Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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

REPLY COMMENTS OF FAIRFAX COUNTY, VIRGINIA

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SUMMARY

The Commission articulated two broad principles that it believes should guide every entity with a role in 9-1-1 call completion as they transition from the legacy 9-1-1 environment to a Next Generation 9-1-1 environment: (1) any new elements of 9-1-1 architecture or service should have the necessary redundancy and reliability safeguards, along with the appropriate governance mechanisms, to maximize reliability and protect public safety; and (2) significant changes in 9-1-1 service should be coordinated in a transparent manner with the Commission and with state and local authorities.[1]

Fairfax County concurs with these principles and endorses a continued development of standards and best practices that support and advance those guiding principles. These standards and practices should be incorporated into a defined term, "PSG 9-1-1," that would provide a standard for reliable and resilient 9-1-1 governance. This standard, which is detailed in Section III, *infra*, would provide Public Safety Answering Points with sufficient knowledge and flexibility to enter contracts with covered service providers that can provide the best service for the locality.

The Commission requests comment on proposed notification requirements for major changes to 9-1-1 service and for disruption of 9-1-1 service. These notifications should be provided directly to the Public Safety Answering Point or State 9-1-1 Board and should be addressed in the parties contract. This matter is addressed in more detail in Section IV.

Among the specific changes the Commission proposes to advance are changes to Rule 12.4 in light of the expected challenges as 9-1-1 undergoes a significant transition to Next

[1] In the Matters of 911 Governance and Accountability Improving 911 Reliability, 80 Fed. Reg. 3191, 3193 (proposed Jan. 22, 2015) (to be codified at 47 C.F.R. pt. 12). ("NPRM").

Generation 9-1-1.[2] Fairfax County comments specifically on those proposals in Section V, with specific recommendations of an expanded definition of covered entities under the modified Rule.

Finally, Fairfax County proposes additional actions the FCC could take in support of Next Generation 9-1-1 in Sections VI.

[2] *Id.* at 3193-94.

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The County of Fairfax, Virginia, submits these reply comments in response to the Notice of Proposed Rulemaking ("NPRM") to ensure the reliability and resiliency of the communications infrastructure necessary for continued availability of the Nation's 9-1-1 system, during times of major disaster as well as when major technology changes are introduced into the public safety system as the transition to Next Generation 9-1-1 ("NG9-1-1") occurs. The NPRM proposes multiple possible approaches to address NG9-1-1 considerations as well as amendments to Part 12 of Title 47 of the Code of Federal Regulations.

I. BACKGROUND

Fairfax County is home to over 1,100,000 people.[3] More than 20% of the approximately five million residents of the metropolitan Washington, D.C., area live in Fairfax County.[4] The

[3] *Demographic Reports 2014*, County of Fairfax, Virginia, at II-2, *available at* http://www.fairfaxcounty.gov/demogrph/demrpts/report/fullrpt.pdf.

County is home to over half of the metropolitan area's Fortune 500 companies,[5] a major university,[6] and the headquarters of numerous federal intelligence agencies, including the Central Intelligence Agency, National Geospatial-Intelligence Agency, and the National Reconnaissance Office.

Fairfax County has made the provision of public safety services, including 9-1-1 service, to its residents, businesses and visitors one of its highest priorities. Fairfax County's 9-1-1 Call Center, the public safety answering point ("PSAP"), is the largest in the Commonwealth of Virginia and one of the ten largest in the United States. Besides the County's 1.1 million residents, the County's 9-1-1 Call Center also serves as the PSAP for the City of Fairfax, the Towns of Vienna and Herndon, and the Fort Belvoir U.S. Army Base. Fairfax County's 9-1-1 Call Center receives approximately one million calls per year.

