

Before the  
Federal Communications Commission  
Washington, D.C. 20554

MAY - 1 2002  
FCC-MW/DOCOM

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	
To Ensure Compatibility with	)	CC Docket No. 94-102 ✓
Enhanced 911 Emergency	)	
Calling Systems	)	
	)	
Non-Initialized Phones	)	RM-8143
	)	

**REPORT AND ORDER**

**Adopted: April 17, 2002**

**Released: April 29, 2002**

By the Commission: Commissioner Copps issuing a statement.

**I. INTRODUCTION**

1. In this *Report and Order*, we take further steps to improve the ability of public safety answering points (PSAPs) to respond quickly and efficiently to calls for emergency assistance made from a wireless mobile telephone. Specifically, we address issues associated with the inability of a PSAP to call back a 911 caller who is disconnected when that caller is using a non-service-initialized wireless telephone.<sup>1</sup>

2. On the basis of the record before us, we require that non-service-initialized handsets donated through carrier-sponsored programs and newly manufactured "911-only" phones be programmed with the code 123-456-7890 as the "telephone number,"<sup>2</sup> to alert a PSAP that the 911 call is being made from a wireless phone that lacks call-back capability. We also require carriers to complete any network programming necessary to deliver the 123-456-7890 telephone number from a non-initialized or "911-only" phone to PSAPs. In addition, we require that these phones be labeled to alert the user to the lack of call-back capability. Finally, we require that public education programs be instituted to more fully inform users of the limitations of non-initialized phones. These important steps will alert the parties involved in a wireless 911 call of the need for quick information as to the caller's exact location, thus increasing the likelihood that emergency services can be dispatched quickly to save lives, while imposing limited burdens on wireless carriers and manufacturers of "911-only" telephones.<sup>3</sup>

<sup>1</sup> Non-service-initialized wireless mobile telephones (non-initialized phones) are phones that are not registered for service with any Commercial Mobile Radio Service (CMRS) carrier. Because carriers generally assign a dialable number to a handset only when a customer enters into a service contract, a non-initialized phone lacks a dialable number.

<sup>2</sup> "Telephone number" refers to the language in 47 CFR. §20.18(d)(1), regarding Phase I of enhanced 911 (E911) services, which requires that licensees "must provide the *telephone number* of the originator of a 911 call and the location of the cell site or base station receiving a 911 call from any mobile handset accessing their system to the designated Public Safety Answering Point through the use of ANI and Pseudo-ANI."

<sup>3</sup> The Commission is aware of a third type of wireless mobile telephone that may lack call-back capability, "disposable phones." These devices, which may be offered for sale in the near future, will be service-initialized, (continued....)

## II. BACKGROUND

3. On December 23, 1997, the Commission issued the *E911 First Memorandum Opinion and Order* in the above-referenced proceeding, in which it reviewed, on reconsideration, decisions made in the *E911 First Report and Order* requiring covered CMRS carriers to forward all 911 calls to PSAPs regardless of their service-subscription status.<sup>4</sup> In response to requests for clarification concerning these carriers' obligations to provide call-back capability for wireless 911 calls, the Commission acknowledged that call-back capability may not be available for handsets not presently served by a wireless carrier, such as those that have never been service-initialized, or those for which the subscription to wireless service has lapsed. Therefore, the Commission determined in the *E911 First Memorandum Opinion and Order* that the carriers' obligation in such cases is limited to delivering 911 calls to PSAPs, but stated that it would revisit the issue at a later stage.<sup>5</sup>

4. Two new developments have occurred since the Commission's mandate set forth in the *E911 First Memorandum Opinion and Order*. The first is the institution of several laudable donation programs, where older, unused, and unsubscribed<sup>6</sup> cellular phones are collected by various groups (both carrier and non-carrier) and distributed to at-need individuals, such as victims of domestic violence and other crimes, the elderly, and the infirm.<sup>7</sup> The second is the development and sale of a new type of cellular phone, "911-only" phones, which are manufactured with only the capability of dialing 911, and which cannot

(Continued from previous page)

but may lack call-back capability, at least initially. Providing service via a wireless mobile phone that lacks call-back capability raises questions regarding compliance with the Commission's E911 Phase I rules. The Commission will monitor the development of disposable phones and address this question in a separate proceeding in the future. Carriers should note, however, that disposable phones that are service-initialized on their networks (*i.e.*, using a carrier's network as its "home" network), are subject to existing Commission rules regarding E911 location compliance.

<sup>4</sup> See Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, RM-8143, *Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 18676, 18692-97 (paras. 29-42) (1996) (*E911 First Report and Order*). See also Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, RM-8143, *Memorandum Opinion and Order*, 12 FCC Rcd 22665, 22717-19 (paras. 108-110) (1997) (*E911 First Memorandum Opinion and Order*).

<sup>5</sup> *E911 First Memorandum Opinion and Order*, 12 FCC Rcd at 22717-19, paras. 108-110. See also 47 CFR §20.18(d)(2).

<sup>6</sup> One commenter, CTIA, states that the terms "non-initialized" and "non-service-initialized" are misnomers, as the majority of these phones have actually been initialized by a service provider at some point, by programming the handset to transmit a mobile identification number (MIN). CTIA further states that the term "unsubscribed" more accurately describes these phones, since the phones either never have had, or no longer have, service contracts with a carrier. See CTIA comments to *Further Notice* at 2. However, in the interests of consistency with prior Notices and Rulings in this matter, we maintain the use of "non-initialized," with the understanding that the term is interchangeable with "unsubscribed," and is used to refer to wireless phones having no valid service contract with a carrier, and which cannot be called back by a PSAP.

<sup>7</sup> It should also be noted that there are many carrier-sponsored donor programs where the donated handsets are actually initialized by the carriers, meaning that the majority of these phones can be called back by the PSAPs. These programs are much more beneficial from a public safety standpoint, as well as to all of the parties involved. Users of these phones can be called back, PSAPs receiving their calls will be provided more useful E911 information regarding the caller, and the carriers can exercise more control over the use of the phones, reducing the likelihood of fraudulent 911 calls and potential abuses of the system.

receive calls. Thus, two types of non-service-initialized wireless phones will be discussed in this Report and Order: (1) phones that have the capability of being service-initialized, but are either no longer, or never have been, service-initialized by a wireless carrier; and (2) recently manufactured 911-only phones that can only make 911 calls and are technically incapable of receiving any incoming calls.

5. On April 28, 2000, several public safety entities (the Public Safety Entities) requested that the Commission “take additional comment and revisit the call back number issues to determine if any further Commission action is necessary or appropriate.”<sup>8</sup> While not disputing the benefits that non-initialized phones provide to individuals who may not otherwise have access to 911 services, the Public Safety Entities were “concerned with seeking solutions for situations where these wireless telephones may not provide valid call back number information even when wireless 911 Phase I service has been implemented in an area.”<sup>9</sup>

6. The Public Safety Entities’ concern arose because under Phase I, wireless carriers receiving a 911 call “must provide the telephone number of the originator of a 911 call and the location of the cell site or base station receiving a 911 call from any mobile handset accessing their systems to the designated Public Safety Answering Point through the use of ANI and Pseudo-ANI.”<sup>10</sup> However, “[w]hen the directory number of the handset used to originate a 911 call is not available to the serving carrier, such carrier’s obligations under paragraph (d)(1) extend only to delivering 911 calls and available calling party information to the designated Public Safety Answering Point.”<sup>11</sup> Therefore, when a call from a non-initialized phone is received by a Phase I-capable PSAP, either no dialable telephone number, or an incorrect number, may be received. The nondialable Mobile Identification Number (MIN) programmed into the phone may be sent as opposed to the Mobile Directory Number, which is the number used to receive calls. Alternatively, it may be the phone’s previously dialable number, which may have since been reassigned to a different, service-initialized handset, causing a possible return call, if needed, to the wrong handset. In any event, the PSAP operator will not be able to return the call if it ends prematurely, and may not be automatically notified that the call is from a non-initialized phone.

7. On May 18, 2000, the Wireless Telecommunications Bureau issued a *Public Notice* soliciting public comment on the issue of call-back for non-initialized phones.<sup>12</sup> Thirteen parties filed comments, and seven parties filed reply comments in response to the *Public Notice*.<sup>13</sup> The lack of information regarding the scope of the problem, along with conflicting assertions regarding technological constraints on providing call-back capability, led us to seek additional information in a *Further Notice of Proposed*

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<sup>8</sup> See Letter to Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, dated April 28, 2000, filed by the following public safety entities: the Texas Commission on State Emergency Communications and 16 local Texas Emergency Communications Districts (TX-CSEC), the Association of Public-Safety Communications Officials (APCO), the National Emergency Number Association (NENA), and the National Association of State Nine One One Administrators (NASNA) (Letter of April 28, 2000).

<sup>9</sup> Letter of April 28, 2000, at 2.

<sup>10</sup> 47 CFR §20.18(d)(1).

<sup>11</sup> 47 CFR §20.18(d)(2).

