

**Before the
Federal Communications Commission
Washington, DC 20554**

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

To: The Commission

**COMMENTS OF
THE BOULDER REGIONAL EMERGENCY TELEPHONE SERVICE AUTHORITY**

The Boulder Emergency Telephone Service Authority (“BRETSA”), by its attorney, hereby submits its Comments on the Commission’s April 1, 2015 Notice of Proposed Rulemaking in the above-referenced Docket (“NPRM”).¹

I. BRETSA Supports Elimination of the NSI 9-1-1 Call Requirements.

BRETSA supports modification of Commission’s rules to eliminate the requirement of Section 20.18(b) that CMRS providers transmit 9-1-1 calls from non-service initiated devices (“NSI 9-1-1 Calls”) to Public Safety Answering Points.

In BRETSA’s experience, the number of *legitimate* NSI 9-1-1 Calls has declined significantly. An informal poll of dispatchers in BRETSA-supported PSAPs in response to the NPRM revealed that the dispatchers could not even remember the last time they received a legitimate 9-1-1 call made with an NSI phone. Nevertheless, non-legitimate NSI 9-1-1 Calls continue to burden PSAPs and First Responders.

¹ BRETSA is a Colorado 9-1-1 Authority which establishes, collects and distributes the Colorado Emergency Telephone Surcharge to fund 9-1-1 service in Boulder County, Colorado. The BRETSA Board includes the Boulder County Sheriff, the City of Boulder Police Chief, representatives of the Boulder County Firefighters Association and the City of Longmont Division of Public Safety. The fifth seat of the Board is filled by representatives of the smaller cities and towns in Boulder County, Colorado on a rotating basis. These Comments are thus intended to represent the perspective of the entity responsible for funding 9-1-1 operations, *and* of the agencies and authorities responsible for PSAP operations and overall public safety services and budgeting. PSAP operations, procedures and business rules are closely integrated with those of the First Responder agencies they dispatch.

Non-legitimate 9-1-1 calls, including stupid 9-1-1 calls,² malicious or fraudulent 9-1-1 calls tie up PSAP lines and dispatchers, and delay or prevent receipt, handling and dispatch of legitimate 9-1-1 calls. Several years ago, Denver-area news media reported that police in one jurisdiction were going door-to-door to locate a child who called 9-1-1 on an NSI phone reporting that his mother needed help. They never located the child or his mother. Thus, NSI 9-1-1 Calls can even waste First Responder resources.

In the past, individuals justified or rationalized subscription to CMRS service as enabling them to “get help” when “on the road” or otherwise unable to quickly access landline phones (even before wireless calling to 9-1-1 was reliably available). CMRS service was also significantly more expensive than traditional landline service, and was a supplement to wireline service. Today, however, many subscribe to CMRS service as their primary telephony service, and either maintain a *wireline* phone as *supplement* to CMRS for emergency calling, or have “cut the cord” entirely. Lifeline Service and No-Charge Lifeline Service is now available through CMRS providers, and prepaid CMRS service is an additional budget-friendly alternative.

CenturyLink, successor-in-interest to the former BOC in Colorado, now reports that it provides basic wireline telephone service to only about 25% of the homes its facilities pass.³ Thus with the maturation of the CMRS market, wireless users are more likely to maintain service-initiated phones for routine calling, let alone for calling 9-1-1; and the incidence of NSI 9-1-1 Calls for legitimate emergencies has almost entirely disappeared.

² Prank 9-1-1 calls may seem funny, until it is realized that they may prevent legitimate 9-1-1 calls from getting through to the PSAP, being promptly answered and dispatched; and may cost a life. When viewed in that context, it is clear that the calls are just *stupid*.

³ Increased subscription to both wireless and VoIP services (including VoIP service provisioned over CenturyLink naked DSL service), contribute to the decrease in market share of traditional wireline services.

The experience of BRETSA's PSAPs is that most NSI 9-1-1 Calls now result from parents who give their old cell phones to their children to play with, as toys.⁴

BRETSA recognizes the possibility that some individuals will not be able to reach 9-1-1, using NSI phones, if the rule changes proposed in the NPRM are adopted, and will suffer less favorable or adverse outcomes as a result. The simple fact is that limited resources must be allocated to improve outcomes in the greatest number of cases. Given the small number of legitimate NSI 9-1-1 Calls now being received, the disproportionate number of non-legitimate NSI 9-1-1 Calls and their potential impact on efficient handling of legitimate 9-1-1 calls, it is time to sunset the requirement that NSI 9-1-1 Calls be delivered to a PSAP.

