

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

In the Matter of)	
)	
911 Governance and Accountability)	PS Docket No. 14-193
)	
Improving 9-1-1 Reliability)	PS Docket No. 13-75

Comments of Alaska Communications Systems

Alaska Communications Systems (“ACS”)¹ hereby submits these comments in response to the Policy Statement and Notice of Proposed Rulemaking (“Notice”)² issued by the Commission in the above-captioned proceedings. In these comments, ACS urges the Commission to broaden its definition of a “covered 911 service provider” that is subject to its existing and proposed 911 governance, accountability, and reliability rules to include local governments that self-provide 911 service capabilities to PSAPs within their jurisdictions. Only in that way can the Commission ensure that it receives complete and accurate information regarding 911 services nationwide, achieve its policy goals in this proceeding, and establish sufficient authority to enforce its policy choices.

Background

As ACS pointed out in its previous comments, “[s]uccessful delivery of 9-1-1 service requires the effective collaboration of network providers, PSAPs, and first responders. In significant ways, the level of reliability and resiliency of 9-1-1 services is outside the control of

¹ In these comments, “Alaska Communications Systems” signifies the incumbent local exchange carrier (“ILEC”) subsidiaries of Alaska Communications Systems Group, Inc., which include ACS of Alaska, LLC, ACS of Anchorage, LLC, ACS of Fairbanks, LLC, and ACS of the Northland, LLC.

² *911 Governance and Accountability*, PS Docket No. 14-193, Policy Statement and Notice of Proposed Rulemaking, FCC 14-186 (rel. Nov. 21, 2014).

the network provider altogether.”³ Since ACS made that statement in 2013, it has become even more evident, as local governments in Alaska and elsewhere increasingly have taken over provisioning of core 911 System Service Provider (“SSP”) functions, such as selective routing and Automatic Location Information (“ALI”) database capabilities. As the Commission recognized in enacting its 911 reliability and reporting rules, many carriers and other 911 service providers have only partial control over the availability and reliability of 911 service, because they are constrained to deliver only what their local government customers choose to order where the localities have chosen to self-provision SSP functions. Today, these problems have grown worse, because local governments across the nation, including an increasing number in Alaska, are choosing to “in-source” various 911 functions, taking them completely beyond the reach of the telecommunications carriers serving retail businesses and consumers in the area.

Discussion

ACS agrees that reliable, robust 911 network facilities and services are critical elements of today’s public safety response model. In Alaska, acute dangers can emerge suddenly and without warning. Climactic extremes, forbidding topography, sparse population density, long physical distances, and travel challenges resulting from Alaska’s limited road system all may place barriers between first responders and those needing their aid. In such circumstances, it is vital to ensure that 911 service functions reliably and properly, and provides first responders with as much accurate and complete information on the nature of each caller’s emergency as possible.

³ See *Improving 911 Reliability*, PS Docket No. 13-75, Comments of Alaska Communications Systems (filed May 13, 2013), at 4.

ACS therefore opposes the proposal to exclude from the reach of the Commission’s new rules those “PSAPs or government authorities that provide[] their own 911 capabilities.”⁴

A. The Commission Should Expand Rule 12.4 to Encompass All Entities Involved in the Delivery of a 911 Call to the PSAP, including Local Governments.

In a Policy Statement accompanying the Notice, the Commission articulates its policy “to encourage and support efforts by states and localities to deploy comprehensive end-to-end emergency communications infrastructure and programs, including seamless, ubiquitous, reliable 911 service.”⁵ To advance this goal, the Notice seeks comment on possible changes to Section 12.4 of the Commission’s rules⁶ to incorporate “best practices or additional entities” in light of the emergence of next generation (“NG911”) technologies that rely on IP technologies.⁷

The Commission adopted those requirements in 2013 to “discharge . . . our statutory responsibility for promoting the safety of life and property” in light of evidence that voluntary implementation of key best practices were inadequate.⁸ But, despite the Commission’s recognition that the architecture of 911 networks “can include multiple entities, which each provide one or more links in a chain of connectivity” between the caller and the PSAP operator,⁹ and its 2013 finding that, “no single type of entity will always provide 911 service in every community,”¹⁰ the Commission categorically excluded from the ambit of its rules several types

⁴ Notice at ¶ 42 n.100.