<sup>12</sup> See “Comment Sought on Request for Further Consideration of Call Back Number Issues Associated With Non-Service Initialized Wireless 911 Calls,” CC Docket No. 94-102, *Public Notice*, DA 00-1098 (rel. May 18, 2000), 65 Fed. Reg. 35601 (June 5, 2000).

<sup>13</sup> See List of Parties in Appendix A.

*Rulemaking*, which was issued on May 25, 2001.<sup>14</sup> In the *Further Notice*, we sought information indicating the actual percentage of wireless 911 calls from non-initialized phones that have required call-back from PSAPs, as well as additional comment on possible technical solutions to the call-back issue. We also sought comment on several, more narrowly focused options, including requirements that all carrier-donated handsets be labeled and initialized on a limited basis to enable call-backs from PSAPs, and that all newly manufactured 911-only handsets be labeled appropriately and provide for return calls from PSAPs. Sixteen parties filed comments and eleven parties filed reply comments in response to the *Further Notice*.<sup>15</sup>

### III. DISCUSSION

#### A. Possible Technical Solutions

8. Background. The *Further Notice* sought comment, first, on the possibility that we require carriers and manufacturers of 911-only phones to develop and implement technical solutions that would provide PSAPs with a call-back number for calls from these phones. Responses to the *Further Notice* were consistent with those to the *Public Notice*. Commenters maintained their conflicting positions regarding the technical ability of developing and implementing a solution which would allow return calls from PSAPs to non-initialized phones. Comments filed by public safety interests generally assert that a technical means either exists or can be easily devised,<sup>16</sup> while comments filed by wireless service providers assert that no viable technical solution exists or is feasible to develop.<sup>17</sup> Comments filed by a manufacturer of 911-only phones assert that the costs of manufacturing call-back capability into its phones (notwithstanding the lack of a current network-based solution to provide call-back) would be prohibitively high, effectively eliminating the market for 911-only phones.<sup>18</sup>

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<sup>14</sup> See In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems," CC Docket No. 94-102, *Further Notice of Proposed Rulemaking*, RM-8143 (rel. May 25, 2001) (*Further Notice*).

<sup>15</sup> See List of Parties in Appendix A.

<sup>16</sup> See ISCA comments to *Further Notice* at 3; Levine comments to *Further Notice* generally; and WCA comments to *Further Notice* at 2.

<sup>17</sup> See AT&T comments to *Further Notice* at 2-3; CTIA comments to *Further Notice* at 4-7; Cingular comments to *Further Notice* at 2-7; North American comments to *Further Notice* at 3-6; Sprint comments to *Further Notice* at 8-13; Ericsson reply comments to *Further Notice* at 3-7; and Verizon reply comments to *Further Notice* at 3-6.

<sup>18</sup> See SecureAlert comments and reply comments to *Further Notice*.

9. All parties generally agree that the ability of a PSAP to return a wireless 911 call if the call is dropped or the caller hangs up before the PSAP operator can ascertain the caller's exact location is important in ensuring a prompt emergency response. No data, however, have been provided in this proceeding, either in parties' comments or in *ex parte* communications, to show the volume of 911 traffic which is generated by non-initialized phones, nor the percentage of non-initialized calls that requires a call-back to effectuate an adequate emergency response.<sup>19</sup> We therefore have no evidence of the scope of this potential problem.

10. We also lack detailed information regarding how call-back to non-initialized phones can be achieved, and if so, if it can be done in a cost-efficient manner. The most widely discussed approaches involve using either temporary local directory numbers (TLDNs), which are currently used to deliver calls to roamers, or pseudo-mobile identification numbers (pseudo-MINs). In the former, it is suggested that TLDNs could be temporarily assigned, via a network mechanism, to non-initialized phones so that a PSAP would have a number to call back if prematurely disconnected. The latter would require the use of pseudo-MINs (a string of numbers and/or symbols), unique to each handset, which would be programmed into each non-initialized phone and used by the PSAP to effectuate a call-back.

11. Discussion. Based on the record, we cannot require carriers to develop and implement a call-back solution at this stage. This conclusion reflects both the dearth of information received regarding the scope of the problem as well as record evidence that the development and implementation of any technical solution would likely require extensive changes to the networks at significant cost.

12. We agree with APCO, NENA, and NASNA that contemporaneously receiving a 911 caller's dialable directory number is very important for a PSAP. In response to the *Further Notice*, APCO, NENA, and NASNA argue that "[c]all-back numbers are essential to reconnect with calls that are dropped, or because the caller may 'hang up' before providing enough information regarding the nature and location of the emergency. Call-backs are also important to verify suspicious 911 calls and to weed out prank calls before dispatching scarce emergency personnel."<sup>20</sup> The importance we place on this issue is reflected in our mandate for its inclusion for E911 Phase I compliance. However, we conclude that the scope of the non-initialized phones issue should first be determined before requiring a solution to solve it. No concrete data was submitted in comments and reply comments in this proceeding,<sup>21</sup> nor has the record

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<sup>19</sup> In the *Further Notice*, we requested "information concerning the scope of the problem as it exists today, as well as its anticipated scope going forward. How often are such calls occurring, and what are their anticipated growth rates?" *Further Notice* at 4.

<sup>20</sup> APCO, NENA, and NASNA comments to *Further Notice* at 1-2. In their comments, APCO, NENA, and NASNA also argue that call-back numbers are important in cases of unintentional 911 calls, where a caller inadvertently presses a pre-programmed 911 key and is unknowingly connected with a 911 operator. They argue that the operator must break the connection and call the caller back to determine if the call is intentional. Unintentional wireless 911 calls, while also very important, present an issue distinct from this proceeding. The vast majority of unintentional 911 calls are made by service-subscribed customers. The Commission is actively working with public safety groups and the wireless industry to gather information on the scope of the unintentional wireless 911 calls problem and to examine possible solutions.

<sup>21</sup> Outside of this record, we received a March 31, 1999, "Preliminary Draft Project Report" on a Los Angeles County E911 trial conducted by the State of California. In October of 1998, a weekly sample from one of the two participating carriers showed that "1 out of 380 calls (or .26%) came from an uninitialized phone (non-subscriber)." *Los Angeles County Wireless E911 Trial Preliminary Draft Report* at 40. We believe that it is generally accepted that the number of non-initialized 911 calls which require call-backs are substantially less than the number of non-initialized 911 calls received by PSAPs. This sample, while very limited in size and duration, supports the view that the percentage of 911 calls to PSAPs from non-initialized phones which require a call-back may be small.

been supplemented with any such data since the close of the pleading cycles.<sup>22</sup>

13. In their comments, carriers assert that in order to process and forward 911 calls from non-initialized handsets, carriers must bypass call validation, authentication, and registration, the features which are used to permit a PSAP to call back a wireless subscriber who places a 911 call. In addition, while PSAPs receive 911 calls on dedicated network facilities, call-backs from PSAPs are routed over the public switched telephone network. Since, by its very nature, a non-subscribed handset is not associated with any carrier, calls to such handsets cannot be delivered.<sup>23</sup> Additionally, Sprint states in its comments that after reviewing the call-back issue, its two major switch vendors, Lucent and Nortel, both concluded that no technically feasible network solution to support call-back to non-initialized phones exists or can be developed in the near future.<sup>24</sup>

14. We will continue to monitor this issue and any data or information that comes to our attention regarding the number of non-initialized 911 calls received by PSAPs which require call-back. We also will monitor the technical aspects of the issue. If a technically feasible approach that enables call-back to non-initialized phones becomes available, we may revisit the issue of whether to impose a call-back requirement on carriers and manufacturers of 911-only phones.

### 1. Temporary Local Directory Number Approach

15. Based on the record, we find that a TLDN approach is not a viable means of providing PSAPs with call-back capability to non-initialized phones. In its current use, a TLDN is assigned to a roamer by the local wireless carrier to facilitate delivery of a call outside the roamer's service area. When the roamer's phone number is dialed, the call is initially routed to the roamer's home carrier for verification. In response to notification by the roamer's home carrier of an attempt to reach the roaming customer, the local carrier assigns a TLDN from a pool of such temporary numbers used to deliver calls to roamers in its service area. After the call is delivered, the TLDN is returned to the local carrier's pool of numbers reserved for such use.

16. In considering a possible TLDN approach, CTIA and Sprint assert that TLDNs are used for call delivery for roamers, not call-back after a disconnect, and are only valid for several seconds.<sup>25</sup> Sprint further argues that TLDNs are effective only because the TLDN is linked with a roaming handset which is validated as having service with a carrier and which has a valid MIN and Electronic Serial Number (ESN) pair.<sup>26</sup> Non-initialized phones do not have a service contract with a carrier or a valid MIN/ESN pair. Sprint states that when a customer is roaming, a call to the customer is first delivered to the customer's home mobile switch. That switch ascertains the customer's current location by querying the home location register, which identifies the switch currently serving the roaming customer. The home switch forwards an IS-41 message to the visited switch to advise it of an incoming call. The visited

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<sup>22</sup> The issue of call-back from non-initialized phones was also not mentioned in NENA's recently released Report Card to the Nation. While many PSAPs may not yet have E911 Phase I capability, making calls from service-initialized phones and calls from non-initialized phones indistinguishable, there are PSAPs which have this capability, and from which data could be collected.

