

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

In the Matter of)
)
Revision of the Commission’s Rules) CC Docket 94-102
to Ensure Compatibility with Enhanced)
911 Emergency Calling Systems)

To: The Commission

**REPLY COMMENTS OF APCO
IN RESPONSE TO
SECOND FURTHER NOTICE OF PROPOSED RULEMAKING**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following reply to comments submitted in response to the *Report and Order (“R&O”) and Second Further Notice of Proposed Rulemaking (“Second FNPRM”)*, FCC 03-290, released December 1, 2003, in the above-captioned proceeding.¹

APCO’s initial comments note the dangerous public safety situation created by Multi-line Telephone Systems (“MLTS”) that do not include the Enhanced 9-1-1 (“E9-1-1”) capabilities. Absent that capability, Public Safety Answering Points (“PSAPs”) will not have sufficient information to dispatch first responders accurately and efficiently, potentially placing lives and property at risk. We urged in our comment that the FCC has the authority to require MLTS facilities to provide E9-1-1, and should exercise that authority rather than defer to the states, few of which have enacted legislation to date.

¹ *Second FNPRM* at ¶¶107-117.

The Ad Hoc Telecommunications Users Committee (“Ad Hoc”) argues in its comments that the FCC lacks authority to adopt MLTS/E9-1-1 legislation,² and insists on painting this as an issue of workplace safety, more properly within the jurisdiction of the Occupational Safety and Health Administration (“OSHA”). However, this is not just a *workplace* safety issue, it is a *public* safety issue involving 9-1-1, a subject that is uniquely within the FCC’s jurisdiction.

While many, and perhaps even most, MLTS installations are in places of work, the need for E9-1-1 goes far beyond the safety of employees. This is not just a question of factory or office PBXs, where employees are likely to be involved in any emergencies that occur. MLTS installations are also used in public places with large numbers of customers, visitors and other non-employees, each of whom could find themselves in need of emergency medical assistance or the victim of a crime, fire, or other emergency on the premises.

MLTS can often be found at bank branches, retail stores, chain restaurants, shopping malls, hotels, health clubs, public schools, airport gates and concessionaires, urban transit stations, government offices, sports venues, amusement parks, theaters, and a host of other locations where MLTS may be used to dial 9-1-1 to report emergencies involving the general public, and where the precise location of an emergency is critical for the protection of life, health, and property. Many of these are business or government facilities that may be spread over many locations in a large geographic area, but which share a single MLTS. Aside from these “work-place” locations, MLTS is also a growing

² Ad Hoc specifically challenges the legal analysis contained in an *ex parte* document prepared by NENA’s counsel that APCO had submitted to the record in response to a Commission staff inquiry. NENA’s reply comments will be addressing Ad Hoc’s argument in that regard.

problem in apartment buildings and other residential settings where OSHA has little or no jurisdiction.

There is also a broader impact on PSAPs, and the public-at-large. Without E9-1-1 for MLTS, emergency call-takers must devote extra time to obtain precise location information from the caller, assuming that the caller can provide it. That will delay emergency response not only to that caller, but to others waiting in the “queue.” Deploying first responders without accurate location information will also delay life-saving responses and consume scarce personnel resources in the field. Thus, the failure of MLTS installations to provide E9-1-1 has very direct and serious consequences for *public* safety that go far beyond normal OSHA jurisdiction and concern.

The MLTS/E9-1-1 problem relates directly to the FCC’s obligation to promote “the safety of life and property through the use of wire and radio communication”³ and is fundamentally the same issue that led the FCC to adopt its wireless E9-1-1 rules in this proceeding. As discussed in our initial comments and those of others,⁴ this is area in which the FCC can and should exercise jurisdiction.⁵

Our initial comments also note our opposition to reliance upon state legislation as a substitute for FCC regulation. While we certainly support those states that have acted, and urge others to do so, the reality is that many states either will not act, or will promulgate inconsistent rules (notwithstanding the availability of model legislation). That can only lead to confusion and inefficiencies for all stakeholders. Notably, the

³ 47 USC §151.

⁴ *See* Comments of NENA and NASNA.

⁵ Aside from requiring that MLTS equipment provide E9-1-1 capability, rules are also necessary to ensure that MLTS owners maintain and provide accurate and up-to-date station identification information. This has proven to be a problem with some current MLTS installations with E9-1-1 capability.

Telecommunications Industry Association (TIA) emphasizes in its comments the need for uniformity in MLTS regulation, and problems created by potentially inconsistent and incomplete regulation across the nation.

Unfortunately, the Commission did not receive comments from some of the key stakeholders in the MLTS/E9-1-1 issue. Notwithstanding specific requests in the *Second FNPRM*, no specific information was provided regarding the extent and nature of MLTS deployment.⁶ Thus, we urge the Commission to take further steps to collect this additional information, including direct inquires to appropriate parties (*e.g.*, LECs, MLTS equipment providers, telephone industry associations). The Commission has previously conducted similar investigations in this proceeding, regarding wireless location technologies and impediments to wireless E9-1-1 deployment. This appears to be another instance where the Commission's investigative authority may be needed to gather information to assist the Commission in fulfilling its obligation to promote the protection of life and property.

⁶ See *Second FNPRM* at ¶115.

CONCLUSION

For the reasons stated above, in our initial comments and those of other parties, the Commission should proceed to adopt regulations to ensure nationwide E9-1-1 deployment for MLTS.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

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