⁵ Notice at ¶ 34.

⁶ 47 C.F.R. § 12.4.

⁷ Notice at ¶¶ 39-47.

⁸ *Improving 911 Reliability*, PS Docket No. 13-75, Report and Order, FCC 13-158, 28 FCC Rcd 17476 (2013) at ¶ 28 (“*911 Reliability Order*”).

⁹ Notice at ¶ 5.

¹⁰ *911 Reliability Order* at ¶ 37.

of entities that play vital roles, most significantly any “governmental authority to the extent that it provides 911 capabilities.”¹¹

The Commission now proposes to expand the definition of “covered 911 service provider” to include “all entities that provide 911, E911, or NG911 capabilities . . . , regardless of whether they provide such capabilities under a direct contractual relationship with a PSAP or emergency authority.”¹² ACS believes that the Commission should close the existing loophole in its rules. Specifically, the Commission should amend Section 12.4(a)(4)(ii)(A) to exclude from the definition of “Covered 911 Service Provider” an entity that “[c]onstitutes a PSAP or governmental authority only to the extent of its *PSAP* functions.” While the Commission may have intended to exclude the internal operations of PSAPs from its reporting and reliability rules,¹³ Section 12.4, as currently worded, is considerably broader, apparently excluding from Commission scrutiny *any* state or local governmental involvement in providing any or even all aspects of 911 connectivity and functionality. This overbreadth creates substantial gaps in the data reported to the Commission regarding 911 reliability and, more importantly, the functioning of the nation’s 911 system.

Increasingly, in Alaska and other states, municipal and other local governments are opting out of traditional 911 tariff or service contract arrangements with the ILEC by “in-sourcing” 911 selective routing, ALI database management, and other services traditionally provided by carriers and other 911 system service providers. When they do so, these governments assume no less responsibility for the safety of lives and property under their

¹¹ 47 C.F.R. § 12.4(a)(4)(ii)(A).

¹² Notice at ¶ 42.

¹³ *911 Reliability Order* at ¶ 41 (observing that “the *Derecho Report* does not reflect avoidable failures on the part of PSAPs”).

jurisdiction than that formerly borne by the “covered 911 service provider.” For example, in recent years, at least two Alaska governments – the Kenai Peninsula Borough and the Fairbanks North Star Borough (“FNSB” or the “Borough”) – have notified ACS and other wireless and wireline service providers that they intend to self-provide 911 call routing and ALI database functions, and have directed carriers operating in their respective jurisdictions to deliver 911 calls to government-operated selective routers at Borough governmental office locations.¹⁴ Local governments across the nation are taking similar steps.¹⁵

Once they do so, the Commission today loses access to the reporting data that Section 12.4 seeks. The ILEC lacks both knowledge and control regarding the government’s internal decisions on backup power, redundant connectivity between the government-owned selective router and affected PSAPs, and network monitoring. In the case of the FNSB, for example, under the Borough ordinance, its selective router serves not only the Borough’s own PSAP, but also those operated elsewhere in the Borough by the U.S. government at Fort Wainwright and Eielson Air Force Base (“Eielson AFB”),¹⁶ as well as PSAPs at the Fairbanks International

¹⁴ See, e.g., Fairbanks North Star Borough Ordinance 2013-64 (adopted Sept. 12, 2013), *codified at* Fairbanks North Star Borough Code § 8.03.030(C.), attached as **Exhibit A**; Letter from David Gibbs, Director, Emergency Operations Department, Fairbanks North Star Borough, to Anand Vadapalli, President and Chief Executive Officer, ACS (July, 26, 2013), attached as **Exhibit B**.

¹⁵ See, e.g., *Investigation Into Verizon Washington, DC Inc.’s Universal Emergency Number 911 Service Rates In The District Of Columbia*, Formal Case No. 1040, Order No. 15563 (D.C.P.S.C. rel. Sept. 30, 2009), at ¶ 16 (“During 2003 and 2004, E911 connections for wireless carriers were transferred from Verizon’s tandems to the District Government’s tandems. In 2005 and 2006, the District Government moved all facilities-based wireline carriers from Verizon’s selective routers and E911 tandems to its own selective routers As of August 2006, all wireless and wireline voice service providers directly connected to the District Government’s E911 selective routers.”).

