

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

In the Matter of)
)
911 Call-Forwarding Requirements for) PS Docket No. 08-51
Non-Service-Initialized Phones)

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Commission’s *Notice of Proposed Rulemaking* (“*NPRM*”) in the above-captioned proceeding.¹

Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 23,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems – including Public Safety Answering Points (PSAPs), dispatch centers, emergency operations centers, radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies.

In the *NPRM*, the Commission asks whether the rule requiring providers to transmit 9-1-1 calls originating from “non-service-initialized” (NSI) devices to PSAPs continues to serve an important public safety objective. The primary rationale for the adoption of this rule nearly 20 years ago, to expedite wireless calls to 9-1-1 that had been subject to lengthy call validation processes for unidentified callers, is no longer as relevant, if at all. Additionally, the NSI rule has led to significant abuses of the 9-1-1 system while the wireless industry has evolved to offer low-cost alternatives for wireless services.

¹ 911 Call-Forwarding Requirements for Non-Service-Initialized Phones, PS Docket No. 08-51, *Notice of Proposed Rulemaking*, FCC 15-43 (rel. Apr. 1, 2015).

By their nature, 9-1-1 calls placed from NSI phones have no associated subscriber name and address, and do not provide Automatic Number Identification (ANI) or call-back features. As a result, when a caller uses a NSI device to call 9-1-1, the PSAP typically cannot identify the caller. Abusive calls take a number of forms: accidental calls, hang ups, false reports of emergencies, harassing calls, and other intentional non-emergency calls.

While the FCC, over the years, has taken positive steps to help reduce non-emergency calls placed by NSI handsets, abusive calls remain such a continuing and severe problem that the harm outweighs remaining benefits of the present rule. The NSI rule has lost its original positive impact for the general public and turned into an abusive tool that adversely impacts PSAPs and can lead to delays in emergency response. Thus, a certain and uniform cut-off date of the NSI rule is in order.

In the most recent opportunity for public comment on this issue, over two years ago, APCO concluded that the FCC should gradually eliminate the requirement that wireless carriers deliver 9-1-1 calls from NSI handsets to PSAPs.² APCO noted that the serious problems posed by such calls will only get worse. APCO supported an appropriate transition period to phase out the NSI requirement to allow for public education for those individuals who may continue to possess a NSI handset and for gradual replacement of such handsets.

APCO's position remains unchanged, while the problems associated with NSI phones have grown worse. Accordingly, APCO supports the Commission's proposal to sunset the NSI 9-1-1 call forwarding rule after a six-month transition period that will allow for public outreach and education. A uniform, nationwide date to sunset the rule would provide the best certainty to the public, PSAPs, and other stakeholders, minimize confusion, and aid in education efforts

² Comments of APCO, PS Docket No. 08-51, at 2 (filed May 16, 2013).

leading up to, and following, the elimination of the requirement. APCO agrees that a six-month transition period, with a public education component, would be appropriate.

In addition to sunseting the rule, APCO believes that the FCC should prohibit CMRS providers from forwarding 9-1-1 calls from NSI devices, for the same reasons why the rule should be eliminated. It is important, following the public education period, to cease as much as possible the abusive NSI-based 9-1-1 calls plaguing PSAPs across the country. Therefore, it is insufficient to just sunset the rule – the FCC should require carriers to stop forwarding 9-1-1 calls from NSI devices. Otherwise, PSAPs would continue to be subject to harassing, non-emergency calls for years on end. Further, permitting carriers to continue to forward NSI 9-1-1 calls would re-create confusion experienced both by the general public and PSAPs, and reverse the gains of the six-month public education effort.

The *NPRM* seeks comment concerning instances where a service-initialized phone can “appear to be NSI.” APCO understands that in certain limited situations, a consequence of compliance with the sunset of the rule and a corresponding prohibition on forwarding NSI 9-1-1 calls may lead to non-delivery of 9-1-1 calls from service-initialized phones that appear to the network to be NSI. In light of how the original rationale for the rule has faded, and the significant abuses that NSI phones have unfortunately enabled, APCO continues to support sunset of the rule, and a prohibition on forwarding NSI 9-1-1 calls, even in light of limited cases where valid phones may appear as NSI to carriers.

The *NPRM* asks about situations where a carrier terminates service for post-paid phones due to non-payment, or when minutes run out for pre-paid phones. APCO would not support a new requirement for a “grace period” to enable 9-1-1 calls following stoppage of service in either instance. Pursuing such a course would only re-create the NSI 9-1-1 problem by adopting

rules that mimic the very rule that should be sunset, and lead to new sources of confusion by the general public and PSAPs alike. Further, APCO would expect that consumers would be fully aware of the many consequences of losing mobile phone service in either case.

CONCLUSION

APCO supports the sunset of the FCC's rule requiring carriers to forward 9-1-1 calls from NSI phones consistent with its comments herein.

Respectfully submitted,

APCO INTERNATIONAL

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