



Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

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CC Docket No. ~~94-102~~ FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Revision of the Commission's Rules to Ensure )  
Compatibility with Enhanced 911 Emergency )  
Calling Systems )  
)  
Request for Further Consideration of Call Back )  
Number Issues Associated with Non-Service )  
Initialized Wireless 911 Calls )

WT Docket No. 00-80

To: Chief, Wireless Telecommunications Bureau

**COMMENTS OF VERIZON WIRELESS**

Verizon Wireless hereby files comments in response to the Wireless Telecommunications Bureau's Public Notice of May 18, 2000, seeking comment on a letter submitted on behalf of a number of public safety organizations regarding call back number capabilities for non-service initialized 911 calls.<sup>1</sup> The Commission previously rejected such capabilities, with good reason. Nothing has changed since that time suggesting that requiring call back capability for such handsets is now technically feasible or desirable. Moreover, Verizon Wireless has participated in a number of handset donation programs that work because they involve the provision *only* of

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<sup>1</sup> See Public Notice, *Comment Sought on Request for Further Consideration of Call Back Number Issues Associated with Non-Service Initialized Wireless 911 Calls*, CC Docket No. 94-102, WT Docket No. 00-80, DA 00-1098 (rel. May 18, 2000); Letter to Magalie Roman Salas, Secretary, Federal Communications Commission, from Texas 9-1-1 Agencies, NENA, APCO, and NASNA, filed in CC Docket No. 94-102, April 28, 2000 ("Letter"). The signatory organizations to the Letter are referred to herein as the "Public Safety Entities."

outgoing 911 calling capability. Verizon Wireless urges the Commission *not* to take action that would add new technical and other requirements for non-service initialized handsets that might have a detrimental effect on overall network operations and undermine these beneficial programs.

**I. THE COMMISSION HAS CONSIDERED AND REJECTED REQUIRING CALL BACK CAPABILITY FOR NON-SERVICE INITIALIZED HANDSETS**

In the Commission's initial *Report and Order* in this proceeding, the Commission required carriers to forward 911 calls to PSAPs regardless of any carrier-initiated validation procedures.<sup>2</sup> The Commission recognized, however, "that there are disadvantages associated with requiring all 911 calls to be processed without regard to evidence that a call is emanating from an authorized user of *some* CMRS provider" such as "the fact that ANI and call back features may not be usable, and hoax and false alarm calls may be facilitated."<sup>3</sup>

On reconsideration, the Commission again decided to require covered carriers to forward all 911 calls to PSAPs regardless of whether they are made by subscribers.<sup>4</sup> The Commission also confirmed, however, that covered carriers are *not* "required to provide reliable call back numbers to PSAPs in the case of mobile units that are not associated with a dialable telephone number (for example, because they were designed or offered on an originate-only rate plan, they

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<sup>2</sup> *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd. 18676, 18693-97, *recon.*, *Memorandum Opinion and Order*, 12 FCC Rcd. 22665, 22683 (1997) ("*Reconsideration Order*").

<sup>3</sup> *Id.* at 18696.

<sup>4</sup> *Reconsideration Order*, 12 FCC Rcd. at 22683.

were never initialized, or the subscription has lapsed).”<sup>5</sup> The Commission reached this determination after requesting and considering further detailed *ex parte* presentations and comments on the very issue of Phase I call back for non-service initialized handsets. In those further comments, carriers discussed at length the technical difficulties associated with requiring call back capabilities for non-service initialized handsets.<sup>6</sup> The Commission acknowledged these difficulties in the *Reconsideration Order*.<sup>7</sup>

The Public Safety Entities assert “that now is the appropriate stage of this proceeding . . . to revisit the call back number issues to determine if any further Commission action is necessary or appropriate” given that Phase I service is to be more widely deployed and that “[t]he increasing number of wireless telephones that may be used to call 9-1-1 without valid call back information and the call disconnection issues associated with the use of wireless telephones creates a public safety concern that should be further considered in this proceeding.”<sup>8</sup> Verizon Wireless respectfully disagrees with this assessment.

