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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of 911 Act	)	WT Docket No. 00-110
	)	
Use of N11 Codes and Other Abbreviated Dialing Arrangements	)	CC Docket No. 92-105
	)	

REPLY COMMENTS OF NENA

The National Emergency Number Association ("NENA") hereby replies to the views of others and adds to its own initial comments of October 16, 2000 in the captioned proceedings. We agree with SCC (Comments, 2-3) and Wireless Consumers Alliance(throughout) that transition to 9-1-1 must not and need not be protracted in any area where some form of emergency response can be generated by the dialing of a telephone number. It should be simple enough to program most wireless or wireline telephone switches so that 9-1-1 is translated into the number of the emergency response center, whether the end point of the call is a "PSAP" or not.

Alliance proposes a useful caveat: "This is not to say that carriers should be free to choose and select which public safety agency receives a 911 call." (Comments, 8) The burden remains on the public safety authorities to designate the appropriate answering point, and we see no harm in carriers asking the authorities to make the choice if this has not been done.

As in NENA's initial comments (6), Alliance (12-14) raises the issue of private security systems and "telematics" uses where emergencies are reported by some means others than the dialing of 9-1-1. Section 3 of the Wireless Communications and Public Safety Act of 1999, P.L. 106-81, 113 Stat. 1286 ("911 Act") does not appear to distinguish private from public systems in its mandate that 9-1-1 "shall apply to both wireline and wireless telephone service."

Multi-Line Telephone Systems. The 911 Act thus is about more than wireless emergency communications. NENA agrees with the Washington State E911 Program (Comments, 2) that PBXs and other multi-line wire telephone systems ("MLTS") "need capability to provide caller location to E911 systems." The joining here of a Common Carrier Bureau docket, 92-105, with a Wireless Telecommunications Bureau docket, WT 00-110, gives the two bureaus a chance to work together toward resolving a wireline caller location problem that was the genesis of the main 9-1-1 proceeding, CC Docket 94-102, yet has been all but neglected the past three years.[1]

Maritel's comments. Maritel, a provider of VHF Public Coast ("VPC") radio service to persons in coastal waters or on inland waterways, argues strenuously for preemption of certain state 9-1-1 laws which it believes (1) may apply to its service or (2) are so vague as to create uncertainty about their intended scope. Maritel's request for preemption is unripe.

Section 1.2 of the Commission's rules gives the agency discretion to issue a declaratory ruling terminating a controversy or removing uncertainty. Maritel offers no controversy to be terminated. There appears to be no 9-1-1 Authority attempting to collect a fee or otherwise regulate the VPC service.

Assuming, without accepting, that Maritel is correct to claim exemption from the FCC's wireless 9-1-1 regulations at Section 20.18 (Comments, 4), and further assuming, without accepting, that Congress has implicitly occupied the field of maritime telecommunications regulation (Comments, 13), there is still no legal "uncertainty" requiring Commission action because there is no hint of an obstacle to federal purposes. Surely the mere presence of statutes

[1] Many Private Branch Exchanges ("PBXs"), or customer-premise switches, serve high-rise or campus office or residential settings through telephone extensions. Frequently, the only number that accompanies a 9-1-1 call when it reaches a PSAP is the "switchboard" or main number. When the geographic location of the switchboard is far removed from the 9-1-1 caller's extension telephone, emergency responders may be misdirected if the caller is unable to give directions.

that might apply but have never been enforced does not create a burden or a barrier to maritime telecommunications.

In short, the only uncertainty lies in Maritel's speculation that some day a state might try to regulate it. There will be time enough to consider the lawfulness of such a move when it happens.

Whether or not Maritel is subject to Section 20.18 or to state laws, NENA believes that Section 3 of the 911 Act applies to maritime emergency communications constituting wireless telephone service within the United States.[2]

CONCLUSION

For the reasons discussed above, the Commission should provide for short transitions to 9-1-1 in most cases, and should require private security and telematics systems to comply with the 911 Act. The problem of locating PBX callers needs to be resolved. Maritel's request for preemption of state 9-1-1 laws is premature and does not call for a ruling at this time.

Respectfully submitted,

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[2] Comments of November 14, 2000 on Maritel's Petition for Reconsideration of the Fourth Report and Order in CC Docket 92-105, dated September 28, 2000.