<sup>23</sup> CTIA comments to *Further Notice* at 3.

<sup>24</sup> Sprint comments to *Further Notice* at 8-9. See also, letters from Lucent and Nortel, attached to Sprint comments to *Further Notice* as Exhibits 1 and 2.

<sup>25</sup> CTIA comments to *Public Notice* at 5; Sprint comments to *Further Notice* at 11.

<sup>26</sup> Sprint comments to *Further Notice* at 11-12.

switch then returns a TLDN to the home switch so that the call can be completed. Sprint asserts that even if there was a way to transmit a TLDN from the non-initialized phone to the PSAP, there is no mechanism where the same TLDN could be used to call the non-initialized handset back in the event of a premature disconnect.<sup>27</sup> Sprint further asserts that even if TLDN capabilities could be modified to support call-back to non-initialized phones, the solution would take years to implement because of the need to develop network interoperability, the costs of developing and implementing the solution would be substantial, and any solution would require carriers to validate 911 call attempts in order to differentiate non-initialized calls from initialized calls.<sup>28</sup>

17. Cingular also argues that TLDNs are not a viable solution because they are only assigned to a handset after a call to that handset enters the switch. The only way for a call to enter the mobile switch from the PSAP, however, is for the PSAP to dial an actual telephone number. For roamers, their telephone number allows the call to enter the switch, then a TLDN is assigned to deliver the call wherever the customer is roaming. However, a TLDN is neither an actual telephone number, nor is it assigned to a specific switch. As a result, if the TLDN were dialed from a landline telephone, the system would not know where to route the call. Thus, for any handset that does not have a valid dialable number, the assignment of a TLDN is not possible without deactivating the registration and authentication processes, which are used to route calls and to prevent fraud.<sup>29</sup>

## 2. Pseudo-Mobile Identification Number Approach

18. Similarly, based on the record, we find that a pseudo-MIN approach is not a viable means of providing PSAPs with call-back capability to non-initialized phones. This approach would require numbers, and possibly letters, to be assigned and programmed into each non-initialized handset. Upon placing a 911 call, the PSAP would receive this pseudo-MIN, and use it to re-connect with the caller in the event of a premature disconnect.

19. CTIA argues that attempting to provide unique pseudo-MINs to each non-initialized phone would be unworkable. A mechanism for assigning and programming such numbers into wireless handsets would have to be developed. Then, the pseudo-MINs would have to be included in network databases, but the costs of loading and maintaining these numbers would not be recoverable from the users, because they do not subscribe to any service. Additionally, once assigned, the pseudo-MINs could not be reassigned, since there is no way to track whether the handsets associated with these numbers have been reprogrammed or retired.<sup>30</sup> Further, in order to use pseudo-numbers to facilitate call-back, comprehensive network changes would have to be completed in order to adapt call-routing processes to recognize and transmit them. The wireless and wireline telecommunications industries would have to accept pseudo-numbers and develop standards and specifications for their use.<sup>31</sup>

20. We also find that there is not enough information in the record to justify a requirement that carriers implement the pseudo-MIN approach proposed by Richard Levine of Beta Scientific Laboratory, Inc. Mr. Levine's proposal involves programming unique "letter-number strings" into each non-

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<sup>27</sup> Sprint comments to *Further Notice* at 11.

<sup>28</sup> Sprint comments to *Further Notice* at 11-12.

<sup>29</sup> Cingular comments to *Further Notice* at 4.

<sup>30</sup> CTIA comments to *Further Notice* at 7-8.

<sup>31</sup> Ericsson reply comments to *Further Notice* at 6.

initialized handset and using a new database and switch as an "orphanage" mobile switching center/home location register (MSC/HLR) for all the "orphan" non-initialized phones that do not have a normal HLR in a working cellular system. We are not persuaded, however, that Levine's proposal is a workable solution. It would require unknown modifications to mobile switching centers (MSCs), upgrades to PSAP customer premises equipment (CPE), including SS7 signaling capabilities, and also assumes that various, undescribed conditions would have to be met for implementation of this system.

### 3. Other Concerns Regarding Technical Solutions

21. There are other industry concerns regarding developing a solution to provide call-back to non-initialized phones. AT&T states that allowing non-initialized phones to receive calls presents a significant fraud risk.<sup>32</sup> Further, the network costs for designing and building a call-back system "could reach millions of dollars and would most likely exceed the network costs of implementing Phase I and Phase II E-911 combined and approach the network costs associated with implementing CALEA."<sup>33</sup> AT&T also asserts that mandating alternative delivery mechanisms would impose a "staggering and disproportionate financial burden on carriers, given the relatively few non-initialized phones in the marketplace. It would also discourage parties from making emergency wireless phones available for distribution by civic and charitable organizations."<sup>34</sup>

22. In its comments, Cingular addresses the possibility of providing call-back to non-initialized wireless phones which use GSM technology. It states that future modifications to handsets and the network may allow call-back capability to SIM-less<sup>35</sup> handsets by using the International Mobile Equipment Identity (IMEI) for identification, instead of the International Mobile Subscriber Identity (IMSI). The IMEI would then be used for paging the handset during the call-back. The elements of this solution, however, have not been assembled in a manner to support this capability. Cingular further argues that even if they were, because there is presently no way to secure the IMEI from cloning, the operator's network would be at risk of being deluged by calls from cloned handsets receiving the same call-back page, which could effectively take down the entire network, or a portion thereof. Since there would be no way for an operator to prevent calls from being placed by a handset, "the network operators and their systems could be placed at a substantial risk of fraud and/or the risk of criminal or terrorist activities - that is, the risk that someone would take advantage of the inability of the operator to identify the handset and control its access to system resources."<sup>36</sup>

23. The comments from North American GSM Alliance mirror those of Cingular. However, North American states that in the future, with appropriate modifications to the network and handsets, call-back may be allowed by assigning a temporary dialable number to an IMSI specifically to accommodate a call-back from a PSAP.<sup>37</sup> North American "will commit to work in the 3<sup>rd</sup> Generation Partnership Project (3GPP) to standardize the capability to assign a temporary MSISDN [Mobile Station ISDN Number] to

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<sup>32</sup> AT&T comments to *Public Notice* at 4.

<sup>33</sup> AT&T comments to *Public Notice* at 4.

<sup>34</sup> AT&T comments to *Public Notice* at 4.

<sup>35</sup> A SIM is a subscriber identity module which is physically located inside all subscribed GSM phones and holds subscriber account information and the phone's IMSI (international mobile subscriber identity).

<sup>36</sup> Cingular comments to *Further Notice* at 5-6.

<sup>37</sup> See, however, Ericsson reply comments to *Further Notice* at 4-5, where North American's assertion about possible future call-back capability is disputed.

an emergency call made from a handset with a non-initiated SIM.”<sup>38</sup> North American would also “consider developing a program to make non-service initialized SIMs available at reasonable cost to anyone with a 911-only handset that can make use of the capability.”<sup>39</sup> We encourage this type of industry participation to address the concerns of the public safety community, and further encourage all parties to work together to find solutions to the various challenges facing the telecommunications industry.

24. In this proceeding, we also received comments from Intrado, advocating the elimination of non-service-initialized handsets.<sup>40</sup> Because the Commission did not raise this possibility in its *Further Notice*, we decline to address the issue on the merits. We note, however, that abolishing the current requirement that carriers transmit all 911 calls to PSAPs without respect to their call validation process<sup>41</sup> would allow PSAPs with E911 Phase I capability to return all 911 calls, since all calls would necessarily come from service-initialized handsets. In addition, this approach could potentially reduce the number of fraudulent 911 calls made from wireless phones, or at least reduce the costs of having to dispatch emergency services to respond to bogus calls. Abolishing the requirement at this stage would restrict basic 911 service and result in the inability of many non-initialized wireless phone users to reach help in the event of an emergency. Furthermore, as stated by the Public Safety Entities, the purpose of their Letter of April 28, 2000, “was not to have further debate on the FCC’s decision to forward all 911 calls.”<sup>42</sup>

#### **B. Other Possible Measures for Carrier-Sponsored Donation Programs and 911-Only Phones**

25. Background. In the *Further Notice*, we asked for comment on the possibility of a requirement that all carrier-sponsored wireless phone donation programs be service-initialized<sup>43</sup> so that call-back from the PSAPs will be available if needed. The record contains comments from several carriers which sponsor donation programs of wireless phones to at-need individuals. The programs are available throughout the country and involve the use of non-initialized, as well as service-initialized, phones. In the *Further Notice*, we also requested comment on the possibility of mandating labeling and public education requirements on carriers which donate non-initialized phones and on manufacturers of 911-only phones.

