

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

<i>In the Matter of</i>	)	
	)	
Revision of the Commission's Rules to	)	CC Docket No. 94-102
Ensure Compatibility With Enhanced 911	)	
Emergency Calling Systems	)	
	)	
Amendment of Parts 2 and 25 to Implement	)	IB Docket No. 99-67
the Global Mobile Personal Communications	)	
by Satellite (GMPCS) Memorandum of	)	
Understanding and Arrangements; Petition of	)	
the National Telecommunications and	)	
Information Administration to Amend Part 25	)	
of the Commission's Rules to Establish	)	
Emissions Limits for Mobile and Portable	)	
Earth Stations Operating in the 1610-1660.5	)	
MHz Band	)	

**COMMENTS OF THE ASSOCIATION OF PUBLIC- SAFETY  
COMMUNICATIONS OFFICIALS- INTERNATIONAL, INC.**

The Association of Public-Safety Communications Officials-International, Inc., (APCO) submits these Comments in response to the Commission's Further Notice of Proposed Rulemaking (FNPRM) in the above-captioned proceedings, FCC 02-326 (released December 20, 2002). In the FNPRM, the Commission initiates a reevaluation of the scope of communications services that should provide access to emergency services. The evolving convergence of telecommunications services presents to the Commission the responsibility of determining which services should be obligated to comply with its basic and enhanced 911 (E911) rules.

## SUMMARY

The obligation of commercial mobile radio service (CMRS) licensees to provide basic and enhanced 911 service derives from the Commission establishing a clear mandate and a commitment to enforce that mandate. The Commission should be commended for the tangible progress that has been made over the last year. These two elements, clarity and enforcement, when combined with establishing a standard reflecting a reasonable expectation that a particular service or device should provide access to emergency services, should be the center of the Commission's analysis in determining what services should provide emergency access.

In an environment where convergence is heralded, where entities seek to break into markets previously served by one or only a few providers, there should be an expectation of compliance with fundamental public safety policy. The Commission is capable of establishing the parameters of reasonable expectation. Lengthy and piecemeal debate regarding the technical and operational feasibility as a prelude to determining whether emergency access must be provided is not only contrary to the deregulatory direction of communications policy but offers fertile opportunity for delay. Effective emergency response relies upon caller identification and geographic location. Those interests that provide services where the American public expects such access should be responsible for meeting this expectation.

### **The Commission's Criteria For Subjecting Services and Devices to E911 and other Emergency Access Requirements Should Reflect A Forward Looking Standard**

In the *E911 First Report and Order*, the Commission established the criteria for determining those licensees required to meet its E911 requirements, --

forwarding all 911 calls without delay<sup>1</sup> and relaying a caller's Automatic Number Identification (ANI) and Automatic Location Information (ALI) to the appropriate Public Safety Answering Point (PSAP). The criteria are: (1) licensees that offered real-time, two-way switched voice service, interconnected with the public switched network, either on a stand-alone basis or packaged with other telecommunications services; (2) whose customers clearly expected access to 911 and E911; (3) that competed with analog and broadband PCS providers; and (4) where it is technically and operationally feasible to provide enhanced 911 service. Based on these criteria, the Commission determined that cellular licensees, broadband Personal Communications Service (PCS) licensees, and certain Specialized Mobile Radio (SMR) licensees, would be required to meet basic and enhanced 911 service requirements for completing emergency calls.

In the FNPRM, the Commission seeks to examine, almost anew, services that should be required to comply with basic and enhanced 911 (E911) rules. These services are mobile satellite services (MSS), telematics services, voice service provided by multi-line systems and a number of other services and devices. The Commission has a substantial record regarding extending emergency access to MSS and multi-line service. The Commission inquires as to the general criteria to use in analyzing whether an enumerated service and device should be included within the scope of services that offer 911 service. It also seeks comment on the specific circumstances of those services that offer voice communications to their end users.

APCO urges the Commission to adopt a forward looking approach that

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<sup>1</sup> See *E911 First Report and Order*, 11 FCC Rcd at 18692-97 paras. 29-42 (requiring covered carriers to transmit all 911 calls without subjecting them to any call validation procedures).

places proponents and developers of services and devices on full notice that compliance with E911 must be a fundamental element of any service. So long as the Commission engages in extensive debate and analysis of technical and operating issues prior to determining whether emergency access will be available, delay and posturing will pervade.

APCO recognizes that a range of legitimate technical and operating matters will still require attention by the Commission and that the direction toward compliance must embrace a flexibility. In particular, there are genuine concerns reflected in the Hatfield Report. The PSAP infrastructure faces substantial challenges that, without increased investment, will constrain its ability to extend access to the growing number of services. It is important to bring forth the needed investment to the PSAP infrastructure and not allow the challenge to be overcome by debate, instead of effort, regarding how a new service design and operational elements cannot be accommodated by the PSAP infrastructure. Inevitably, fostering investment in the PSAP infrastructure and broadening emergency access are intertwined, but without a forceful forward looking approach that E911 capability is a fundamental, the difficult and time consuming debates of the past will be repeated. APCO urges the Commission to establish a threshold that embraces a standard that if there is a reasonable expectation that a service or device will provide emergency response access, then it be required to commence efforts to do so.

