

**FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

IP-Enabled Services

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WC Docket No. 04-36

To: The Commission

**REPLY COMMENTS OF
THE CENTRAL STATION ALARM ASSOCIATION**

CENTRAL STATION ALARM ASSOCIATION

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Dated: July 14, 2004

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SUMMARY

VoIP services are increasingly disrupting fire, burglar and medical alarm systems at business and residential locations where traditional wireline telephone service has been replaced by VoIP services. Problems include incompatibilities between VoIP and alarm facilities that preclude reliable transmission of alarm data to central stations; installation of VoIP services in a manner that disconnects alarm systems entirely or impairs their ability to seize communication lines; loss or distortion of alarm data routed through VoIP facilities of interexchange carriers; failure to inform new VoIP customers that their alarm systems may no longer work; and vulnerability of VoIP services to power outages. Alarm companies have attempted to bring these problems to the attention of VoIP providers, but appear to have been disregarded by the VoIP providers in most instances.

The Central Station Alarm Association (“CSAA”) does not want to halt or slow technological change, but believes that the Commission must address the adverse impact of VoIP conversions upon alarm safety before there are unnecessary deaths, injuries and property losses. Since VoIP providers are competing directly with wireline telephone companies and meet the definition of “telecommunications carrier” in the Communications Act, they should be subject to Title II regulation just like wireline telephone companies. This includes compliance with the Section 201(a) obligations to furnish adequate telecommunications facilities and services to alarm companies and their customers upon reasonable request, and with the Section 201(b) requirements to furnish service via just and reasonable charges, practices, classifications and regulations. It also means that VoIP providers should be subject to the complaint procedures and remedies of Section 208.

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The Central Station Alarm Association, and the related Alarm Industry Communications Committee (collectively "CSAA"), hereby submit the following reply comments with respect to the Commission's Notice of Proposed Rulemaking, FCC 04-28, released March 10, 2004 in the captioned proceeding ("NPRM").

During the initial round of comments, the Association of Public Safety Communications Officials International, Inc. ("APCO") and others addressed the public safety impacts of Voice over Internet Protocol ("VoIP") and other Internet Protocol ("IP")-enabled services, but confined their comments predominately to E911 issues and problems. However, the development and growth of VoIP services is having an increasingly disruptive impact upon another aspect of public safety – namely, the continuous and reliable operation of fire, burglar and medical alarm systems in businesses and households that have replaced traditional wireline telephone service with VoIP services. While this problem has not yet received much attention, it is growing and will soon result in significant and unnecessary deaths, injuries and property losses in cases where alarm systems are disabled or rendered unreliable by changes of voice telecommunications service to VoIP providers.

Some CSAA members have attempted to bring alarm service disruptions and dangers to the attention of VoIP providers and to explore potential solutions with them. However, alarm company concerns appear to have been disregarded by VoIP providers in most instances. Therefore, CSAA has come to the conclusion that VoIP providers must be classified and regulated as "telecommunications carriers" just like the wireline telephone companies against which they are competing. If VoIP providers are subject to the same Title II common carrier regulation as wireline telephone companies, they will be subject to the Section 201 obligations to furnish adequate telecommunications services to alarm companies and their customers upon reasonable request, and to do so pursuant to just and reasonable charges, practices, classifications and regulations.

Statement of Interest

The Central Station Alarm Association is a trade association that represents companies providing central station electrical protection services that are certified by the Underwriters Laboratories ("UL"),¹ Factory Mutual, and similar risk-rating agencies. CSAA's members provide vital fire, burglar and medical alarm monitoring services to the public, and use both wireline and radio communications for this purpose.

Central station alarm operations protect a wide range of sensitive facilities from fire, burglaries, sabotage and other emergencies. Protected facilities include government offices, power plants, hospitals, dam and water authorities, pharmaceutical plants, chemical plants, banks, schools/universities, and other critical facilities that could become the target of terrorist attacks as well as other life threatening events. In addition to these commercial and governmental applications, central station alarm operations protect an increasing number of

¹ Services certified by Underwriters Laboratories are permitted to use the label "UL-listed."

residences from burglary and fire. Alarm companies also provide medical alert services for obtaining ambulances in the event of medical emergencies.

Over the past twenty years, the public has increasingly relied on private security services for fire, burglary and medical alert protection as the services of local law enforcement agencies' resources have become increasingly strained. The Commission recognized this as early as the 1960s when it allocated radio frequencies in the 450-470 MHz band for central station alarm operations. *Frequency Allocations – 450-470 Mc/s Band, Second Report and Order*, 11 FCC 2d 648, 653 (1968). Since that time, local governments have had difficulties in finding sufficient funding to provide additional staffing and necessary equipment for police, fire and emergency medical services. As a result, many communities do not have enough personnel on the streets to respond to emergencies or to engage in public education activities to pro-actively train citizens in crime prevention, fire prevention and the skills necessary to be a first responder to a medical emergency such as a heart attack or choking.

Central station alarm operations are absolutely dependent upon reliable and uninterrupted telecommunications service to monitor the alarm systems of their business and residential customers, and to report potential emergency situations to the appropriate public safety agencies. As indicated above, they rely upon wireline or radio facilities for these essential communications.