26. Discussion. We hereby place two requirements on carrier-sponsored programs where non-initialized phones are donated and on manufacturers of 911-only phones. We require that each non-initialized phone donated through a carrier-sponsored program and each newly-manufactured 911-only phone have 123-456-7890 programmed as its telephone number/mobile identification number. In order to

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<sup>38</sup> North American comments to *Further Notice* at 6.

<sup>39</sup> North American comments to *Further Notice* at 6-7.

<sup>40</sup> Intrado comments at 1.

<sup>41</sup> See 47 CFR §20.18(b).

<sup>42</sup> Public Safety Entities reply comments to *Public Notice* at 5.

<sup>43</sup> In the *Further Notice*, we referred to the phones being “service-initialized on a limited basis.” As noted by the commenters, phones are either service-initialized or non-initialized. If they are service-initialized by a carrier, the carrier can prevent misuse of the handsets by blocking all non-911 calls from the handset except for a few pre-programmed numbers (*i.e.*, sheriff’s office, hospital, ambulance service, women’s shelter, etc.). The carriers can also block all return calls except for those from certain numbers (*i.e.*, 911, sheriff’s office, hospital, etc.).

deliver 123-456-7890 to PSAPs, carriers must complete any necessary network programming. This requirement will benefit PSAPs by automatically alerting the 911 operator that the call is being made from a non-initialized phone and that call-back is therefore unavailable. We further require that labels be affixed to each non-initialized/911-only handset and that carriers and manufacturers institute public education programs. These requirements will give notice to the users of non-initialized/911-only handsets that call-back is unavailable and will alert them to the importance of conveying exact location information to the 911 operator as soon as possible. We find that providing more information to both parties involved in a non-initialized call to 911 will be beneficial and can be accomplished with minimum regulatory intrusion and minimal financial outlays by the carriers and manufacturers.<sup>44</sup>

27. In addition, we find it necessary to require a labeling requirement on one type of program, where a carrier participates in a service-initialized donor program, assigns a dialable number to each phone, but blocks all call-backs to the phone.<sup>45</sup> Since the user cannot be called back by emergency services in the event of a premature disconnect, we find that in this type of program, the carrier must affix a prominently displayed and clearly worded label onto each handset. The label must be designed and affixed to withstand the length of service expected for the phone. The label must notify the user that the called party will not be able to call the user back, and that in the event of an emergency, the user should convey the exact location of the emergency to the called party as soon as possible.

28. We adopt these requirements in an environment where many carriers are already participating in service-initialized donation programs, where a dialable telephone number is delivered to the PSAP and call-back capability is provided.<sup>46</sup> We also note that these various service-initialized programs are often tailored by the carriers to provide users with access to the best available emergency service, while minimizing potential abuse of their programs. For instance, CTIA sponsors “the Wireless Foundation,” and has instituted guidelines for the distribution of donated wireless phones through its programs. These guidelines specifically call for each phone to be activated on a wireless network and be given a unique dialable telephone number. As a result, there are no technical impediments for PSAPs to call back a wireless phone donated through any of the Wireless Foundation’s programs, which include “CALL to PROTECT,” “ClassLink” and “Communities on Phone Patrol.”<sup>47</sup> The Wireless Foundation states that it has provided more than 44,000 handsets<sup>48</sup> through the sixty-three carriers participating<sup>49</sup> in its programs.

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<sup>44</sup> One commenter, MT Communications, which refurbishes non-initialized phones and installs them in school buses for use in emergencies, states that it programs each handset with “a unique number using an unused area code.” MT comments to *Further Notice* at 5. While this Report and Order only addresses carriers and manufacturers of 911-only phones, we suggest that MT, and others similarly situated, program each handset with 123-456-7890 as its telephone number/MIN, so as to be uniform with our requirements for carrier donated non-initialized handsets and 911-only phones.

<sup>45</sup> Mid-Missouri programs its service-initialized donor phones “with several commonly called emergency numbers – e.g., local sheriff and police departments, community hospital, ambulance, and women’s shelter.” However, while the donated handsets are each assigned a dialable number, “Mid-Missouri blocks call-backs to the donated handsets to prevent misuse and abuse of its program.” Mid-Missouri comments to *Further Notice* at 3.

<sup>46</sup> See CTIA comments to *Further Notice* at 10-11; Sprint comments to *Further Notice* at 6.

<sup>47</sup> CTIA comments to *Further Notice* at 11.

<sup>48</sup> CTIA comments to *Further Notice* at 10.

<sup>49</sup> CTIA comments to *Public Notice* at 9.

29. SBC's<sup>50</sup> program provides service-initialized phones to women's shelters, police sponsored citizen patrol units, school athletic programs, and similar organizations. Because the phones are service-initialized, a call-back number is provided.<sup>51</sup> Sprint states that it provides service-initialized handsets in the donor programs which it supports, and believes that the majority of donation programs throughout the country are providing initialized handsets with call-back capability. Sprint participates in three national programs which provide service-initialized handsets: "Call to Protect," "Education Connection," and "Phone Call for Safety."<sup>52</sup>

30. In addition, two large carriers have converted their donor programs from providing non-initialized phones to providing service-initialized phones. In response to the *Public Notice*, both Verizon and VoiceStream stated that their donor programs involved strictly non-initialized phones. In its most recent reply comments to the *Further Notice*, Verizon states that it now "donates initialized phones that are preprogrammed to dial at least one non-emergency number and one emergency number. Verizon Wireless places some restrictions on outgoing calls from donated phones, but provides many donated phones which do allow incoming calls, in order to facilitate call-back from emergency services."<sup>53</sup> We understand that VoiceStream's donor program also now provides service-initialized phones with a maximum number of minutes per month, but without calling or call-back restrictions.

31. We encourage carriers to continue to serve the public in this regard. We further encourage non-participating carriers to investigate the many benefits of sponsoring a wireless phone donor program for at-need individuals, especially programs where the phones are service-initialized and call-back capability is provided.

32. As summarized above, we adopt two requirements for carrier donation programs involving non-initialized phones and for manufacturers of 911-only phones. We first require the programming of 123-456-7890 into each non-initialized handset as its telephone number/MIN.<sup>54</sup> In order to deliver 123-456-7890 to PSAPs, carriers must complete any necessary network programming. This requirement will have significant public safety benefits. This uniform rule will allow the PSAPs to receive identical and uniform information when being called from a non-initialized phone, thereby making it clear that location information is required immediately.<sup>55</sup> This requirement will also make it easier for PSAPs to train their operators to recognize calls from non-initialized phones, and to communicate immediately with the caller

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<sup>50</sup> These comments were made to the *Public Notice* before SBC became Cingular. In its comments and reply comments to the *Further Notice*, Cingular refrained from discussing any current donation programs in which it may participate.

<sup>51</sup> SBC comments to *Public Notice* at 3.

<sup>52</sup> Sprint comments to *Public Notice* at 6.

<sup>53</sup> Verizon reply comments to *Further Notice* at 7.

<sup>54</sup> If carriers are presented with a situation where a customer wants to upgrade a presently service-initialized phone with a new phone, rendering the older phone unsubscribed, the carrier may want to re-program that customer handset with 123-456-7890 at the time of the new initialization, to prevent that handset from being used in the future to dial 911, and having the old telephone number sent to the PSAP. The same can be done if a customer discontinues service with a carrier and does not plan to re-subscribe the phone with another carrier.

<sup>55</sup> Because this Report and Order cannot reach those non-initialized phones which have been transferred among individuals or are being kept by their original owners as a back-up phone for emergency purposes, the phones to which we refer will necessarily come from carrier-sponsored non-initialized phone donation programs or 911-only phone manufacturers.

the importance of staying on the line and to direct the caller to re-dial 911 in the event of a premature disconnection.

33. This solution found significant record support. For instance, in its comments to the *Further Notice*, TX-CSEC states that not only is the requirement of the transmission of 123-456-7890 the best solution to the call-back problem, if the Commission could not implement this requirement, TX-CSEC requests that the Commission “eliminate ... [its] requirement that wireless carriers must forward 9-1-1 calls from ... [non-initialized] handsets.”<sup>56</sup> Because of the exigency of an emergency situation, all callers using non-initialized phones cannot be expected to remember that they must first notify the PSAP operator that they are using a non-initialized phone and that they must give exact location information.<sup>57</sup> TX-CSEC further argues that if the non-initialized call is prematurely disconnected without the operator having notification that the call came from a non-initialized phone, the operator will attempt a call-back to the number sent by the non-initialized phone, which may have been reassigned to a new subscriber, misdirecting the operator’s call.<sup>58</sup> Because PSAP operators will be unable to reconnect with the non-initialized user, they may contact the carrier to request a trace and/or subscriber information for the number provided. This exercise will result in wasted time and resources to ascertain what could have been provided with the initial call - that the caller is not a subscriber and cannot be called back.<sup>59</sup>

34. SecureAlert, which develops, distributes, and markets the Magnavox “Mobile911” phone, is likewise in favor of this requirement of automatic PSAP notification of a non-initialized 911 call through the transmission of 123-456-7890. In its comments, SecureAlert states that the approximately 40,000 911-only phones which it has manufactured and sold under the “Magnavox Mobile911” brand have already been programmed with 123-456-7890 as their telephone numbers/MINs.<sup>60</sup> SecureAlert has also argued that requiring the installation of call-back capability into its handsets would double the manufacturing costs of the phone, thereby resulting in a retail price which would be prohibitively high for its market.

