

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

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

**Comments of the
National Association of State 911 Administrators**

The National Association of State 911 Administrators (NASNA) represents state 911 programs in the field of emergency communications. Established in the early 1990’s as a 501(c)(3) non-profit organization, NASNA is the voice of the states on public policy issues impacting 911. NASNA members believe that state 911 leaders’ expertise can assist industry associations, public policymakers, the private sector, and emergency communications professionals at all levels of government as they address complex issues surrounding the evolution of emergency communications.

The comments submitted below are based upon a consensus of our membership and their collective experience with the provisioning of 911 services.¹

1. Policy Statement

NASNA agrees that a stronger partnership is needed between the states and the Commission, particularly when components of 911 and NG911 systems extend beyond a state’s boundaries and when a multiplicity of different parties are responsible for various components of the system. While the NPRM proposes a comprehensive national approach to greater transparency and coordination – something that is a necessary and valuable improvement – any approach the Commission adopts in its rules must complement and enhance state and local control over 911 services. The rules should be structured in a way that gives the states tools and empower them to hold covered 911 service providers accountable for identifying issues quickly, resolving issues quickly, and communicating quickly and thoroughly in the event of a 911 system outage.

¹ Individual members may provide separate comments to the Commission that agree with, amplify, differ from, or are in addition to the comments offered by NASNA in this matter.

2. Revisions to Rule 12.4.

Covered 911 service provider. The Commission's current rules define a "Covered 911 Service Provider" as "any entity that provides 911, E911, or NG911 capabilities such as call routing, automatic location information (ALI), automatic number identification (ANI), or the functional equivalent of those capabilities, directly to a PSAP, statewide default answering point, or appropriate local emergency authority, or that operates one or more central offices that directly serve a PSAP." For purposes of the rules, a central office "directly serves a PSAP" if it (1) hosts a selective router or ALI/ANI database (2) provides functionally equivalent NG911 capabilities, or (3) is the last service provider facility through which a 911 trunk or administrative line passes before connecting to a PSAP.

The Commission's proposed rules would expand that definition to include all entities that provide 911, E911, or NG911 capabilities, such as call routing, ALI, ANI, location information servers (LIS), text-to-911, or the functional equivalent of those capabilities, *regardless* of whether they provide such capabilities under a direct contractual relationship with a PSAP or emergency authority.

NASNA believes that the prime contractor for 911 and NG911 services (hereinafter referred to as "911 System Service Provider" or "911 SSP") should be responsible for guaranteeing to the PSAP or 911 authority that its agents and sub-contractors are experienced and qualified. If a PSAP or 911 authority contracts for a covered 911 service provider's products independent of the 911 SSP, then that covered 911 service provider should provide the assurance of its qualifications directly and the contract's provisions should hold them accountable for quality of service and performance.

Network Operating Center. The Commission's proposed rule would assign the role of 911 Network Operations Center (911 NOC) to the entity responsible for the transport of 911 traffic to the PSAP or PSAPs serving that jurisdiction.

This proposal concerns NASNA. In some states the 911 NOC function is provided by the same entity that provides the transport or is the 911 SSP, but in others it is not, and in still others there is more than one NOC monitoring different aspects of the system. An example of the

latter scenario is the state of Maine. The 911 SSP should be responsible for providing the NOC or NOCs, regardless of whether it does so via a subcontractor or subcontractors.

The Commission's proposed rule would also make the NOC provider responsible for coordinating all communications during an outage. If the NOC provider is also the 911 SSP, then we would agree. But, if it is not, then we do not agree. The entity responsible for coordinating all communications during an outage should be the 911 SSP, as the prime contract holder with the PSAP or 911 authority.

3. Ensuring Transparency and Accountability in Connection with Major Changes to Existing 911 Service

The Commission proposes to require notification to the Commission and the public of major changes in any covered 911 service provider's network architecture or scope of 911 services that are not otherwise covered by existing network change notification requirements.

NASNA agrees that public disclosure of major changes in 911 service is an important step toward increasing accountability. But, requiring every individual covered 911 service provider to individually report major changes in their respective products, facilities and networks may still not solve the accountability problem. It would inform the FCC, but the implication of the major change may not be immediately obvious to "the public." The "public" that needs to know of such major changes is the PSAP and/or 911 authority. Although we are not opposed to the idea of requiring public notice as envisioned by the NPRM, PSAPs and 911 authorities should not have to scour the daily notices to find out what proposed changes will directly affect them. That communication would best come from the 911 SSP. The 911 SSP should report to the PSAP or 911 authority major changes made by them, their subcontractors, and other affiliated entities.

Excluding major changes made at the request of a PSAP or 911 authority will also not solve the accountability problem. A major change requested by one PSAP or 911 authority may well affect more than just the PSAP or 911 authority that requested it. In NASNA's view, a major change is a major change – wouldn't the Commission want to know?

The Commission's existing process to collect and publish network change notifications seems as though it would work for this purpose. The reporting entity should be responsible for notifying

affected PSAPs and 911 authorities, not some external entity with no legal relationship with the PSAP or 911 authority such as NENA or APCO – or NASNA, for that matter.

The NPRM poses several questions that boil down to ‘what types of changes would need to be reported?’ Changes that impact 911 service in more than a single state should be among the changes considered major and therefore reported. Changes with an impact on an entire system, whether regional or statewide also should be considered major and therefore reported. But, this issue raises questions for us. For example, would this rule, if adopted, require a CMRS provider to report every time it reprograms a cell tower to repoint certain sectors to a different PSAP or require software vendor to report software upgrades? The NPRM is not clear in that regard.

