

Both LNP and smaller-block number pooling are concomitants of local telephone service competition and an increasing number of competing carriers. NENA and NASNA are not seeking to put that genie back in the bottle, but to keep 9-1-1 emergency call-taking and response abreast of the changing times. The need to identify a caller's telephone carrier quickly becomes critical when there is no voice contact with the caller and when no record is found in databases that link telephone numbers with individuals and the locations of telephones assigned those numbers. The problem is akin to that of wireless calls to 9-1-1, where loss of voice contact may give life-or-death urgency to the need to know where the call came from.³

The Report and Order took account
of public safety concerns about
pooling beyond rate center boundaries.

NENA and NASNA appreciate and applaud the Commission's decision to limit each number pool to a particular rate center. Report and Order, ¶185. Each NXX thus would maintain an association with the known geography of a rate center, even though it no longer serves to identify a unique telephone carrier. We are also grateful for the Commission's attention to NENA and T1S1.6 standards recommendations against the porting from one switch to another of the "routing numbers" into which 9-1-1 calls may be translated. (Report and Order, ¶186)

The reasons for deferring an IVR
solution to the problem of carrier ID
are not explained adequately.

³ Comments of Illinois NENA, July 29, 1999, pages 10-13; Comments of the Joint 9-1-1 Agency Commenters, July 30, 1999, pages 5-6; Reply Comments of NENA, August 30, 1999, page 4; Reply Comments of Illinois NENA, August 30, 1999, pages 5-6.

At paragraph 187 of the Report and Order, the Commission wrote:

IVR is a system that would enable a PSAP (public service access point)⁴ to access the NPAC data, which indicates what company owns each ported telephone number. Because of its potential impact on accessibility to telecommunications services, we decline to address the nationwide implementation of IVR in this *Report and Order*. We do, however, reserve the right to implement this requirement in future proceedings.

The decision does not explain the phrase “potential impact on accessibility to telecommunications services.” From our perspective, the absence of IVR or some similar mechanism for quickly identifying a caller’s carrier -- in order to be able to identify and/or locate the caller -- is a threat to individual and public safety where lack of voice contact and linking data frustrate or delay emergency response. We believe public safety telecommunication becomes less accessible in such circumstances. We need to understand what the Commission means by IVR’s allegedly negative “impact on accessibility.”

Under the Administrative Procedure Act’s provision for notice-and-comment rulemaking, 5 U.S.C. §553, as interpreted by the Supreme Court, a federal agency’s decision must establish a “rational connection between the facts found and the choice made.” The agency may not “entirely fail[] to consider an important aspect of the problem.”⁵ NENA and NASNA see no rational basis for the Commission’s decision to defer treatment of IVR and believe that the agency thus has failed to consider an important aspect of the problem of identifying and locating 9-1-1 callers in the new environment of competition and portable telephone numbers.⁶

⁴ 9-1-1 Authorities use the “PSAP” acronym to stand for “Public Safety Answering Point.”

⁵ *Motor Vehicle Mfrs. Ass’n v. State Farm Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)

⁶ The omission is all the more puzzling in light of the Commission’s acknowledgment of “default routing” problems for 9-1-1 calls in the absence of data links identifying and locating the calling phone, and the agency’s resulting decision to minimize these problems by limiting number pools to rate center boundaries. Report and Order, ¶ 185.

The crucial nature of the general problem already has been acknowledged in this docket through the FCC rules for wireless caller identification and location, 47 C.F.R. §20.18, and in the pending proposal to identify and locate more precisely wireline callers using “multiline telephone systems” (“MLTS”) such as Private Branch Exchange switches (“PBXs”) or key system telephones.⁷ The particular problems arising from 9-1-1 calls where voice contact is missing or broken and where no data-linking record is found have been laid out in the Illinois NENA Comments of July 29, 1999 at paragraphs 67-92, pages 10-13.⁸

These issues are not hypothetical or speculative. An IVR solution has been implemented temporarily in all seven U.S. LNP regions. According to the Illinois NENA Comments, the Midwest LNP region setup works as follows:

73. The administration (registration) for use of the IVR includes 9-1-1 systems, law enforcement agencies (federal, state and local) and public safety communications centers registering by either utilizing a special Lockheed Martin Internet web page or by calling a special number at the Company’s Chicago facilities.

74. Once an agency has registered with Lockheed Martin, the company checks to be sure that the request is from a valid agency meeting the criteria. The agency is contacted a few days later and given the IVR access phone number (currently toll-free), a special numeric password and instructions.

75. When a registered agency calls the IVR access phone number, the numeric password and the local phone number being checked are entered. If the number has been ported or pooled, the response includes the local service provider and a 24[hour]/7[day] phone number (if available) for that provider.