35. In addition, in its earlier comments, SBC also suggested that the Commission require 911-only phones to use 123-456-7890 as a “standard non-initialized number” so that the PSAP operator will “be able to recognize the inability to call back.”<sup>61</sup> Finally, we note that the original position of the Public Safety Entities, in their comments and reply comments to the *Public Notice*, was a suggestion that “a series of numbers or letters could be transmitted so the call takers could immediately know that the 911 calls are being received from devices that may not have the ability to be called back and that identifying the location of the caller is of immediate importance.”

36. We recognize that, in contrast to their earlier pleadings, APCO, NENA, and NASNA currently regard this option as “unacceptable and ultimately of limited value.”<sup>62</sup> For the reasons already discussed, however, we find that this step, along with our labeling and education requirements, will best

<sup>56</sup> TX-CSEC reply comments to *Further Notice* at 3.

<sup>57</sup> TX-CSEC reply comments to *Further Notice* at 2.

<sup>58</sup> TX-CSEC reply comments to *Further Notice* at 2.

<sup>59</sup> TX-CSEC comments to *Further Notice* at 2-3.

<sup>60</sup> SecureAlert comments to *Further Notice* at 7.

<sup>61</sup> SBC comments to *Public Notice* at 4-5.

<sup>62</sup> APCO, NENA and NASNA comments to *Further Notice* at 3.

further the public interest at this point. In order to afford sufficient time for carriers to comply with these requirements, and to provide consistency with the implementation of our rules governing 911-only phones, these requirements will become effective on October 1, 2002.

37. These requirements, of course, do not restrict those carriers participating in programs which donate service-initialized phones from continuing to do so.<sup>63</sup> In fact, we encourage all carriers to investigate the benefits of sponsoring service-initialized donation programs, and to take advantage of them. Along with their ability to prevent misuse by blocking many of the potential unnecessary outgoing and incoming calls, carriers may see many more benefits with participating in service-initialized donor programs, as opposed to non-service-initialized donor programs.

38. Labeling and Education. In this Report and Order, we are also requiring that carriers which participate in donor programs of non-initialized phones and manufacturers of 911-only phones label each handset and institute education programs to better inform potential users of the limitations of non-initialized phones. The Public Safety Entities favored labels for non-initialized phones and the institution of educational programs to alert consumers of the disadvantages to using non-initialized phones.<sup>64</sup> At least one commenter, CTIA, has argued against mandating a labeling requirement.<sup>65</sup> However, we are not persuaded by CTIA's argument that "[t]he nature of mobile handsets makes regulating a uniform label highly impracticable."<sup>66</sup> CTIA argues that the wide variety of shapes and sizes of wireless telephones, along with attempting to design a uniformly sized and worded label will be a highly contentious process.

39. We find that it is not necessary to micromanage how carriers and manufacturers choose to label their products, and we leave the language and placement of these labels in the first instance up to their discretion.<sup>67</sup> We determine that carriers and manufacturers must design a prominently displayed and clearly worded label and affix it to each donated or manufactured non-initialized handset. The label should be designed and affixed to withstand the length of service expected for a non-initialized phone. The label should effectively alert the caller that the phone can only be used to dial 911, that the 911 operator will not be able to call the user back, and that the user should convey the exact location of the emergency as soon as possible.

40. CTIA also claims that if the labeled, non-initialized handset is thereafter subscribed for service with a carrier, "there is a very real risk that consumers will be more confused than informed about their level of 911 service ..."<sup>68</sup> With the variety of incentives on new phones being offered by carriers for new subscribers, we find potential instances of this occurring to be rather small. However, it should be clear to any carrier that receives a labeled non-initialized phone from a customer who wishes to have

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<sup>63</sup> There is, of course, the exception to this rule discussed in para. 27, *supra*. As stated, the labeling requirement only applies if the carrier initializes its donor phones, but prevents the phones from being called back by emergency services.

<sup>64</sup> Public Safety Entities, comments to *Public Notice* at 2-3. See also reply comments to *Public Notice* at 4.

<sup>65</sup> *But see* Cingular comments to *Further Notice* at 8: "The appropriate resolution of this issue is the clear labeling of donor phones that are not service-initialized specifying their limitations, combined with the continued education of users."

<sup>66</sup> CTIA comments to *Further Notice* at 12.

<sup>67</sup> This should be a simple process for the Magnavox Mobile911. Each handset produced is identical in size and function.

<sup>68</sup> CTIA comments to *Further Notice* at 12.

service subscribed on that phone to instruct its employees to remove the label at the time that the phone is initialized by the carrier.

41. While CTIA is against a labeling requirement, CTIA is in favor of “working with the public safety community and the wireless industry to address this issue through education and training.”<sup>69</sup> In fact, the majority of the commenters stated that education programs are important in notifying potential users of the draw-backs to using non-initialized phones, and also of the importance of conveying their exact location to the PSAP operator as soon as practicable, as the PSAP operator will not be able to call the user back. Throughout the record, we find that requirements regarding labeling of the handsets and instituting public education programs are generally favored. We further find that these requirements should not lead carriers currently participating in donation programs to eliminate or curtail them on this basis.<sup>70</sup>

42. In addition to the labeling requirement, carriers donating non-initialized phones and manufacturers of 911-only phones also must institute education programs to further inform users of the limitations of non-initialized phones. Part of their programs must include a written notice, in addition to the label affixed to the phone, that is provided at the time the phone is transferred to the user. The notice should give a more detailed explanation than the label affixed to the phone of the limitations of non-initialized handsets, including distinctions between service-initialized phones and non-service-initialized phones. Education programs also may include training for carrier employees so that those employees can orally advise the users of donated non-initialized phones of the phone’s limitations. Manufacturers of 911-only phones may set up consumer information “hotlines,” where trained employees can respond to any consumer questions. Information regarding non-initialized phones also should be posted on corporate websites.

43. We will implement these rules for manufacturers of 911-only phones that are not capable of receiving incoming calls, through an equipment manufacturing requirement and our equipment authorization process. As of October 1, 2002, any mobile unit manufactured as a 911-only phone must install 123-456-7890 into each handset as its telephone number/mobile identification number, as we have described herein. Manufacturers also must have affixed a prominently displayed and legible label that will alert the user that the phone can only be used to dial 911, that the 911 operator will not be able to call the user back, and that the user should convey the exact location of the emergency as soon as possible. We find that more than five months’ notice of the effective date of these requirements constitutes sufficient time to enable manufacturers of 911-only phones to implement those design and production modifications that will be necessary to comply with our rules. We will consider the incorporation of modifications to existing authorized equipment to be Class I permissive changes that do not require a filing with the Commission.<sup>71</sup>

#### IV. CONCLUSION

44. Conclusion. We find that the requirements, as expressed herein, strike a fair balance among the interests of all parties involved. As noted, we have no evidence showing the scope of the call-back issue. If the problem is more fully delineated, and proves to be much larger than it presently appears,

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<sup>69</sup> CTIA comments to *Further Notice* at 12.

<sup>70</sup> See, among others, RCA comments to *Further Notice* at 4.

<sup>71</sup> See Section 2.1043(b) of the Commission’s Rules, 47 C.F.R. § 2.1043(b).

especially once E911 Phase I is fully operational and ubiquitous, we will revisit this issue, weigh the evidence presented, and look at the possibility of requiring a technical or other solution at that time.<sup>72</sup>

45. In addition to the requirements we place on carriers who donate non-initialized phones and manufacturers of 911-only phones, the Commission also will produce materials to educate the public about the limitations of non-service-initialized phones.<sup>73</sup>

## V. PROCEDURAL MATTERS AND ORDERING CLAUSES

### A. Final Regulatory Flexibility Analysis

46. As required by the Regulatory Flexibility Act (RFA),<sup>74</sup> the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) of the possible significant economic impact on small entities by the policies and rules set out in this Report and Order. *See* Appendix C, *infra*.

### B. Paperwork Reduction Analysis

47. The actions ordered in this Report and Order include a labeling requirement. As part of our continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this Order, as required by the Paperwork Reduction Act of 1995, Public Law No. 104-13. Public and agency comments are due 60 days from publication of the summary of this Order in the *Federal Register*, and OMB comments are due 60 days from that date. Comments should address:

- (1) Whether labeling is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility;
- (2) The accuracy of the Commission's burden estimates;
- (3) Ways to enhance the quality, utility, and clarity of the labels; and
- (4) Ways to minimize the burden of the labeling on the respondents.