The Commission should eliminate its initial examination of whether the service is technically and operationally feasible to provide enhanced 911. Instead, the hallmark of any analysis should be whether its customers reasonably expect access to 911 service. Any proponent of service seeking to compete in the voice service market should

be required to commit the investment to integrate to enhanced 911. Importantly, a forward looking approach will foster early collaborative efforts to assure that 911 technologies evolve to support those who want to develop new services.

A forward looking model, rather than analyzing the feasibility and operating capability of each service, is well grounded in the law. The Wireless Communications and Public Safety Act of 1999, Pub. Law 106-81 (1999), establishes as a national priority the encouragement and facilitation of the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs. The Commission's fidelity to this policy will be demonstrated by establishing clearly that those services offering a reasonable expectation that it will connect to emergency services, must provide that access.

### **Mobile Satellite Services**

APCO has stated previously its position that MSS systems should provide access to emergency services.<sup>2</sup> It is of particular importance that services for remote and rural areas, that MSS states it will serve, have the capability to reach an emergency response center and provide the location of the caller. The same is true of another sector that is the focus of MSS, maritime. The United States Coast Guard, the agency with primary public safety responsibilities in the area, is emphatic that MSS provide access to emergency response, and transmit caller identification, location information, and other

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<sup>2</sup> Comments of APCO in response to Public Notice DA 00-2826 (December 15, 2000), February 20, 2001, IB Docket 99-67.

E911 attributes is crucial to the fulfillment of its mission<sup>3</sup>.

The Commission's FNPRM expends substantial discussion of how best to provide access, proposing that MSS carriers establish call centers. While there are legitimate challenges in MSS accessing PSAP databases, and the advocacy is important to determine the path to emergency response access, the debate, because it is still preliminary as to whether MSS must afford emergency response access, spawns resistance by the MSS industry, and not a focus of how to comply. The result will delay the provisioning of the service. APCO's urges the Commission to move expeditiously to its proposed determination that MSS providers provide access to emergency response. MSS seeks to serve sectors of the traditional voice communications market, where a reasonable expectation exists that access to emergency response services is available. The determination will move the effort from debate to solutions, and both short and long term and compliance.

The Commission's recent decision providing added flexibility for MSS providers confirms such a direction as satellite operators now develop ubiquitous mobile telecommunications and broadband services.<sup>4</sup> The Commission's action will increase MSS ability as a viable competitors in the voice and broadband marketplace.<sup>5</sup> And as viable competitors, they should provide fundamental access to emergency response services.

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<sup>3</sup> Comments of the United States Coast Guard, June 21, 1999, in IB Docket 99-67.

<sup>4</sup> Statement of Commissioner Abernathy, , accompanying the Report and Order and Notice of Proposed Rulemaking, FCC 03-15 ( January 29, 2003).

<sup>5</sup> Statement of Chairman Powell, accompanying the Report and Order and Notice of Proposed Rulemaking, FCC 03-15 (January 29, 2003).

In the FNPRM, the Commission addresses a number of legitimate issues regarding E911 implementation for MSS providers, most of which have been raised previously. These include inability of satellite carriers to provide even basic 911 service at the present time, and the Commission's proposal for MSS to provide emergency call centers and the availability of the call center to maintain a PSAP database that covers the United States. APCO notes that not only are national cellular carriers able to compile and maintain databases, but telematic service providers have also been able to meet this challenge.

Additional issues encompass the capability to integrate MSS emergency calls into the local exchange carrier and the PSAP network and the capability of receiving and transmitting ANI and ALI information. Importantly, the Commission notes the strong advocacy of the Coast Guard, which has operational responsibility to respond to such calls, and the need of such information to assist its mission. Yet, satellite licensees generally oppose adoption of a rule requiring E911 for MSS, claiming it is premature and/or not economically and technically feasible. APCO urges the Commission to embrace a forward looking approach, that a service, such as MSS, which sought and obtained the authority to provide wireless voice communications as part of their service,<sup>6</sup> which by itself has raised the reasonable expectation of consumers, should commence efforts to comply. By leaving the initial debate open to the availability of the technology and cost, the Commission invites only delay and not productive discourse about how to meet the objective.

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<sup>6</sup> See *Ex Parte* Submission, dated January 23, 2003, of Celsat America, Inc, "CelSat is your lifeline to voice and data services across the country.... CelSat connects the Nation anytime, anywhere" in IB Docket 01-185.

## **Telematics**

The Commission seeks comment on the applicability of the E911 rules to telematics devices, which it defines as the integrated use of location technology and wireless communications to enhance the functionality of motor vehicles. The FNPRM states that telematics provide a number of automotive and mobile applications including safety and concierge services through integrated vehicle communications and navigation systems that employ Global Positioning System (GPS) technology to provide directions, to track a vehicle's location, and to obtain emergency assistance in the event of an accident. Telematics systems may include automatic crash notification (ACN) systems that have the capability to automatically call an emergency services dispatcher for help in the event of a car accident.

