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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )  
)  
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

To: The Commission

**REPLY COMMENTS OF SECURE ALERT, L.L.C**

SecureAlert, L.L.C. ("SecureAlert"), by its attorneys and pursuant to the Commission's May 18, 2000, Public Notice (DA 00-1098), hereby files its reply comments in the above captioned proceeding concerning the April 28, 2000 request ("Request") of the Texas 911 Agencies, the National Emergency Number Association (NENA), the Association of Public-Safety Communications Officials-International, Inc. (APCO) and the National Association of State Nine-One-One Administrators (NASNA) (collectively, the Public Safety Entities) seeking further consideration of call-back number issues associated with non-service initialized 911 calls.

A review of the record in this proceeding shows that there is no basis for modifying the Commission's Basic 911 Service policies and rules. A consensus of commentators believe that technological and/or cost barriers still exist to the provision of call-back capability to non-service initialized wireless phones. Moreover, the record shows that non-service initialized handsets provide immense benefits to their owners and recipients, even if they do not provide call back capability. The FCC should therefore not take any action that would restrict the ability of consumers (and beneficiaries of certain

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wireless phone donation programs) to access Basic 911 Service through the use of non-service initialized handsets. If it chooses to do anything, the Commission should encourage voluntary educational efforts between industry, public safety agencies, and organizations that administer these handset donation programs.

**I. THE COMMENTS DO NOT JUSTIFY ANY MODIFICATION OF THE COMMISSION'S BASIC 911 SERVICE POLICIES AND RULES**

***a. Technological and/or Cost Barriers Still Exist to the Provision of Call Back Capability to Non-Service Initialized Wireless Phones***

The provision of call back capability to all wireless handsets is a laudable goal. However, a consensus of those filing comments in this proceeding believe that nothing has changed since the Commission last received comment on this issue and that technological and/or cost barriers still exist to the provision of call back capability to non-service initialized wireless phones.<sup>1</sup> Carriers have indicated they would need to design a parallel call-delivery system to provide this service,<sup>2</sup> that efforts to design and implement a technical solution would significantly divert carrier resources from higher priority activities,<sup>3</sup> and that permitting incoming calls to non-service initialized phones would present a significant fraud risk.<sup>4</sup> SecureAlert has no basis to dispute these claims.

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<sup>1</sup> See Comments of AT&T Wireless Services, Inc. ("AT&T Wireless Comments") at 3; Comments of BellSouth Corporation ("BellSouth Comments") at 2; Comments of Cellular Telecommunications Industry Association ("CTIA Comments") at 3-6; Comments of SBC Wireless Inc. ("SBC Comments") at 2; Comments of SCC Communications Corp. ("SCC Comments") at 2-3; Comments of Verizon Wireless ("Verizon Comments") at 1

<sup>2</sup> AT&T Wireless Comments at 3.

<sup>3</sup> Comments of BellSouth at 2.

<sup>4</sup> AT&T Wireless Comments at 4.

As it noted in its comments, SecureAlert designed Mobile911 to be a simpler, more affordable and maintenance-free solution for people who want a wireless phone for emergency use only, or who have difficulty using a traditional cell phone.<sup>5</sup> SecureAlert does not dispute that enhanced capabilities such as call back may be of value to PSAPs in a limited number of circumstances. However, the record in this proceeding correctly indicates that only a relative few 911-only handsets are in circulation<sup>6</sup> and call back is infrequently needed by PSAPs<sup>7</sup>. Moreover, the addition of such capability to the Mobile911 handset would threaten the very features that have made the device accessible to many consumers – its low cost and ease of use.

***b. Hundreds of Thousands of Individuals Today Rely Upon Their Ability to Use Non-Service Initialized Phones to Provide Access to Basic 911 Service***

The Commission's Basic 911 Service policies currently make it possible for many civic and charitable organizations, as well as wireless carriers, to distribute refurbished 911-only wireless phones to victims of domestic violence. Indeed, one major wireless carrier, Verizon Wireless, has donated more than 15,000 phones through such programs and suggests that a significant reason why it and other carriers are willing to voluntarily participate in these efforts is because the FCC's rules permit them to donate non-service initialized phones.<sup>8</sup> If these carriers and charitable groups are required to provide

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<sup>5</sup> SecureAlert Comments at 3.

<sup>6</sup> AT&T Wireless Comments at 4.

<sup>7</sup> Comments of Wireless Consumers Alliance, Inc. ("WCA Comments") at 2.

