

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

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

COMMENTS OF SPRINT CORPORATION

I. INTRODUCTION

Sprint Corporation (“Sprint”) hereby submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (“NPRM”) seeking comment on issues related to 9-1-1 call-forwarding requirements for non-service-initialized (“NSI”) phones.¹ The Commission’s requirement to transmit all 9-1-1 calls, including calls from NSI devices, is a long-standing requirement on which many consumers have come to rely. The Commission should, therefore, proceed cautiously when considering whether to sunset this requirement. In addition, carriers have designed handsets and network elements with the NSI requirements in mind, and making changes at this time would create a significant burden on carriers. Carriers are already focused on a number of other important initiatives related to 9-1-1 service and sunsetting the NSI requirement in the near term could divert resources away from these substantial efforts. The Commission should refrain from taking any action that would require carriers to stop transmitting calls from NSI devices in the near term.

¹ *Call-Forwarding Requirements for Non-Service-Initialized Phones, Notice of Proposed Rulemaking*, PS Docket No. 08-51 (Rel. April 1, 2015) (“NPRM”).

II. DISCUSSION

Under the Commission's rules, Commercial Mobile Radio Service ("CMRS") providers are required to transmit 9-1-1 calls originating from customers that have contracts with CMRS providers as well as calls originating from NSI devices to Public Safety Answering Points ("PSAPs"). A "non-service-initialized handset" is defined as a handset for which there is no valid service contract with a CMRS provider.² The Commission seeks comment on whether the requirement to transmit 9-1-1 calls from NSI devices "... continues to serve an important public safety objective."³ The Commission states that, based on the record, it believes it is now in the public interest to sunset the NSI requirement and proposes sunsetting the requirement after a six-month transition period.⁴

A. Sunsetting the NSI requirement in the near term could adversely affect many consumers.

The requirement to forward "all calls" is a long-standing FCC regulatory requirement that carriers have supported for many years. As a result, consumers have come to expect, and will likely continue to expect, that 9-1-1 calls will be forwarded from NSI devices. For this reason, the Commission should proceed with caution when considering changes to the NSI requirements. In fact, while the initial comment deadline for the NPRM has not yet closed, a number of commenters have already expressed concern about the proposed changes and have urged the Commission not to sunset the NSI requirement.⁵ In particular, low-income consumers and

² 47 CFR §20.18(o)(3)(i).

³ NPRM at par. 2.

⁴ NPRM at par. 26-27.

⁵ *E.g.*, Comments of the National Network to End Domestic Violence, Comments of Jason Myers, Comments of David Johnson, Comments of Burton Strauss, Comments of Peter Duniho, Comments of William Lincoln, Comments of William K. Foster, Comments of Kendall G, Comments of Phillip Camick, Comments of John Hawk, Comments of David Kibrick, Comments of Jeffrey Harris, Comments of Albert Erdmann.

vulnerable segments of the population could be adversely impacted by sunseting the NSI requirement in the near-term. For example, according to the National Network to End Domestic Violence, “The use of an NSI device is an essential life-line for many domestic violence victims. For many victims, an NSI device is often incorporated as an integral part of their safety planning and enables them to access 911 in the event of a potentially life-threatening situation.”⁶ The Commission should seriously consider the potential ramifications of making this change, with particular focus on consumer awareness and education efforts that would be critical where the existing regulation has a direct impact on the safety of the American public nationwide.

B. Sunseting the NSI requirement would involve changes to carrier handsets and network elements and would divert resources from other important public safety initiatives.

The Commission asks what technical and operational changes CMRS providers and/or PSAPs would need to implement in conjunction with the sunset of the NSI rule and asks about the timeframe needed for implementation and the costs that would be involved.⁷ The Commission also asks whether, assuming that the NSI call-forwarding rule is eliminated, CMRS providers should be allowed to forward 9-1-1 calls from NSI devices at their discretion on a voluntary basis, or whether they should be prohibited from doing so.⁸ The Commission should not require CMRS carriers to take affirmative steps to cease forwarding all calls, including calls from NSI devices, in the near term. Attempting to sunset the NSI requirement in the near term is unrealistic and would create a significant burden on carriers. Handsets and network elements have been specifically designed and manufactured to meet the Commission’s long-standing requirements for NSI devices. The methodologies that allow 9-1-1 service for NSI devices have

⁶ Comments of the National Network to End Domestic Violence at 1.

⁷ NPRM at par. 36.

⁸ NPRM at par. 32.

been deeply integrated into carriers' mobile devices and network infrastructure. Many of these elements are now beyond the end of their vendor support cycle and can no longer be modified in the ordinary course of business to meet different requirements. Attempting to make modifications to sunset the NSI requirement in the near-term would, therefore, be a time-consuming and costly endeavor for carriers. Accordingly, the Commission should not mandate that carriers stop supporting 9-1-1 calls from NSI devices for their legacy circuit-switched networks.

