

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

In the Matter of)	
)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities)	CC Docket No. 98-67
)	
Americans With Disabilities Act of 1990)	CG Docket No. 03-123

PETITION FOR RECONSIDERATION OF VERIZON¹

Introduction

In the Second Report and Order, the Commission properly revised its rules to clarify that emergency Telecommunications Relay Service (“TRS”) calls should be sent to an “appropriate” Public Safety Answering Point (“PSAP”), rather than the “the nearest” PSAP. Second Report and Order, 18 FCC Rcd 12379, ¶¶ 37-40 (2003). As the Commission properly noted, in some cases, routing the call to the PSAP “that is nearest in proximity to the caller may delay emergency assistance.” *Id.*, ¶ 38. However, Verizon asks that the Commission reconsider the portion of the order that requires that these calls be sent to the *same* PSAP that would have been reached if the caller had dialed 911, and requires that the TRS emergency PSAP database be updated on the same schedule as 911 “routing databases.” *Id.*, ¶¶ 41, 42. Given that 911 centers must already be equipped to handle text-telephone (“TTY”) calls, the Commission should amend the proposed rule so that (1) TRS providers are required to route wireline emergency calls to “*an* appropriate PSAP” (rather than “*the* appropriate PSAP”), and (2) define “appropriate PSAP” as

¹ The Verizon telephone companies (“Verizon”) are the local exchange carriers affiliated with Verizon Communications Inc., and are listed in Attachment A.

“*either* a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner.”

A more stringent definition of “appropriate PSAP” is not necessary to protect the disabled community, and is not required by the “functional equivalence” mandate of the ADA. Moreover, because there are no national databases that would enable TRS providers (or any carrier) to determine exactly which PSAP would have been reached if a caller had dialed 911, Verizon conservatively estimates that it likely would take several years, and cost TRS providers hundreds of millions of dollars, to attempt to implement this new rule.

I. TTY Users Already Have the Functional Equivalent of 911 Service, Without the New Requirement

The Commission indicated that the new requirement that TRS emergency calls to be routed to the same PSAP as 911 calls was adopted pursuant to the “functional equivalence” mandate of the Americans with Disabilities Act (“ADA”). Second Report and Order, ¶¶ 41-42. However, TTY users *already* can obtain the functionally equivalent service of 911 telephone callers. As the Commission recognized, 911 centers must be equipped to handle calls from persons who use TTY. Second Report and Order, ¶ 37 (noting that the ADA already “requires that all Public Safety Answering Points (PSAPs) reached via a 911 call provide direct, equal access to their services for people with disabilities who use TTYs”).² Obviously, when TTY users dial 911 directly, their calls will automatically be routed to the same PSAP as a telephone user’s call. Thus, when TTY callers dial 911, they will be assured that they would reach the

² See also 28 C.F.R. § 35.162 (“Telephone emergency services, including 911 services, shall provide direct access to individuals who use [telecommunications devices for the deaf] and computer modems”).

same PSAP as telephone callers, and will reach an emergency 911 operator who is required to be able to handle TTY calls.

In an emergency, dialing 711 to reach a TRS communications assistant should be understood as the functional equivalent of a voice call to “0” – it should provide a “backup” for callers who, for whatever reason, did not dial 911 directly. In either case the TRS Communications Assistant (for 711 calls) or voice call operator (for calls to “0”) will be able to quickly transfer an emergency call to a PSAP that is able to respond to the caller’s emergency. While neither has access to information that would guarantee that it is the *same* PSAP the caller would have received if he had dialed 911 directly, such an approach is not necessary, efficient, or prudent for a system that, like dialing “0”, provides backup to 911 functional equivalence.

Moreover, the new rule is not necessary to ensure that TRS emergency calls are promptly routed to an appropriate PSAP. As previous commenters have noted, TRS providers already have the ability to quickly route TRS calls to a PSAP that is able to respond to the caller’s emergency. For example, both AT&T and Sprint TRS Relay Centers use systems that rely on a caller’s NPA-NXX to route calls to an appropriate PSAP. *See* Sprint Comments, at 3 (filed August 29, 2002); AT&T Comments, at 2 (filed August 29, 2002). TRS providers typically have only a small number of emergency calls, and there is no evidence that there are problems with the current procedure for routing these calls. Sprint Comments, at 3-4. Indeed, Sprint has stated that, “[m]ost of the time use of the NPA-NXX enables Sprint to send the caller to the same PSAP as the LEC.” *Id.*, at 3. While Verizon is not a TRS provider and does not know what systems these providers are using, its best estimate is that using NPA-NXX would allow TRS providers to route calls the same PSAP as the caller would have reached if he had dialed 911 directly about 90% of the time. Even if the TRS provider routes the emergency call to a PSAP that is not the

same one that the caller would have reached if he had dialed 911, the PSAP who receives the emergency call should be able to use the customer's telephone number to determine which PSAP the caller would have reached if he had dialed 911, and transfer the call to that PSAP.³ In many cases, PSAPs are "hot wired" to nearby PSAPs, and will be able to make the transfer almost instantaneously.