II. NEED FOR COMMISSION ACTION

In 2013, the Commission adopted new rules to improve the reliability and resiliency of 9-1-1 communications and to require 9-1-1 service providers to give PSAPs timely and

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[4] *Our Changing Region: Highlights from the 2010 Decennial Census*, Metropolitan Washington Council of Governments, published July 23, 2011, at 1, *available at* http://www.mwcog.org/uploads/pub-documents/pV5eWV020111011135345.pdf.

[5] See Fortune 500 List compiled by the Fairfax County Economic Development Authority, *available at* http://www.fairfaxcountyeda.org/facts-and-figures/business-lists/fortune-500-list (last visited Feb. 24, 2015).

[6] George Mason University, located in the central part of Fairfax County, is the largest public university in the Commonwealth of Virginia. See http://about.gmu.edu/ (last visited February 24, 2015).

actionable notification of 9-1-1 outages. The Commission did so upon finding that voluntary measures alone have proven inadequate.[7]

The Commission's 2013 rulemaking focused on traditional 9-1-1 service providers that deliver 9-1-1 service through dedicated delivery channels, such as the public switched telephone network ("PSTN"). In delivering through these dedicated channels (such as telephony communication circuits) the 9-1-1 service provider utilizes components that are, by and large, under its control (*e.g.*, wire line central office ("CO") facilities and wireless mobile switching centers ("MSC")). Now that progress in Next Generation 9-1-1 ("NG9-1-1") is accelerating, the rules promulgated in 2013 are proving to be drawn too narrowly.

III. DEFINE PUBLIC SAFETY GRADE ("PSG") 9-1-1 AS THE STANDARD FOR RELIABLE AND RESILIENT 9-1-1 GOVERNANCE

Local jurisdictions currently have an abundance of best practice information for network reliability along with a growing array of service providers with solution offerings that purport to offer such a service. Various national industry associations including the National Emergency Number Association ("NENA") and Association of Public Safety Communications Officials ("APCO") and other similar organizations such as the National Public Safety Telecommunications Council ("NPSTC") have developed standards and practices for redundancy and reliability safeguards, as well as many other areas. The problem is not the availability of "best practices" and standards information. Certainly there are some additional best practices to be documented or revised for improved 9-1-1 reliability. The difficulty faced by localities is that there is no definitive means to determine which of these "best practices" are the

[7] Reliability and Continuity of Communications Networks, Including Broadband Technologies, PS Docket Nos. 13-75, 11-60, Report and Order, 28 FCC Rcd 17476, 17484-85, ¶ 24 (2013) ("911 Reliability Order").

most critical to implement and how they relate to the evolving standards for NG9-1-1 in order to minimize the impact of equipment or component failures. Nor is there a way to independently confirm that the offered solution meets the basic criteria in published standards or best practices for NG9-1-1 and/or that when implemented the proper application of industry best practices will continue to be applied and followed.

The Commission could assist PSAPs by facilitating the creation of a definition for Public Safety Grade ("PSG") 9-1-1. The Commission should coordinate and consult with NENA, APCO, NPSTC, Department of Homeland Security ("DHS") and other industry associations to define and publish a document that articulates PSG 9-1-1 standards using the industry developed existing standards and best practices as input to the consultation process. The Commission is a very capable clearinghouse for industry best practice information and a voice on standards adoption. The Commission, as a Federal agency, has the resources to facilitate the focused discussion and the provision of specific subject matter expertise (such as cyber security) in a more efficient manner than most states acting independently and it should utilize these resources to facilitate the creation and publication of the PSG 9-1-1 standards document. This PSG 9-1-1 document could be published by one of the industry standard setting associations and would set forth, in one place, a consolidated view of those "best practices" and the associated standards that are recognized across the industry. Service providers could then self-certify that they meet the PSG 9-1-1 requirements, which would provide PSAPs with sufficient knowledge to ensure that the service provider engages in the appropriate best practices.