The technical problems associated with implementing such a solution are just as difficult today. In last year’s annual report to the Commission on 911/E911 developments, carriers and public safety organizations acknowledged that “[t]he technical impediments that forced the

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<sup>5</sup> *Id.* at 22717-18.

<sup>6</sup> *See* Comments of AirTouch Communications, Inc., CC Docket No. 94-102, filed July 28, 1997, at 7-9; Further Comments of Bell Atlantic NYNEX Mobile, CC Docket No. 94-102, filed July 28, 1997, at 5-6; Comments of the Cellular Telecommunications Industry Ass’n, CC Docket No. 94-102, filed July 28, 1997, at 6-7; Comments of the E911 Wireless Coalition, CC Docket No. 94-102, filed August 8, 1997, at 2-8; *see also* Additional Comments of AT&T Wireless Services, Inc., CC Docket No. 94-102, filed July 28, 1997, at 1-2.

<sup>7</sup> *Reconsideration Order*, 12 FCC Rcd. at 22718.

<sup>8</sup> Letter at 3.

policy choice of forwarding all calls -- in preference to sending PSAPs only validated calls -- have not yet been overcome.”<sup>9</sup> There is no basis for concluding that this assessment has since changed. Verizon Wireless is not aware of any means by which handsets can transmit valid call back numbers without being service-initialized.

Also, assuming *arguendo* that a technical solution could be identified and potentially implemented, requiring call back capability increases the risk that handsets in the public domain can be used for fraudulent purposes. Again, there is no basis to conclude that the risk of fraud is any less today.

## **II. THE EMERGENCE OF HANDSET DONATION PROGRAMS DOES NOT WARRANT THE IMPOSITION OF ADDITIONAL TECHNICAL REQUIREMENTS**

### **A. Carriers Are Willing and Able to Participate in Handset Donation Programs Under the Current Rules**

A number of wireless carriers, including Bell Atlantic Mobile and AirTouch Communications (the predecessors-in-interest to Verizon Wireless) originally opposed the requirement that carriers complete 911 calls from non-service initialized handsets. Verizon Wireless remains concerned that a proliferation of non-service initialized handsets available in the marketplace will create a heightened risk of fraud and billing problems.

Nevertheless, cognizant of the potential public safety benefits of making 911 services accessible to a wider number of users, Verizon Wireless has participated in the “Wireless at Work” community service program which donates 911-only wireless phones to victims of domestic violence. Working with local prosecutors, shelters and victim advocates, Verizon

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<sup>9</sup> Report of CTIA, PCIA, APCO, NENA, NASNA, Alliance, in CC Docket No. 94-102, filed Feb. 1, 1999, at 6 (“1999 Report”).

Wireless has donated more than 15,000 phones.<sup>10</sup> By design, these phones are donated for use by non-subscribers, for a limited but important public safety purpose -- outgoing 911 calling capability.

Verizon Wireless and other carriers participate in this and similar programs voluntarily. These programs are successful by virtue of such carrier participation — which involves the collection of used handsets and the reprogramming of the handsets for outgoing 911-only use. Where the handsets are given to a narrow class of consumers the risks of fraud are minimized. These programs have provided tangible benefits, as the Public Safety Entities acknowledge.<sup>11</sup>

**B. New Technical Requirements Are Not Technically Feasible and Will Undermine Carrier Participation in Beneficial Handset Donation Programs**

The Public Notice raises the possibility that industry will need to derive an as-of-yet undetermined “technical solution” to provide call back capabilities for non-service initialized handsets.<sup>12</sup> The Commission should keep a fundamental fact in mind: *If legacy handsets cannot effectively be used in programs such as Wireless at Work, they instead will be discarded and provide no public safety benefit.* Carriers are willing to participate in public safety programs such as those at issue here in part because instances of fraud can be minimized and because such programs are technically feasible to implement under today’s rules. Again, Verizon Wireless is

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<sup>10</sup> See Verizon Wireless, News Release, *Verizon Wireless to Receive Victim Services’ Champion Award*, released May 9, 2000.