In the context of discrimination claims under Section 202 of the Act, the Commission has described the "functional equivalency" test as one that looks to "whether there are any material functional differences between the services."⁴ Whether the caller dials 911 directly or dials the TRS center and is routed to a PSAP that can handle his call, that test is already being met. There is no need to require TRS providers to pay for costly new systems for routing these calls differently than the method that is currently in place today.

Rather than striving to create a TRS emergency call routing system that attempts to exactly duplicate 911 routing, the Commission should encourage the development of national outreach programs that instruct TTY users to dial 911 in case of emergency.⁵ There are at least two reasons why it is important to encourage TTY users to dial 911 directly in the event of an emergency, rather than dialing 711 for TRS. First, because dialing 911 will automatically route calls to an appropriate PSAP, without having to go through an intermediate TRS communications assistant, it will result in a quicker and more efficient connection to an

³ In Verizon's networks, the PSAP has access to the same database that is used by Verizon's 911 selective router to determine where to transfer the 911 call.

⁴ See *Cellexis International, Inc v. Bell Atlantic NYNEX Mobile Systems, Inc., et al.*, 16 FCC Rcd 22887, ¶ 11 (2001).

⁵ See generally Verizon Notice Comments, CC Docket No. 98-67, at § III (filed September 24, 2003) (explaining that the Commission has authority to implement national outreach through the TRS Administrator that is paid for through the TRS Fund).

appropriate PSAP. Second, in some emergency situations, a TTY user may not be able to communicate to the TRS communications assistant that he needs emergency assistance.⁶ If that is the case, the communications assistant may not know that there is an emergency; indeed, if the caller is silent, the TRS communications assistant may even believe that the call had not connected, and hang up. However, if a caller dials 911 directly, even if he is not able to respond to the 911 operator's questions, the PSAP will dispatch someone to the caller's location to respond to the 911 call.

II. A Rule Requiring That Emergency Calls to the 711 TRS Relay Center Reach The Same PSAP As 911 Calls Would Likely Take Several Years, and Cost Hundreds of Millions of Dollars, To Implement

The order states that, “[c]ommenters report . . . that PSAP databases are available from a variety of resources so that TRS facilities may expeditiously take the steps necessary to implement a system to route emergency calls to the appropriate PSAP.” Second Report and Order, ¶ 42. Verizon is not sure what “available” “PSAP databases” these commenters were referring to, but it is clear that there do not today exist national, or even regional, “databases” that TRS providers could use to ensure calls reach the same PSAP that the caller would have gotten if he had dialed 911.

For most 911 systems, when a caller dials 911, the switch serving the customer routes the call over a dedicated trunk group to a 911 selective router, which is a piece of network equipment that functions like a switch and routes calls to an appropriate PSAP.⁷ The information about which PSAP will receive that call is accessed via the 911 selective router. The 911 routing

⁶ For example, if the caller is having a stroke or heart attack, he may not be able to use his TTY.

⁷ See September 22, 2003 letter from Richard Ellis to Marlene H. Dortch (showing a diagram of how 911 routing works), attached hereto at Attachment B.

information is not in a “database” that can be read or used by a TRS provider; instead, it is in a format designed to interact with the 911 routers. In addition, in Verizon’s territory, the 911 selective routers generally do not interact with other selective routers; thus, information about PSAPs served by one selective router generally is not available to any other selective routers.⁸ Verizon estimates that it likely would take several years, and potentially cost hundreds of millions of dollars, to comply with the requirement that TRS providers guarantee that wireline callers be routed to the same PSAP they would have received if they had dialed 911. TRS providers either would have to build trunks directly to all 911 selective routers of all local exchange carriers throughout their operating territory, or fund the creation, purchase, and coordination of databases containing information from every selective router for every local exchange carrier in their territory.

Moreover, because 911 routing is set up at each selective router, this routing information is not in one nationwide standard or central location, but potentially hundreds. There are easily more than 100 selective routers – and a similar number of separate 911 selective routing databases – in Verizon’s territory alone. Thus, a regional TRS Relay Center that centralizes TRS service over several states presumably would have to pay for several different databases, likely in different formats from different carriers, and synthesize them into one coherent emergency database, that would be updated by numerous different 911 providers.⁹ In all, TRS providers would have to link to the various 911 databases for every local exchange carrier throughout the

⁸ The exception is that in some areas, two 911 selective routers are paired together for network redundancy. In those cases, if one of the paired routers stops working, the other “paired” router can route all 911 calls for both.

⁹ Presumably, a TRS provider would not want to have to purchase a database that covers all 911 selective routers throughout the country, but only the portions corresponding to the territory in which the provider offers service.

country. In addition, because the information about where to route the call is stored at the individual selective router level, the TRS provider would have to find some way to determine which selective router the caller's telephone number was associated with in order to send the call to the correct router, or to access the correct selective router database.

In addition, the order also requires "that TRS facilities ensure that any database used to route a TRS emergency call to a PSAP will be updated on the same schedule that PSAP routing databases are updated for 911 calls placed by voice telephone users," Second Report and Order, ¶ 42. Because Verizon's 911 databases are updated around the clock, 7 days a week, this would essentially require the TRS provider to figure out a way to achieve live updates from all 911 selective router databases throughout its service territory. Absent finding some way of interfacing directly with the dozens or even hundreds of separate selective router databases for every 911 service provider in the TRS provider's service territory, it is difficult to know how this would be achieved.

