the California Bankers Clearing House Association and  
the New York Clearing House Association**

The Ad Hoc Telecommunications Users Committee, the California Bankers Clearing House Association ("BCH") and the New York Clearing House Association ("NYCHA") submit this reply to the comments filed in the above-captioned proceeding on January 9, 1995.

The comments filed by the entities that would have to carry out the responsibilities set forth in (or implied by) the proposed rules reveal widespread concern over the Commissions' proposal. Equipment manufacturers, some local exchange carriers and telecommunications users have identified serious deficiencies in the proposed rules. Many of these commenters share the view of the Ad Hoc Committee, BCH and NYCHA that, while promotion of public safety is unquestionably a worthy goal, the public record assembled thus far does not

warrant the sweeping and intrusive regulation that the Commission appears to be proposing.

I. Telecommunications Users Share a Common View of the Commission's Proposal

Telecommunications users recognize that the proposed rules would not merely establish a technical compatibility requirement for customer premise equipment, but would dictate how virtually every business in the nation must handle workplace emergencies. The proposal would do this directly by obligating owners of PBXs and other multi-line telephone systems to develop and maintain accurate station location information and indirectly by creating potential liability on the part of employers. See Comments of the Ad Hoc Telecommunications Users Committee *et al.* at p. 7.

Other groups of telecommunications users agree. One very large association points out that the obligation to compile and update location information databases would impose exceptional and unwarranted costs on users -- including governmental and educational institutions. Comments of the International Communications Association at p. 1; see *also* Comments of NATA at p. 2. Another organization representing a broad range of telecommunications users -- including state and local governments -- states that any requirement that callers dial "9-1-1" without a prefix would "create serious problems," including the purchase of hardware and software needed for the storage of station location information, the development of a means of identifying telephones not served by DID, the imposition of an "unnecessary and prohibitively expensive" grade of

service requirement, and the undermining of internal emergency response services currently provided by some companies. Comments of the Telecommunications Association at pp. 4, 6, 9. Users also agree that the direct dialing requirement would conflict with existing dialing patterns and create widespread confusion on the part of those who are in need of emergency assistance. Comments of Washington and Oregon Telecommunications Ratepayers Association for Cost-Based and Equitable Rates ("TRACER") at p. 9; Comments of *Ad Hoc et al.* at pp. 7-8.

An organization representing the nation's electric, gas, water and steam utilities and natural gas pipelines points out that confusion would result if callers were required to dial "9-1-1" to reach an outside emergency response number in light of the fact that a "9" prefix is needed to dial all other outside numbers. Comments of UTC at p. 3. And user groups with long records of involvement on public safety issues in Washington State and Oregon conclude that the proposed rules would degrade -- not enhance -- the emergency response practices followed in many places today. Comments of TRACER at p. 10.

Finally, the United States Department of Defense, emphasizing the unique mission of each military installation, asks the Commission to exempt its facilities from the proposed rules when an installation commander so requests. Comments of the Secretary of Defense at p. 11. With the exception of security concerns, the factors cited by the Department in support of its request -- variations in telephone service configurations from one installation to another,

reliance on internal security and safety personnel -- apply with equal force to private sector users.

II. Non-User Commenters Agree that the Proposed Rules Would Create Substantial Costs and Operational Difficulties.

A broad range of commenters express concern about the costs that the Commission's proposal would unquestionably place on the owners of PBXs and other multi-line telephone systems. Northern Telecom suggests that such costs are likely to be excessive.<sup>1</sup> BellSouth cites the costs of station location database administration, and questions the need for mandatory requirements at this time.<sup>2</sup>

Other commenters point out that the issues addressed in the text of the Notice of Proposed Rulemaking go far beyond any amendments to Part 68 of the Commission's Rules and involve complex operational considerations. AT&T emphasizes this point,<sup>3</sup> as does a local exchange carrier,<sup>4</sup> and an association representing manufacturers and suppliers of equipment used to originate, route and terminate calls to public safety agencies agrees.<sup>5</sup> The North American

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<sup>1</sup> Comments of Northern Telecom, Inc. at pp. 5-9.