In addition to filing comments with the Secretary, a copy of any comments on the labeling contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 Twelfth Street, S.W., Washington, D.C. 20554, or via the Internet to [JBoley@fcc.gov](mailto:JBoley@fcc.gov), and to Jeanette Thornton, OMB Desk Officer, Room 10236 New Executive Office Building, 725 Seventeenth Street, N.W., Washington, D.C. 20503, or via the Internet to [jthornto@omb.eop.gov](mailto:jthornto@omb.eop.gov).

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<sup>72</sup> In addition to the possibility of developing a viable network-based solution in the future, carriers may also be able to provide a network-based "lack of call-back" notification to the PSAPs without the individual handsets having to send 123-456-7890 to the PSAPs.

<sup>73</sup> *See e.g.* [www.fcc.gov/cib/information\\_directory.html#cellphones](http://www.fcc.gov/cib/information_directory.html#cellphones).

<sup>74</sup> *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. §§ 601 *et. seq.*, has been amended by the Contract with America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAA). Title II of the CWAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

**C. Authority**

48. This action is taken pursuant to Sections 1, 4(i), 201, 303, 309, and 332 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. §§ 151, 154(i), 201, 303, 309, 332.

**D. Further Information**

49. For further information, contact Patrick Webre in the Policy Division of the Wireless Telecommunications Bureau, at (202) 418-7953.

**E. Ordering Clauses**

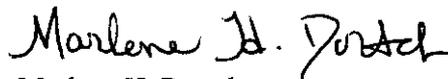
Accordingly,

50. IT IS ORDERED that the Public Safety Entities' Petition is GRANTED as provided herein and that Part 20 of the Commission's Rules is AMENDED as set forth in Appendix B;

51. IT IS FURTHER ORDERED that the rules promulgated in this Order SHALL BECOME EFFECTIVE on October 1, 2002, dependent on OMB approval of the PRA burdens;

52. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION



Marlene H. Dortch,  
Secretary

## Appendix A

**Public Notice issued May 18, 2000****Abbreviation**Comments:

Association of Public Safety Communications Officials,	APCO, NENA,
National Emergency Number Association, National	NASNA and
Association of State Nine One One Administrators and	TX-CSEC
the Texas Commission on State Emergency Communications	AT&T
AT&T Wireless Services, Inc.	ALLTEL
ALLTEL Corporation	Bellsouth
Bellsouth Corporation	CTIA
Cellular Telecommunications and Internet Association	
Independent Cellular Services Association, MT Communications	MT
and E911CELLULAR.COM	Knoxville
Knoxville Police Department	SBC
SBC Wireless, Inc.	SCC
SCC Communications Corp.	SecureAlert
SecureAlert, L.L.C.	Verizon
Verizon Wireless	VoiceStream
VoiceStream Wireless Corporation	WCA
Wireless Consumers Alliance, Inc.	

Reply Comments:

Association of Public Safety Communications Officials,	APCO, NENA,
National Emergency Number Association, National	NASNA and
Association of State Nine One One Administrators and	TX-CSEC
the Texas Commission on State Emergency Communications	AT&T
AT&T Wireless Services, Inc.	CTIA
Cellular Telecommunications and Internet Association	
Independent Cellular Services Association, MT Communications	MT
and E911CELLULAR.COM	SBC
SBC Wireless, Inc.	SecureAlert
SecureAlert, L.L.C.	WCA
Wireless Consumers Alliance, Inc.	

**Further Notice of Proposed Rulemaking issued May 25, 2001**Comments:

Association of Public Safety Communications Officials,	APCO, NENA
National Emergency Number Association and National	and NASNA
Association of State Nine One One Administrators	AT&T
AT&T Wireless Services, Inc.	CTIA
Cellular Telecommunications and Internet Association	Cingular
Cingular Wireless	MT
Independent Cellular Services Association and MT Communications	

Intrado, Inc.  
Richard Levine (Beta Scientific Laboratory, Inc.)  
Mid-Missouri Cellular  
North American GSM Alliance, LLC.  
North Carolina Wireless 911 Board  
Rural Cellular Association  
SecureAlert, Inc.  
Sprint PCS  
The Texas 911 Agencies  
Washington State Enhanced 911 Program  
Wireless Consumers Alliance, Inc.

Intrado  
Levine  
Mid-Missouri  
North American  
NC 911  
RCA  
SecureAlert  
Sprint  
TX-CSEC  
Washington 911  
WCA

Reply Comments:

Association of Public Safety Communications Officials,  
National Emergency Number Association and National  
Association of State Nine One One Administrators  
Cellular Telecommunications and Internet Association  
CenturyTel Wireless, Inc.  
Cingular Wireless  
Ericsson, Inc.  
Secure Alert, Inc.  
Sprint PCS  
Telecommunications Industry Association  
The Texas 911 Agencies  
Verizon Wireless  
Wireless Consumers Alliance, Inc.

APCO, NENA  
and NASNA  
CTIA  
CenturyTel  
Cingular  
Ericsson  
Secure Alert  
Sprint  
TIA  
TX-CSEC  
Verizon  
WCA

## Appendix B

## FINAL RULES

Part 20 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 20 continues to read as follows:

Authority: 47 U.S.C. 154, 160, 251-254, 303, and 332 unless otherwise noted.

2. Section 20.18 is amended in paragraph (d)(2) by adding the phrase "including that prescribed in paragraph (l) of this section" between the words "information" and "to."

3. Section 20.18 is further amended by adding a new paragraph (l) to read as follows:

**§ 20.18 911 Service.**

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**(l) Non-Service-Initialized Handsets.**

(1) Licensees subject to this section that donate a non-service-initialized handset for purposes of providing access to 911 services are required to:

(i) program 123-456-7890 as the telephone number/mobile identification number into each handset;

(ii) affix to each handset a label which is designed to withstand the length of service expected for a non-service-initialized phone, and which notifies the user that the handset can only be used to dial 911, that the 911 operator will not be able to call the user back, and that the user should convey the exact location of the emergency as soon as possible; and

(iii) institute a public education program to provide the users of such handsets with information regarding the limitations of non-service-initialized handsets.

(2) Manufacturers of 911-only handsets that are manufactured on or after October 1, 2002, are required to:

(i) program each handset with 123-456-7890 as its telephone number/mobile identification number;

(ii) affix to each handset a label which is designed to withstand the length of service expected for a non-service-initialized phone, and which notifies the user that the handset can only be used to dial 911, that the 911 operator will not be able to call the user back, and that the user should convey the exact location of the emergency as soon as possible; and

(iii) institute a public education program to provide the users of such handsets with information regarding the limitations of 911-only handsets.

(3) Definitions. The following definitions apply for purposes of this paragraph.

(i) Non-service-initialized handset. A handset for which there is no valid service contract with a provider of the services enumerated in paragraph (a) of this section.

(ii) 911-only handset. A non-service-initialized handset that is manufactured with the capability of dialing 911 only and that cannot receive incoming calls.



## Appendix C

## FINAL REGULATORY FLEXIBILITY ANALYSIS

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),<sup>1</sup> an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities was incorporated in the *Further Notice of Proposed Rulemaking* in CC Docket No. 94-102<sup>2</sup> (hereinafter referred to as the *Further Notice*). The Commission sought written public comment on the proposals in the *Further Notice*, including comments on the IRFA. The comments received are discussed below. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.<sup>3</sup>

**A. Need for, and Objectives of, the Report and Order**

The actions adopted in the Report and Order (Order) are intended to respond to the problems arising from the inability of non-initialized phones used for emergency purposes, to receive incoming calls from Public Safety Answering Points (PSAPs) seeking further information to assist in servicing E911 emergency callers. Initialized wireless mobile telephones are phones that are registered for service with a Commercial Mobile Radio Service (CMRS) carrier. Non-initialized wireless phones are not registered with a carrier. So, because carriers generally assign a dialable number to a handset only when a customer enters into a service contract, a non-initialized phone lacks a dialable number. The Commission, through the Order, addresses the problem of PSAPs inability to contact a party using a non-initialized phone in emergency situations for further information, in a number of ways. First, the Order requires that non-service initialized handsets donated through carrier-sponsored programs and newly manufactured "911-only" phones be programmed with the code 123-456-7890 to alert a PSAP that the 911 call is being made from a wireless phone that lacks call-back capability. Second, the Order requires that these phones be labeled to alert the user to the lack of call-back capability. Finally, the Order requires that public education programs be instituted to more fully inform users of the limitations of non-initialized phones. These important steps will alert the parties involved in a wireless 911 call of the need for quick information as to the caller's exact location, thus increasing the likelihood that emergency services can be dispatched quickly to save lives, while imposing limited burdens on wireless carriers and manufacturers of "911-only" telephones.