The Commission should continue its use of the Communications Security, Reliability and Interoperability Council ("CSRIC"), which has been beneficial and has established a significant number of best practice recommendations that incorporate industry association standards in

multiple subject disciplines as well as international engineering association standards and guidelines that are applicable to 9-1-1. As one possibility for consideration in this PSG 9-1-1 process, the Commission might wish to refer to Annex 2 in a Centre for the Protection of National Infrastructure ("CPNI") document labeled *THE CPNI Good Practice Guide to Telecommunications Resilience Annex 2 – Twenty Questions to Ask Your Provider*.[8] Other self-assessment questions also exist in the same document that might stimulate discussion about certification. The definition of PSG 9-1-1 can be complex and multi-layered and, if adopted, the initial definition would likely be added to over time.

As a template to consider for the definition of PSG 9-1-1, the NPSTC Report,[9] which was prepared with a consortium of industry organizations and government liaison members, is an effective model to coalesce the primary best practices and standards that could be applied to PSG 9-1-1. The NPSTC Report was related to the guidance efforts for FirstNet and contains details which are not directly relevant to a PSG 9-1-1 definition, such as site hardening. Nevertheless, it provides valuable information that is applicable to any public safety system.

An initial working high level definition of PSG 9-1-1could be based on the NPSTC Report and articulate that PSG 9-1-1 is a communications system for 9-1-1 calls that minimizes the impact of, or eliminates entirely, equipment or component failures that result in a loss of call throughput and that PSG 9-1-1 communications systems and governance procedures are

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[8] CENTRE FOR THE PROTECTION OF NAT'L INFRASTRUCTURE, TELECOMMUNICATIONS RESILIENCE GOOD PRACTICE GUIDE VERSION 4 (March 2006), *available at* https://www.cpni.gov.uk/documents/publications/undated_pubs/1001002-guide_to_telecomms_resilience_v4.pdf.

[9] NAT'L PUB SAFETY TELECOMM. COUNCIL, DEFINING PUBLIC SAFETY GRADE SYSTEMS AND FACILITIES FINAL REPORT (May 22, 2014) *available at* http://www.npstc.org/download.jsp?tableId=37&column=217&id=3066&file=Public_Safety_Grade_Report_140522.pdf.

designed in a manner that promotes a quick return to optimal performance. At a minimum, Fairfax County recommends that the PSG 9-1-1 standard be initially defined to include requirements for Reliability and Resilience, Service Level Agreements, and Operational Reporting and Alarm.

The Commission asks "whether it may be appropriate to take further steps, in coordination with state and local authorities, to promote a national governance structure that proactively increases end-to-end accountability and produces measurable results."[10] The Commission proposes to "require covered 9-1-1 service providers that seek to offer new services that affect 9-1-1 call completions to certify to the Commission that they have the technical and operational capability to provide reliable 9-1-1 service."[11] Fairfax County supports a requirement, as set forth in Rule 12.4 and proposed Rule 12.6, that covered 9-1-1 service providers certify they have conducted a reliability and security risk analysis of the network components, infrastructure, and/or the software components that comprise the offered 9-1-1 service solution.

However, the Commission should not adopt a national governance structure that mandates best practices certification in all aspects of 9-1-1 service provision. 9-1-1 is primarily a state and local responsibility. Although *mandatory* certification is not appropriate, the establishment of a definition for PSG 9-1-1 could be coupled with a self-certification process that industry associations and other appropriate organizations could initiate to help clarify expectations and standards for reliable and resilient 9-1-1 service across the United States.

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[10] NPRM, 80 Fed. Reg. at 3193.

[11] *Id*. at 3196.