<sup>2</sup> Comments of BellSouth at pp. 5-8.

<sup>3</sup> Comments of AT&T at pp. 3-4.

<sup>4</sup> Ameritech states that the proposed rules would needlessly entangle the Commission in issues of day-to-day network operation and administration and legal liability, and create end-user confusion. Ameritech also points out that such over-regulation may impede the development of better solutions. Comments of Ameritech at pp. 1-2.

<sup>5</sup> Comments of the Telecommunications Industry Association at p. 7 (maintenance of station location database is "a day-to-day" requirement outside the scope of Part 68).

Telecommunications Association ("NATA"), whose members include suppliers of equipment and service to public safety agencies, concludes that the Commission's proposal dismisses the practical difficulties in pinpointing the location of individual calling stations and ignores non-technical solutions (e.g., in-house security attendants) that work well today. NATA concludes that the proposal is unjustifiable and contrary to the Commission's statutory mandate to ensure "an efficient system of communications."<sup>6</sup>

III. Many Commenters Point Out that the Proposed Rules are Unclear or Ambiguous in Critical Respects.

Parties that have closely reviewed the text of the proposed rules have pointed out that they are unclear or ambiguous in certain critical respects and would require radical changes in others. For example, the rules are unclear as to precisely what information must be included in a station location database and whether such a database would have to contain location information for all telephones served by a PBX or other multi-line system. Comments of Ad Hoc *et al.* at pp. 4-5; Comments of TRACER at pp. 6-7. The rules appear to require the PBX owner to store the location database, contrary to the way some systems operate today. Comments of TRACER at p. 2. Not until the Commission clarifies the sweep of its not-yet-fully-formed proposal will it be able to solicit information about the costs that the new rules would impose.<sup>7</sup>

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<sup>6</sup> Comments of NATA at p. 2.

<sup>7</sup> Telephone companies and users have urged the Commission to closely examine the costs associated with implementing the proposed rules. See, e.g., Comments of OPASTCO at

IV. Many Commenters Have Recognized that the Record Does Not Justify Adoption of the Proposed Rules.

This is not a case in which a change in technology has caused a degradation in the nation's emergency response systems. In other words, emergency response personnel today have no less information about the location of a calling party than they did in the past. What has changed is that one segment of the telephone network is now capable of conveying more information, but that capability cannot be used in all cases (*i.e.*, where a PBX or a wireless system is involved). It, however, does not follow that there is an emergency in the nation's public safety apparatus that warrants precipitous Commission action.

The record does not support the conclusion loudly urged by some commenters that American workers are being denied access to life-saving services or that there has been a "degradation" in 911 service. See Comments

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p. 2 (citing potentially debilitating effects on carriers serving rural areas); Comments of UTC at p. 6. These costs cannot be calculated, however, based on the proposal as drafted.

Other local exchange carriers have taken advantage of several ambiguities in the proposed rules by urging the Commission to adopt modifications and interpretations that would shift responsibilities, costs and legal risks associated with the support of E-911 systems squarely onto their customers. For example, Bell Atlantic says that location information must be provided for *each station* served by a PBX and would also have the Commission explicitly require PBX owners to create the initial database of station locations, provide that information to the telephone company and update the information "promptly" whenever changes are made. Comments of Bell Atlantic at pp. 1-3. Seeking express indemnification from its customers for "any and all liability" arising out of inaccurate or out-of-date information, Bell Atlantic goes on to ask the Commission to require those same customers to pay Bell Atlantic's costs for storing the location information, updating that information, partitioning its database to permit limited access to PBX owners, etc. *Id.* at p. 3. See also Comments of NYNEX at pp. 4-5.

of the Association of Public Safety Communications Officials, *et al.* at p. 3.<sup>8</sup> Indeed, groups active at the state level in telecommunications and public safety issues have told the Commission that only 1.8% of all calls to E-911 systems come from PBXs and other multi-line telephone systems, and in only 0.34% of such calls is the caller unable to tell the operator his or her location. As several commenters have observed, and as sound public policy requires, the Commission should "identify the *extent* of the problem before developing any final solution to fix it." Comments of BellSouth at p. 4; TRACER Comments at p. 1; see NATA Comments at p. 10.