**B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA**

Although the Commission received no direct responses to the IRFA, we received sixteen comments and eleven reply comments in response to the Further Notice, some of which discussed issues of interest to small entities. PSAPs, most of whom would qualify as small entities, would be effected by any actions taken or considered regarding this aspect of E911 service, and initiated the current discussion in April 2000, when several public safety entities filed a request for further consideration of solutions to the call-back problems inherent in non-initialized phones. (See paragraphs three through six of the Order.) Many of the carriers and equipment manufacturers are likewise small businesses. Briefly, delays occur when individuals, often either distraught or physically or emotionally impaired, utilize non-initialized phones to seek assistance in emergency situations, and are unable to provide PSAPs with sufficient location information. PSAPs are unable to return a call from a non-initialized phone if they require further

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<sup>1</sup> See 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. §§ 601 *et. seq.*, has been amended by the Contract with America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAA). Title II of the CWAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>2</sup> Public Notice, "Wireless Telecommunications Bureau Seeks Further Comment on the Commission's Rules Concerning Public Safety Answering Point Requests for Phase II Enhanced 911," 16 FCC Rcd 13670, Appendix A.

<sup>3</sup> See 5 U.S.C. § 604.

location information. Many wireless service carriers are also small entities as defined by the SBA. All parties generally agree that the ability of a PSAP to return a wireless 911 call if the originating call is dropped or the caller hangs up prematurely is important in ensuring a prompt emergency response. Public safety entities generally disagree with wireless carriers and equipment manufacturers regarding the availability and feasibility of a technical solution to the problem.

In general, comments filed by public safety interests assert that a technical means to allow PSAPs to contact non-initialized phones exists or can easily be devised. Wireless service carriers, on the other hand, maintain that no viable technical solution exists or is feasible to develop. As discussed in paragraph eight of the Order, one small entity, a 911-only phone manufacturer, SecureAlert, asserts that the costs of manufacturing call-back capability into its phone would be prohibitively high, effectively eliminating the market for 911-only phones. Other comments supporting the position that a technical solution to provide call-back capability to non-initialized phones is not feasible are discussed in paragraphs thirteen through twenty-four of the Order. Individual proposals as to how to solve the call-back problem of non-initialized phones are further discussed in this FRFA in the section discussing alternatives considered and rejected.

The Commission, in the Further Notice, also sought comment on the possibility of a requirement that all carrier-sponsored wireless phone donation programs be service initialized so that call-back from the PSAPs will be available if needed. In this regard, the Commission received comments from carriers indicating that they are already participating in service-initialized donation programs, where a dialable telephone number is delivered to the PSAP and is available if a call-back is required. These commenters also contend that Commission-mandated requirements regarding service-initialization to provide call-back from the PSAPs may have the detrimental effect of eliminating some of the carriers' voluntary donation programs. These comments, as well as the Commission's decision not to impose a mandate that all carrier-sponsored programs donate service-initialized phones, are discussed in paragraphs twenty-five through thirty-seven of the Order.

### **C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply**

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.<sup>4</sup> The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>5</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under Section 3 of the Small Business Act, unless the Commission has developed one or more definitions that are appropriate for its activities.<sup>6</sup> Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).<sup>7</sup> A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."<sup>8</sup> Nationwide, as of 1992, there were

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<sup>4</sup> 5 U.S.C. § 603(b)(3).

<sup>5</sup> 5 U.S.C. § 601(6).

<sup>6</sup> 5 U.S.C. § 601(3), incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. § 632.

<sup>7</sup> 15 U.S.C. § 632.

<sup>8</sup> 5 U.S.C. § 601(4).

approximately 275,801 small organizations.<sup>9</sup> Nationwide, there are 4.44 million small business firms, according to SBA reporting data.<sup>10</sup>

The definition of “small governmental jurisdiction” is one with populations of fewer than 50,000.<sup>11</sup> There are 85,006 governmental jurisdictions in the nation.<sup>12</sup> This number includes such entities as states, counties, cities, utility districts and school districts. There are no figures available on what portion of this number has populations of fewer than 50,000. However, this number includes 38,978 counties, cities and towns, and of those, 37,556, or ninety-six percent, have populations of fewer than 50,000.<sup>13</sup> The Census Bureau estimates that this ratio is approximately accurate for all government entities. Thus, of the 85,006 governmental entities, we estimate that ninety-six percent, or about 81,600, are small entities. In this regard, we note that there are approximately 5,000 primary PSAPs, most of whom qualify as small entities because they are either small organizations or small governmental jurisdictions.

Throughout this analysis, the Commission uses the closest applicable definition under the SBA rules, the North American Industry Classification System (NAICS) standards for “Cellular and Other Wireless Telecommunications” and “Wired Telecommunications Carriers.”<sup>14</sup> According to both of these standards, a small entity is one with no more than 1,500 employees. To determine which of the affected entities in the affected services fit into the SBA definition of small business, the Commission has consistently referred to Table 5.3 in *Trends in Telephone Service (Trends)*, a report published annually by the Commission’s Wireline Competition Bureau.<sup>15</sup>

We have included small incumbent local exchange carriers in this RFA analysis. As noted above, a “small business” under the RFA is one that, *inter alia*, meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and “is not dominant in its field of operation.”<sup>16</sup> The SBA’s Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not

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<sup>9</sup> Department of Commerce, U.S. Bureau of the Census, 1992 Economic Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

<sup>10</sup> See 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

<sup>11</sup> 5 U.S.C. § 601(5).

<sup>12</sup> 1992 Census of Governments, U.S. Bureau of the Census, U.S. Department of Commerce.

<sup>13</sup> *Id.*

<sup>14</sup> North American Industry Classification System (NAICS) codes 513322 and 51331.

<sup>15</sup> FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service*, Table 5.3 (December 2000). (The Wireline Competition Bureau was formerly known as the Common Carrier Bureau.) Estimates of entities employing 1,500 or fewer employees are based on gross revenues information filed April 1, 2000, combined with employment information obtained from ARMIS and Securities and Exchange Commission filings as well as industry employment estimates published by the Bureau of Labor Statistics. The estimates do not reflect affiliates that do not provide telecommunications services or that operate only in foreign countries.

<sup>16</sup> 15 U.S.C. § 632.

“national” in scope.<sup>17</sup> We have therefore included small incumbent carriers in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission’s analyses and determinations in other, non-RFA contexts.

**Local Exchange Carriers.** According to the most recent *Trends* data, 1,335 incumbent carriers reported that they were engaged in the provision of local exchange services. We do not have data specifying the number of these carriers that are either dominant in their field of operations, or are not independently owned. However, *Trends* indicates that 1,037 local exchange carriers report that, in combination with their affiliates, they have 1,500 or fewer employees, and would thus be considered small businesses as defined by NAICS.

Also included in the number of local exchange carriers is the rural radio telephone service. A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio Systems (BETRS).<sup>18</sup> There are approximately 1,000 licensees in the Rural Radiotelephone Service, and we estimate that almost all of them qualify as small entities under the NAICS definition.

**Competitive Access Providers and Competitive Local Exchange Carriers (CAPs and CLECs).** *Trends* indicates that 349 CAPs and CLECs, 87 local resellers, and 60 other local exchange carriers reported that they were engaged in the provision of competitive local exchange services. We do not have data specifying the number of these carriers that are not independently owned and operated. However, *Trends* states that 297 CAPs and CLECs, 86 local resellers, and 56 other local exchange carriers report that, in combination with their affiliates, they have 1,500 or fewer employees, for a total of 439 such entities qualified as small entities.

**Fixed Local Service Providers and Payphone Providers.** *Trends* reports that there are 1,831 fixed local service providers and 758 payphone providers. Using the NAICS standard for small entity of fewer than 1,500 employees, *Trends* estimates that 1,476 fixed local service providers, in combination with affiliates, have 1,500 or fewer employees and thus qualify as small entities. In addition, 755 payphone providers report that, in combination with their affiliates, they employ 1,500 or fewer individuals.

**Wireless Telephone Including Cellular, Personal Communications Service (PCS) and SMR Telephony Carriers.** There are 806 entities in this category as estimated in *Trends*, and 323 such licensees in combination with their affiliates have 1,500 or fewer employees, and thus qualify, using the NAICS guide, as small businesses.

**Other Mobile Service Providers.** *Trends* estimates that there are 44 providers of other mobile services, and again using the NAICS standard, 43 providers of other mobile services utilize with their affiliates 1,500 or fewer employees, and thus may be considered small entities.

**Toll Service Providers.** *Trends* calculates that there are 738 toll service providers, including 204 interexchange carriers, 21 operator service providers, 21 pre-paid calling card providers, 21 satellite service carriers, 454 toll resellers, and 17 carriers providing other toll services. *Trends* further estimates that 656 toll service providers with their affiliates have 1,500 or fewer employees and thus qualify as small entities as defined by NAICS. This figure includes 163 interexchange carriers, 20 operator service

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<sup>17</sup> See Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC, dated May 27, 1999. The Small Business Act contains a definition of “small business concern,” which the RFA incorporates into its own definition of “small business.” See 15 U.S.C. § 632(a) (Small Business Act); 5 U.S.C. § 601(3) (RFA). SBA regulations interpret “small business concern” to include the concept of dominance on a national basis. 13 C.F.R. § 121.102(b).

<sup>18</sup> BETRS is defined in sections 22.757 and 22.759 of the Commission’s Rules. 47 C.F.R. §§ 22.757, 22.759.

providers, 20 pre-paid calling card providers, 16 satellite service carriers, 423 toll resellers, and 15 carriers providing other toll services.