In short, Verizon is unaware of any way that the order's TRS emergency call routing requirement could be implemented in the one-year time frame set forth by the order, or without spending potentially hundreds of millions of dollars, and creating a logistical and administrative nightmare that would require TRS providers to coordinate with the systems of every local exchange carrier throughout the country. And, as the Commission notes in its further notice of proposed rulemaking, the practical problems of applying the same requirement to wireless TRS calls would present even more technical problems. Second Report and Order, ¶¶ 43-46. TTY customers already can (and do) receive the functional equivalent of telephone callers by dialing 911 directly, or by dialing the TRS provider and being transferred to a PSAP that can handle

their call. The Commission should not require TRS providers to pay for the creation and maintenance of costly new systems that would be redundant to the 911 network.

Conclusion

The Commission should reconsider its order, and not require TRS providers to route emergency calls to the same PSAP that the caller would have reached if he had dialed 911.

Respectfully submitted,



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Edward Shakin
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September 24, 2003

Attorney for the
Verizon telephone companies

THE VERIZON TELEPHONE COMPANIES

The Verizon telephone companies are the local exchange carriers affiliated with Verizon Communications Inc. These are:

Contel of the South, Inc. d/b/a Verizon Mid-States
GTE Midwest Incorporated d/b/a Verizon Midwest
GTE Southwest Incorporated d/b/a Verizon Southwest
The Micronesian Telecommunications Corporation
Verizon California Inc.
Verizon Delaware Inc.
Verizon Florida Inc.
Verizon Hawaii Inc.
Verizon Maryland Inc.
Verizon New England Inc.
Verizon New Jersey Inc.
Verizon New York Inc.
Verizon North Inc.
Verizon Northwest Inc.
Verizon Pennsylvania Inc.
Verizon South Inc.
Verizon Virginia Inc.
Verizon Washington, DC Inc.
Verizon West Coast Inc.
Verizon West Virginia Inc.

ATTACHMENT B



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September 22, 2003

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th H Street, SW, Portals
Washington, DC 20554

Re: CC Docket No. 98-67 Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities and CG Docket No. 03-123 Americans With Disabilities Act of 1990

Dear Ms. Dortch:

On September 17, 2003 Richard Ellis, Ann Rakestraw and Michael O'Connor of Verizon met with the following members of the FCC's Disabilities Rights Office: Tom Chandler, Cheryl King, Sean O'More and Pam Gregory.

In the meeting, Verizon discussed the technical aspects of implementing the Commission's June 17, 2003 clarification of the Second Report and Order regarding delivery of 911 calls placed through a Telecommunications relay Service.

A copy of the handout used in the discussion is attached. Please feel free to contact me with any questions.

Sincerely,

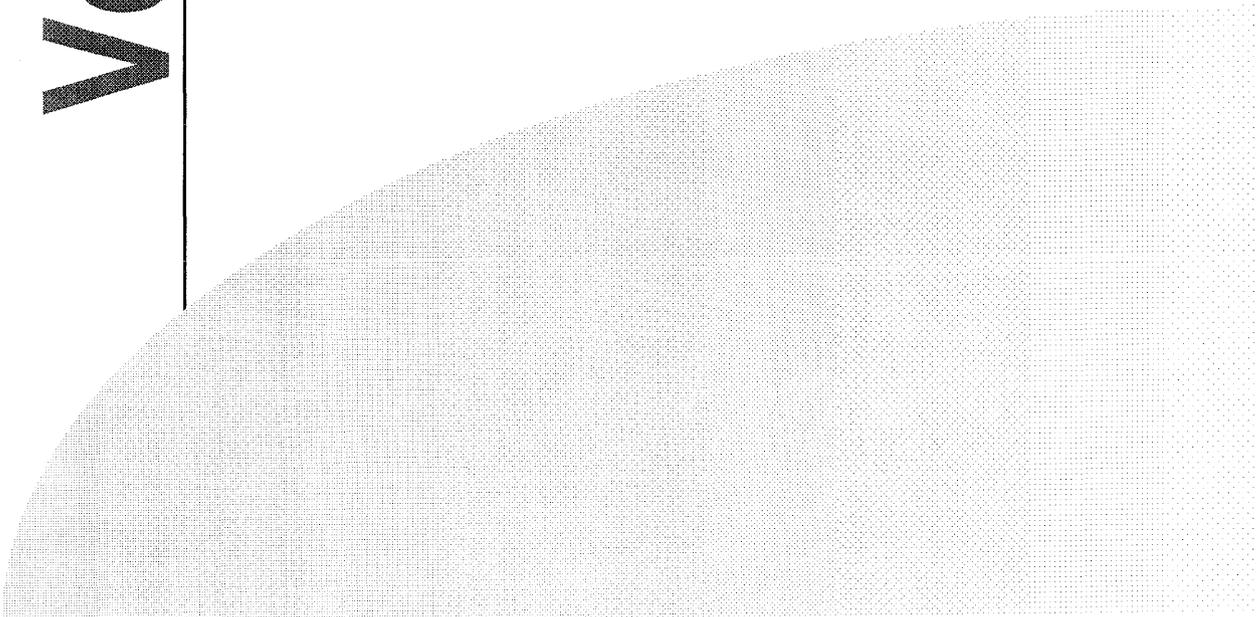
A handwritten signature in cursive script that reads "Richard T. Ellis".

