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City of Chicago
Richard M. Daley, Mayor

Department of Law

Susan S. Sher
Corporation Counsel

Litigation
Suite 900

30 North LaSalle Street
Chicago, Illinois 60602-2580
(312) 744-9010
(312) 744-6798 (FAX)
(312) 744-9104 (TTY)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

October 8, 1996

HAND DELIVERY

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

DOCKET FILE COPY ORIGINAL

Re: 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

Dear Mr. Caton:

On behalf of the City of Chicago, I have enclosed for filing an original and fourteen copies of its Response to Petitions for Reconsideration in the above captioned matter.

Sincerely,

Jack A. Pace
Assistant Corporation Counsel
(312) 744-6997

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554 OFFICE OF SECRETARY

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|---------------------------------------|---|------------------|
| In the Matter of |) | |
| |) | |
| Revision of the Commission's Rules |) | CC Docket 94-102 |
| To Ensure Compatibility with Enhanced |) | RM-8143 |
| 911 Emergency Calling Systems |) | |

**RESPONSE TO PETITIONS
FOR RECONSIDERATION BY
THE CITY OF CHICAGO**

The City of Chicago ("City") by its attorney, Susan S. Sher, Corporation Counsel, hereby submits its response to certain Petitions for Reconsideration filed in this matter.

Introduction

Telephone consumers living and working in the City of Chicago have for over twenty years enjoyed the benefits of the City's 9-1-1 emergency system. Today, with the recent construction of a new 161,000 square foot emergency response center, the City's 9-1-1 system incorporates state-of-the-art technology providing unparalleled service to wireline telephone callers. The City's system provides for the instantaneous and automatic transmission of the name, phone number and address of the wireline caller, with full automatic call-back capabilities. The City's system can process 3,000 calls per hour and can respond to more than 5 million calls annually.

Comments

In its Petition for Reconsideration, Ameritech requests that the Federal Communications Commission ("Commission") "allow all parties involved in the provision of E911 -- including

wireline local exchange carriers and PSAPs – to participate in the recovery of their own costs in implementing the Commission's 911 rules." Ameritech Pet. pp. 16-17. The City agrees with Ameritech's fundamental position that no one should be precluded from recovering their costs in the provision of any service -- including 9-1-1 services.

Today, the City's PSAP incurs substantial costs in responding to thousands of emergency calls from wireless customers through the routing of calls using *(star) 999 to our 9-1-1 emergency center. The rule promulgated in this docket will undoubtedly increase the City's PSAP's costs significantly. While the City believes that it has authority under state law to recover its costs, cellular providers or customers may disagree, necessitating costly litigation. And, in jurisdictions where applicable state or local law does not grant PSAPs authority to recover their costs, the result of the Commission's new rule may be a new and costly unfunded mandate. Accordingly, the City requests that the Commission clarify its rule confirming the authority of the units of state or local government responsible to fund a PSAP's costs (those currently incurred and those resulting from the Commission's rule) of providing emergency services to wireless customers, to recover those costs through the type of funding mechanisms contemplated in this rule as a matter of federal law. The Commission should not impose costs on PSAPs without ensuring that these costs can be recovered.

Whether or not the cost recovery mechanisms contemplated by the Commission is the best method to recover the costs incurred by wireline carriers would depend, at least in part, on the role the Commission envisions the wireline carriers playing in the provision of wireless 9-1-1 services. Although it will be practical for most, if not all, wireless carriers to use existing wireline carriers for transport and other various functions to transmit wireless 9-1-1 calls

to the applicable PSAP, nothing in the rule appears to require wireless carriers to do so. Accordingly, the Commission may want to clarify whether wireless carriers are free to build their own facilities to provide 9-1-1 services and/or purchase elements of the wireline network on an unbundled basis to provide 9-1-1 services to their own customers. If so, to the extent wireless carriers purchase 9-1-1 support services from wireline carriers, the wireline carriers would simply charge the wireless carriers directly for those service elements, rather than use the state/local funding mechanisms contemplated in the rule . These cost-based charges would then be recovered by the wireless carriers through their rates – in the same manner they recover their costs of transmitting other types of calls through the wireline network – and in the same manner that wireline carriers recover their costs of calls between wireline carriers.

For the reasons stated, the City respectfully requests that the Commission modify its rule as proposed herein.

Respectfully submitted,

SUSAN S. SHER
Corporation Counsel
City of Chicago

By:


JACK A. PACE
Assistant Corporation Counsel

Dated: October 8, 1996

SUSAN J. HERDINA
Chief Assistant Corporation Counsel
JACK A. PACE
Assistant Corporation Counsel
City of Chicago Law Department
30 North LaSalle Street, Suite 900
Chicago, Illinois 60602
(312) 744-9020/6997

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