<sup>11</sup> Letter at 3.

<sup>12</sup> It is unclear from the Letter and the Public Notice whether this requirement would potentially apply to all non-service initialized handsets, not just those donated to programs such as Wireless at Work -- including customers whose service has expired or where no roaming agreement exists.

not aware of any technical means by which handsets of non-subscribers can transmit valid call back numbers.

Furthermore, public safety agencies' and the Commission's concerns in this regard have traditionally been limited to situations in which the handset is (or was initially) service initialized, such as where a customer has a lapsed subscription or is in an area in which the underlying carrier does not have a roaming agreement.<sup>13</sup> Handsets used pursuant to donation programs are fundamentally different, in that the donated handsets cannot be used for incoming calls and are limited to outgoing 911-only services. Program participants are advised of this fact and educational efforts are undertaken. The phones are donated for charitable purposes; there is no commercial relationship between the user and the carrier. Requiring carriers to provide Phase I ANI call back information for non-service initialized handsets would fundamentally alter the current landscape in which carrier participation in these donation programs is technically and economically feasible.

In addition, and as noted in the 1999 Report, "public safety organizations and the wireless industry acknowledged . . . that efforts to solve the problems of call-back to certain uninitialized or otherwise hard-to-reach phones (e.g. lapsed subscription, no roaming agreement) should be proportional to the frequency of such problems."<sup>14</sup> The proportionate response to the issue raised in the Letter is the continued development of voluntary educational and training programs that

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<sup>13</sup> See *id.*; see also *First Report and Order*, 11 FCC Rcd. at 18692-94; *Reconsideration Order*, 12 FCC Rcd. at 22697.

<sup>14</sup> 1999 Report at 6. Verizon Wireless notes that such problems for roamers are less significant today, given the emergence of carriers with a nationwide or near-nationwide footprint. Also, given the availability of prepaid and competitive rate plans, wireless phone service -- and of Phase I call back capability -- is increasingly affordable and accessible to many facets of society.

account for the emergence of programs like Wireless at Work. There is no basis for the Public Safety Entities' implication that handset donation programs may warrant the imposition of new technical requirements on covered CMRS carriers.

The Public Safety Entities state “that it would be much better to update the record on technical solutions that may be possible in the near future before parties spend more time, effort, and expense working on additional education/training solutions to address the issue.”<sup>15</sup> The record in this proceeding *already* confirms that a “near future” technical solution is *not* feasible. Thus, delaying educational and training efforts for public safety personnel to address handset donation programs, as the Public Safety Entities seem to imply is necessary, would appear unwise.

In fact, education and training programs for public safety personnel, the agencies and organizations that participate in these programs, and the users themselves, should be the primary focus of public safety agencies' and carriers' efforts. Verizon Wireless, for example, discloses that the handsets are programmed to prohibit incoming calls and to restrict outgoing calls to 911-only. Voluntary educational efforts between industry, public safety agencies and the organizations that administer the handset donation programs are sufficient here. These entities will ensure that the handsets are used properly, for their intended purpose, and in a manner that maximizes the public safety benefits of these worthwhile programs.

## CONCLUSION

There is no basis for the Commission to revisit, once again, its conclusion that Phase I call back capabilities cannot apply to non-service initialized handsets. The Commission should

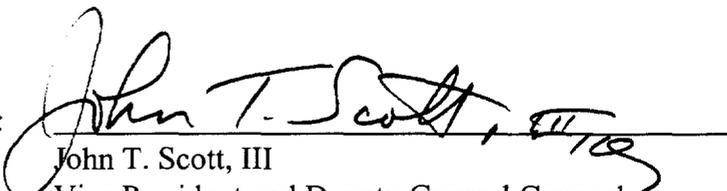
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<sup>15</sup> Letter at 3.

instead encourage industry, public safety agencies and organizations administering handset donation programs to voluntarily cooperate in developing education and training programs for public safety personnel and users of donated handsets to maximize the public safety benefits of the programs.

Respectfully submitted,

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