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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C.

In the Matter of)
)
Revision of the Commission's Rules)
To Ensure Compatibility with)
Enhanced 911 Emergency)
Calling Systems)

CC Docket No 94-102
WT 00-80 ✓

**COMMENTS OF
SBC WIRELESS INC.**

Now comes SBC Wireless and in response to the Commission's Public Notice issued May 19, 2000 files these Comments regarding call back capabilities from non-serviced initialized handsets.¹ The Public Notice refers to a letter filed by the certain Public Safety Entities seeking further consideration of call back number issues associated with non-service initialized 911 calls.

The Public Notice specifically requests parties to discuss "call back capabilities for non-serviced initialized handsets and address whether further Commission action, such as technical solutions or educational programs is needed or appropriate".² The Public Notice states that the Public Safety Entities note that refurbished phones are being donated and distributed by various charitable organizations and that these phones, along with other 911-only non-service initialized phones, may not provide call back

¹ Comment Sought on Request for Further Consideration of Call Back Number Issues Associated with Non-Service Initialized Wireless 911 Calls, *Public Notice*, CC Docket 94-102, WT Docket 00-80 (Released May, 18, 2000). ("Public Notice")

² Public Notice, p. 2.

information.³ The Public Service Entities “assert that increased sales and use of these phones create a public safety concern that should be further considered”.⁴

SBC Wireless does not feel that a technical solution for completing calls to non-service initialized wireless phones is feasible. As previously discussed in this docket, a handset emits a unique electronic serial number (ESN) and ten digit Mobile Identification Number (MIN). The MIN is the telephone number. The ESN/MIN combination is used to validate the customer. In the case of 911 calls, the switch ignores any negative validation response and sends the call, provided there is a 911 PSAP willing to take such calls. The use of the MIN/ESN combination in this manner is part of the Order promulgated by the Commission in setting up cellular in the early 1980s and assures a consistent, uniform standard. The use of the ESN/MIN combination for validation and fraud prevention is embedded in existing network technology and handsets. No workable solution to the call back to non-service initialized handsets has been proposed. The Public Safety Entities cite to the Commission’s Order wherein carriers are said to have conceded that “it may be possible in the future to create unique capable call back”. In the Order, Southwestern Bell Mobile Systems is paraphrased as saying “substantial development work by switch manufacturers, along with network reconfiguration by wireless carriers, would be required to provide reliable call back”.⁵ Part of the “development work by switch manufacturers” necessarily includes development of a workable solution—SBMS in no way meant to imply that a workable solution had been found or that a solution was imminent. As the Commission in the Order noted, the

³ Id.

⁴ Id.

parties argued that the proposal suggested by the Ad Hoc Alliance was fraught with problems and that the time and costs associated with such solution would be prohibitive.⁶ The only thing that has significantly changed is that the Commission has eliminated the requirement that wireless carriers are entitled to cost recovery, including any costs associated with such development and implementation to serve such non-service initialized customers with call back capability.

The Public Safety Entities do not provide statistics regarding whether they are seeing an increased number of wireless non-service initialized calls. They do cite newspaper references regarding donations of used phones. SBC Wireless participates in many such programs and it is our policy to provide service initialized phones to women's shelters, police sponsored citizen patrol units, school athletic programs and other such organizations. The phones are limited in their calling beyond 911. However, being service initialized they do provide a call back number.⁷ The articles provided by the Public Safety Entities do not state whether such phones were service initialized. The advertising of wireless 911 only non-service initialized phones has increased since the Commission's decision requiring the passage of 911 calls from such phones. As previously noted in this docket, SBC Wireless' practice and that of many other carriers was to pass such calls even prior to the Commission's ruling. What seems to be changing is the public awareness of such fact.

From a public policy prospective, it is better to have service initialized handsets than non-service initialized handsets. A customer with a service initialized handset is

⁵ In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Memorandum *Opinion and Order*, CC Docket 94-102, para. 110 (Released December 21, 1997).

⁶ Id.

seemingly less likely to rely on calling 911 in non-emergency situations such as flat tires, breakdowns and running out of gas. In those states where a surcharge has been imposed on wireless to support wireless E911, the service initialized handset user will be paying the surcharge—the non-service initialized user will not. Finally, reliance on 911-only phones creates a false sense of security, given the fact that wireless 911 service is not available in all areas.

SBC Wireless believes that if the Commission feels a need to act, it should be in the form of requirements on manufacturers and refurbishers of “911-only” phones, the establishment of a standard non-initialized number for such phones and encouragement of service initialized donations. SBC Wireless believes that education is the key. The users of such phones should be aware that the phone does not allow call back and that a methodology should be implemented to assist PSAP operators to recognize such non-service initialized calls. Such customers also need to be informed that 911 service may not be available in all areas.

I. The Commission Should Place Requirements on Manufacturers and Refurbishers of 911-Only Non-Service Initialized Phones.

The articles referenced by the Public Safety Entities note that the donated phones “have been reprogrammed to dial 911 or a hotline” or “will be sent to Motorola to be refurbished and programmed to dial emergency numbers”. Hopefully, if the phones are not being handed out service initialized, the recipients are being told of the call back limitations. Still, there would be a concern if the phones still contain the old phone number because such could confuse the PSAP operator.

