

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

In the Matter of

911 Call-Forwarding  
Requirements for Non-  
Service-Initialized Phones

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PS Docket No. 08-51  
) 47 C.F.R. § 20.18

To: The Commission  
Via: Office of the Secretary

COMMENTS OF KEVIN A. JOLLIFF

I. INTRODUCTION

1. The commission has requested comments on the above rule change in order to determine if the obligation of CMRS providers to transmit 911 calls from NSI devices continues to serve an important public safety objective. Commercial Mobile Radio Service (CMRS) providers are required by agency rule to transmit all wireless 9-1-1 emergency phone calls without respect to their call validations. Essentially, wireless telephones must be able to reach emergency services, even if not associated with a current paid for service or plan. This allows individuals without the means to acquire long-term service to have access to these services during an emergency. However, when these so called "non-service initialized" (NSI) devices contact emergency dispatchers (PSAPs), there is no name, address, or call back number attached to the device. This may lead to the abuse of these devices.

2. In the 1990's, the Commission enacted the rule requiring CMRS providers to transmit all 9-1-1 calls from wireless mobile handsets, including those without a form of user identification. The rationale for this rule was simple and profound: make access to emergency services as widespread as possible. By prohibiting validation requirements, the Commission sought to prevent possible delays by allowing those who possessed devices, but not service, to contact PSAPs without enduring identification procedures. The Commission recognized that possible disadvantages existed, mainly in the form of hoax emergency calls. However, with an eye toward public policy, the rule was implemented at the behest of public safety organizations.

3. By the late 2000's, the original fears of abuse had been recognized. Responders to a notice of inquiry, including 9 public safety organizations, reported that abuse had become rampant and burdensome. It was reported that a small percentage of calls from NSI devices concerned true emergencies. A system already heavily burdened wasted resources dealing with calls that could not be ignored, but could be easily falsified. Methods of dealing with hoax calls were ineffective and PSAPs clashed with CMRS providers who declined to block abusers because of legal and technical reasons. Safety organizations sought improvements to the system in place.

4. However, by 2013, safety organizations instead petitioned to eliminate the rule altogether. The NSI phone problem had become considerable. There was a consensus among these groups that the system now did more harm than the good upon which the rule was predicated. In response to the Commission's request for updated comments, 6 public safety entities and one CMRS provider criticized the rule and argued that it had outlived the original purpose.

2. DISCUSSION

5. In response to the petitioners, the Commission proposes to sunset the NSI rule after a six-month transition and outreach program. Arguing that the issues with the rule remain acute while the underlying need has diminished, the Commission seeks

comment on the proposal.

#### A. Cost and Extent of the NSI Problem

6. The Commission asserts that the cost of the NSI rule is significant. Relying upon the data presented during the inquiry, the Commission contends that the majority of the calls originating from NSI devices are not related to actual emergencies. In one instance, four states claim that less than 4% of NSI calls were legit. In one month, over 80% of the NSI calls received in North Carolina were non-emergency calls, with an additional 7% deemed "malicious" non-emergency calls. These hoax or non-emergency calls tie up deployable emergency resources, occupy operators, and create unnecessary communication traffic. In at least one instance, a network was reduced to a non-functioning state because of a flood of false calls. This commentator agrees that the cost of the NSI rule is burdensome. The Commission asks for further data on the devices used in these calls and the risk of additional PSAP collapse. This commentator lacks the expertise to answer these inquiries and leaves them to other qualified commentators. However, the evidence is clear that the NSI rule creates a general and quantifiable burden upon emergency services.

7. The Commission also acknowledges that other commentators suggest the bulk of the problems associated with NSI devices stem from a limited number of users. The Commission seeks comment on the number of calls originating from minors as well as the impact of smart phones on these numbers. This commentator suggests that even if minors and particular types of phones cause the bulk of the problems, this data would be inconsequential. The number of Americans with cell phones has continued to grow; as of 2014 90% of adults have a cell phone. Additionally, 78% of teens are given access to a cell phone. These numbers indicate how engrained in culture the cell phone has become. There are now more of these devices in the United States than people. These devices are continually exchanged as they are damaged, replaced, or sold. Devices are deactivated and reactivated on a regular basis. In this context, minors are no longer given phones as a toy; they have their own. Thus, an examination of the number of calls stemming from minors or from certain types of phones, if possible, would be a fruitless endeavor. A device blocked could be easily replaced. A troublemaker tracked may have sold the phone long ago. With the ease of access to these devices, this commentator suggests that the costs associated with unregistered devices cannot be practically tied to individuals or certain demographics.

