

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

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

**COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association ("CTIA")¹ hereby submits its Comments in the above captioned proceeding² in support of the Petition for Reconsideration ("Reconsideration Petition") filed on June 12, 2002, by the Emergency Services Interconnection Forum ("ESIF")³ seeking reconsideration of the Commission's *Report and Order* adopting sections 20.18 (l)(1)(i) and (l)(2)(i) of the Commission's rules.⁴ CTIA also supports the separate

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² See *Wireless Telecommunications Bureau Seeks Comment on Petition for Reconsideration Regarding the Commission's Rules on Non-Initialized Phones and on Filing of Request for Stay*, CC Docket No. 94-102 Public Notice, DA 02-1575 (rel. July 3, 2002).

³ ESIF is a sponsored committee of the Alliance for Telecommunications Industry Solutions (ATIS), jointly convened by ATIS and the National Emergency Number Association (NENA) to facilitate the identification and resolution of technical issues related to the interconnection of telephony and emergency service networks.

⁴ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Non-initialized Phones*, CC Docket No. 94-102, RM-8143, Report

Request for Stay of the October 1, 2002, effective date of these rules (the “Stay Request”) filed by ESIF contemporaneously with its Reconsideration Petition.

On April 29, 2002, the Commission amended Section 20.18 of its rules for wireless 911 service by requiring the use of the sequential number code “123-456-7890” as the telephone number/mobile identification number in certain, but not all, unsubscribed handsets.⁵ Specifically, Section 20.18 (l)(1)(i), requires that wireless carriers who donate unsubscribed handsets through carrier-sponsored efforts program those handsets with the code “123-456-7890” as the telephone number/mobile identification number to alert Public Safety Answering Points (PSAPs) that a 911 call is being made from a wireless phone that lacks call-back capability. In addition, section 20.18 (l)(2)(i) further requires that all manufacturers of “911-only” handsets manufactured on or after October 1, 2002, program each handset with the same sequential number code.⁶ The Commission’s mandate requiring use of the “123-456-7890” code applies only to these two very narrowly defined categories of unsubscribed phones, leaving the vast majority of unsubscribed phones not subject to the new requirement.

and Order, FCC 02-120 (rel. April 29, 2002 (*Order*); 67 Fed. Reg. 36112 (2002) (to be codified at 47 C.F.R §§ 20.18 (l)(1)(i), (l)(2)(i)).

⁵ The Commission uses the terms “non-initialized” and “non-service-initialized” to refer to wireless handsets for which there is no valid service contract with a CMRS carrier. *See* 47 C.F.R. § 20.18 (l)(3)(i). Since the majority of these phones have been initialized at some point and transmit a mobile identification number, CTIA prefers to refer to these phones as “unsubscribed.” According to the Commission, the three terms are interchangeable. *Order* at n.6.

⁶ Over 40,000 “911-only” phones have been sold with “123-456-7890” programmed as the telephone number/MIN. *Order* at ¶ 34. All other unsubscribed phones that are not donated through a carrier-sponsored program are not required to use this code. In addition, disposable phones that can dial other numbers in addition to 911, but may lack call-back capability, are not subject to section 20.18 (l)(2)(i) of the Commission’s rules. *Order* at n.3.

The Reconsideration Petition proposes an alternative solution to the use of the sequential number code “123-456-7890” to address the lack of call-back capability in unsubscribed handsets. The proposed solution is based on a technical standard published jointly by the Telecommunications Industry Association (TIA) and ATIS.⁷ The standard suggests the use of a wireless handset’s Electronic Serial Number (ESN) or International Mobile Station Equipment Identity (IMEI) to create a surrogate number: “911” plus the last seven digits of the ESN or IMEI expressed as a decimal number.⁸ As the Reconsideration Petition explains in detail, using this surrogate number provides easier identification of the specific phone used in placing a wireless 911 call. Moreover, the surrogate number permits the PSAP to prevent the misuse of the 9-1-1 system due to repeated harassing calls made using unsubscribed wireless phones, and also permits the PSAP to identify legitimate emergency callers making multiple calls.⁹

The Reconsideration Petition also identifies a problem that was not previously brought to the Commission’s attention: use of the sequential number code “123-456-7890” as mandated in

⁷ The standard is set forth in Annex C of J-STD-036, “Enhanced Wireless 911 Phase 2,” published jointly by TIA Committee TR-45 and ATIS Committee T1 (Aug., 2000).

⁸ Reconsideration Petition at 4-5, and n.10.

⁹ *Id.*, at 5. The Commission has acknowledged the receipt of comments advocating the complete elimination of unsubscribed handsets, but declined to restrict the ability of unsubscribed wireless phone users to reach 911 in the event of an emergency. *Order* at ¶24. Because of the anonymity afforded users of unsubscribed handsets, CTIA joins with NENA in urging the Commission to clarify the scope of the requirement in Section 20.18(b) of its rules requiring carriers to transmit “all” wireless 911 calls to a PSAP. This “forward all calls” mandate prevents carriers from blocking (at a PSAP request) repetitive fraudulent, harassing or abusive 911 calls, and also prevents wireless carriers from providing “congestion control” within their network to protect PSAP facilities from being overwhelmed by large numbers of calls reporting a single incident, or in the event of a concerted denial of service attack. See NENA *ex parte* communication, CC Docket No. 94-102 (July 16, 2002).

the Commission's new rules will remove one million otherwise valid International Roaming MIN (Mobile Identification Number) ("IRM") numbers from the IRM assignment pool, a finite numbering resource where the first number must be a zero (0) or a one (1).¹⁰

CTIA understands that the technical standard providing the predicate for the ESIF Reconsideration Petition is now being reviewed by the appropriate technical experts, and several of these experts believe the standard can be enhanced and improved. While CTIA supports the ATIS Reconsideration Petition, given the current uncertainty associated with the finality of the standard described therein, the most appropriate course of action is for the Commission to hold the Reconsideration Petition in abeyance while it tasks the technical experts to complete their review and then submit a report by a date certain detailing their recommendations to the Commission.¹¹ The Commission should then seek comment on this Joint Experts report, and proceed with its consideration of the Reconsideration Petition.

During the pendency of this review, the Commission should grant the request seeking a stay of the effective date of the requirements set forth in subsections (1)(1)(i) and (1)(2)(i) of Section 20.18 of the Rules. As demonstrated in the Stay Request, the Commission's new rules create a very real conflict with the assignment and use of otherwise valid IRM numbers. Moreover, the acknowledged absence of any evidence in the record regarding the scope of the call-back problem, other than a single sample (albeit of very limited size and duration) supporting the view that the percentage of 911 calls to PSAPs from unsubscribed phones which

¹⁰ See Reconsideration Petition, at 5-6.

¹¹ This is similar to the procedure the Commission adopted in the CALEA Remand proceeding to obtain additional information on packet mode surveillance capabilities. See *Third Report and Order, In the Matter of Communications Assistance for Law Enforcement Act*, CC Docket 97-213, 14 FCC Rcd. 16794 at ¶ 56 (1999).

require a call-back may be very small,¹² also warrants a stay of the requirements while the Commission develops a more comprehensive record on the issue.

For the foregoing reasons, CTIA urges the Commission to stay the effective date of subsections (1)(1)(i) and (1)(2)(i) of Section 20.18 of the Rules while it proceeds to develop a complete record on the ESIF Reconsideration Petition.

Respectfully submitted,

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¹² *Order* at ¶ 9 and ¶ 12, and n.21.