⁷ Notice of Proposed Rulemaking, CC Docket 94-102, 9 FCC Rcd 6170 (1994).

Any service provider taking part in the seven regional LNP trials is automatically registered in the IVR database. However, some of the registered carriers still are not providing full 24-hour/7-day (“24/7”) phone numbers representing stations staffed continually by live operators. When wireless carriers become subject to the LNP rules in 2002, the problems created by partial and non-uniform carrier contact mechanisms will be exacerbated. Accordingly, NENA is urging that the FCC mandate for LNP carriers true 24/7 contact points staffed by live respondents.⁹

Funding for these regional IVR trials is partial and temporary. NeuStar currently is providing registration and database administration free of charge, pending the establishment of a permanent funding arrangement for public safety needs. Were the financing more secure, the interested parties would look to improve the operation:

80. The future enhancements include: (1) the ability to identify the service provider/phone number relationship for all numbers, not just those that have been ported or pooled; (2) the ability to check from an 18-month history of the service provider/phone number relationship; and (3) the ability to access the information through other means, including the national law enforcement computer system (NLETS) and the Internet.

(Illinois NENA Comments, 11-12)¹⁰

Illinois NENA states that the data available under the current IVR regional operations “include no customer information and we are not advocating that any such be included. We are

⁸ A discussion of problem scenarios not yet on the Docket 99-200 record is attached to this petition. It was compiled by Rick Jones, ENP, of the Loves Park, Illinois 9-1-1 center, a member of NENA and Illinois NENA and an active participant in the Midwest Region IVR trial.

⁹ Some states mandate 24/7 contact numbers for wireline carriers.

¹⁰ We note, however, that NeuStar filed June 30, 2000 a “Petition for Compensation Adjustment, Request for Approval of Implementation Schedule and Emergency Request for Interim Relief.” While apparently related to new burdens said to be imposed by the March 31st Report and Order,

simply seeking an automated method to identify which local service provider maintains a local phone number.” (¶85, page 12) With respect to the 18-month history said to be important to law enforcement (Id.), NENA and NASNA acknowledge that this could be sensitive commercial information and should be restricted accordingly.

NENA and NASNA conservatively estimate that by the end of calendar 2000, there will be 11 million ported numbers and another million pooled numbers where carrier identity is not superficially obvious. With growing competition, with the changes in NXX assignment and reclamation required by the Report and Order, and with wireless service beginning not just to supplement but to replace wireline service, it is increasingly important that IVR or some similar mechanism be expanded to include all phone numbers and their service provider relationships. Wireless “churn” (customers changing carriers) is estimated at 2 per cent per month, 24 million per year. If many or most of these become “ported” starting in 2002, the totals above will increase sharply.

CONCLUSION

For the reasons discussed above, the Commission should reconsider its decision to defer treatment of the need for an IVR or similar solution to the problem of identifying a 9-1-1 caller’s carrier. Upon reconsideration, the FCC should adopt a requirement that each carrier capable of transporting 9-1-1 calls be registered with a 24/7 contact number that will be answered at all times by a live operator. To the extent that further information and comment may be required to develop a permanent funding mechanism that is fair and reliable, NENA and NASNA ask that the process be initiated.

Respectfully submitted,

and not to IVR, the NeuStar petition leaves public safety organizations even more concerned to establish permanent funding mechanisms for their participation in IVR.

NENA and NASNA

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NENA'S ATTORNEY

Why IVR? Some Problem Scenarios

For 9-1-1 PSAPs, a “no record found” call comes in and there is no voice contact. Which local phone company is called to find out the address, in an area of number portability and 10 to 20 local carriers?

For emergency services’ communication centers (which may be for law enforcement, fire, medical, and/or other emergency services), a caller reports an emergency at another location, for which he/she has no address, just a phone number (this has already occurred in a Chicago suburb). Which local phone company is called to find out the address, in an area of number portability and 10 to 20 local carriers?

For law enforcement, a subpoena needs to be issued for local phone records or for a wiretap regarding a specific phone number. Which local phone company is put on the subpoena, in an area of number portability and 10 to 20 local carriers?

For law enforcement (and very often on the local level, for their communications center personnel), a local phone company needs to be contacted quickly to interrupt a phone line, take over a phone line, or change the phone number on a phone line, because of a hostage situation, barricaded subject, or a kidnapping. Which local phone company’s security office is called, in an area of number portability and 10 to 20 local carriers?

The above are just some of the possible scenarios showing why it is important for 9-1-1 centers, public safety communication centers in general, law enforcement, and other emergency services to have some reliable means of establishing the correct relationship between a local phone number and the associated local carrier, along with a 24/7 security phone number to that carrier.

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