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

In the Matter of	§	
	§	
Revision of the Commission's	§	**CC Docket No. 94-102**
Rules to Ensure Compatibility	§	
With Enhanced 911 Emergency	§	**DA 04-3874**
Calling Systems	§	

To: The Federal Communications Commission

INITIAL COMMENTS OF THE TEXAS COMMISSION ON STATE EMERGENCY COMMUNICATIONS AND THE TEXAS 9-1-1 ALLIANCE

The Texas Commission on State Emergency Communications ("TX-CSEC")[1] and the Texas 9-1-1 Alliance,[2] hereinafter referred to collectively as the "Texas 9-1-1 Agencies," jointly submit these initial comments in response to the Federal

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[1] TX-CSEC is a state agency created pursuant to Texas Health and Safety Code Chapter 771.

[2] The Texas 9-1-1 Alliance is an interlocal cooperation act entity composed of the following Texas Emergency Communication Districts: Abilene/Taylor County 9-1-1 District, Austin County Emergency Communications District, Bexar Metro 9-1-1 Network District, Brazos County Emergency Communication District, Calhoun County 9-1-1 Emergency Communication District, Cameron County Emergency Communications District, 9-1-1 Network of East Texas, DENCO Area 9-1-1 District, Emergency Communications District of Ector County, Galveston County Emergency Communication District, Greater Harris County 9-1-1 Emergency Network, Henderson County 9-1-1 Communication District, Howard County 9-1-1 Communication District, Kerr County Emergency 9-1-1 Network, Lubbock County Emergency Communication District, McLennan County Emergency Communication District, Midland Emergency Communications District, Montgomery County Emergency Communication District, Potter-Randall County Emergency Communications District, Smith County 9-1-1 Communications District, Tarrant County 9-1-1 District, Texas Eastern 9-1-1 Network, and Wichita-Wilbarger 9-1-1 District. These districts were created pursuant to Texas Health and Safety Code Chapter 772.

Communications Commission ("Commission" or "FCC") public notice (DA 00-1098) in the above-referenced docket soliciting comments on the progress made by the states in implementing E9-1-1 solutions for multi-line telephone systems ("MLTS").[3]

Preliminary Statement

The Texas 9-1-1 Agencies appreciate the FCC's further attention to E9-1-1 issues associated with MLTS. The Texas 9-1-1 Agencies, however, respectfully urge as a preliminary matter that the FCC needs to take action to promote E9-1-1 MLTS implementation by adopting compliance standards for E9-1-1 MLTS equipment and systems as recommended in the NENA and APCO Model Legislation.[4] This action by the FCC is needed notwithstanding the role the states and local governments should play in devising specific jurisdictional rules for E9-1-1 MLTS implementation and notwithstanding whether E9-1-1 for MLTS is mandatory or voluntary in a state or local government area. Such action by the FCC will enable those MLTS customers that are required or that desire to implement E9-1-1 for MLTS in a given state or local area to more easily comply by making informed decisions on the purchase of E9-1-1 compliant MLTS equipment and systems consistent with FCC standards.

After years of implementation experience and efforts in Texas since 1993, the Texas 9-1-1 Agencies submit to the FCC that state and local government action alone is

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[3] These initial comments will follow the same general sections of the public notice: 1) Status of State Action; 2) Use of Model Legislation; and 3) Carrier Services Provided under State Tariff.

[4] NENA Technical Information Document on Model Legislation, Enhanced 9-1-1 for Multi-line Telephone Systems ("Model Legislation") at p. 2: "The FCC should also take action to incorporate into Part 68 requirements for Multi-line Telephone Systems that will facilitate the implementation of Enhanced 9-1-1 on PBX, Key, Hybrid and Centrex systems." Available at **http://www.nena9-1-1.org/9-1-1TechStandards/index.htm.**

insufficient to address all E9-1-1 MLTS issues. The Texas 9-1-1 Agencies respectfully urge that the FCC adopt compliance standards for E9-1-1 MLTS equipment and systems in the immediate future as part of its re-visiting of the E9-1-1 MLTS issue.

I. Status of State Action

The public notice seeks comment on state-adopted statutes and regulations, including specific citations, websites, requirements, and enforcement information. The Texas Legislature first enacted legislation in 1993 to address service to "residential facilities" behind a "private switch" and required the same level of E9-1-1 service to those residential end users as would be provided by the local telephone company. See, Texas Health and Safety Code Ann. Sections 771.060, 772.118(b), 772.218(b), and 772.318(b).[5]

The TX-CSEC website also contains model contracts between the private switch provider and the 9-1-1 entity to be used for the mandatory residential situations and the voluntary business situations.[6] The TX-CSEC website also contains information needed by the third-party database provider, and defines the operational relationships between the private switch provider, the third-party database provider, and the 9-1-1 entity. The local 9-1-1 entities also provide copies of the applicable model contract to the respective private switch provider. The original Texas legislation permitted colleges and universities to seek a waiver from TX-CSEC for their residential facilities. However, any waivers initially granted to colleges and universities are no longer in effect.