Assisting representative state and local parties with the creation of a definition of PSG 9-1-1 at a national level in coordination with, and not in replacement of, existing NENA, APCO, CSRIC best practices and/or other standards already in existence or development will strengthen the overall framework for NG9-1-1 and help mitigate cross-state outage impacts as multiple localities move toward a PSG 9-1-1 framework. Creation of the definition at the national level ensures a consistent understanding of what PSG 9-1-1 represents, while allowing the states and/or localities to decide whether PSG 9-1-1 certification is necessary ensures that the local entities retain sufficient flexibility when making decisions regarding "911 deployment, operations and cost recovery."[12]

IV. NOTIFICATION REQUIREMENTS RELATING TO TRANSPARENCY AND ACCOUNTABLITY FOR MAJOR 9-1-1 CHANGES AND SITUATIONAL AWARENESS AND COORDINATION DURING OUTAGES

a. Notification requirements for major changes

The Commission proposes to extend the requirements of section 251 of the Communications Act[13] to cover 9-1-1 service providers that are not Incumbent Local Exchange Carriers ("ILECs"). Currently, the Commission does not require these providers to file notifications when changes to their networks may affect 9-1-1 connectivity. We support an FCC requirement that ILECs or System Service Providers ("SSPs") who provide services directly to PSAPs under

[12] *Id.* at 3193.

[13] 47 U.S.C § 251(c)(5) (requiring telecommunications carriers "to provide reasonable public notice of changes in the information necessary for the transmission and routing of services using that local carrier's facilities or networks, as well as of any other changes that would affect the interoperability of those facilities and networks").

a contractual agreement notify the PSAP directly of such changes, regardless of whether such change is undertaken by the ILEC or SSP, or it is introduced to the network by subcontractor or other entity to the ILEC or SSP in the course of its provision of service. Having a subcontractor or other entity report such changes to the PSAP will cause confusion. We would expect that notification system would also be a part of the contractual relationship between the provider and the PSAP, particularly since a "major" network change is likely to be a 9-1-1 service affecting change in services.

The Commission also sought comment in the NPRM on what changes should be considered "major" for notification purposes.[14] The Commission proposes that changes which impact 9-1-1 service in more than a single state should be considered major.[15] A more effective definition of a "major" change is one that interrupts 9-1-1 service to a PSAP (i.e., impedes the ability to answer a 9-1-1 call) or that has the potential to interrupt service to a PSAP. Such an interruption or potential interruption constitutes a "major" change whether it is across a state boundary or within a state boundary.

The Commission proposes to require 60 days of notice to the PSAP for such major changes.[16] While 60 days of notice generally would be sufficient, a "one size fits all" requirement is not sufficiently nuanced to account for the myriad of consequences that could flow from a major change. If the proposed "major" change requires a PSAP to engage in additional substantive action, such as procuring components to support the change, then 60 days may not be sufficient. In some circumstances, many months might be required to complete the procurement process.

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[14] NPRM, 80 Fed Reg. at 3195.

[15] *Id*.

[16] *Id*.

For that reason, the Commission should incorporate additional language in its notification requirements to require different notice periods when necessary for the PSAP to respond. Specifically, the requirement should ensure that PSAPs are provided with a longer notification time when procurement activities are or may be required in response to the proposed major change.

b. Notification requirements for system outages

We oppose the Commission's proposal to "establish a clearinghouse mechanism for critical information during major 9-1-1 outages and other significant degradations in service," with the express purpose "to address gaps in situational awareness and coordination when large-scale 9-1-1 outages affect multiple jurisdictions and service providers."[17] The Commission's proposal would establish a new class of covered 9-1-1 service providers called a "9-1-1 Network Operations Center (NOC)."

This is unnecessary. The responsibility for requiring better situational awareness and coordination should be established in the Service Level Agreement ("SLA") between the local jurisdiction/PSAP and its service provider. The SLA should establish the requirement for NOC services and the responsibility for monitoring services under the terms of the negotiated SLA. Such a comprehensive SLA could be included as an element of the PSG 9-1-1 certification process, which would result in consistent notification requirements across jurisdictions that utilize PSG 9-1-1 certified service providers. The means of alarm notifications would vary through any number of management consoles and systems at a NOC level. If a NOC provider is contractually obligated to inform the local jurisdiction of service outages, a requirement that the

[17] *Id*. at 3197.