It is the experience of the companies represented by the Ad Hoc Committee, BCH and NYCHA that business telecommunications systems provide personnel in a wide variety of work settings with appropriate means of access to emergency services through in-house security and medical departments and through public safety agencies. Far from "degraded," such access is in many instances far better today than ever before. In sum, nothing in the record compiled to date warrants the likely confusion and incalculable costs that adoption of the proposed rules would impose.

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<sup>8</sup> Compare NPRM ¶ 8 (no data on the scope or size of the "problem"); with ¶¶ 9-10 (dramatic increases in E-911 calls from wireless devices, which provide no location information); see Comments of State of New Jersey Office of Emergency Telecommunications Services, Division of State Police, Department of Law and Public Safety at p. 6 (cellular calls to 911 tripled from 1992 to 1994); Comments of the County of Los Angeles at pp. 2-3 ("significant number" of the 453,000 cellular callers in 1994 did not know their location).

## V. Conclusion

If the Commission determines that there is sufficient cause to move ahead on this matter in order to extend the full benefits of E-911 systems to a broader range of callers -- a goal with which all commenters declare themselves to be in sympathy -- it should do so cautiously. The Ad Hoc Committee, BCH and NYCHA have urged the Commission to use the advisory committee process to secure broad industry input on workable rules,<sup>9</sup> and other commenters agree.<sup>10</sup>

The Commission should also use the advisory committee process to attempt to secure broad national consensus on these issues as well. Conflicting requirements at the state and, in some cases, local level have proliferated in recent years, and the comments filed in this proceeding by organizations representing public safety officials suggest that the array of local rules will only become more diverse in the future.<sup>11</sup> One financial institution that is a member of one of the undersigned organizations reports that its branch banks in one state are subject to different requirements *from one county to the next*. Extraordinary confusion would be the inevitable result if this situation were allowed to proliferate, with each state, county and city imposing its own

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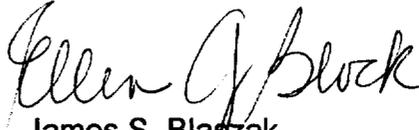
<sup>9</sup> Comments of Ad Hoc *et al.* at pp. 11-14.

<sup>10</sup> Comments of Northern Telecom at p. 62; Comments of BellSouth at pp. 8-9.

<sup>11</sup> These organizations advocate regulation of these matters by local building and fire inspectors, labor departments and other state and local agencies. Comments of the Association of Public Safety Officials, National Emergency Number Association and National Association of 911 Administrators at pp. 16-17

requirements for equipment features and installations, for the development, maintenance and administration of location databases, for the scope of any exemption for "small" locations, etc. See Comments of the State of California at p. 3. By pressing for a national consensus, the Commission could obviate the need for federal preemption.

Respectfully submitted,



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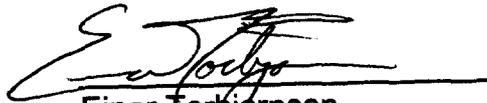
Counsel for the Ad Hoc Telecommunications  
Users Committee, the California Bankers  
Clearing House Association and the New  
York Clearing House Association

Dated: March 17, 1995

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### **Certificate of Service**

I, Einar Torbjornsen, hereby certify that true and correct copies of the Reply Comments of the Ad Hoc Telecommunications Users Committee in the Matter of Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems in CC Docket No. 94-102 were served this 17th day of March, 1995 via hand delivery.



Einar Torbjornsen

February 8, 1995

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