¹⁶ Because Eielson AFB has also deployed its own, standalone 911 solution for wireline traffic, and therefore is not served through the Borough’s facilities, the Fairbanks North Star

Airport, the University of Alaska Fairbanks, and the statewide default PSAP operated by the Alaska State Troopers. ACS has no ability to determine the degree to which connectivity to any of these PSAPs meets the Commission’s reliability standards.¹⁷

The Commission’s reasons for the self-imposed limitation on the scope of its rules do not withstand scrutiny. *First*, while the Commission questioned the need for such reporting because “the record in this proceeding . . . does not reflect avoidable failures on the part of PSAPs,”¹⁸ ACS’s proposed change does not require any reporting by PSAPs. Rather, ACS believes that the rule should cover government self-provision of 911 services to its own and other area PSAPs.

Second, while the Commission cited “significant questions of federalism involved in regulation of local government entities,” the Communications Act of 1934, as amended (“Communications Act”), gives the Commission broad authority to “encourage and support” state deployment of 911 services.¹⁹ Such actions could certainly include the authority – even obligation – to gather comprehensive information on the state of deployment and the kinds of support that are needed. Furthermore, the Commission already requires a variety of reports from

Borough passed a further ordinance reinstating Eielson AFB’s exclusion from the coverage of the Borough’s 911 system. *See* Fairbanks North Star Borough Ordinance 2014-29 (adopted May 19, 2014), *codified at* Fairbanks North Star Borough Code § 8.03.010(B.). Commercial mobile radio service (“CMRS”) providers, however, route calls, even those wireless calls originating at Eielson AFB, to the FNSB selective router operated by the Fairbanks Emergency Communications Center.

¹⁷ ACS, of course, would no longer meet the definition of a “covered 911 service provider” in the Borough, because none of its central offices in the Borough would “directly serve a PSAP.” 47 C.F.R. § 12.4(a)(4)(i)(B).

¹⁸ *911 Reliability Order* at ¶ 41.

¹⁹ 47 U.S.C. § 615 (“The Federal Communications Commission shall encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans, including seamless, ubiquitous, reliable wireless telecommunications networks and enhanced wireless 9–1–1 service.”).

state agencies, such as certifications that Eligible Telecommunications Carriers (“ETCs”) operating in the state are using federal universal service funds in accord with the requirements of Section 254 of the Communications Act.²⁰

Third, ACS’s proposal would not require the Commission to exercise direct regulatory authority over PSAPs in any event. Rather, the FNSB has claimed that, in purchasing and operating its own selective router, it is now functioning as a 911 SSP,²¹ a type of entity over which the Commission has long claimed regulatory authority.²²

In 2013, the Commission concluded that, “a regulatory focus on entities that provide 911 capabilities to PSAPs is most consistent with the Commission’s objectives in this proceeding.”²³ That is exactly what ACS proposes. As local governments increasingly engage in functions beyond that of the PSAP, and self-provide 911 SSP capabilities, the Commission’s rules should keep pace, so that it is fully able to monitor the health of 911 services nationwide.

²⁰ 47 U.S.C. § 254(e); *see also* 47 C.F.R. §§ 54.313(a), 54.314(a).

²¹ *Fairbanks North Star Borough E911*, Matter No. I-14-004, Letter to T.W. Patch, Chairman, Regulatory Commission of Alaska, from Michael C. Sloan, Counsel to FNSB, (filed Jan 20, 2015), at 1 (“[T]he Borough is the designated provider of emergency services in the Fairbanks region. Among other things, the Borough is responsible for managing and operating the telecommunications infrastructure required to provide E911 services. This makes the Borough the E911 System Service Provider (‘SSP’), a function that is different from emergency call takers and dispatch operators who operate the public safety answering point (‘PSAP’), which is run in cooperation with the City of Fairbanks.”).