Telematics represents a range of services, some of which are captured by the Commission's description. There are telematics providers that provide phones in vehicles that connect to the public switch, there are services that provide only an ability to speak to a call center and there are those that are limited to sending data to the vehicle. Additionally, in contrast to most services presented to the Commission for determination, some telematics services do provide access to emergency response, but not in the format required under the Commission's rules for CMRS carriers.

APCO returns to its fundamental advocacy in the proceeding, that to the degree a device or service provides a reasonable expectation that it afford access to emergency response, it should be covered by the Commission's rules. APCO urges the Commission to examine the range of telematics services and establish clearly which of

those services meet this standard.

### **Multi-Line Telephone Systems**

The Commission seeks comment on whether it should require multi-line systems, including wireline, wireless and Internet Protocol-based systems, to deliver call-back and location information. The issue of multi-line systems is another matter where there is a substantial record already before the Commission.

The challenge in multi-line systems is that while each telephone within the organization has a unique telephone number that the multi-line systems recognizes for directing internal traffic and inbound external calls, outbound external calls may not have a unique telephone number and therefore may be unable to transmit basic and enhanced 911 information. The Commission notes that several state and local governments have passed regulations and ordinances that require multi-line systems equipment to be compatible with the 911 systems deployed in the given state or locality.

APCO believes that unless the Commission moves forward to require multi-line systems to provide fundamental emergency response information, there will be no progress. That the Commission solicited comment on the issue in 1994 demonstrates the present inertia. The delivery of accurate location information and callback numbers is vital for a local emergency response service to be effective and is clearly in the public interest. The reality is that callback and individual station location information is not automatically available today when 911 calls are made from behind multi-line systems and from individual stations in IP-based private network.

Unless the Commission acts to move the matter forward, delay will

pervade. (reference E911 Consensus Group Proposal) APCO believes that multi-line systems fit within the parameters of those devices where there is a reasonable expectation that emergency response be available.

**Resold Cellular and PCS Service, Pre-paid Calling, Disposable Phones, Automated Maritime Telecommunications Systems (AMTS)**

The Commission seeks comment on extending emergency access

to Resold Cellular and PCS Service, Pre-paid Calling, Disposable Phones, Automated and Maritime Telecommunications Systems (AMTS). Each of these services present particular challenges to implement emergency access and reflects in general the overall debate and division of interests. Public safety officials urge that such services provide emergency access, particularly if the public perception is that such devices and services can assist an individual in calling for assistance in an emergency. Proponents of the services assert technical challenges and that the investment needed will stifle the service.

APCO urges the Commission to move the debate and analysis in the direction of affording emergency access service and compliance with the Commission's basic and enhanced 911 rules. To the degree a device or service provides a reasonable expectation that it afford access to emergency response, it should be covered by the Commission's rules. By doing so, the Commission will increase substantially the pace toward a seamless, ubiquitous, and reliable end-to-end infrastructure to meet the Nation's public safety communications needs.

## **EMERGING VOICE SERVICES AND DEVICES**

Several emerging telecommunications services promise to add new challenges for the provision of E911 service. For example, growing use of Voice over Internet Protocol (IP) service is already raising serious issues regarding the inability to make or locate 911 calls. There are now vendors marketing IP services as replacements for local phone service without meeting the minimum requirements set forth by state utility commissions regarding 911 service. For example, one large provider offers home voice telephone service over DSL lines for as low as \$39.95 per month, and allows subscribers to pick their area code from any of those in use in the 25 states served by the provider. However, the service does not offer ANY 911 capability.

The Commission needs to explore whether there are existing legal tools to address IP services, and if not, whether statutory or regulatory changes are needed. For example, are IP Telephone providers “carriers” under Part 64 of the Commission’s rules? Section 64.2502 requires all telecommunications carriers to transmit all 911 calls to a PSAP, a designated statewide default answering point, or other appropriate local emergency authority. Internet Telephony and other “new technologies” should be subject to this provision, or a similar requirement.

While not necessary an issue for FCC consideration, IP services also pose a potential drain on PSAP funding. PSAPs across the nation are funded by fees attached to telephone bills. IP providers do not charge such fees, creating a potential decline in funding for PSAP operations. Should IP providers be required to offer 911 service (and we believe they should), then they must also collect 911 fees to help pay for that service.

Finally, current IP services that allow customers to select their own area codes will pose special problems for E911 location identification. Such services should be required to assign “appropriate” area codes for customers, based upon their principal location.

**Conclusion**

The Commission’s leadership, through its policies and their enforcement, has been fundamental in the progress made in enhancing emergency response. The Commission now has a critical opportunity to make substantially more progress by taking a forward looking approach to what services should provide emergency access. The Commission should eliminate the initial debate regarding technical and operational challenges and make clear that if a device or service creates a reasonable expectation that the citizen can reach emergency services, the effort must turn to how to provide this life saving service, not whether to do so.

Respectfully submitted,

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