cc: Thomas Chandler
Cheryl King
Sean O'More
Pam Gregory



Verizon E911

E911
Networks
&
TRS

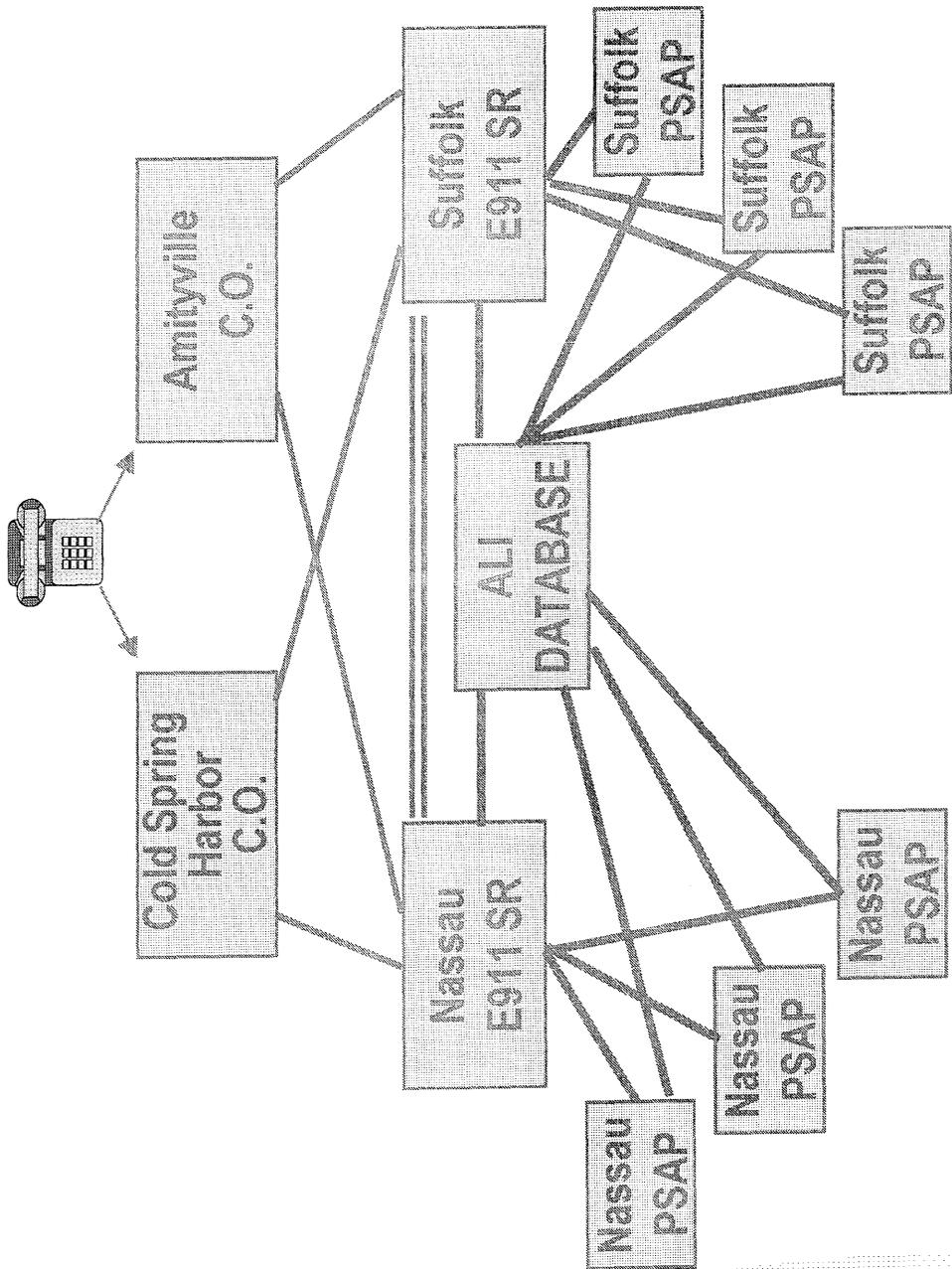




Agenda

- How E911 Works
 - ◆ ADA Functional Equivalence
- The Verizon NY E911 Network
- How TRS Works
- NY TRS & E911
- TRS / E911 Integration Obstacles