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[5] Available at **http://www.capitol.state.tx.us/statutes/hs.toc.htm**. This legislation is also available at **http://www.csec.state.tx.us/browse.php/legislation** ("the TX-CSEC website").

[6] See, **http://www.csec.state.tx.us/browse.php/model_contracts**.

To date, approximately 250,000 records exist in 9-1-1 databases in Texas associated with private switch 9-1-1 service.[7] The majority of these private switch implementations have been the mandatory "residential facilities" behind a private switch as required by Texas law. Others have been "voluntary" private switch implementations for businesses. In recent years, the Texas 9-1-1 Agencies have seen an increase in businesses that are interested in voluntarily implementing full featured E9-1-1 service behind their private switch.

In 2003, after some specific incidents in Tarrant County, Texas, the Texas Legislature amended Texas Health and Safety Code Ann. Section 771.218 (which is only applicable within the jurisdictional area of the Tarrant County 9-1-1 District) by adding subsections (d) through (i) to supplement the existing "residential facilities" requirement to address certain business situations. Texas Health and Safety Code Ann. Section 771.218 now provides in relevant part:

> Sec. 772.218. NUMBER AND LOCATION IDENTIFICATION.
> (a) As part of computerized 9-1-1 service, a service supplier shall furnish for each call the telephone number of the subscriber and the address associated with the number.
> (b) A business service user that provides residential facilities and owns or leases a publicly or privately owned telephone switch used to provide telephone service to facility residents shall provide to those residential end users the same level of 9-1-1 service that a service supplier is required to provide under Subsection (a) to other residential end users in the district.
> (c) Information furnished under this section is confidential and is not available for public inspection.

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[7] The exact number of 9-1-1 database records associated with private switch 9-1-1 service in Texas has not yet been verified statewide. However, TX-CSEC (which mostly covers the more rural parts of Texas) has approximately 90,000 private switch 9-1-1 records in the 9-1-1 database for its program areas, and the Greater Harris County 9-1-1 Emergency Network, the Bexar Metro 9-1-1 Network District, and the DENCO Area 9-1-1 District respectively have 30,000, 25,000, and 15,000 records in 9-1-1 databases associated with private switch 9-1-1 service.

(d) A business service user that owns or leases a publicly or privately owned telephone switch used to provide telephone services to nonaffiliated businesses shall provide to those business end users the same level of 9-1-1 service that a service supplier is required to provide under Subsection (a) to other business end users in the district.

(e) A business service user that owns or leases a publicly or privately owned telephone switch used to consolidate telephone services at two or more physical addresses shall provide a level of 9-1-1 service that identifies an accurate physical address and telephone number for each 9-1-1 call. For purposes of this section, each floor of a multitenant building is a different physical address.

(f) A hotel, motel, or similar lodging facility that does not operate with a 24-hour, seven-day on-site telephone operator must use a system that furnishes the telephone number and location of the individual unit from which a 9-1-1 call is placed.

(g) A service supplier, business service user, or lodging facility that implements the network and database enhancements necessary to provide a service described in Subsection (b), (d),(e), or (f), including a supplier, user, or facility that is not required to provide the service, is not liable to a person who uses a 9-1-1 system created under this subchapter for the release to the district of the information specified in this section.

(h) Subsections (d) and (e) do not apply to a telecommunications system installed by a public school district or a state agency.

(i) Subsections (d), (e), and (f) apply only to a telecommunications system installed on or after September 1, 2003.

The Texas Legislature convenes every two years. A new Texas legislative session began in January 2005, and this current legislative session is the first Texas legislative session since the *Commission's E911 Report and Order and Second FNNPRM* over one year ago. In the current legislative session, no bills are currently proposed that seek to amend existing statutes further to address E9-1-1 MLTS issues. As stated elsewhere in these initial comments, the Texas 9-1-1 Agencies urge the FCC to take action to promote E9-1-1 MLTS implementation by adopting compliance standards for E9-1-1 MLTS equipment and systems because state action and local requirements alone are insufficient to address E9-1-1 MLTS issues.

II. Use of Model Legislation

The public notice quotes the *Commission's E911 Report and Order and Second FNNPRM* in that it "strongly supports the approach taken by the Model Legislation" submitted by NENA and APCO. The Texas 9-1-1 Agencies agree. The Model Legislation provides valuable assistance for E9-1-1 MLTS. Aspects of the Texas mandatory residential requirement and the mandatory business requirements within the jurisdictional area of the Tarrant County 9-1-1 District are consistent with the Model Legislation. The Model Legislation also recommended that "the FCC should also take action to incorporate into Part 68 requirements for Multiline Telephone Systems that will facilitate the implementation of Enhanced 9-1-1 on PBX, Key, Hybrid and Centrex systems."[8] The Texas 9-1-1 Agencies submit that the FCC's reliance on this aspect of the Model Legislation is equally appropriate, and should be done in conjunction with the FCC re-visiting E9-1-1 MLTS issues in this docket. The record demonstrates that state and local action alone consistent with the Model Legislation is insufficient to address all E9-1-1 MLTS issues.