<sup>8</sup> See Comments of Verizon Wireless ("Verizon Comments") at 5-6. In particular, Verizon believes that "*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.*"

recipients with a service-activated phone (*i.e.*, a handset with airtime and a call back number), the cost of making such donations would increase dramatically and it is likely that many of these valuable public safety programs would cease to exist. Moreover, if consumers cannot use non-service initialized phones to make 911 emergency calls, millions of decommissioned handsets that are currently in the marketplace will be useless and provide no public safety benefit.

The same Basic 911 Service rules that make it possible for charitable groups and carriers such as Verizon to donate refurbished handsets for 911-only calls also make it possible for consumers to choose devices that may better fit their personal safety needs, such as the Mobile911 handset. As SecureAlert indicated in its comments, many of those who purchase Mobile911 are individuals who, for one reason or another, cannot operate a traditional wireless phone. Others simply cannot afford or choose not to subscribe to a wireless service plan. These individuals have the same right to access wireless 911 emergency communications as those who are fortunate enough to receive donated phones.

Commentors have noted that only a handful of refurbished phones are being distributed by civic and charitable organizations and the for-profit marketing of 911-only handsets likewise has placed only a relatively few handsets in circulation.<sup>9</sup> Nevertheless, the public safety benefits of such phone donation programs and devices, which may not provide call back capability, are beyond question. The ability of carriers to participate in such programs, the ability of consumers to choose specialized personal safety devices

such as Mobile911, and the ability of millions of consumers who have decommissioned cell phones to use these devices for 911 access is entirely dependent on the Commission retaining its current Basic 911 Service policies and rules. The Commission must therefore refrain from taking any action that would restrict the ability of consumers to access Basic 911 Service through the use of non-service initialized handsets.

*c. Non-Service Initialized Wireless Handsets Provide Immense Benefits to their Owners and Recipients, Even If Such Phones Do Not Provide Call Back Number Capability.*

SecureAlert agrees with AT&T Wireless that the distribution of non-service initialized wireless handsets by civic and charitable organizations provides immense benefits to the recipients, even if such phones do not provide call back number capability.<sup>10</sup> Likewise, personal safety devices such as Mobile911 provide immense benefits to users even though they are incapable of receiving incoming calls. These programs and devices are similar in that each provides individuals who would not otherwise have access to wireless 911 service with the ability to establish two-way voice communications with an emergency services operator. The record in this proceeding does not contain any evidence suggesting that the call back capability is more important than the ability for callers to establish a connection to 911 in the first place. When this call back issue was reviewed in 1998 by the Wireless E-9-1-1 Ad Hoc (“WEIAD”) technical workshop, participants estimated that call back was only used in one half of one percent of 911 calls.<sup>11</sup> According to the Wireless Consumers Alliance, the Public Safety

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<sup>9</sup> Comments of AT&T Wireless Services, Inc., (“AT&T Wireless Comments”) at 2.

<sup>10</sup> *Id.*

<sup>11</sup> WCA Comments at 2.

Entities did not believe that the cost of implementing call back justified the benefits.<sup>12</sup> Neither the Public Safety Entities nor any other party to this proceeding has provided evidence that the cost of providing call back capability to non-service initialized phones would be any less today or that such costs would be justified by the public safety benefits gained.

Instead of recognizing the obvious public safety benefit of non-service initialized phones and personal safety devices such as Mobile911, one commentor goes so far as to say that public safety is actually impaired by the use of non-service initialized phones.<sup>13</sup> SCC claims that non-service initialized wireless phones are not accurately reflected in the count of working telephones within a geographic area and that this burdens the 911 network due to “unforecasted demand.”<sup>14</sup> SecureAlert strongly disagrees with these assertions and believes that SCC is “crying wolf.” SCC provides no statistics to back up its exaggerated claims and it fails to mention many other factors that place much greater unforecasted demand on 911 trunks, such as storms, highly visible traffic accidents and natural disasters. Even as handset donation programs and 911-only phones have become more prevalent, there is simply no basis for concluding that the tiny fraction of 911 calls from non-service initialized phones impairs 911 service. If network traffic from these devices has any measurable impact, PSAPs can easily add a small percentage of calls to their forecasts.

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<sup>12</sup> *Id.*

<sup>13</sup> SCC Comments at 3.