²² *See, e.g.*, 47 C.F.R. § 20.18(h)(3) (“All entities responsible for transporting confidence and uncertainty between wireless carriers and PSAPs, including LECs, CLECs, owners of E911 networks, and emergency service providers (collectively, System Service Providers (SSPs)) must implement any modifications that will enable the transmission of confidence and uncertainty data provided by wireless carriers to the requesting PSAP.”).

²³ *911 Reliability Order* at ¶ 41.

B. Expanding the Definition of “Covered 911 Service Provider” to Include Local Governments that Self-Provide 911 Capabilities Will Allow the Commission to More Fully Achieve its Other Policy Goals for this Proceeding

Adopting a more comprehensive definition of “Covered 911 Service Provider” as discussed above will better enable the Commission to achieve its other policy goals. The Commission’s proposals for testing and information sharing, in particular, would be hobbled by the exclusion of local governments that are the primary provider of 911 capabilities in a given area.

For example, the Notice seeks comment on additional network reliability practices that should be incorporated into Rule 12.4, and states that “one area of particular importance will be the reliability and testing of software and databases used to process 911 calls.”²⁴ But, in the Kenai Peninsula Borough and FNSB, it is the Borough government itself that operates and maintains the ALI database. Unless the Commission revises the definition of “covered 911 service provider” to include those governmental entities, any rules the Commission adopts regarding the reliability and testing of the software and database will be for naught.

Similarly, the Commission proposes to require certifications from covered 911 service providers as to the processes they have in place to notify PSAPs of outages and share “information and situational awareness, as appropriate under the circumstances, during disruptions in 911 service.”²⁵ But, in areas where the local government has “in-sourced” the provision of 911 selective routing and database capabilities, it is the local government, not ACS, that is likely to have the most complete and current information on those matters. Unless the definition of “covered 911 service provider” includes them, the Commission will have no

²⁴ Notice at ¶ 45.

²⁵ Notice at ¶ 46.

advance insight into what, if any, processes, procedures, or policies they may have developed to cover these contingencies.

ACS's proposed change to the definition of "covered 911 service provider" will also alleviate the Commission's concerns regarding the emergence of inexperienced "non-carrier SSPs" that may use "technologies that may be novel or as yet untested in a particular jurisdiction."²⁶ Local government decisions to purchase equipment and self-provide 911 capabilities are no less prone to implementation errors than the transition to any other new non-carrier SSP, and no less in need of Commission oversight.

C. The "911 NOC Provider" for an Area Should Be the Entity or Entities that Operate Selective Routers that Serve that Area

To facilitate the sharing of information during 911 service disruptions, the Notice proposes to establish a "class of covered 911 service providers that would assume primary responsibility for situational awareness and information sharing . . . , monitoring their networks to detect disruptions or degradations in 911 service, and for affirmatively communicating relevant information, as appropriate, to other stakeholders."²⁷ These providers would be termed "911 Network Operations Center (NOC) providers."²⁸

Again, the Commission's goals will be best fulfilled by adopting a definition of "covered 911 service provider" that encompasses local governments in cases where they self-provide 911 capabilities. ACS proposes that 911 NOC Provider duties for a given jurisdiction be held by the entity that operates the selective router that directs traffic to all PSAPs in that jurisdiction. In general, ACS believes that this rule would, in most cases, place 911 NOC Provider duties with

²⁶ Notice at ¶ 48.

²⁷ Notice at ¶ 66.

²⁸ *Id.*

the same entity that would receive them under the Commission’s proposal to vest those duties in “the entity responsible for transport of 911 traffic to the PSAP or PSAPs serving that jurisdiction.”²⁹ ACS’s proposal, however, would remove the ambiguity that may emerge from a definition based on the transport function in cases where a non-carrier SSP operates the selective router and establishes connectivity to the PSAP.

Conclusion

For the foregoing reasons, ACS hereby requests that the Commission amend the definition of “covered 911 service provider” contained in Section 12.4 of its rules to encompass the activities of local government entities that self-provide 911 capabilities, such as selective routing or ALI database capabilities, to PSAPs within their jurisdictions.

