

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

In the Matter of )  
 )  
Application for Consent to Transfer of Control ) WC Docket No. 06-  
74 )  
of )  
AT&T Inc. and BellSouth Corporation )

**COMMENTS OF NENA**

The National Emergency Number Association (“NENA”) hereby responds to the Commission’s invitation to comment on the captioned application.<sup>1</sup> NENA is chiefly interested in the topic of “public safety and disaster recovery” identified in the letter of October 13, 2006 from Robert W. Quinn Jr. of AT&T to Chairman Martin, but some of our suggestions will react to other topics in the same letter.

Taking first the merger parties’ proposals for public safety and disaster recovery, NENA notes the lack of specificity in the promise to “complete the steps necessary . . .to facilitate restoration of service” in BellSouth’s territories in the wake of future extended outages such as those caused a year ago by Hurricane Katrina. We believe the report and recommendations of the FCC’s special Katrina panel and the comments on the panel’s work by NENA and others allow the Commission to be much more specific in any disaster readiness conditions it chooses to impose on the merger.

NENA was disappointed that in its own comments on the panel's report, AT&T took issue with us on (1) whether the FCC should require 9-1-1 System Service Providers ("SSPs"), usually ILECs, to analyze and report on vulnerabilities in the E-9-1-1 networks whose components and services they typically sell or lease to emergency communications authorities; and (2) whether that analytical task belongs, in the first instance, to the SSP or the Public Safety Answering Point ("PSAP"). We stand by, and incorporate by reference here, NENA's answers to AT&T at that time.<sup>2</sup>

A similar need for greater specificity arises from the parties' proposal to contribute \$1 million to a "section 501(c)(3) foundation or public entities for the purpose of promoting public safety." (Quinn letter at 3) "Promoting public safety" covers a wide range of possible activities. Perhaps the exercise of thinking through the proposal will allow the parties not only to crystallize the aims of such a gift but also to decide whether the proffered amount of \$1 million will make a significant difference.<sup>3</sup>

For NENA's part, the fact that hundreds of counties in this country lack even basic 9-1-1, as discussed below, makes these deficiencies a prime target for any

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<sup>1</sup> DA 06-2035, October 13, 2006; Erratum, October 16, 2006.

<sup>2</sup> Ex parte communication, Docket 06-119, September 12, 2006.

<sup>3</sup> AT&T's 3<sup>rd</sup> quarter 2006 profit reportedly increased by 74% over that of a year ago, from \$1.25 billion to nearly \$2.2 billion. *Wall Street Journal*, October 23, 2006. BellSouth's 3<sup>rd</sup> quarter profit rose to \$1.06 billion from \$817 million a year earlier. *WSJ*, 10/24/06. Between them, the parties amassed some \$9 billion in net income over the final two quarters of 2005 and the first two quarters of 2006. \$1 million is one-hundredth of one per cent of this combined net income.

contributions the parties care to make in the public interest. It goes without saying, of course, that the Commission's decision in this matter should be rendered completely independently of the suggested contribution.

**E9-1-1 implementation.** NENA records<sup>4</sup> show a total of 159 counties that do not have E9-1-1 in their territories. Of these, 83 are not even basic 9-1-1, using instead remote call forwarding. It is difficult to determine without further research whether BellSouth or AT&T is the 9-1-1 SSP in each case, but we believe it is safe to assume that they fill that role in almost all instances.

For the sake of comparison, in the remaining 28 states served by the other LECs there are 124 counties with no/basic 9-1-1 of which 26 are not yet basic 9-1-1. These numbers suggest why the parties should apply leadership, management and money toward completing E9-1-1 in their areas. There could be no better use for any contributions they choose to make for public safety purposes.

**Broadband Access.** NENA notes with interest the parties' proposals for increasing access to broadband service. Specifically, they commit to providing by December 31, 2007 "internet access service" at minimum broadband speeds to 100% of the residential units in their combined territories. Enhancing broadband access puts a premium on the ability to locate emergency callers using VOIP or other services that ride on such transmissions. Pending in the Further Notice in a VOIP docket, WC 05-196, is the question of whether to require broadband transmission providers to help applications such as VOIP services locate automatically their

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<sup>4</sup> Exhibit A hereto.

subscribers through identifying subscriber positions on the broadband network.<sup>5</sup>

We believe the imposition of such an automatic location requirement on the parties' offerings of broadband service would help to speed the general answer to that question, in the public interest.

**Fees for restoration priority.** In its comments on the report of the Hurricane Katrina panel, AT&T disputed NENA's view that in many cases the fees charged by SSPs for "TSP" disaster recovery and restoration were a hardship for many PSAPs.<sup>6</sup> We suggest that the parties lead the way by providing free TSP to PSAPs.

**Wireless location accuracy.** The December 2005 Final Report of NRIC VII Focus Group 1A summarized (at 4) a set of recommendations which have yet to be acted upon by the Commission.<sup>7</sup> Among these were Compliance Testing, Maintenance Testing, Consolidated Representative Performance Statistics and Access to Compliance and Maintenance Testing Data. NENA asks that the parties' wireless service adopt and comply with these recommendations pending their fuller consideration by the Commission.

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<sup>5</sup> FCC 05-116, June 3, 2005, ¶57.

<sup>6</sup> The FCC has answered this question at [http://www.fcc.gov/hspc/TSP\\_PSAP\\_FAQ1.pdf](http://www.fcc.gov/hspc/TSP_PSAP_FAQ1.pdf) by acknowledging that the one-time and recurring costs are sufficiently high to cause PSAPs to cover only fractions of their lines.

<sup>7</sup>[http://www.nric.org/meetings/docs/meeting\\_20051216/FG%201A\\_Dec%2005\\_Final%20Report.pdf](http://www.nric.org/meetings/docs/meeting_20051216/FG%201A_Dec%2005_Final%20Report.pdf) The report also recommended (at 50) that future NRIC charters consider studying improvements in wireless location accuracy.

**Improvements to VOIP implementation processes.** Our reports from the field suggest a wide disparity in the requirements placed upon non-affiliated VOIP service providers seeking assistance from AT&T and BellSouth. Post merger, AT&T and BellSouth should review the current processes and make appropriate improvements. The BellSouth areas must provide access to MSAG for VoIP providers and enablers, which access is currently provided by AT&T. On the other hand, BellSouth, in contrast to AT&T, does not require public safety agencies to pay full wireless E9-1-1 rates to support VoIP E9-1-1 dynamic ALI needs when the agency has not yet implemented wireless E9-1-1. AT&T **should** make that change. Post merger, AT&T should address these differences to the benefit of public safety.

**Uninhibited interLATA transmissions for E9-1-1 purposes.** One of the decisions by the late Judge Harold Greene, overseeing the so-called Bell Consent Decree, permitted E9-1-1 voice and data transmission and transfer between LATAs even for Regional Bell Operating Companies (“RBOCs”) not authorized to offer interLATA services. However, new data requirements for wireless E9-1-1 have prompted legal confusion in some companies – including BellSouth -- over whether this data is considered part of E9-1-1 and therefore allowable for interLATA handling. A simple declaration that wireless location and directly related ALI data are part of E9-1-1 data requirements would resolve this legal confusion and provide unencumbered E9-1-1 service nationally.

## CONCLUSION

For all the reasons discussed above, NENA asks that the Commission consider imposing specific and meaningful conditions on the merger applicants that will provide tangible benefit to emergency calling and the public interest.

Respectfully submitted,

NENA

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