**Offshore Radiotelephone Service.** This service operates on several TV broadcast channels that are not otherwise used for TV broadcasting in the coastal area of the states bordering the Gulf of Mexico. At present, there are approximately 55 licensees in this service. The Commission is unable at this time to estimate the number of licensees that would qualify as small entities under the SBA definition for radiotelephone communications. The Commission assumes, for purposes of this FRFA, that all of the 55 licensees are small entities, as that term is defined by NAICS.

**Cellular Equipment Manufacturers.** The labeling requirement will affect manufacturers of 911-only phones. The Commission does not know how many total cellular equipment manufacturers are in the current market. The 1994 County Business Patterns Report of the Bureau of the Census estimates that there are 920 companies that make communications subscriber equipment. This category includes not only cellular equipment manufacturers, but television and AM/FM radio manufacturers as well. Thus, the number of cellular equipment manufacturers is considerably lower than 920. Under SBA regulations, such a communications equipment manufacturer, which includes not only U.S. cellular equipment manufacturers but also firms that manufacture radio and television broadcasting and other communications equipment, must have a total of 750 or fewer employees in order to qualify as a small business concern.<sup>19</sup> This Order only affects manufacturers of 911-only phones. We are aware of only one manufacturer of 911-only phones, SecureAlert, which may be classified as a small entity. We therefore estimate that our current action will affect fewer than ten small cellular equipment manufacturers.

#### **D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements**

As indicated in paragraphs two and twenty-six of the Order, carriers participating in non-initialized phone donation programs and manufacturers of 911-only phones have to program each handset with 123-456-7890 as its telephone number/mobile identification number. This will involve a one-time modification. Software adjustments for wireless and wireline carriers to accept and disperse the number to PSAPs to identify the calls as coming from phones which cannot be called back will also involve a one-time modification. As also indicated, carriers participating in non-initialized phone donation programs and manufacturers of 911-only phones have to label each handset and institute education programs so that users of non-initialized phones will be apprised of their limitations. The labeling requirement is also a one-time modification. Education requirements for carriers and manufacturers are described in paragraph forty-two of the Order.

#### **E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered**

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives, among others: (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) any exemption from coverage of the rule, or any part thereof, for such small entities.<sup>20</sup>

<sup>19</sup> 13 C.F.R. § 121.201, NAICS code 334220.

<sup>20</sup> 5 U.S.C. § 603(c).

The issue of providing a solution to the non-initialized phone dilemma is of interest to small entities representing the public service community, and the wireless carrier and equipment manufacturing industries. As noted, most PSAPs are small entities and many carriers and equipment manufacturers are small entities. Public service entities, representing the views of PSAPs, on the one hand, are justifiably concerned with eliminating the possibility of delays in emergency response time due to their inability to contact callers using non-initialized phones to request vital location information. This incapability strains the already limited resources of PSAPs. Carriers and equipment manufacturers share PSAP concerns with impaired response time in emergency situations, but are also concerned with the practicalities of whether a technical solution is readily available at a cost that will not discourage the sale or the donation of non-initialized phones.

The Commission, in reaching a decision in the Order, carefully weighed the possible negative impact on all the small entities involved in the problem of non-initialized phone use in emergency situations, and found that a network-based technical solution to provide call-back capability to all non-initialized phones is not presently feasible. Instead, the Commission requires that non-initialized handsets donated through carrier-sponsored programs and newly manufactured 911-only phones be programmed with 123-456-7890 as their "telephone number," to alert a PSAP that the 911 call is originating from a wireless phone that lacks call-back capability. This will necessitate minor software modifications on the carriers' equipment. Additionally, the Commission requires that these phones be labeled to alert the user of the lack of call-back capability, and that public education programs be instituted to more fully inform non-initialized phone users of their limitations. The Commission finds that these requirements place limited, one-time burdens on carriers and manufacturers of 911-only phones while alerting all the parties involved in an emergency 911 call to the need for quick, precise and complete caller location information, thus reducing the likelihood that emergency response will be delayed and limited PSAP resources misused.

The Commission considered a number of alternative solutions to the predicament raised by non-initialized phones used in emergency situations, ranging from the possibility of developing and implementing a technical solution applicable to all non-initialized phones, to the use of labeling and public education programs. Paragraphs eight through twenty-four of the Order discuss possible technical solutions proposed in the comments. The most widely-discussed technological possibilities involve using either temporary local directory numbers (TLDNs), which are currently used to deliver calls to roamers, or pseudo-mobile identification numbers (pseudo-MINs). In the former instance, it is suggested that TLDNs could be temporarily assigned, via a network mechanism, to non-initialized phones so that a PSAP would have a number to call back if prematurely disconnected. The latter instance would require the use of pseudo-MINs - a string of numbers and/or symbols, unique to each handset, which would be programmed into each non-initialized phone and used by the PSAP to effectuate a call-back. As stated in paragraphs eight through twelve of the Order, the Commission concluded that the development and implementation of either proposed theory would likely require extensive changes to the networks and would be cost prohibitive. Mandating a call-back solution at this stage would be especially difficult to justify considering the dearth of information received regarding the scope of the problem of PSAPs' inability to contact callers using non-initialized phones for further location information. No data has been provided in this proceeding to show the volume of 911 traffic generated by non-initialized phones, nor the percentage of non-initialized calls which require a call-back to effect an adequate emergency response. Comments regarding the use of TLDNs and pseudo-MINs are summarized in paragraphs sixteen through nineteen of the Order. A variation of the pseudo-MIN theory was proposed by Richard Levine of Beta Scientific Laboratory, Inc., and is considered in paragraph twenty of the Order.

Paragraphs twenty-two through twenty-three of the Order considers the possibility of providing call-back to non-initialized wireless phones which use GSM technology. Some commenters argue against this option, maintaining that the elements of this solution have not been put together in a manner to support this capability, and that even if they were, the operator's network would be at risk of being deluged by calls from closed handsets receiving the same call-back page, which could effectively take down the

entire network or a portion of the network. There would be no way for an operator to prevent calls from being placed by a handset, so, these commenters claim, there would be a serious risk of fraud and or terrorist activities.

Paragraphs twenty-five through thirty-three of the Order discuss options regarding carrier-donated handsets. One alternative raised in the FNPRM is a requirement that all carrier-sponsored wireless phone donation programs be service initialized, so that call-back from the PSAPs will be available if needed. The Commission instead concluded that it would be more beneficial to needful individuals if carriers were allowed to continue to choose which program best serves their communities. While call-back may not be available in some instances, the Commission does not find that mandating service-initialization requirements on voluntary industry-led donation programs would be in the best interests of public safety. Many carriers are already participating in service-initialized donation programs, where a dialable telephone number is delivered to the PSAP and is available if a call-back is required. In addition, various service-initialized programs can be tailored by the carriers to provide users with the best available emergency access, while minimizing potential abuse of their programs.

In recognition of the concerns of public service entities, while the Commission does not impose a mandate that all carrier-sponsored programs donate only service-initialized phones, we do place requirements on those programs where non-initialized phones are donated. Additionally, in paragraph twenty-seven, the Commission adopts a labeling requirement for programs where a carrier donates service-initialized handsets, but blocks all call-backs to the phone. The label must notify the user that the called party will not be able to call the user back, and that in the event of an emergency, the user should convey the exact location of the emergency to the called party as soon as possible.

Finally, the Commission, as stated in paragraphs thirty-eight through forty-two of the Order, mandated that labels be affixed to each non-initialized phone and that carriers and manufacturers institute public education programs to alert users of non-initialized phones that call-back is unavailable and that the user should convey exact location information to the 911 operator as soon as possible.

Report to Congress: The Commission will send a copy of this Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.<sup>21</sup> In addition, the Commission will send a copy of this Order, including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this Order, and FRFA (or summaries thereof) will also be published in the *Federal Register*.<sup>22</sup>

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<sup>21</sup> 5 U.S.C. § 801 (a)(1)(A)

<sup>22</sup> See 5 U.S.C. § 604(b)



**STATEMENT OF COMMISSIONER**  
**MICHAEL J. COPPS**

*RE: Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Non-Initialized Phones (CC Docket No. 94-102).*

I support today's Report and Order because it will improve 911 emergency services related to non-service-initialized wireless telephones. Requiring all such phones to be programmed with the "123-456-7890" code will alert emergency responders to the fact that the incoming call they are receiving does not have call-back capability. In addition, the labeling requirement and education programs will help to inform callers of the limitations of their phones.

I am also pleased that the Commission will conduct a separate proceeding on the issue of E911 compliance for the increasing number of wireless services that consumers may use for emergency calls, but that are not traditional wireless phones. These include "911-only" phones and disposable phones. Not only must we address the responsibilities of providers of these phones to provide public safety functionalities, but we also must address the challenges some of these services create for the public safety community. I am particularly concerned with the problem of mistaken or frivolous 911 calls that can not be identified because they originate from non-service-initialized phones. I hope that our future proceeding will confront these issues.