The Commission proposes to require notification at least 60 days before major changes in 911 service take effect. Some changes may impact PSAP operations or require PSAPs and 911 authorities to expend funds. Given the nature of government budgeting, appropriation and contract amendment requirements, 60 days for some types of changes may not be adequate. Perhaps the Commission could consider a tiered mechanism in which 60 days is the default, except for changes that impact PSAP operations, 911 service contracts or 911 expenditures. In those cases, the timeframe would be longer.

4. Discontinuance or Impairment of Existing 911 Services Essential to Call Completion

The Commission proposes that covered 911 service providers seeking to discontinue, reduce, or impair existing 911 service in a way that does not trigger already existing authorization requirements should be required to obtain Commission approval.

Whether the covered 911 service provider should be required to get Commission approval depends on the nature of the covered 911 service provider.

- If the covered 911 service provider is also the 911 SSP and is not otherwise required to report, then it should be required to obtain Commission approval. This is important, because a discontinuance, in particular, would require the PSAP or 911 authority to procure replacement service. This would unquestionably have budget and funding impacts, not to mention potentially negative public safety impacts. NASNA does not see this situation as analogous to when a Voice over IP provider, a CMRS provider or an ILEC

decides to discontinue aspects of their service. Consumers in general have options for voice services; options for 911 service are significantly more limited. Sixty days' notice is not adequate in such a situation.

- If the covered 911 service provider seeking to discontinue, reduce or impair service is a subcontractor to the entity that serves as the 911 SSP, then NASNA sees this as more of a contractual issue between the 911 SSP and its subcontractor. The 911 SSP has an obligation to provide the same level of service to its customer (the PSAP or 911 authority) regardless. If the 911 SSP has to replace the vendor or product with an alternative, then they would, and they would communicate that to their PSAP or 911 authority customer(s).

The processes states and localities currently have in place to evaluate requests to discontinue, reduce or impair existing 911 service vary. What happens and how it is handled depends on a number of factors, including the regulatory environment and the nature of the covered 911 service provider. If the covered 911 service provider is the 911 SSP and is an ILEC, then the state's utility commission has some level of jurisdiction. If the covered 911 service provider is the 911 SSP and is not an ILEC, then in most cases it would be a contractual issue between the 911 SSP and its PSAP or 911 authority customer. If the covered 911 service provider is a subcontractor to the 911 SSP, then the 911 SSP – which has the prime contractual obligation toward the PSAP or 911 authority – would have to address this with its subcontractor and then advise its PSAP or 911 authority customer.

5. Situational Awareness and Coordination Responsibility during 911 Outages

The scope of information and communications expected from various entities in the 911 ecosystem should be comprehensive. PSAPs and 911 authorities – to the extent they are not the same entity – need to know:

- That there is an outage
- The nature of the outage
- Which covered 911 service provider(s) is the source of the outage
- Who is responsible for making the repair
- What is being done to make the repair

- The estimated time to repair
- The telephone numbers of everyone who attempted to call 911 during the outage, but could not get through

With regard to the latter bullet point, NASNA agrees with the comments of our member from the state of Vermont about the importance of smoothing the process by which the 911 authority receives the telephone numbers of 911 calls made during the outage. It is not acceptable for a provider to claim that doing so would violate the confidentiality provisions of their contracts with interconnecting originating service providers. It should not be up to the PSAP or 911 authority to identify and call each originating service provider to request that information, either. An outage is a unique situation. Everyone should be focused on (1) identifying and fixing the problem and (2) contacting the people who tried to call for help out of human concern for their plight. The covered 911 service provider that is the prime contractor should be responsible for coordinating all of that and delivering the information promptly.

Information about the other bulleted items needs to be shared among all the parties involved. A conference bridge should be made available immediately. Periodic status updates should be convened on a schedule agreed to by the parties. Again, NASNA sees this as primarily a contractual issue.

As previously stated, *someone* needs to be responsible for coordinating the gathering and dissemination of information about the outage to all parties involved. We agree that all other covered 911 service providers should be required to provide the requested information to the designated coordinating party. The Commission has proposed that the 911 NOC provider be empowered with this responsibility. As we previously noted, that may not always be appropriate. It is our opinion that the designated coordinating party should be the 911 SSP as the prime contractor to the PSAP or 911 authority. All other entities should be required to provide any and all requested information, and any information that was not requested that may be important to the process.

NASNA is concerned that the proposed rules may not capture the complexity that exists and may thereby still leave gaps in accountability. A few of our members provision their own ESInets

using leased or state-owned facilities. The provider of the ESInet backbone may be a telecommunications provider, but may not be a “covered 911 service provider.” Furthermore, that entity may have little or no experience with or knowledge of 911. In some instances, the State is functionally the 911 service provider, and as such may procure network transport, databases and other services via contracts with a variety of entities just like an ILEC or other 911 service provider would. Other NASNA members have sub-state entities within them that similarly provision their own ESInets. NASNA is not sure that the provider of the ESInet backbone – regardless of who that entity is – is covered under the NPRM.

Thank you for the opportunity to provide comment in this important proceeding. NASNA appreciates your consideration of our perspective.

Respectfully submitted,

A handwritten signature in cursive script that reads "Evelyn Bailey".

Evelyn Bailey, Director
National Association of State 911 Administrators
380 Blake Hill Road
East Calais, Vermont 05650-8180
(844) 381-3635
evelyn.bailey@nasna911.org