NOC provider supply real-time reports to the FCC is unnecessary, duplicative and provides no benefit to the local jurisdiction. If other jurisdictions using the same provider are also impacted, their contractual arrangements should require notification of possible service outages as well. Therefore, Fairfax County does not support the Commission's proposal to establish a national reporting requirement.

V. REVISED DEFINITION OF COVERED 9-1-1 SERVICE PROVIDER

The Commission proposes to expand the scope of the definition of a covered 9-1-1 service provider.

Fairfax County generally supports the concept of extending the definition of a covered 9-1-1 service provider. However, the NPRM's proposed language is drafted too narrowly in some regards as it lists only one out of several elements in NG9-1-1 location functionality, and it lacks clarity and context in other areas.

A traditional 9-1-1 call was a simple voice call. Although the Commission's proposed rule 12.4 speaks to text messages as an additional type of "call" subject to the Commission rules, NG9-1-1 communications between emergency requestors and PSAPs will potentially involve more multi-media interactions than are presently possible in most PSAPs due to the presence of older technology. As PSAPs are upgraded with NG9-1-1 capable equipment, more multi-media data, such as pictures and streaming video of emergency scenes, will be transmitted along with the traditional voice communications. In addition, the concept of what constitutes a call will be expanded as the increased use of automatic alarms will likely increase the number of machine-to-machine interactions between an outside site and the PSAP. Therefore, the rule should clearly define what a 9-1-1 "call" is under NG9-1-1. The additional definitions proposed below should ensure that all potential communications are encompassed in the definition.

a. Proposed New Definitions

Fairfax County proposes several additional terms that would then be incorporated into a revised definition of "covered service provider." The addition of these terms will sharpen and clarify which entities the rules will apply to and what their specific responsibilities entail. Generally, Fairfax County's suggestions include:

(1) Adding definitions of "call", "location identification", "9-1-1 call chain", and "ESInet operator" to the definitions portion of Section 12.4; and,

(2) Proposing a modification to parts (i) (A) and (B) under 12.4 (4), the definition of a Covered Service Provider entity.

i. *Definition of Call*

Under Section 12.4 "Definitions" we propose to use a variation of the NENA definition of a "call":

> ***Call.*** A generic term used to include any type of Request For Emergency Assistance (RFEA) between an originator (caller) and a receiver (a receiver being a PSAP, statewide answering point or appropriate local emergency authority). A call is not limited to voice and may include a session established either by (1) signaling with two way real-time media involving a human making a request for help, or (2) an automated device acting as a caller sending a notification or other data to a receiver (whether human or another machine). The term "call" can refer to a "Voice Call", "Video Call", "Text Call" or "Data-only call".

Including a broader definition of the types of "calls" that are utilized through NG9-1-1 clarifies the types of information that will pass through NG9-1-1 networks and recognizes that new providers will contribute new functional elements in the delivery of 9-1-1 "calls."

ii. *Definition of Location Identification*

The NPRM proposes a definition of "covered service provider" that adds some NG9-1-1 terminology for location information functions by including newer terms in the definition such as

LIS and text-to-9-1-1. This additional terminology in the definition is also used for the sections dealing with "Database and Software Configuration and Testing" and "Situational Awareness and Information Sharing." However, it is more appropriate and accurate to include a complete set of currently used terms for location identification functions. The rule should separately define "Location Identification" as a term, which can then be used in the definitions of "covered service provider," "Database and Software Configuration and Testing," and "Situational Awareness and Information Sharing." This addition will make those definitions more accurate, complete, and simpler to read and understand. Separately defining "location identification" also simplifies the process of updating the rules if additional terms for location information functions are introduced to NG9-1-1 services.

