

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

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

COMMENTS OF AT&T

For almost two decades the Commission has required CMRS carriers to transmit 911 calls that originate from non-service-initialized (NSI) devices to PSAPs.¹ Parties refer to this Commission requirement as the “All Calls Rule.” As the Commission explains, a NSI device is one for which there is no valid service contract with any CMRS provider.² Despite the All Calls Rule’s admirable goal of ensuring ubiquitous access to 911 services, the record shows that very few 911 calls from NSI devices report legitimate emergencies.³ Two years after it asked parties to refresh the record for maintaining the All Calls Rule, the Commission again seeks comment on whether to sunset this rule. If the public safety community has determined that the cost of continuing the All Calls Rule outweighs any benefit and it recommends that the Commission sunset this rule, AT&T Services, Inc., on behalf of its CMRS carrier affiliates (collectively, AT&T), supports that decision.

¹ See 63 Fed. Reg. 2631 (Jan. 16, 1998) (announcing the effective date of 47 C.F.R. § 20.18(b)).

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

³ See *id.* at ¶¶ 12-17.

When AT&T last commented on this topic in 2013, it supported NENA’s proposal to “phase out the ‘all calls’ rule for devices and networks that no longer support legacy circuit-switched voice calling.”⁴ Under that proposal, CMRS providers would continue to have the obligation to transmit 911 calls from NSI devices on their 2G and, possibly, 3G networks. Since then, AT&T and other CMRS providers have extensively deployed 4G/LTE networks and have already incurred the cost to extend the All Calls Rule to these IP-based networks. Thus, it makes little policy sense – and, more importantly, it would cause significant consumer confusion – to maintain this rule for NSI calls made on carriers’ legacy networks but to eliminate this requirement for NSI calls made on 4G/LTE networks. If the public safety community desires a sunset of the All Calls Rule, AT&T urges the Commission to apply that sunset to all NSI devices and networks in order to minimize consumer confusion. Moreover, AT&T’s incremental cost of sunsetting this requirement across all of its networks versus sunsetting the All Calls Rule only on its legacy networks is *de minimis*.

The Commission proposes to sunset the All Calls Rule after a six-month transition.⁵ AT&T agrees that some transition period is essential in order for the Commission and the public safety community to perform consumer outreach. And if the Commission and the public safety community require additional time to complete their outreach efforts, AT&T has no objection to a lengthier transition. After the Commission completes its outreach efforts, it should provide CMRS providers some period of time (*e.g.*, six months) to implement the sunset across their networks. For AT&T, this involves scheduling switch level translations changes across the

⁴ Letter from Telford Forgy, NENA, to Marlene Dortch, FCC, PS Docket No. 08-51, at 2 (filed Feb. 11, 2013) (NENA Ex Parte); AT&T Comments, PS Docket No. 08-51 (filed May 16, 2013) (AT&T 2013 Comments).

⁵ NPRM at ¶ 11.

mobile switches in our network and performing validation testing to ensure that 911 calls from service-initialized devices continue as expected and NSI calls to 911 fail. While we believe this should be a fairly straightforward change, this work must be scheduled against other normal maintenance activities in our network and thus requires a minimum of six months to complete.

As an alternative to eliminating the All Calls Rule, the Commission requests comment on whether it should maintain the rule but require CMRS providers to block fraudulent 911 calls in accordance with state and local law enforcement procedures.⁶ AT&T continues to oppose any proposal that would require it to block individual NSI calls. AT&T explained in 2008 and 2013 that it did not possess the technology to individually block NSI calls and that continues to be the case today.⁷ Moreover, even if it were technically and economically feasible for a CMRS provider to block an individual NSI call, which it is not, providers have no ability to distinguish legitimate NSI 911 calls from fraudulent ones. Some governmental entity would have to make this determination and CMRS providers would have to be guaranteed absolute liability protection in the event that a blocked NSI call turned out to be a legitimate 911 call or in the event other errors are made in call blocking. The public safety community is in the best position to identify fraudulent NSI calls. For that reason, the best place to implement any per call blocking solution would be at the PSAP call taker equipment where these types of screening features are common.⁸

⁶ *Id.* at ¶ 39.

⁷ AT&T 2013 Comments at 3; AT&T Comments, PS Docket No. 08-51, at 2 (filed June 30, 2008).

⁸ Of course, if a PSAP blocks a particular number or device and that number or device is recycled, the subsequent consumer of the number or device would be unable to reach 911. This is yet another factor for the Commission and the public safety community to evaluate as they decide whether to sunset the All Calls Rule.

Some parties previously expressed concern that by eliminating the NSI rule and prohibiting CMRS carriers from transmitting 911 calls from NSI devices, some number of 911 calls from *service-initialized* devices would be adversely affected. The Commission cites six scenarios in which 911 calls from service-initialized devices might appear to CMRS providers as originating from NSI devices.⁹ These scenarios were originally provided in 2008 and, at least for AT&T, most of those scenarios are no longer valid concerns. In other words, for most of the six scenarios, AT&T's network is able to properly authenticate the call to 911 as originating from a service-initialized device. There are two scenarios (listed as 4 and 5 in the NPRM) for which there is no solution in the absence of a valid roaming agreement. Scenario 4 involves consumers roaming in areas without an automatic roaming agreement¹⁰ and Scenario 5 addresses emergency calls placed from an international phone. For Scenario 5, if there is a roaming agreement in place with the foreign customer's carrier, AT&T can transmit a 911 call to the PSAP (though, to be sure, call-back is complicated by the inability of the PSAP call taker's screen to display accurately the telephone number from an international phone). The Commission and the public safety community should factor in these cases as they evaluate the costs/benefits of maintaining the All Calls Rule. However, AT&T notes that the number of situations where valid calls from service-initialized devices would be blocked if the Commission sunsets this rule has decreased significantly from the list supplied in 2008.

⁹ NPRM at ¶ 34.

¹⁰ To be clear, Scenario 4 states "for calls placed by consumers roaming in areas *with* or without automatic roaming agreements." *Id.* (emphasis added). If AT&T has an automatic roaming agreement with the consumer's CMRS provider, any call made by that consumer to 911 will appear on AT&T's network as a call from a service-initialized device.

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As explained above, if the Commission and the public safety community decide to sunset the All Calls Rule because the costs of continuing the rule are greater than any benefit, AT&T will support that decision. However, it is critical that the Commission establish an appropriate transition so that the Commission may perform consumer outreach and carriers will have sufficient time to implement the rule change.

Respectfully Submitted,

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