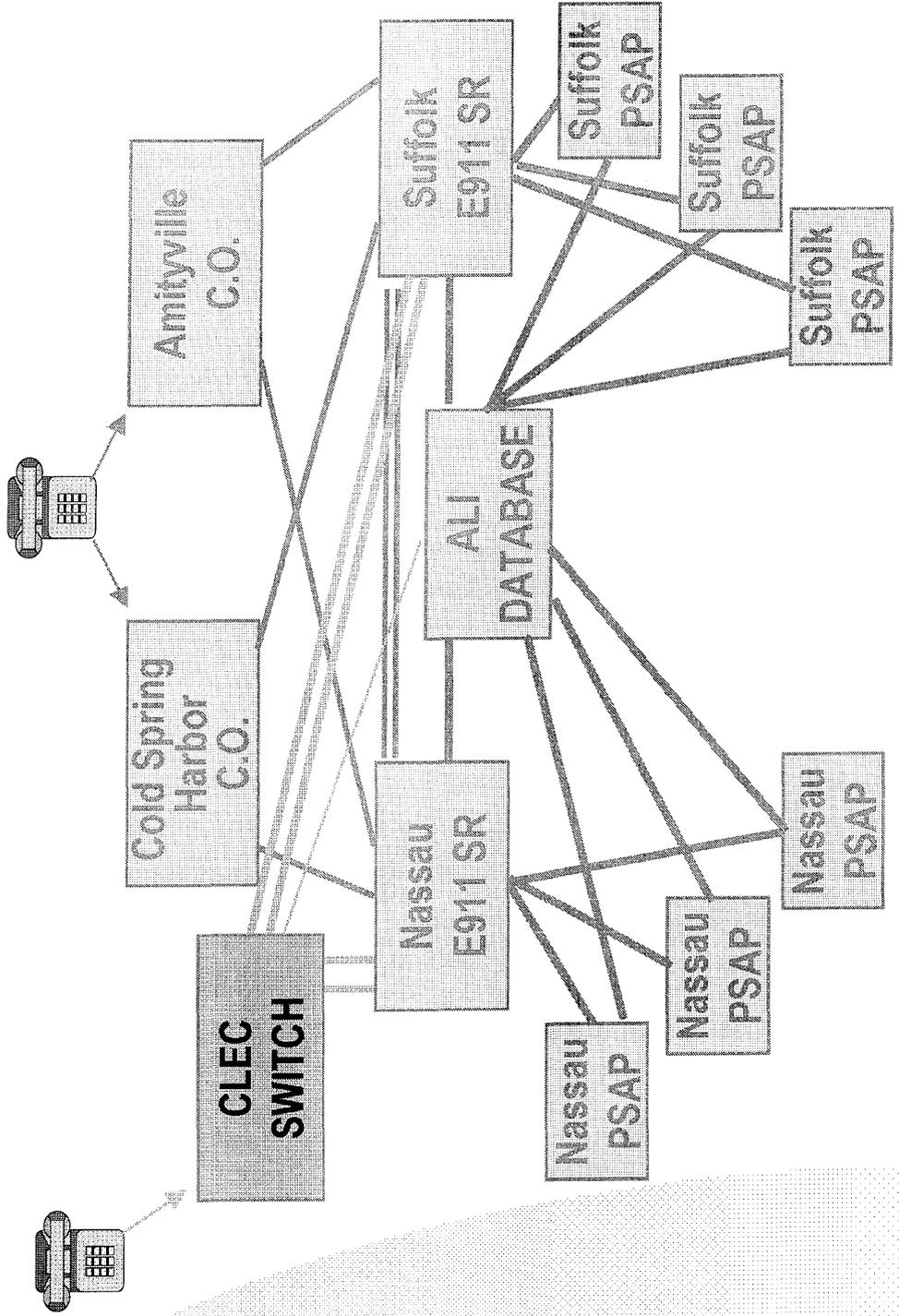
Wireline E911



- How E911 Works
- The Verizon NY E911 Network
- How TRS Works
- NY TRS & E911
- TRS / E911 Integration
- Obstacles

