



**EXECUTIVE DIRECTOR
CHIEF EXECUTIVE OFFICER**

Derek K. Poarch
poarchd@apcointl.org

HEADQUARTERS

J. Rhett McMillian, Jr. Building
351 North Williamson Boulevard
Daytona Beach, FL 32114-1112
386-322-2500

EXECUTIVE OFFICES

Gregory T. Riddle Building
1426 Prince Street
Alexandria, VA 22314
571-312-4400

www.apcointl.org

**BOARD OF DIRECTORS
2015 – 2016**

EXECUTIVE COMMITTEE

President

Brent Lee
w.brent.lee@gmail.com

First Vice President

Cheryl J. Greathouse
cgreathouse@gpstc.org

Second Vice President

Martha K. Carter
mcarter@caddo911.com

Immediate Past President

John Wright
rfanalyst@gmail.com

East Coast Region

Richard C. Boettcher, RPL
James J. McFarland

Gulf Coast Region

Tracey M. Hilburn, RPL
Matthew J. Stillwell, RPL, ENP

North Central Region

Robin Tieman, RPL
Holly E. Wayt, RPL, ENP

Western Region

Kimberly D. Burdick, RPL, ENP
Margie Moulin, RPL

Commercial Advisory Council

Richard R. Solie

January 19, 2016

Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

Re: PS Docket No. 08-51 – 911 Call-Forwarding Requirements for Non-Service-Initialized Phones

Dear Ms. Dortch,

On January 14, 2016, Jeff Cohen, Mark Reddish, and Max Hsu of the Association of Public-Safety Communications Officials (APCO) International met with David Furth, Michael Connelly, Tim May, and Erika Olsen (via teleconference) of the FCC's Public Safety and Homeland Security Bureau to discuss the above-referenced proceeding.

APCO addressed a recent ex parte filing by CTIA regarding the impact of the retirement of 2G networks on the number calls to 9-1-1 from non-service-initialized (NSI) wireless handsets, and the use of a third party aggregator model as a means to limit fraudulent calls to 9-1-1 from NSI phones.¹

APCO noted that the retirement of 2G networks is highly relevant in considering the best course of action for addressing the problems caused by the NSI 9-1-1 call-forwarding requirement. In this respect, CTIA offered that a significant number - possibly upwards of 136 million - of 2G devices in circulation will no longer be able to call 9-1-1, regardless of whether the FCC terminates the NSI call-forwarding rule, due to the evolution away from 2G networks.²

APCO pointed out that reduced NSI access to 9-1-1 resulting from technology retirements will only worsen as carriers shut down 2G, and then 3G networks. APCO stressed that in order to address this situation, it should be the wireless industry, not PSAPs, that leads efforts to educate affected consumers. The carriers should be responsible for managing expectations related to their networks,³ and their responsibility includes educating all affected parties, not just their remaining subscribers. Additionally, both nationwide and regional carriers

¹ Ex parte letter of CTIA-The Wireless Association, PS Dkt. 08-51 (filed Nov. 24, 2015).

² *Id.* at 2.

³ This includes the impacts of retiring 2G service, or instances in which service-initialized devices appear as NSI.

are in a much better position than PSAPs to conduct outreach given their relatively larger resources, economies of scale, and routine marketing of new or upgraded services and devices to the general public.

CTIA also addressed the prospect of using a third party aggregator to intercept and pass only legitimate NSI calls to 9-1-1. In this respect, APCO noted that potential solutions such as third party aggregators present a number of complex challenges and questions. APCO further fundamentally disagrees with the suggestion that responsibility for implementing methods in lieu of sunseting the NSI call-forwarding rule should rest with PSAPs.

In determining the best path forward, APCO suggested that the focus should be on protecting consumers who rely on NSI phones for reaching 9-1-1. This includes vulnerable populations that most benefit from the NSI call-forwarding rule, many of whom possess handsets limited to older technologies set to be retired. APCO thus recommended that the Bureau seek additional information from the industry on the extent of carrier donation programs to vulnerable populations such as shelters, the elderly, underprivileged, etc.

In its comments in this proceeding, APCO encouraged the industry to explore alternatives to serving NSI-dependent populations such as low-cost options for wireless service, which are commonplace today. Newer devices would better serve people who depend upon the NSI call-forwarding rule by making potentially life-saving call back number and location information available to the PSAP. Call back and location information would also greatly assist PSAPs with identifying problematic, harassing callers. Further, low cost options with the ability to send and receive texts with 9-1-1 could be helpful, both for those in need of assistance when voice calling is unsafe and for PSAPs trying to determine whether a call was accidental. APCO recommended that the Bureau also inquire of the industry about such options.

Thus, considering the issues CTIA raised in its letter, APCO reiterated its position that the Commission should sunset the call-forwarding rule and affirmatively prohibit 9-1-1 calls from NSI devices, following an appropriate transition period. This would have the important advantage of putting an end to the substantial number of harassing and fraudulent NSI calls to 9-1-1. APCO supports an appropriate transition period with a public education program targeting those specific segments of the population that depend on NSI phone donation programs. The wireless industry should lead this campaign, directed at providing education and low-cost replacement options for shelters, the elderly, underprivileged, etc. Protecting access to 9-1-1 for all those in need is critical, and PSAPs must also be protected from the substantial burden placed upon them every day by fraudulent, harassing, and wasteful calls from NSI devices to 9-1-1.

Finally, the Bureau offered a few potential solutions for APCO's consideration. For example, a technology cut-off date could be set, whereby the call-forwarding requirement would not be applicable to certain networks and technologies, but without affirmatively prohibiting NSI call-forwarding. For carriers that continue forwarding NSI calls to 9-1-1, they could be made responsible for establishing and funding a mechanism for blocking fraudulent and harassing NSI calls before they reach PSAPs. APCO agreed to give further consideration to these alternatives.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed electronically with your office.

Respectfully submitted,

/s/

Jeffrey S. Cohen
Chief Counsel