

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

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In the Matter of)	
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
_____)	

REPLY COMMENTS OF NENA

The National Emergency Number Association (“NENA”) responds to the comments of others in the captioned proceeding. We are gratified that virtually every commenter who chose to address 9-1-1 calling on IP-based services acknowledged the paramount importance of meeting the reasonable expectations of callers for emergency access. With so fundamental a consensus, NENA is confident that different views about the scope and timing of IP E9-1-1 requirements can be satisfactorily reconciled.

At the outset, let there be no confusion between the potentially consensual process for fashioning the requirements and their ultimate force. As NENA First Vice President David Jones recently testified in the Senate, “the ability to call for help in times of emergency is not ‘voluntary’ – it’s mandatory.”¹ In our opening comments, we said:

NENA prefers a voluntary and collaborative approach with the industry. However, we consider it likely that carefully defined, minimal regulatory specifications will be desirable in order to see that the needs of E9-1-1 are met steadfastly and reliably across the predictable proliferation of services and applications.²

¹ Hearing on S.2281, “VOIP Regulatory Freedom Act,” Committee on Commerce, Science & Transportation, June 16, 2004.

² May 28, 2004, at 4.

While we repeat our belief (Comments, 4) that “the FCC is best positioned to coordinate the process of industry and public safety collaboration,” we would not rule out a significant role for state and local governments. We reaffirm that they “still require the authority to consider, and should not be preempted from considering, equitable distribution of financial obligations among communications and information service providers offering 9-1-1 [calling] capability.” (Comments, 8) Similarly, the historic role played by non-federal authorities in consumer protection cannot be swept away for even so unbounded a phenomenon as IP-based services and networks.

We agree with the thrust of the many comments emphasizing the importance of consumer education. The activity is especially needed in the “I2” period of migratory solutions, pending the adoption of an I3 approach designed to utilize IP as the end-to-end basis of a next-generation E9-1-1 system. (Comments, 7) Consumer education is not, however, a substitute for bringing all equipment and service providers to the ultimate I3 level of 9-1-1 access.

NENA is gratified and challenged by the several commenters who propose short timelines – late this year or early next year -- for the achievement of at least migratory E9-1-1 capability by VOIP providers. We want to remain realistic and reasonable, however, in determining how much can be achieved and how soon. The analogies between wireless and IP 9-1-1 are tempting but ultimately unsatisfying. NENA pushed for wireless Phase I and Phase II deadlines that were meant to hasten geo-location development for integration into legacy wire networks and systems. While the deadlines have not always been met, the effort has been moderately successful and continues to improve – among PSAPs and wireless carriers and their LEC and vendor intermediaries.

By contrast, public safety and the telecommunications and information industries (and, we believe, the FCC) are aiming for more in the case of IP-based services. The I2 migratory phase may be somewhat akin to the wireless experience of integration with legacy wire systems, but the I3 final phase looks for a literal IP transformation of existing networks and equipment. Time spent now to get that right will be time well spent.

What time frames do we have in mind? We presented some estimates in our opening comments, at 7:

Baseline “migratory” (“I2”) solution requirements have been identified and NENA internal technical and operational reviews are scheduled for completion May 30, 2004. Refining of these migratory requirements will continue, and their release is expected at the end of this year. Specification of long-term, end-to-end IP E9-1-1 plans is targeted for early 2005.

The migratory solution is a way of utilizing current E9-1-1 architecture by applying designed interfaces from the VOI and VOIP call originators to the front end connections into the E9-1-1 systems. This approach has certain limitations, just as in wireless E9-1-1. These I2 methods would last, presumably, until implementation of I3. The I3 solution, or long-term approach, is designed to utilize IP as the end-to-end basis of a next-generation E9-1-1 system.

The usefulness of so-called legacy networks, of course, does not end with the I3 phase of IP 9-1-1. NENA has worked too long with telephone service providers, equipment manufacturers and specialized vendors to dismiss too quickly an infrastructure that has proven remarkably adaptable for the better part of a century. As Commissioner Stan Wise of the Georgia Public Service Commission testified recently, IP-enabled services “could never get off the ground without the ubiquitous Public Switched Telephone Network that ratepayers have paid to build out to every corner of America over the decades.”³

³ Senate hearing, note 1, *supra*. Commissioner Wise was also appearing as President of NARUC.

Turning now to several of the comments from the first round of this proceeding, with due respect for open standards, we are not persuaded by Donald Jackson's suggestion (Comments, 14) that the FCC require "PSAPs [to] interconnect with all comers via the open and standard SIP protocol, allowing 'telephony over broadband' providers and end users who choose to directly connect to the telephony system to route emergency calls to the PSAPs." If this means general internet connections directly to PSAP CPE or its equivalent, we do not believe that this is a prudent or appropriate method.