III. Carrier Services Provided Under State Tariff

The public notice seeks comment on carrier and other offerings of E9-1-1 solutions for MLTS. As noted above, since 1993 Texas law has required "residential facilities" behind a "private switch" to provide the same level of 9-1-1 service as provided by the telephone company. In Texas, since 1993 the Public Utility Commission of Texas has approved tariffs for the major Incumbent Local Exchange Companies (e.g.,

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[8] Model Legislation at p. 2.

SBC Texas and Verizon Texas) addressing the database and network aspects of private switch E9-1-1 service. (See, SBC Texas, Private Line Tariff, Section 6;[9] Verizon Texas, Schedule No. A-13, Private Switch Emergency Service.[10]) In addition, as referenced above, the TX-CSEC website contains the database documents needed to interface with the third-party database provider. The technical network requirements, at least in the case of SBC Texas, have been updated to no longer require CAMA trunks. SBC Texas' Integrated Service Tariff[11] permits the private switch provider to use primary rate interface ("PRI") service, and this is the connection method preferred by the 9-1-1 entities, where available and appropriate.

As originally adopted, the tariffs and third-party arrangements required that the 9-1-1 entity be the ILEC's customers for the dedicated CAMA trunks and 9-1-1 database services. The purpose of this approach was to ensure that the 9-1-1 entity would be involved and have some operational control over interface with the 9-1-1 system. After this approach was implemented, however, the approach started to create an undue administrative burden on the 9-1-1 entities to bill the private switch provider for the provider's 9-1-1 accommodations. To lessen this administrative burden, the 9-1-1 entities requested and the PUC approved a SBC Texas modification to its tariff

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[9]See, **http://www.sbc.com/search/tariffs.jsp?category=TEXAS/TELCO/PRIVATE_LINE**.

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https://retailgateway.bdi.gte.com:1490/sections.asp?docnum=TXICL&type=T&sch=Y&se=Y&att=N&typename=IT&tims_Status=E.

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http://www.sbc.com/search/tariffs.jsp?category=TEXAS/TELCO/INTEGRATED_SERVICES.

permitting the private switch provider to be the direct customer for the 9-1-1 accommodations as long as the applicable 9-1-1 entity granted prior approval.[12]

Texas has worked with carriers in Texas on easing implementation of private switch 9-1-1 service since 1993. As noted in the Model Legislation, "MLTS Operators will implement E9-1-1 support more willingly where they have a choice of technology and the newer more cost-effective technologies are available."[13] This is a critical point, but cannot be solved solely by carrier offerings in a given state or locality. Compliant equipment and system technologies would further assist in E9-1-1 MLTS implementation as well. The Texas 9-1-1 Agencies request that Part 68 requirements and any other FCC standards promote E9-1-1 MLTS implementation, including technologies, equipment, and carrier offerings.

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[12] Compliance and operational standards are also important to minimize costs to 9-1-1 entities and adverse operational impacts on the involved parties. For example, some local exchange companies may put records into the 9-1-1 database for Direct Inward Dial station numbers even when there has been no private switch 9-1-1 implementation associated with those station numbers, creating at least two potential problems. First, the 9-1-1 entities in Texas incur costs for the unnecessary records associated with such Direct Inward Dial numbers because the 9-1-1 entities pay for Selective Routing and 9-1-1 database services on a per record basis even though these records do not reflect the location of the private switch station. The scenario creates the situation of 9-1-1 entities paying for 9-1-1 services without there being station level E9-1-1 for the person calling into 9-1-1. Second, should the private switch customer wish to later deploy private switch 9-1-1 service there may be a conflict of records. These previously "loaded" records must be taken out of the 9-1-1 database to permit the loading of 9-1-1 station specific data from the private switch 9-1-1 customer, which increases the opportunity of errors or requires extra steps of coordination and documented procedures to ensure the correct 9-1-1 database information. The increased use of Voice over Internet Protocol ("VoIP') Enterprise systems may also further the importance of compliance and operational standards and present additional challenges.

[13] Model Legislation at p. 14.

Conclusion

The Texas 9-1-1 Agencies appreciate the opportunity to submit these initial comments. The Texas 9-1-1 Agencies urge the FCC to consider the information provided in these comments and to move forward consistent with the recommendations in these comments.

Respectfully submitted,

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On behalf of the Texas 9-1-1 Alliance

Certificate of Service

I certify that a copy of these comments is being served on or before February 28, 2005, by regular or overnight mail, fax or via e-mail on the Commission Secretary and other personnel required by the public notice.

Michael J. Tomsu