⁷ Affidavit of Walter F. Patterson attached as Exhibit 1.

Likewise, hopefully those selling the 911 only non-service initialized phones are being told of the limitations. SBC Wireless, at the request of representatives of the Tarrant County 9-1-1 District, helped test one of the 911 only phones.⁸ The tests indicated that the phone was actually programmed with mobile number 123-456-7890, a non-assignable number under the North American Numbering Plan.

One option for the Commission would be to adopt 123-456-7890 as the “non-service initialized” number and require manufacturers of such 911 non-service initialized phones, refurbishers of phones and any carriers reprogramming phones to be non-service initialized to load such number as the phone number. By establishing a “non-initialized number” the PSAP operator would be able to recognize the inability to call back. While this would not totally eliminate the concerns because there still may be non-service initialized phones being used which still contain a dialable number, it would go a long way to minimizing the issue.

II. Education

The Commission could also consider requiring the labeling of non-service initialized phones as not allowing call back features, thus assuring that the users of such phones are informed of their limitations. The customers should also be educated on the fact that 911 service may not be available in all areas. In addition to being valuable information the customer needs, a better-informed consumer is likely to see the advantages of a service initialized handset and obtain service, thus furthering the public interest. Also, the education would encourage those who receive donated phones which are non-service initialized to seek the assistance of their local carrier to see if service

⁸ Affidavit of Kevin Thomas Roberts attached as Exhibit 2.

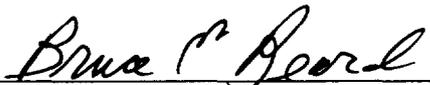
arrangements can be made. Again, SBC Wireless participates in many such programs using service initialized donated phones.

SBC Wireless, like many other wireless carriers, stresses the safe use of the phone and encourages customers on 911 calls to be ready to give their exact location and call back number. Unfortunately, those who may simply buy used phones at flea markets, pawnshops or simply use old non-service initialized phones for 911 purposes, are seemingly beyond the reach of carrier education because they are not wireless customers. Thus, education requirements should be placed on those supplying such non-service initialized phones.

Conclusion

For the reasons stated herein, if the Commission believes that some action is warranted, it should be in the form of establishing a non-service initialized number along with labeling and education requirements on the manufacturers, refurbishers and reprogrammers of such non-service initialized handsets.

SBC WIRELESS INC.

By: 

Bruce E. Beard
General Attorney-Regulatory
2000 West Ameritech Center Road
Hoffman Estates IL 60195

Carol L. Tacker
Vice President and General Counsel
17330 Preston Road
Dallas TX 75252

AFFADAVIT OF WALTER F. PATTERSON

STATE OF TEXAS
COUNTY OF Tollen

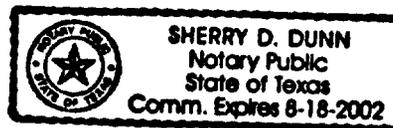
Walter F. Patterson being first duly sworn, deposes and states:

1. My name is Walter F. Patterson. I am employed by Southwestern Bell Mobile Systems, Inc. in the position of Vice President-Corporate Communications. I work out of the company's headquarters in Dallas, Texas.
2. In the course of my employment I have personal knowledge and responsibility for various charitable programs including the donation of used handsets for emergency purposes. Some of the organizations and programs SBC Wireless donates used handsets include: elementary, middle and high schools; neighborhood crime watch groups; agencies that address domestic violence and abuse; and the Red Cross for disaster response.
3. Our policy is that the handsets we donate for such emergency purposes are service-initialized thus allowing them to receive calls in addition to placing 911 or other emergency calls.
4. Through our Safety Awareness Program, we encourage customers to call 911 to help themselves or other people if emergency response is needed.

Walter F. Patterson
Walter F. Patterson

SUBSCRIBED and SWORN to before me this 11th day of June, 2000.

Sherry D. Dunn
NOTARY PUBLIC

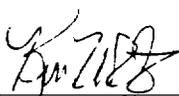


AFFADAVIT OF KEVIN THOMAS ROBERTS

STATE OF TEXAS
COUNTY OF Tollin

Kevin Thomas Roberts being first duly sworn, deposes and states:

1. My name is Kevin Thomas Roberts. I am employed by Southwestern Bell Mobile Systems, Inc. in the position of Regional Manager-Network. I work out of the company's headquarters in Dallas, Texas.
2. In the course of my employment I was contacted by a representative of the Tarrant County, Texas (Fort Worth, Texas) 911 District regarding a "Mobile911" phone it had acquired. The phone was non-service initialized and purchased through an advertisement in an airline magazine.
3. Test calls were placed using the 911 only phone on May 22, 2000.
4. The tests calls placed to the Arlington, TX PSAP using the phone demonstrated that the phone had been programmed with the Mobile Number 123-456-7890, a non-assignable number in the North American Numbering Plan.
5. The test also indicated that the correct cell/sector information was sent on the test calls.



KEVIN THOMAS ROBERTS

SUBSCRIBED and SWORN to before me this 16th day of June, 2000.



NOTARY PUBLIC