With this background in mind, we propose the following definition of "location identification" under Section 12.4 "Definitions":

> ***Location Identification***. A generic term used to include any functional capability in a 9-1-1, E9-1-1, or NG9-1-1 system whose purpose is to locate the source of a call. This includes, but is not restricted to, legacy terms and functions for location identification and also newer NG9-1-1 terms of the functions for location identification, such as: automatic location information (ALI), automatic number identification (ANI), location information services (LIS), Location Validation Function (LVF), Emergency Call Routing Function (ECRF), Emergency Services Routing Proxy (ESRP), and any such future terms for equivalent location identification functions.

iii. *Definition of 9-1-1 Call Chain*

A 9-1-1 "call" passes through various physical and software network elements, each forming a link in a chain, from call initiation (Network Layer FE) to receipt at the PSAP (Call Handling FE). Service providers have traditionally been ILECs who supply network delivery capabilities and other third-party providers under contract to the ILECs who perform ancillary network capabilities in support of location identification functions (*e.g.*, ALI lookups). Under

NG9-1-1, a provider might only provide software functionality in a 9-1-1 call chain, through a contract with a system integrator that is the prime contractor for a PSAP. However, that software could perform a vital central function in the 9-1-1 call chain, such as routing the call to the correct PSAP under the Location Identification FE. A specific example would be a supplier that provides a 9-1-1 software solution component under a subcontract with a system integrator that performs the Emergency Call Routing Function ("ECRF") for a NG9-1-1 network. The system integrator, under a prime contract with a region or collection of PSAPs, provides the end-to-end ESInet solution (Network Layer FE) and makes provisions for the ESInet to be in place and operational. However, the system integrator utilizes the subcontractor's ECRF software solution (Location Identification FE) as the routing engine to functionally transfer calls across the network. In this limited example, both the subcontractor and the prime contractor (the system integrator) provide substantial functional components of the "9-1-1 call chain" that enable requests for emergency call services to be provided in a reliable and resilient fashion. PSAPs would benefit if these components of the "9-1-1 call chain" could self-certify that they are PSG 9-1-1 compliant. The inclusion of this proposed definition adds context and clarity to those entities that local jurisdictions would require be PSG 9-1-1 certified.

With this background we propose the following definition of "9-1-1 call chain" under Section 12.4 "Definitions":

> ***9-1-1 call chain***. A generic term used to include any functional capability in a 9-1-1, E9-1-1, or NG9-1-1 system whose purpose is to refer to the high level functional components that function together to comprise a call for emergency service from the initiation of a call ("the caller") to the receipt of the call at a PSAP, statewide default answering point, or appropriate local emergency authority ("the receiver"). The functional components of the call chain can be physical hardware components and/or software components provided by one provider or multiple providers in multiple combinations. Each functional component and provider provides an intrinsically vital element of the chain which links the initiation of the call from the caller at "Point A" to the receiver at "Point B". This 9-1-1 call chain includes, but is not limited to, the following functional

elements (FEs): Network Layer FE, Border Control Function FE, Location Identification FE, Outgoing Alerts FE, System Alarms FE, and Call Handling FE.

iv. *Definition of ESInet Operator*

Under Section 12.4 "Definitions" we propose the following definition of "ESInet operator":

> ***ESInet Operator***. A generic term used to include any entity that operates and or provides specialized Emergency Services Internet Protocol (IP) network connectivity (an ESInet) in support of the 9-1-1 call chain between a caller and a PSAP, statewide default answering point, or appropriate local emergency authority as such entities are defined in 47 C.F.R. § 64.3000(b), whether directly or indirectly as a contractor or agent to any other entity.

b. Revised Definition of Covered 9-1-1 Service Provider

With the above definitions established, Fairfax County proposes the following as the definition of a "covered 9-1-1 service provider" for 12.4(a)(4)(i):

A covered 9-1-1 service provider would be any entity that:

(A) Provides direct or indirect support of a call through the 9-1-1call chain to a public safety answering point (PSAP), statewide default answering point, or appropriate local emergency authority as such entities are defined in 47 C.F.R. § 64.3000(b), either as a contractor or an agent to any other entity, and/or

(B) Performs as an ESInet Operator or operates a central office that directly serves a public safety answering point (PSAP), statewide default answering point, or appropriate local emergency authority as such entities are defined in 47 C.F.R. § 64.3000(b). For purposes of this section, a central office or ESInet Operator directly serves a PSAP, statewide default answering point, or appropriate emergency authority if it hosts a selective router or the functional equivalent for location identification, or is the last service-provider facility through which a 9-1-1 trunk or administrative line passes before connecting to a PSAP.