Disruptive Impacts Of VoIP Upon Alarm Systems

Alarm companies have been encountering an increasing number of problems when their customers replace traditional wireline telephone service with VoIP services. First, many existing digital communicator alarm control panel formats are not compatible with at least some VoIP

services, and may preclude alarm data from being reliably transmitted to central stations. Second, some VoIP providers install their service by cutting the connections of their new subscribers to the public switched telephone network and replace them with connections to the Internet that disconnect alarm panels entirely or connect them in a manner that impairs their ability to seize the lines they need to send alarm data to central stations. Third, some VoIP providers have disconnected the in-house wiring of new VoIP customers and installed short-range wireless phones connected to the VoIP device. This results in the disconnection of alarm panels from the telephone network, and renders them useless. Fourth, alarm data monitored by distant central stations is being lost or distorted when AT&T, MCI, Sprint, and other inter-exchange carriers route calls through VoIP facilities. Fifth, some alarm customers have changed their telephone service from their traditional wireline carrier to a VoIP provider without anyone notifying their alarm companies of the change and without realizing that their alarm systems may no longer work. Finally, VoIP systems are powered from the customer premises rather than from the telephone central office, and are therefore vulnerable to power outages unless customers have adequate battery or other auxiliary power.

CSAA members have encountered all of these problems, and are experiencing increasing numbers of alarm failures as VoIP services replace traditional wireline telephone services. CSAA notes that (except for distortions of alarm data transported to distant central stations) problems do not appear to exist where customers use VoIP services as supplements to their traditional wireline telephone service, and do not discontinue or disconnect their wireline service. Rather, the problems occur primarily where customers employ VoIP service as a substitute for their traditional wireline telephone service, such that their alarm systems are no longer connected to central alarm monitoring stations via the former wireline telephone facilities.

The most common problem reported by CSAA members is the cutting or impairment of connections to business and residential alarm panels by VoIP providers. To date, the most common source of this problem has been cable television companies that offer VoIP services via cable modems in competition with wireline telephone companies. However, there have been recent reports of similar problems with non-cable VoIP providers such as Vonage. The problem generally arises when a customer takes VoIP service as a substitute for wireline telephone service, and discontinues the latter service. Whereas the standard wireline telephone service configuration for alarm systems places the RJ31X jack and alarm panel between the point of demarcation and the customer's telephones, the most common VoIP configurations either bypass the RJ31X jack and alarm panel entirely, or wire the alarm panel in a parallel configuration with the customer's telephones (which impairs its line seizure capabilities for alarm data reporting). Similar problems arise when VoIP providers bypass in-house wiring and replace it with short-range wireless phones connected to the VoIP device. Whether or not the customer realizes it, when a VoIP provider fails to connect the customer's alarm panel to the new VoIP wiring and to provide an immediate and effective communication path to the alarm central station, the customer's alarm protection has been terminated.

As VoIP service expands, problems with the continuous and accurate transmission of alarm data between customer premises and central alarm monitoring stations are increasing. These occur both because existing alarm control panels are not compatible with VoIP services, and because alarm data is distorted or lost when routed through VoIP facilities of interexchange carriers on its way to the central station. CSAA believes that its members have thus far seen only the tip of what is likely to become a major disruption of alarm systems and monitoring capabilities.

Some CSAA members have sought to discuss existing and prospective problems with VoIP providers. To date, most of these attempts have proven fruitless, with the VoIP providers appearing indifferent to alarm industry concerns and focused predominately upon rolling out and marketing their services.

Title II Regulation

If VoIP conversions continue to disconnect or disrupt fire, burglar and medical alarm systems, the one certainty is that there will be an increasing number of unnecessary deaths, injuries and property losses. The Commission must not ignore the adverse impact of VoIP conversions upon public safety.

CSAA does not want to halt or slow technological change, including the implementation and growth of VoIP services. However, it believes that VoIP services and providers need to be regulated to ensure that they will have sufficient incentives to address and resolve alarm service and other public safety issues as they roll out and market their services. In the absence of effective regulation, VoIP providers will continue to disregard public safety issues in their rush to sign up new customers and gain market share.

CSAA believes that VoIP providers are competing directly with wireline telephone companies, and that they are marketing and providing their services as substitutes for wireline telephone service. They are offering telecommunications for a fee directly to the public (or to such classes of users as to be effectively available directly to the public), and therefore meet the definition of “telecommunications carrier” in Section 3(44) of the Communications Act.

As telecommunications carriers, VoIP providers should be subject to the same common carrier regulation in Title II of the Communications Act as wireline telephone companies. In particular, VoIP providers should be required to furnish adequate telecommunications facilities and services to alarm companies and their customers upon reasonable request under Section 201(a) of the Communications Act, so that alarm systems will be able to communicate effectively with central stations via VoIP facilities as well as the wireline telephone network. Likewise, VoIP providers should be required to furnish service to alarm companies and their customers via just and reasonable charges, practices, classifications and regulations, as required by Section 201(b) of the Communications Act with respect to wireline telephone companies. For example, one desirable “practice” would be to require VoIP providers to determine whether a new VoIP customer has alarm service, and to notify and work with the alarm company before cutting over the customer’s service in order to ensure that alarm service is not degraded, interrupted or terminated. Finally, alarm companies need access to the complaint provisions of Section 208 of the Communications Act in order to bring specific and significant disruptions of alarm service by VoIP providers to the attention of the Commission, and to force VoIP providers to work with affected alarm companies and Commission personnel to solve these problems.

Conclusion

Although disruption of fire, burglar and medical alarm systems and services is not one of the VoIP public safety issues previously brought to the Commission’s attention in this proceeding, it is a significant and growing problem having very serious potential consequences to people and property. The growth of VoIP services increasingly has been resulting in disconnections of alarm systems and the distortion of alarm data, with little indication that VoIP providers have any interest or incentive to address and resolve the problem. CSAA believes that the most effect approach to the problem is the classification of VoIP providers as

“telecommunications carriers,” so that they will be required to comply with the common carrier obligations of Section 201 of the Communications Act and be subject to the complaint procedures of Section 208 thereof.

Respectfully submitted,
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Dated: July 14, 2004