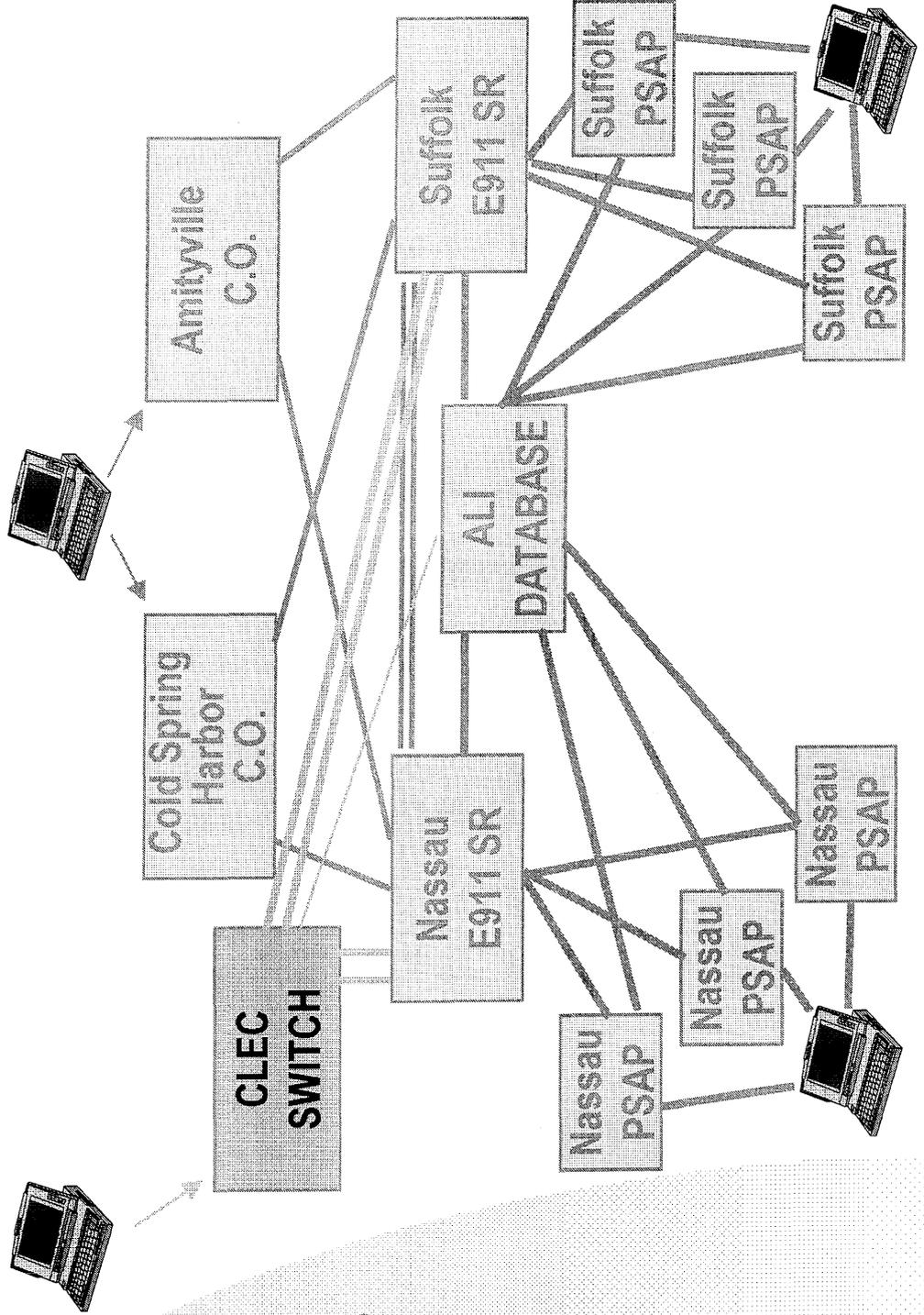
Wireline E911

CLEC Interconnection



- How E911 Works
- The Verizon NY E911 Network
- How TRS Works
- NY TRS & E911
- TRS / E911 Integration
- Obstacles

Wireline E911



- How E911 Works
- The Verizon NY E911 Network
- How TRS Works
- NY TRS & E911
- TRS / E911 Integration
- Obstacles

Functional equivalence

- TRS users have available the functional equivalent of E911 service, whether they dial 911 or 711:
 - ◆ Dialing 911: 911 providers are required to have procedures in place to handle TTY calls. 28 CFR §35.162. When a PSAP receives a call that is silent or issues TTY tones, it goes into TTY mode. If it gets no response from the caller, it dispatches assistance.
 - ◆ Dialing 711: In the overwhelming majority of cases, current 711 routing procedures transfer the caller to a PSAP that is able to handle the call. PSAPs have the ability to transfer calls to nearby PSAPs.
- The FCC has recognized that functional equivalence can be met through alternatives that do not require technically infeasible or burdensome requirements. See 17 FCC Rcd 21233 (2002).

- How E911 Works
- The Verizon NY E911 Network
- How TRS Works
- NY TRS & E911
- TRS / E911 Integration
- Obstacles

