



N A R U C
National Association of Regulatory Utility Commissioners

NOTICE VIA ELECTRONIC FILING

November 14, 2014

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

RE: Notice of Written and Oral Ex Partes filed in the proceedings captioned: *In the Matter(s) of Wireless E9-1-1 Location Accuracy Requirements, PS Docket 07-114; PSHSB Inquiry Into Circumstances of Major 911 Outage Centered in Washington State April 9-10, 2014, PS Docket 14-72*

Secretary Dortch:

On November 12, 2014, I spoke with **Brendan Carr**, Legal Advisor, Wireless, Public Safety, and International, Office of Commissioner Pai.¹ On November 13, 2014, I spoke (i) with **Louis Peraertz**, Legal Advisor, Wireless, International, and Public Safety in the Office of Commissioner Clyburn, (ii) **Priscilla Delgado Argeris**, Legal Advisor and (iii) **David Goldman**, Senior Legal Advisor, both in the Office of Commissioner Rosenworcel, and (iv) **David Furth**, Deputy Chief, Public Safety and Homeland Security Bureau. On the same day, I left a detailed voice mail for **Gigi B. Sohn**, Special Counsel for External Affairs, Office of the Chairman. I have forwarded copies of this ex parte to others at the FCC that I failed to contact: **Daniel Alvarez**, Legal Advisor, Wireline, Public Safety, and Homeland Security, Office of the Chairman and **Amy Bender**, Legal Advisor, Wireline, Office of Commissioner O’Rielly.

NARUC and its members greatly appreciate the outreach of **Admiral Simpson, David Furth** and others in the Bureau on 9-1-1 issues. It is apparent the Chief Simpson and the FCC understand and appreciate the crucial oversight State commissions and other State authorities play with respect to 9-1-1 service. Whatever technology or the mode of service – working voice or data 911 service is unquestionably an intrastate telecommunications services funded at the State level.² States play a continuing and crucial role in oversight and maintenance of these services.

The FCC lacks the staff and financial resources to address 911 services alone. There is no reason to undermine State authority in this area, which can only limit or obstruct state oversight and enforcement.

¹ NARUC respectfully requests any waivers needed to file this notice with respect to Mr. Carr one day late. Note, my discussions with Mr. Carr also covered almost all of the advocacy outlined in a ***Letter to Secretary Dortch Noticing Oral Ex Parte Contacts with David Strickland and Stephen Ruckman*** (filed Nov. 6, 2014), at: <http://apps.fcc.gov/ecfs/document/view?id=60000979583>.

² See, e.g., 47 U.S.C. 153(28) (“The term “interstate communication” or “interstate transmission” . . . shall not . . . include wire or radio communication between points in the same State, Territory, or possession of the United States, or the District of Columbia, through any place outside thereof, if such communication is regulated by a State commission.”)

If - as the outreach to NARUC to-date strongly suggests is the case - the FCC's intent is to (i) coordinate with State authorities and (ii) assure maximum pressure and oversight on carriers to provide working and reliable E9-1-1 service, one option is to make crystal clear (in the text of the order) to all carriers that if a State asserts jurisdiction over or imposes rules to ensure the reliability of e9-1-1 service, the FCC will strongly support the State action.

Statements that the FCC is taking no position on the scope of State authority historically has proven to be nothing more than an incentive for wasteful litigation at ratepayer (and taxpayer) expense - by bad actors and a disincentive for State enforcement action.

Similarly, forceful statements reserving State authority – but that apply that reservation to only a limited type of State authority invite litigation over the scope of the reservation.

Of course the FCC cannot grant in any statement - authority that the State legislature has not. They can, however, make clear that as a matter of federal law, States have authority over all types of 9-1-1 services and the FCC will strongly support States that exercise that authority³

I have attempted to cover all the key advocacy points raised during the oral contacts in the e-mail that might impact any open FCC proceeding. I am copying all listed FCC personnel with this notice. If any indicate I have inadvertently left out some advocacy, or have not filed this letter in a relevant docket, I will immediately refile a corrected notice that includes the omitted discussions/proceedings in any additional docket. If you have questions about this or any other NARUC advocacy, please do not hesitate to contact me at 202.898.2207 (w), 202.257.0568(c) or at jramsay@naruc.org.

Respectfully Submitted,

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Cc *Daniel Alvarez, Advisor, Wireline, Public Safety, & Homeland Security (Chairman Wheeler)*
Gigi B. Sohn, Special Counsel for External Affairs (Chairman Wheeler)
Amy Bender, Legal Advisor, Wireline (Commissioner O'Rielly)
Louis Peraertz, Legal Advisor, Wireless, International, & Public Safety (Commissioner Clyburn)
Brendan Carr, Legal Advisor, Wireless, Public Safety, and International (Commissioner Pai)
Priscilla Delgado Argeris, Legal Advisor (Commissioner Rosenworcel)
David Goldman, Senior Legal Advisor (Commissioner Rosenworcel)
David Furth, Deputy Chief, Public Safety and Homeland Security Bureau

³ An obvious way would be to simply state: “As a matter of federal law, it is clear that States have authority over all types of 9-1-1 services. The FCC will strongly support States that exercise that authority.”