VI. ADDITIONAL FCC ACTION TO SUPPORT NG9-1-1

Fairfax County strongly concurs with the Commission's decision that based on "significant questions of federalism" and "a strong consensus among commenters that the

Commission should not interfere with the internal operations of PSAPs,"[18] it should not impose reliability certification requirements on governmental authorities that provide their own 9-1-1 capabilities.

In response to the Commission's request for suggestions on how the federal government can be more proactive with leading and coordinating the transition to NG9-1-1, we recognize the Commission's recent establishment of a Task Force on defining the Optimal PSAP Architecture and concur that this level of participation and coordination, using a variety of industry and governmental subject matter experts, is a prudent and judicious exercise of the Commission's authority to assist the orderly transition to NG9-1-1. As discussed in Section III, *supra*, there are also other options that could permit the Commission to be proactive and supportive of NG9-1-1 through CSRIC and industry associations, all of which are productive and desired avenues for input.

The Commission could also assist with the transition toward NG9-1-1 through funding requests. Although the Commission does not have direct authority to set aside funding to assist the States and tribal organizations transition to NG9-1-1, we strongly encourage the Commission to utilize its public policy statements to advocate in support of NG9-1-1 and balance the scales of funding that Congress set aside out of The Middle Class Tax Relief and Job Creation Act of 2012 ("The Act"). The Act allocated $7 billion towards other high priority public safety initiatives for the implementation of critical public safety communication capabilities through the use of funds from spectrum auctions. Only $125 million was set aside for NG9-1-1, despite a

[18] 911 Reliability Order, 28 FCC Rcd at 17490-91, ¶ 41.

United States Department of Transportation ("USDOT") Study on NG9-1-1[19] that estimated the costs to implement NG9-1-1 to exceed $7 billion.

There may have been legitimate reasons to cap the estimated funding for NG9-1-1 implementation out of the spectrum auctions at $125 million, which is only 2% of USDOT's $7 billion estimate, when the legislation was enacted in 2012. However, given the AWS spectrum auctions' recent success, which obtained $44.9 billion compared to the original estimate of $18 billion, Fairfax County urges the FCC to petition all appropriate powers in Congress and the Executive Office to set aside additional funding out of the AWS spectrum auction to assist the states as they implement NG9-1-1.

VII. CONCLUSION

Fairfax County agrees with the Commission that all stakeholders must be proactive as the transition to NG9-1-1 occurs. The Commission can facilitate this transition by adopting clear definitions that clarify all parties' responsibilities in the provision of NG9-1-1 services. The Commission can assist states and localities by facilitating both the creation of broad definitional requirements for reliability that can be adopted by local authorities and self-certification standards for entities that seek to enter the NG9-1-1 market. Moreover, the Commission can exercise its influence to ensure adequate funding for NG9-1-1 implementation is distributed to states and localities. However, because the provision of 9-1-1 services remains a local function, Fairfax County believes the Commission should abstain from instituting a national governance structure that mandates certification for all aspects of 9-1-1 service and that it should not

[19] U.S. DEPT. OF TRANSP., NEXT GENERATION 9-1-1 (NG9-1-1) SYSTEM INITIATIVE, FINAL ANALYSIS OF COST, VALUE, AND RISK, VERSION 1.0, at 65 (March 5, 2009).

implement a national clearinghouse to report 9-1-1 outages. Such changes would add unnecessary steps to a complex process. Fairfax County looks forward to continued involvement in these efforts to improve 9-1-1 reliability by providing further input to the Commission as the NG9-1-1 transition continues.

Respectfully submitted,

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