

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
911 Governance and Accountability)	PS Docket No. 14-193
)	
Improving 911 Reliability)	PS Docket No. 13-75

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Commission’s *Policy Statement and Notice of Proposed Rulemaking*, FCC 14-186 (released November 21, 2014) (“*NPRM*”), in the above-captioned proceedings.

Founded in 1935, APCO is the nation’s oldest and largest public safety communications organization. Most APCO members are state or local government employees who manage and operate communications systems -- including Public Safety Answering Points (PSAPs), dispatch centers, radio networks, and information technology -- for law enforcement, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO has long been involved in Commission proceedings regarding 9-1-1 capability and other aspects of public safety communications.

APCO greatly appreciates the Commission’s concern with the reliability of 9-1-1 service across the nation, and applauds the Commission’s focus on identifying means and strategies to prevent future network outages that impact the public’s ability to seek emergency assistance by calling 9-1-1. Heightened attention is certainly called for in the wake of significant outages and the increasingly distributed nature of 9-1-1 network architecture that transcends state boundaries

and introduces many additional players. Thus, APCO agrees with the Commission's Policy Statement where it states that

every entity with a role in 911 call completion should be guided by two principles: First, any new elements of 911 architecture or service should have the necessary redundancy and reliability safeguards, along with the appropriate governance mechanisms, to maximize reliability and protect public safety. Second, significant changes in 911 service should be coordinated in a transparent manner with the Commission and with state and local authorities. To the extent that technology transitions and changes in the market for 911 services create real or perceived gaps in the delivery of reliable and resilient 911 service, the Commission will act, in cooperation with state and local partners, to close those gaps and set clear expectations regarding each service.¹

At the same time, many aspects of 9-1-1 service remains highly localized, and this counsels a continued, careful balance of federal and state and local responsibilities.

Jurisdictional Issues

Some of Commission's proposals addressing various network elements that impact 9-1-1 reliability raise important jurisdictional questions that, unfortunately, may divert attention from the underlying substantive problems. There should be no debate that network outages have impacted 9-1-1 service to the public, and that significant substantive changes are needed to prevent and manage such outages in the future. Thus, APCO supports adoption of appropriate, reasonable regulations in this area to the extent of the Commission's authority. Industry, public safety organizations like APCO, and other stakeholders (including state and local government bodies) must then "fill the gap" with appropriate rules, standards and best practices. With the exception noted below, APCO will defer to the Commission and other parties to address the specific jurisdictional issues raised by the proposals in the *NPRM*.

¹ *NPRM* at ¶35.

APCO is pleased that the Commission emphasizes that “the proposals in this *NPRM* are not intended to alter state jurisdiction over 911 or to limit state and local authorities ability to take consistent action.”² However, APCO is concerned that other statements in the *NPRM* could be interpreted to suggest that the Commission may have at least limited legal authority over PSAPs operated by state and local governments. For example, the *NPRM* states that “[j]urisdictionally speaking,” there is “shared authority of the federal government and states to collectively oversee all components of 911 service.”³ APCO disagrees with that statement to the extent that it could be read to suggest that the federal government has independent oversight over “all components,” including PSAPs. As the Commission has elsewhere acknowledged, FCC jurisdiction over state and local government operated PSAPs would be contrary to the fundamental separation of federal, state, and local government in our nation.⁴

The *NPRM* also begins with a broad discussion of the 9-1-1 “system,” and lists entities that it describes as “communications providers” (who could thus potentially fall under the FCC’s jurisdictional umbrella), including “PSAPs and emergency authorities themselves to the extent that they provide 911 network components.”⁵ However, it is important to recognize that PSAPs (even those that have created ESINets) do not “provide” network components, rather they interconnect to networks via network providers. The only entity that such a PSAP services is itself.

The following discussion includes APCO’s initial comments regarding some of the Commission’s specific proposals in the *NPRM*.

² *Id.* at ¶28.

³ *Id.* at ¶7.

⁴ *Id.* at ¶28.

⁵ *Id.* at ¶5.

Rule 12.4

The Commission’s Rule 12.4 currently requires “covered 911 service providers” to take “reasonable measures to provide reliable 911 service with respect to circuit diversity, central – office backup power, and divert network monitoring, and imposes an annual certification and reporting requirements.”⁶ As explained in the *NPRM*, the rule arguably does not currently extend to the variety of entities that provide critical 9-1-1 functionalities through complex subcontracts or other indirect arrangements. Therefore, APCO would support modification of Rule 12.4 to make clear that covered service providers, as currently defined, are responsible for the act of their agents and subcontractors with regard to their direct or indirect provision of 9-1-1 services.⁷

APCO also generally supports the Commission’s other proposed amendments to Rule 12.4, such as a requirement that the Rule 12.4 certification indicate whether a covered 9-1-1 service provider, as currently defined, “has a process in place to notify PSAPs of an outage within the timeframes specified in Part 4 of the Commission’s rules.”⁸ Such notifications are essential for reliable 9-1-1 service and it is entirely reasonable for entities to certify that they have mechanisms in place to meet their notification obligations under existing regulations.⁹

The Commission seeks comment in the *NPRM* regarding the potential need for standards or CSRIC-based best practices for compliance with the “reasonable measures” requirement of

⁶ *Id.* at ¶39.

⁷ *Id.* at ¶42.

⁸ *Id.* at ¶46.

⁹ APCO would welcome the opportunity to assist with ensuring that covered service providers have correct PSAP contact information, and that PSAPs have correct contact information for their covered service providers.

Rule 12.4.¹⁰ APCO believes that standards adopted by an ANSI-certified body, such as the Alliance for Telecommunications Industry Standards (ATIS), would be far more effective than CSRIC-based best practice, which would be potentially duplicative and carry far less weight.¹¹

Major Changes in 9-1-1 Service

APCO agrees with the goal of the Commission's proposals that 9-1-1 providers should provide PSAPs and others with advance notice of "major" changes that could impair existing 9-1-1 service.¹² Such information, if timely provided, would allow PSAPs adequate opportunity to modify operations (and in some cases replace equipment) to ensure seamless 9-1-1 service. However, as addressed in the *NPRM*, potential FCC adoption of such a requirement raises important threshold jurisdictional and definitional issues. Therefore, APCO will defer detailed discussion of the proposals in this section of the *NPRM* until after it has reviewed initial comments submitted by other relevant parties.

Situational Awareness Issues

APCO appreciates the Commission's concern with situational awareness and coordination responsibility during 9-1-1 outages, and agrees that more needs to be done in that regard. However, we are not prepared to support the Commission's proposal that it require establishment of "911 Network Operation Center (NOC) providers."¹³ The proposal raises numerous

¹⁰ *NPRM* at ¶47.

¹¹ In concert and cooperation with ATIS, APCO (which is also an ANSI-certified entity) is also working on related 9-1-1 standards.

¹² *NPRM* at ¶50.

¹³ *Id.* at ¶66.

jurisdictional, contractual and information sharing issues, and could add unnecessary and costly levels of operation. Other approaches may be more fruitful avenues to address the problem.

APCO looks forward to the comments of other parties on this issue.

CONCLUSION

APCO appreciates the Commission's attention to the 9-1-1 reliability issues presented in the *NPRM*, and supports adoption of appropriate regulations that are within the Commission's authority.

Respectfully submitted,

APCO INTERNATIONAL

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