7. This commentator agrees with the Commission's determination that the costs associated with NSI devices is significant. Certain individuals or demographics may be more responsible for these harms. However, with the ubiquitous nature of the phone, it is pointless to attempt locate the point source of these ills. Thus, not only are NSI devices burdensome, there is no obvious remedy to the presented problems.

#### B. Reduced Benefits of NSI Devices

8. The Commission also asserts that the benefits attributed to the NSI rule have decreased. The intention of the regulation was to jump upon the growth of cell phone usage to bring wireless emergency access to a greater number of people. However, the Commission contends that the benefit of this access no longer surpasses the discussed costs. Specifically, with the growth of wireless devices, expenses have dramatically decreased. With the onset of cheap, reliable pre-paid phones there is wide access to phone service at extremely affordable rates. The Commission also contends that the number of donation programs has decreased in relation to NSI devices: both the rule and programs are out of date.

9. However, commentators contend that the public has come to rely upon this rule and that the elimination of NSI service could have tragic results. However, this commentator argues that such fears are overblown. As discussed, the vast numbers of American adults already possess a functioning phone. Almost 75% of seniors, a specifically at risk group, already have a cell phone. This commentator is unable to ascertain how many people rely upon a NSI device. However, it is clear that other readily available and affordable options exist. As previously mentioned, there are pre-paid phone options. However, even a traditional phone service may be obtained for as little as \$3.50 a month. There are also affordable specialty systems

available for seniors; these services could handle any lapse in service created by the elimination of NSI calling.

10. Other commentators also argue that programs for NSI device donation do still exist and that this indicates Americans do rely upon this system. This commentator agrees with this assertion. A simple Internet search will reveal an array of programs related to the donation of phones for emergency purposes. However, as stated by other commentators, major carriers seem to have moved away from the practice. Instead, donated phones are recycled or repurposed to instead fund charities or to provide new pre-paid devices. Again, there are ample alternatives for those relying upon NSI devices. Even though organizations do still exist to distribute NSI phones, better alternatives exist and different charities would still benefit from device donation. This commentator contends that there will be a minimal impact from a cessation of the NSI service.

11. This comment contends that the benefits associated with the NSI service have diminished significantly. With pre-paid and affordable phone plans available, those seeking an emergency only device actually have better, more complete options as a result of technological advancement. Certainly, it is clear that some individuals still utilize this system for critical access to emergency services. However, it is clear that these programs have become outdated and that ample alternatives exist to fill whatever void would be created by the proposed rule.

### C. Reasonable Transition Period and Sunset

12. The Commission proposes a uniform sunset date for the elimination of the NSI requirement. This single cut-off date would provide greater certainty for users and an efficient transition for providers. Education and notification would occur during this time to facilitate the process. The Commission proposes this process last an additional 6 months.

13. This comment agrees in part with the plan. Specifically, the 6-month limit is problematic. It has been established that a certain percentage of the population appears to rely upon NSI devices for this critical public service. Additionally, the elderly and low-income citizens utilize these devices. It is logical to assume that those who lack a basic form of communication may be more difficult to effectively communicate with. The reality is that while the number of people who rely on a NSI device may be small, and the cost of the system burdensome, there is still a strong public policy consideration for safety. Thus, this commentator would extend the education period to a full year to ensure that all users may be educated and that any consequences are kept at a minimum.

14. The Commission also seeks comment on a number of technical issues related to a possible sunset on the NSI rule. The impact on roaming service phones, the actions the proposal would require from CMRS providers, and other network considerations would be vital for the proposal's success. However, this commentator does not have the technical knowledge to address these concerns and leaves such discussions to other comments.

15. The Commission's proposed elimination of the NSI rule is sound. To eliminate confusion, the requirement should be discontinued simultaneously across the nation. Additionally, a strong notice and education process would greatly reduce the chance of people continuing to rely on NSI devices. However, with this consideration in mind, the process should be expanded to a full year to ensure that those who truly rely on this system may be informed and educated on any impending changes.

### 3. CONCLUSION

16. In light of the foregoing reasons, this comment formally suggests that the Commission: 1) accept that the NSI system presents a significant burden upon emergency services, 2) that there is a consensus that most calls from NSI devices are non-emergency related, 3) that the service has and will continue to be used in a nefarious manner, 4) that targeting specific demographics or individuals would be an ineffective means of addressing NSI issues because of the prevalence of wireless devices, 5) that the original justifications for the rule are outdated, 6) that ample and affordable alternatives exist, 7) that the proposed rule will be most effective if carried out simultaneously, and 8) to ensure that those who do rely on

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the system remained informed, an education period of at least 1 year should be enacted before the service is discontinued.

Respectively Submitted,

/s/ Kevin Jolliff