The Commission only recently issued new requirements associated with E9-1-1 location accuracy indoors and carriers, indeed much of the wireless industry and public safety community, are completely focused and engaged in implementing these difficult new requirements. In addition, the industry is looking toward deploying Next Generation 9-1-1 technologies. Any additional requirements associated with NSI devices would divert resources from these other important public safety objectives. In addition, because the NSI requirement is a long-standing regulatory requirement that carriers have supported for a number of years, robust consumer education efforts would be necessary if this approach changes. This would likely be a time-consuming and demanding process which would require resources already spread thin attempting to comply with a multitude of 9-1-1 regulatory mandates.

C. The Commission could consider sunseting the NSI requirement only for future IP-based access network technologies and adopting a new approach for IP-based access network technologies that that would allow for handsets that have been “access-authenticated” to place calls to 9-1-1.

If the Commission determines that some action is required concerning NSI devices in order to address concerns related to fraudulent calls, the Commission could consider sunseting the NSI requirement only for future IP-based access network technologies. The Commission would need to fully consider, however, the potential impacts of a rule change. In particular, the

Commission should carefully weigh the potential impacts to calls placed from handsets that are treated as NSI on carrier networks, even though they are placed from handset that are service-initialized (*i.e.*, that have a valid service agreement).

As the Commission acknowledges, the record in this proceeding has demonstrated that there are some situations where devices that have been initialized are, nevertheless, treated as “non-service-initialized” on the network for various reasons.⁹ Examples of this include calls placed when a phone has not completed registration at the time a 9-1-1 call is placed, from areas of weak or no signal for one carrier that receive a signal from another carrier and by callers roaming in areas with or without automatic roaming agreements. For this reason, there still exists a need to forward certain calls to public safety, even after networks are upgraded to IP-based access networks.

In order to address the scenarios referenced above, the Commission should consider adopting a new approach for IP-based access networks that would allow for handsets that have been “access-authenticated” to place calls to 9-1-1. The Commission should consider making a distinction between calls made from devices that are access-authenticated and those that have not been access-authenticated (*i.e.*, those that fail access authentication). Devices that fail access authentication are more likely to be those being used with malicious or fraudulent intent, so this distinction would help mitigate fraudulent calls, which have been a concern for public safety entities.

In the legacy circuit-switched environment authentication and authorization are tightly linked, but in the IP environment, access-authentication and service authorization will involve separate processes. When a device attaches to a network, it is first authenticated by the access

⁹ NPRM at par. 34.

network. Service authorization then takes place to determine what services the user is authorized to use. Authentication is the process used to authenticate the device and the user to ensure that the device and the user it represents are really who they claim to be. This is usually done in a mutual authentication fashion where the device verifies that the network is authentic (*i.e.*, not a “spoofed” network) and the network authenticates the device/user. The authorization process, on the other hand, involves verifying what services and capabilities the user and their device are allowed to use on the network. Authorization could trigger, for example, being redirected to customer service or an account platform to add to a low balance for prepaid services before being permitted to make a call. Once it is confirmed that a device is valid through the authentication process, then various sources can be used to identify what services and capabilities and services a user is allowed to use (for example, voice and text but not data).

Since access-authentication and service authorization will utilize separate processes in IP-based access networks, it may be possible to take advantage of this change to enable calls from access-authenticated phones to be forwarded to public safety while ensuring that calls from non-authenticated phones, which are more likely to be fraudulent, are not forwarded. The Commission should consider issuing a clarification that, for IP-access technologies going forward, when a device is access-authenticated it should still be enabled to make 9-1-1 calls, even though it may not be service authorized for making a normal voice call. The Commission should recognize, however, that such an approach should only apply to those IP-based technologies that are fully developed and that have had standards formulated and adopted.

III. CONCLUSION

For the reasons discussed herein, the Commission should proceed with caution when taking any action to alter the existing NSI requirement and the Commission should not sunset the

NSI requirement in the near term. To the extent further action may be necessary to address concerns regarding fraudulent calls, the Commission should consider sunsetting the NSI requirement for future IP-based access network technologies. It should also consider adopting a new approach for mature and standardized IP-based network access technologies that that would allow for handsets that have been “access-authenticated” to place calls to 9-1-1.

Respectfully submitted,

SPRINT CORPORATION

/s/ Ray M. Rothermel _____

Ray M. Rothermel
Allison M. Jones
900 7th Street, NW, Suite 700
Washington, DC 20001
703 433-4992

June 5, 2015