II. Technological Solutions Would Be Preferable, If Cost Effective.

The concerns with NSI 9-1-1 Calls are that (i) the PSAP is not provided a call-back number to reconnect the 9-1-1 call, if disconnected, (ii) caller location data may not be available, and (iii) the CMRs subscriber cannot be identified, to assist in locating the caller. These are the same reasons that NSI devices are sometimes used for stupid, malicious and fraudulent 9-1-1 calls: the PSAPs are not provided information to enable interdiction and/or deterrence of such calls.⁵

A technological solution which would enable PSAPs to (i) identify the NSI devices from which 9-1-1 calls are made, (ii) identify the location of NSI devices from which 9-1-1 calls are made, and/or (iii) identify the callers from current or past subscription information; would deter

⁴ See the video produced by Longmont Dispatchers, "Cell Phones Are Not Toys," available at <http://911colorado.org/911-audio-videos/other-colorado-9-1-1-public-education-ads/> (last viewed June 3, 2015). The video advises that cellphones are not toys, and batteries should be removed from phones given to children to play with.

⁵ BRETSA's experience is that many of the malicious and fraudulent 9-1-1 calls are made by individuals with psychological issues, who will not be deterred from making such calls. However the ability to identify calls which come from such people who become known to PSAPs would assist PSAPs in managing calls from these known individuals. The ability to identify individuals who have given an old cellphone to a child to play with would allow adoption of ordinances or laws to penalize and deter such behavior.

and permit management and interdiction of non-legitimate NSI 9-1-1 Calls, while permitting legitimate NSI 9-1-1 Calls to be handled appropriately.⁶ While such technological solutions may not prevent children from calling 9-1-1 with old cellphones given them to play with; the solutions would allow authorities to identify the child's location and/or the person who gave them the cellphone, and to levy a fine as a specific and general deterrence.

III. The Commission Should Proactively Enable Identification, Interdiction and Deterrence of Non-Legitimate 9-1-1 Calls Made With Services Other Than CMRS.

Just as BRETSA has encouraged the Commission to assure that E9-1-1 Service is provided for in future telephony and personal communications services which may be authorized or introduced; means of identifying, interdicting and deterring stupid, malicious or fraudulent 9-1-1 calls should also be required of current and future telephony and personal communications services which enable individuals to contact 9-1-1. Such services may include prepaid wireless service, VoIP service, and text-to-911 service. Just as the Commission is still seeking to retrofit wireless E9-1-1 service to provide accurate and reliable ALI (automatic location information) 30 years after the first cellular systems commenced commercial operations, and seeking in this proceeding to prevent stupid, malicious or fraudulent 9-1-1 calls over NSI phones; the Commission should not find itself, 30 years hence, seeking to prevent and interdict stupid, malicious or fraudulent 9-1-1 calls made over other current or future services. 9-1-1 compliance and the ability to identify and locate devices and callers should be an initial design requirement of any new telephony or personal communications service authorized by the Commission, or which is capable of originating calls or messages over the PSTN or public Internet.

⁶ Similar solutions may eventually be required for 9-1-1 Calls placed using prepaid cellphones which are "out of minutes," and VoIP services, as well as text-to-911 messages.

BRETSA is aware of mobile VoIP services being provisioned over CMRS devices subscribed only to a data plan, without voice service from the underlying provider. The VoIP providers advise subscribers that in the event they need to place a 9-1-1 call, they should use their CMRS device's native telephony (calling) system, since (i) the CMRS providers are required to provide 9-1-1 calling even without a calling plan and (ii) the native telephony system has access to location subsystems. BRETSA does not know whether such a CMRS device, used with a data-only subscription plan for VoIP calling, would appear as a Service-Initiated or NSI phone for purposes of 9-1-1 Calls made through the device's native telephony system. However it is critical that subscribers to such services be made aware of any inability to call 9-1-1 using the CMRS device's native telephony system as a result of the proposed changes to the Rules, and that the providers of these VoIP services develop the capabilities (i) for their subscribers to call 9-1-1 (ii) to route 9-1-1 calls to the correct PSAP, and (iii) to deliver caller identification information and device location information to the PSAP.

Respectfully submitted,

**BOULDER REGIONAL EMERGENCY
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June 5, 2015