<sup>14</sup> *Id.*

**II. THE COMMISSION SHOULD ENCOURAGE VOLUNTARY EDUCATIONAL EFFORTS BETWEEN THE WIRELESS INDUSTRY, PUBLIC SAFETY AGENCIES AND ORGANIZATIONS THAT ADMINISTER HANDSET DONATION PROGRAMS**

Rather than pursue a technical solution to the call-back issue for non-service initialized wireless phones, SecureAlert believes the FCC should encourage voluntary educational efforts between the wireless industry, public safety agencies, and organizations that administer handset donation programs. SecureAlert has been actively engaged in such public education efforts since it began marketing Mobile911 to consumers last year. In its web site and/or instructional and educational materials packaged with each Mobile911, SecureAlert provides consumers with answers to frequently asked questions about Mobile911, provides valuable guidance about 911 calling procedures, and discloses information about 911 coverage limitations. Among the most important educational items, SecureAlert instructs 911 callers to never hang up on a 911 operator until told to do so and to always identify their location when calling 911.

SecureAlert is committed to continually improving its instructional and educational materials and in this regard it will continue to encourage the input of the public safety community and its customers. With carriers beginning to implement Phase I of the Commission's E-911 requirements, consumers increasingly have access to enhanced 911 features such as call back capability. SecureAlert is in the process of revising its web site and educational materials to ensure that its customers are aware of these exciting public safety developments.

One commentor has suggested that the Commission place requirements on manufacturers and refurbishers of 911-only non-service initialized phones.<sup>15</sup> In particular, SBC Wireless believes that users of such phones should be aware that the phone does not allow call back and that a standardized non-service initialized MIN of 123-456-7890 be implemented to assist PSAP operators to recognize such non-service initialized calls. SecureAlert supports this proposal and agrees with SBC that even though this will still be a non-dialable number, it will go a “long way to minimizing the issue.”<sup>16</sup>

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<sup>15</sup> SBC Comments at 4.

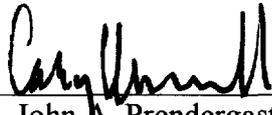
<sup>16</sup> *Id.*

### III. CONCLUSION

In light of the foregoing, SecureAlert believes that the FCC should not take any action that would restrict the ability of consumers (and beneficiaries of certain wireless phone donation programs) to access Basic 911 Service through the use of non-service initialized handsets. If it chooses to address this issue further at this time, SecureAlert believes the Commission should encourage voluntary educational efforts between industry, public safety agencies, and organizations that administer these handset donation programs.

Respectfully submitted,

**SecureAlert L.L.C.**

By  \_\_\_\_\_  
John A. Prendergast,  
Cary Mitchell  
Its Attorneys

Blooston, Mordkofsky, Jackson & Dickens  
2120 L Street N.W.  
Washington, DC 20037  
Tel: (202) 659-0830

Michael Bernstein, Managing Member  
SecureAlert, L.L.C.  
109 David Lane  
Knoxville, TN 37922  
Tel. (865) 694-2704 x3104

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## Service List

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Washington DC 20554

Jay Whaley \*  
Policy Division  
Wireless Telecommunications Bureau  
445 12th St. S.W., Room 3-A161  
Washington DC 20554

Douglas I. Brandon  
Vice President – External Affairs  
AT&T Wireless Services, Inc.  
1150 Connecticut Avenue, N.W. Suite 400  
Washington, DC 20036

Howard J. Symons, Michelle M. Mundt  
Bryan T. Bookhard  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo  
701 Pennsylvania Avenue, N.W. Suite 900  
Washington, DC 20004  
Counsel to AT&T Wireless Services, Inc.

James G. Harralson  
Charles P. Featherstun  
BellSouth Corporation  
1155 Peachtree Street, N.W. Suite 1800  
Atlanta, GA 30309

David G. Frolio  
BellSouth Corporation  
1133 21<sup>st</sup> Street, N.W.  
Washington, DC 20036

Michael F. Altschul  
Randall S. Coleman  
Cellular Telecommunications Industry  
Association  
1250 Connecticut Avenue, N.W., Suite 800  
Washington, DC 20036

Ralph B. Everett, Esq.  
Paul, Hastings, Janofsky & Walker, LLP  
1299 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2400  
Counsel to SCC Communications Corp.

John T. Scott, III  
Vice President and Deputy General Counsel –  
Regulatory Law  
Verizon Wireless  
0110 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2595

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Washington DC 20554

ITS \*  
1231 20<sup>th</sup> Street, N.W.  
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\* Via Hand Delivery