Respectfully submitted,



Digitally signed by Richard
R. Cameron
Date: 2015.03.23 18:39:45 Z

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March 23, 2015

²⁹ Notice at ¶ 67.

Exhibit A

Fairbanks North Star Borough Ordinance 2013-64 (adopted Sept. 12, 2013), *codified at*
Fairbanks North Star Borough Code § 8.03.030(C.)

1
2 By: Luke Hopkins, Mayor
3 Introduced: 08/22/13
4 Advanced: 08/22/13
5 Amended: 09/12/13
6 Adopted: 09/12/13
7

8 FAIRBANKS NORTH STAR BOROUGH

9
10 ORDINANCE NO. 2013 - 64

11
12 AN ORDINANCE AMENDING THE FAIRBANKS NORTH STAR BOROUGH CODE OF
13 ORDINANCES RELATING TO 911 AND EMERGENCY COMMUNICATIONS
14 SERVICES INCLUDING BY AMENDING THE ENHANCED 911 SURCHARGE,
15 DESIGNATING TWO PUBLIC SAFETY ANSWERING POINTS WITH SELECTIVE
16 ROUTERS AS DEMARCATION POINTS FOR DELIVERY OF 911 CALLS BY
17 CARRIERS, EXPANDING THE ENHANCED 911 SERVICE AREA
18

19 WHEREAS, the 911 surcharge is reviewed and adjusted annually by the
20 Assembly as part of the budgetary process and maintaining a reference to a specific
21 surcharge amount in Code may create a conflict between the fee schedule that is
22 approved annually by the Assembly and the surcharge amount identified in the Code;
23 and
24

25 WHEREAS, wireless and wireline access lines billed to addresses on
26 Eielson Air Force Base and Fort Wainwright should be considered part of the Borough
27 911 system because all wireless 911 calls from the military bases are routed through
28 the Borough 911 system; and
29

30 WHEREAS, state and federal law requires telecommunications carriers to
31 present 911 calls to a designated Public Safety Answering Point (PSAP); and
32

33 WHEREAS, the Borough desires to establish two selective router
34 demarcation points for carriers to terminate their inbound Enhanced 911 circuits.
35

36 NOW THEREFORE BE IT ORDAINED by the Assembly of the Fairbanks
37 North Star Borough:
38

39 Section 1. This ordinance is of a general and permanent nature and shall
40 be codified.
41

42 Section 2. Section 3.60.010(A), **Enhanced 911 surcharge**, is amended
43 to read as follows:

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED AND CAPITALIZED]

44 A. A surcharge [IN THE AMOUNT OF \$0.75 PER MONTH] per local access line is
45 imposed on all local exchange access lines and each wireless telephone number that is
46 billed to an address in the Fairbanks North Star Borough[, EXCLUDING FORT
47 WAINWRIGHT AND EIELSON AIR FORCE BASE,] to fund the enhanced 911 system.
48 This surcharge shall be reviewed annually by the assembly to determine whether the
49 level of surcharge is adequate, excessive or insufficient to meet the anticipated
50 enhanced 911 system needs.

51
52 Section 3. Section 8.03.010, **Enhanced 911 emergency reporting**
53 **system**, is amended as follows:

54
55 A. Pursuant to AS 29.35, any local exchange telephone company providing service
56 within the borough shall cooperate in the establishment of an enhanced 911 emergency
57 reporting system.

58 B. The area served by the enhanced 911 system shall be the entire Fairbanks North
59 Star Borough[, EXCLUDING FORT WAINWRIGHT AND EIELSON AIR FORCE BASE].

60
61 Section 4. Section 8.03.020, **Definitions**, is amended to add the following
62 definition (which shall be added by the clerk in alphabetical order):

63
64 “911 PSAP Selective Router Demarcation Point” is the physical point at which
65 the public network of a telecommunications company ends and the private network of
66 the Borough’s 911 System begins.

67
68 Section 5. Section 8.03.030, **Enhanced emergency reporting systems**,
69 is amended as follows:

70
71 A. The borough may purchase, lease or contract for any enhanced 911 equipment
72 or services required to establish or maintain an enhanced 911 system at public safety
73 answering points from a local exchange telephone company or other qualified vendor of
74 an enhanced 911 system.