At the end of this week, the Technical Lead team at NENA will release a public statement recommending that – in the I3 phase -- 9-1-1 calls from general internet-based sources connect through privately-managed IP networks supporting E9-1-1 call/message delivery to PSAPs. During the interim between now and I3 availability, the trend should be toward temporary interface into the current E9-1-1 architecture. Among these temporary interfacing methods are:

1. Voice connection and subscriber data handling via LEC SSP interfaces – such as those provided by some CLECs – that allow VOIP customer calls having geographically-based phone numbers to be routed within the 9-1-1 network carrying ANI and ALI.
2. I2 solution involving IP router connection into Selective Routers and a Location Server acting analogously to the wireless MPC functions in the wireless NCAS method.

We strongly recommend that one of these methods, or a comparable solution, quickly replace the stopgap use of 10-digit number calling into PSAPs that imposes unacceptable financial, operational and administrative burdens on these critical emergency response locations.⁴

⁴ We agree with Vonage (Comments, 40-41) that IP-based providers should not have to rely on CLECs to connect to 9-1-1 systems and that LEC tariffs should be revised to permit direct connection with LEC System Service Providers. The restriction of Section 251(c) to "carriers" does not bar LECs from acting voluntarily in a spirit of cooperation.

NASUCA suggests (Comments, 47-55) that the Commission set a deadline no later than March 31, 2005 for requiring VoIP providers to route 9-1-1 calls over the existing 9-1-1 network to the appropriate PSAP with callback and location information. If NASUCA is referring to the I2 phase, we applaud the concept of a specific period to achieve this capability, but we are not sure that 3/31/05 allows enough time after the defined migratory requirements become available. Note that System Service Provider (usually LEC) regulatory and tariff changes would have to occur soon to enable this objective.

The unpleasant truth is that accelerated progress would benefit from more money and resources than NENA is able to contribute at this time. Our in-house staff is stretched thin and depends on the volunteered time and employer-funded travel of the diligent members of our technical committees. But there are limits even to these in-kind donations. NENA intends to contact the principal stakeholders about how to pool and deploy our finite resources most efficiently.

Expressing concern (Comments, 22-23) that PSAPs, LECS and their 3rd-party vendors do not possess the “ability to transmit, and use E911 information on pure data networks,” Net2Phone believes “applying the legacy emergency system on new providers would impose prohibitive costs and negate the very advances promised by these new technologies.” NENA believes there must be a transition process, rather than wholesale sudden changes. The transition step doesn't require pure data networks. In an ideal world, the time and money might be better spent on enabling nationally the I3 final phase, end to end IP-based E9-1-1 process, but the safety of IP callers cannot be suspended while we deliberate. What industry, public safety and the FCC must seek, together, is an appropriate balance between interim and ultimate solutions – not that any solution is ever so final as to be unimprovable.

The appropriate balance, we respectfully suggest, is not struck by Nuvio's statement (Comments, 9-11) that because "VoIP services are marketed as secondary line services and consumers are fully informed of limitations," it would be "premature to mandate specific requirements, and no timetables or required features can be established at this time." We suspect that wireless service was once marketed as "secondary line" and that even now most people may conceive the service as supplemental. But we are not persuaded that wireless or IP-based services (not to mention wireless IP services) will remain merely supplemental forever. Along with Nuvio, we hope that "voluntary efforts will lead to suitable solutions for access to emergency services," but in the end there must be actual requirements that are more than merely "suitable."

Similarly, we hope that Pulver is correct (Comments, 45-46) in trusting commercial enterprises "to create innovative solutions to achieve social goods, like E911." We are puzzled, however, by the statement that in the event of market failure, "the FCC should compel only carriers to implement the necessary social obligations." The record is replete with recognition by multiple IP-based service and equipment providers that the financial and other obligations of sustaining emergency access fall on parties besides the carriers who are the physical agents of transmission.

CONCLUSION

For the reasons discussed above, we repeat our request that the Commission act within its lawful authority to encourage (or require, as appropriate) feasible IP 9-1-1 access as an essential

feature of new communications and information services and products capable of emergency calling. In the final analysis, to realize the benefits of IP technology for emergency calling and thus for public safety will require not only FCC action but also the sustained national attention of the Congress and the Executive Branch and the funding resources of all levels of government.

Respectfully submitted,

NENA

By _____

James R. Hobson
Miller & Van Eaton, P.L.L.C.
1155 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036-4320
(202) 785-0600

July 14, 2004

ITS ATTORNEY