

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

In the Matter of)	
)	
Adoption of 911 Requirements)	IB Docket No. 99-67
for Satellite Services)	(DA 00-2826)

REPLY COMMENTS OF NENA

The National Emergency Number Association (“NENA”) replies to the comments of others in the captioned proceeding. Of the 10 commenters, including itself, NENA counts five who endorse some basic form of 9-1-1 for emergency mobile voice calls via satellite originating in the United States.¹ Of the three commenters opposed, two appear to be open to 9-1-1 requirements going forward.² The remaining two commenters speak for non-voice or specialized services where distinctive treatment appears justified.³

Although agency rules are not adopted by majority vote of commenters,⁴ NENA is gratified at the show of support on this record for fulfilling the Congressional command of two years ago that 9-1-1 be the “universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance.”⁵ The new law is discussed at pages 1-2 of NENA’s opening comments dated February 20, 2001.

¹ NENA, APCO, State of Washington Enhanced 911 Program, SCC and Globalstar Parties.

² ICO, Motient, Inmarsat, the latter two chiefly concerned about retroactive application of 9-1-1 rules.

³ Boeing, Final Analysis/Orbcomm (jointly).

⁴ Otherwise, the current wireless E9-1-1 regulations could never have survived the initial overwhelming opposition of the commercial mobile radio service industry to the Notice of Proposed Rulemaking in CC Docket 94-102, 9 FCC Rcd 6170 (1994), resulting in a first Report and Order, 11 FCC Rcd 18676 (1996) and subsequent orders.

⁵ Wireless Communications and Public Safety Act of 1999, P.L. 106-81, Section 3 (“1999 Act”). Regrettably, none of the other commenters discusses the legal imperatives in this new statute. We hope the issues will be joined on reply.

GUSA's ECAS is functioning
now as basic 9-1-1 service.

One of the Globalstar Parties, Globalstar USA (“GUSA”) provides Emergency Call Assistance Service (“ECAS”) using both the U.S. 9-1-1 and other country emergency dialing codes. The calls are routed to a central service bureau which appears to function as a primary answering point.⁶

The service bureau, in turn, utilizes a centralized database of public safety answering points (“PSAPs”) for the U.S. and Canada with their respective geographic jurisdictions (developed in cooperation with the National Emergency Number Association [“NENA”] and Public Safety Associates), and routes the call to the appropriate PSAP based on information provided by the caller.

(Comments, 2-3) In our view and that of the Globalstar Parties (Comments, 12), the ECAS functions to all intents and purposes as basic 9-1-1 service under Section 20.18(b) of the Rules, with the exception of the “unidentified users” discussed at Comments, 13-14.⁷

NENA appreciates the Globalstar Parties’ suggestion (Comments, 8) that “discussions with the Coast Guard and with organizations such as NENA could be constructive” on how far and how fast mobile satellite telephony should move beyond the basic 9-1-1 service effectively offered by GUSA today. We cannot accept, however, the notion that “demonstrated need” should determine whether satellite 9-1-1 is available or not. (Globalstar Comments, 9) Congress ordained the use of these digits for all wireless telephone calls originating in the U.S. and the

⁶ While the service bureau is distinguished from the PSAPs to which it refers calls, there appears to be nothing in the 1999 Act’s definition of PSAP that would preclude a service bureau’s functioning as a “designated” reception point for such communications.

⁷ GUSA resists the “all calls” requirement of the current rule. Having initially opposed the extension of the requirement for call completion to “non-initialized” phones, NENA is not prepared to insist that satellite 9-1-1 calls from unidentified users be forwarded to answering points.

FCC is not free to vary from that mandate. The pace of implementing enhancements to mobile satellite 9-1-1 telephony may be influenced by numbers of subscribers and volume of emergency calls, but the use of 9-1-1 to originate the calls is simply not discretionary.⁸

ICO, Motient and Inmarsat
should expect to transition
to prospective rules.

Inmarsat's claim that "MSS is unable to make use of existing facilities to route 911 calls to local Public Safety Answering Points" is disproved by GUSA's successful initiative with ECAS. The litany of reasons for delaying mobile satellite 9-1-1 telephony – expense, infant industry, lack of hardware and software tools, etc. – are the same ones recited by the cellular and PCS carriers seven years ago at the opening of CC Docket 94-102. The FCC moved past those complaints in 1996, and should do so here as well.

Motient and Inmarsat concede as much when they posit, in the alternative, that more voluntary "fact finding" is needed prior to the onset of rules (Motient, 6) or that initial requirements be "general in nature and prospective only." (Inmarsat, 5). Motient is wrong to analogize the parties who came up with a "consensus" proposal in Docket 94-102 to an "advisory committee." (Motient, 6) Those parties met informally, during the course of a pending rulemaking, and the same thing can happen again without the Commission's ordering it and without additional delay.

⁸ The average of five calls per month that "have needed to be routed to a PSAP," *Id.*, may not sound like many by cellular or PCS standards, but the routing could have been critical to the persons who called.

The 1999 Act applies to voice calls
in the context of a request for help.

Section 3 of the Wireless Communications and Public Safety Act does not define “telephone service,” nor does the Communications Act itself. The root “phone,” however, is enough for the Commission to define “telephony” as the “science of transmitting voice over a telecommunications network.”⁹ Accordingly, we believe the Commission is free to exempt non-voice “machine to machine data communications,” such as that described in the joint comments of Final Analysis and Orbcomm (page 3), if it chooses to do so. Speaking for a network of systems historically and presently founded on voice communication – even while working toward emergency responses independent of voice – NENA is not prepared to argue at this time for 9-1-1 capability in non-voice systems.

Section 3 declares that 9-1-1 is to be used “for reporting an emergency . . . and requesting assistance.” The clear implication, and the common-sense reading, is that Congress would not command the use of 9-1-1 where assistance could not be quickly rendered. Such seems to be the case for aircraft emergencies. Short of a system of airborne PSAPs from which emergency responders could be dispatched to board a craft in trouble, the 1999 Act tolerates exemption for the Aeronautical Mobile Satellite Services (“AMSS”) described by Boeing.¹⁰

CONCLUSION

For the reasons discussed, the Commission should apply an appropriate form of basic 9-1-1 to mobile satellite telephone calls originating in the U.S. and should consider a framework

⁹ *A Glossary of Telecommunications Terms* (Federal Communications Commission, 1998), 35.

¹⁰ The same is not necessarily true for watercraft emergencies, some of which are communicated by cellular or PCS telephones, others by, say, VHF public coast radio stations, and for which there is a reasonable expectation of assistance, by the Coast Guard or some other agency. (NENA Comments, note 1).

for moving to enhancement. The agency is free to continue exempting non-voice and AMSS calls if it finds that the public interest would be better served by doing so.

Respectfully submitted,

NATIONAL EMERGENCY NUMBER ASSOCIATION

By _____

James R. Hobson
Miller & Van Eaton, P.L.L.C.
1155 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036
(202) 785-0600

W. Mark Adams
Executive Director
P.O. Box 360960
Columbus, Ohio 43236
(800) 332-3911

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