75 B. If the enhanced 911 system is to be provided for an area that is included in more
76 than one telephone company service area, the borough may enter into such
77 agreements as are necessary to establish and operate the system.

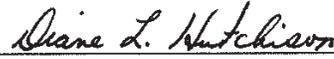
78 C. The Borough hereby designates both 911 Cushman Street and 800 William C
79 Leary Lane in Fairbanks as the two 911 PSAP Selective Router Demarcation Points
80 solely for the purposes of 911 call delivery by telecommunications carriers.

81
82 Section 6. Effective Date. This ordinance shall be effective at 5:00 p.m. of
83 the first Borough business day following its adoption.

84
85
86
CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED AND CAPITALIZED]

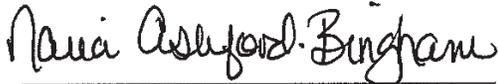
87
88

PASSED AND APPROVED THIS 12th DAY OF SEPTEMBER, 2013.



Diane L. Hutchison
Presiding Officer

ATTEST:



Nanci Ashford-Bingham, MMC
Municipal Borough Clerk

89
90
91
92
93

Ayes: Davies, Sattley, Dukes, Dodge, Kassel, Hutchison
Noes: Roberts
Excused: Howard
Abstained: Lawrence

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED AND CAPITALIZED]

Exhibit B

Letter from David Gibbs, Director, Emergency Operations Department, Fairbanks North Star Borough, to Anand Vadapalli, President and Chief Executive Officer, ACS (July, 26, 2013)



Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

www.co.fairbanks.ak.us

July 26, 2013

CERTIFIED MAIL

Anand Vadapalli, President/CEO
Alaska Communications/ACS Wireless
600 Telephone Avenue
Anchorage, AK 99503

RE: 911 Systems Upgrade Project
Fairbanks North Star Borough, Alaska

The Fairbanks North Star Borough has initiated a 911 system upgrade project that will include updates to the existing Primary Public Safety Answering Point (PSAP) at the Fairbanks Emergency Communications Center as well as the provisioning of a back-up PSAP at the Borough's Emergency Operations Center. This will deploy the foundation of a Next Generation 911 System within the Borough and effectively consolidate our 911 call taking to a single Primary PSAP.

Please acknowledge this as formal notice for your company to initiate the engineering and provisioning of telecommunications facilities for the transmission of 911 calls by your subscribers within the Borough to our modified Public Safety Answering Points. We intend for this transition project to be complete by the end of the current calendar year.

We will be establishing two geographically diverse demarcation points for the delivery of 911 calls by telecommunications carriers. These will be located at:

Primary PSAP Fairbanks Emergency Communications Center (FECC)
911 Cushman Street, Fairbanks, AK

Backup PSAP Fairbanks North Star Borough Emergency Operations Center (EOC)
800 William C Leary Lane, Fairbanks, AK

We will provide the PSAP-side equipment for in-bound 911 trunks; we are requesting a declaration of your intended provisioning and specific protocols so that we may obtain the appropriate gateway equipment. Our redundant data centers will be located at these two locations and be simultaneously active for the receipt of calls.

We have recently selected our technology vendor and intend to initiate system design activities within the next 30 days. You will be invited to participate and receive responses to your technical questions at that time.

As we understand Alaska's regulatory requirements for local exchange carriers, the determination of facilities, routing and access is up to each carrier. Note that we require no additional priority restoration or other dedicated facilities.

Coincident with this transition, the Borough will be hosting its own Enhanced 911 Automatic Location Information (ALI) database. You will receive further information on the requested business processes and file management protocols to administer your company's subscriber data on this system.

Please contact me at (907) 459-1221, dgibbs@fnsb.us or 911 Project Manager Bill Doolittle at (206) 948-3440, bill.doolittle@911insight.com to initiate the coordination of your implementation activities.

Sincerely,



David Gibbs, Director
Emergency Operations Department
Fairbanks North Star Borough

CC: Commissioner T.W. Patch, Chair, Regulatory Commission of Alaska
John Rockwell, 911 Coordinator, State of Alaska DPS