E911 Network

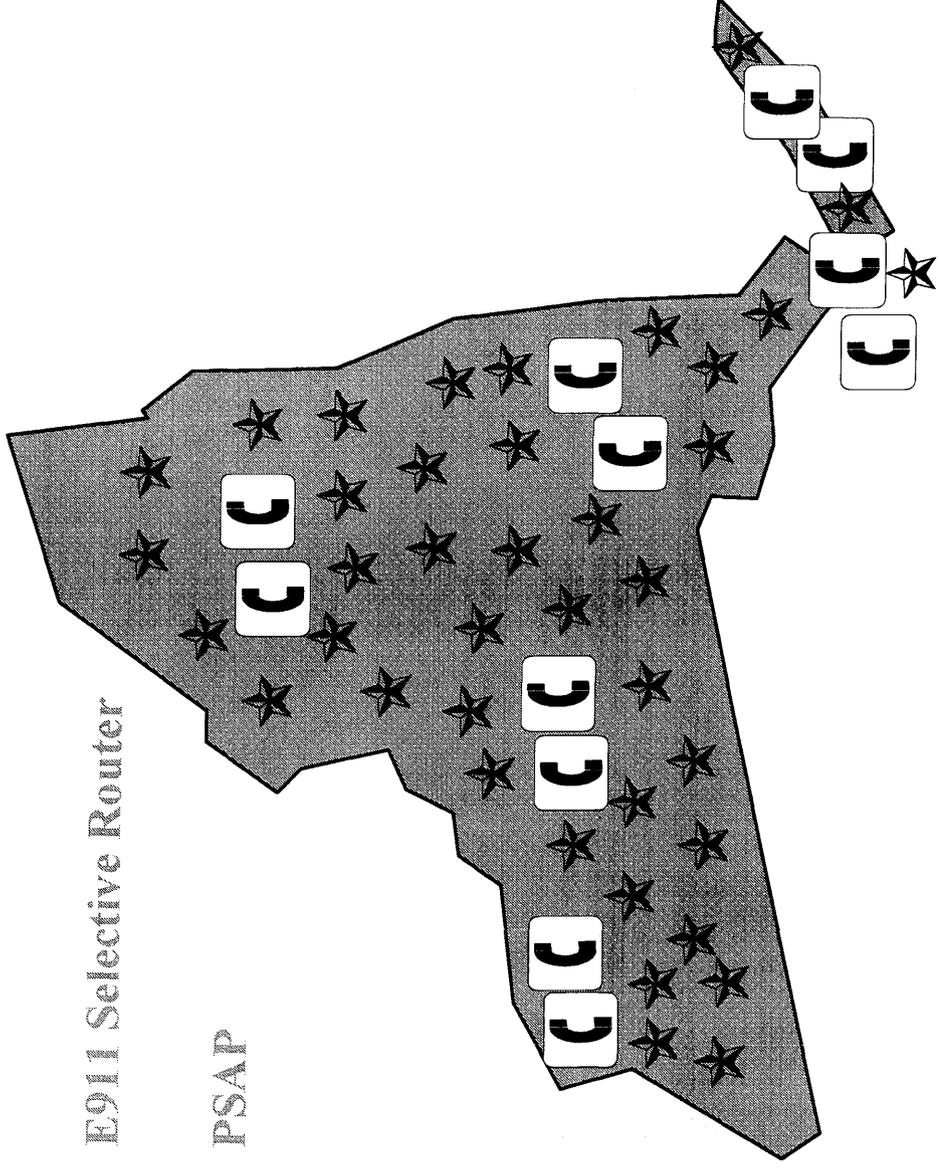
Verizon New York



E911 Selective Router

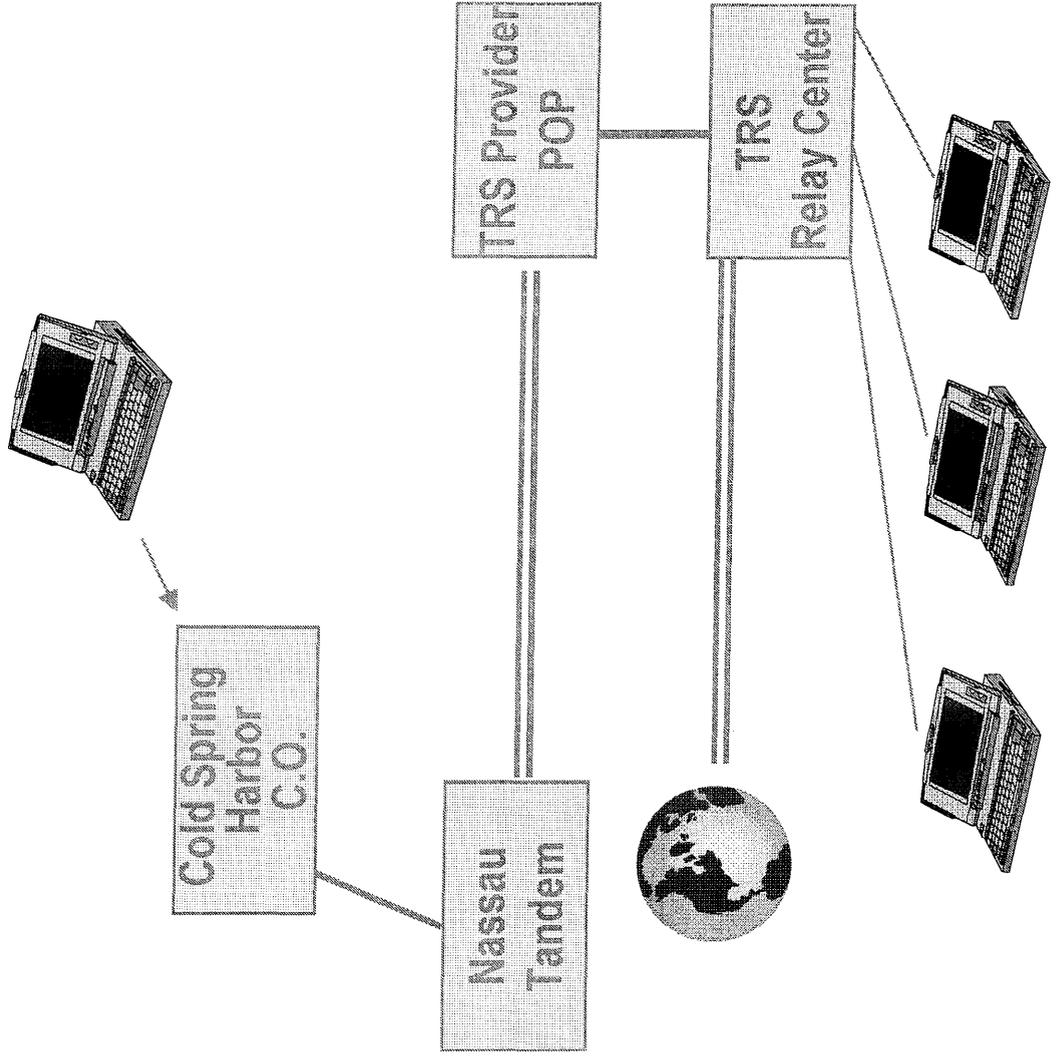


PSAP



- How E911 Works
- The Verizon NY E911 Network
- How TRS Works
- NY TRS & E911
- TRS / E911 Integration
- Obstacles

Wireline TRS



- How E911 Works
- The Verizon NY E911 Network
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- TRS / E911 Integration
- Obstacles

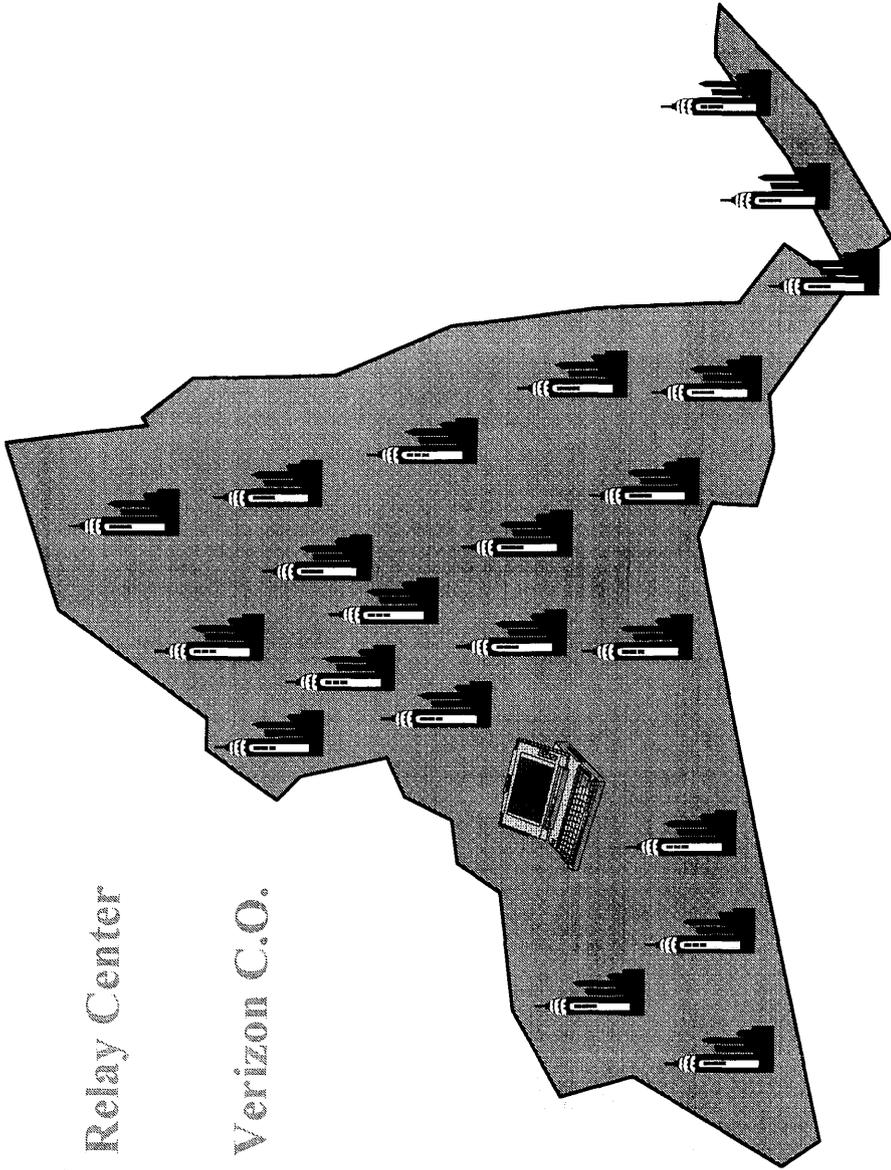
NY TRS E911



Relay Center



Verizon C.O.



- How E911 Works
- The Verizon NY E911 Network
- How TRS Works
- NY TRS & E911
- TRS / E911 Integration
- Obstacles



E911 / TRS

Integration Obstacles

- How E911 Works
- The Verizon NY E911 Network
- How TRS Works
- NY TRS
- TRS / E911 Integration Obstacles

- E911 System Design for E911
- TRS System Design for 711 (TDD)
- E911 / TRS Integration
 - ◆ Databases and trunking to route calls to appropriate E911 tandem
 - ◆ TRS database development to map each customer telephone number to a PSAP telephone number
 - ◆ Cost / development
 - ◆ Inferior product
- Customer education is the Key