DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

MAILED
APR 16 2008
FCC

In the Matter of	)	
	)	
Petition for a Notice of Inquiry Regarding 911 Call-Forwarding Requirements and Carriers' Blocking Options for Non-Initialized Phones	)))	PS Docket No. 08-51

NOTICE OF INQUIRY

Adopted: April 7, 2008 **Released: April 11, 2008**

Comment Date: (45 Days after Publication in the Federal Register)
Reply Comment Date: (75 Days after Publication in the Federal Register)

By the Commission: Chairman Martin and Commissioner Tate issuing separate statements.

I. INTRODUCTION

1. The Commission's rules require commercial mobile radio service (CMRS) providers subject to the 911 rules to transmit all wireless 911 calls, including from non-service initialized (NSI) phones, to Public Safety Answering Points (PSAPs).[1] Nine public safety organizations and a software development firm filed a petition for notice of inquiry to address the problem of non-emergency calls placed by NSI phones.[2] We grant this petition and initiate this Notice of Inquiry to enhance our understanding of the extent of the problem concerning non-emergency 911 calls made from NSI phones and to explore potential solutions. We seek comment broadly on the concerns and issues raised by the Petitioners in their February 14, 2008 Petition, and we also seek specific comment as detailed below.

[1] *See* 47 C.F.R. § 20.18(b). A non-service initialized handset is "a handset for which there is no valid service contract with a [CMRS] provider." 47 C.F.R. § 20.18(l)(3)(i). NSI handsets include phones donated by carriers that are not currently service initialized, as well as handsets manufactured and sold as "911-only" phones. *See* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Memorandum Opinion and Order*, 18 FCC Rcd 23383, 23384 ¶ 3 (2003) (*Second E911 Memorandum Opinion and Order*). We note that our rules presently do not preclude carriers from blocking fraudulent 911 calls from non-service initialized phones pursuant to applicable state and local law enforcement procedures. *See supra* at paragraph 5.

[2] *See* Petition for Notice of Inquiry Regarding 911 Call-Forwarding Requirements and Carriers' Blocking Options for Non-Initialized Phones, CC Docket No. 94-102 (filed Feb. 14, 2008) (Petition). The Petitioners are the Tennessee Emergency Communications Board, the National Association of State 9-1-1 Administrators (NASNA), the Michigan State 9-1-1 Office, the New Jersey State 9-1-1 Commission, the Snohomish County Enhanced 9-1-1 Office, the National Emergency Number Association (NENA), the Association of Public-Safety Communications Officials International (APCO), the State of Montana 911 Program, the Washington State E911 Program, and Openwave Systems, Inc. (collectively, Petitioners).

II. BACKGROUND

2. NSI devices by their nature have no associated name and address, and do not provide Automatic Number Identification (ANI)[3] and call back features. Accordingly, in the event that a non-emergency 911 call is placed using a NSI phone, particularly for fraudulent purposes, it is very difficult for public safety authorities to determine who is responsible for placing such 911 calls.[4] For over a decade, the Commission has sought to balance the goals of reducing fraudulent 911 calls from NSI devices to PSAPs, while permitting the public to use such phones to make 911 calls in the event of an emergency.

3. In 1996, the Commission issued its *First E911 Report and Order*, which required carriers to transmit to PSAPs all 911 calls from wireless mobile handsets that transmit a code identification.[5] The Commission required this transmission even without user validation, such that dialing 911 from a wireless handset would override any lockout requirement for handsets and no additional dialing digit sequence would be required to reach emergency services.[6] The Commission found that requiring user validation harmed the public interest because it could delay call processing and thus inhibited users' ability to make 911 calls in a timely manner.[7] The Commission also required carriers to comply with a PSAP's request for transmission of all calls, with or without code identification.[8] However, the Commission also recognized "that there are disadvantages associated with requiring all 911 calls to be processed without regard to evidence that a call is emanating from an authorized user of *some* CMRS provider."[9] Specifically, the Commission noted "that placing 911 calls from handsets without a code identification has significant drawbacks, including the fact that ANI [Automatic Number Information] and call back features may not be usable, and hoax and false alarm calls may be facilitated."[10]

---

[3] "ANI" is defined at 47 C.F.R. § 20.3 as a "system that identifies the billing account for a call. For 911 systems, the ANI identifies the calling party and may be used as a call back number."

[4] Fraudulent calls may include hang ups, false reports of emergencies, and harassing calls to 911 operators. *See* Petition at 10-12.

[5] Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 18676, 18692 ¶ 29 (1996) (*First E911 Report and Order*). The Commission defined "code identification" as a Mobile Identification Number (MIN) or its functional equivalent, and defined a MIN as a "34-bit binary number that a PCS or cellular handset transmits as part of the process of identifying itself to a wireless network." *Id.* at 18683 ¶ 10 n. 12.

[6] *Id.* at 18692 ¶ 29.

[7] *Id.* at 18692-93 ¶ 31.

[8] *Id.* at 18696 ¶ 39.

[9] *Id.* at 18696 ¶ 38 (emphasis in original).

[10] *Id.*

4. After a number of petitions for reconsideration of the *First E911 Report and Order* were filed, the Commission issued a stay and sought additional comment.[11] On the basis of the updated record, in 1997 the Commission released its *First E911 Memorandum Opinion and Order*.[12] In that order, the Commission determined that without applying validation procedures, present technology could not distinguish between handsets with or without code identifiers.[13] Accordingly, the *First E911 Memorandum Opinion and Order* required carriers to forward all 911 calls whether or not they transmit a code identification.[14] The Commission also found that PSAPs, rather than carriers, could implement procedures to deter and prevent fraudulent 911 calls.[15]

5. Again, because NSI devices do not provide ANI and call back features, in 2002 the Commission released its *Second E911Report and Order* addressing this lack of call-back capabilities.[16] In this order, the Commission required NSI handsets donated through carrier-sponsored programs, as well as newly manufactured 911-only phones, to be programmed with a specific code to alert PSAPs that call-back is unavailable, and that carriers complete any network programming necessary to deliver that code to PSAPs.[17] Later that year, the Commission issued a public notice clarifying that its rules requiring carriers to forward all 911 calls to PSAPs do not preclude "carriers from blocking fraudulent 911 calls from non-service initialized phones pursuant to applicable state and local law enforcement procedures."[18] The Commission thus clarified that carriers could comply with a PSAP's request to block harassing calls from NSI devices and that this would not be a violation of the call-forwarding requirements of section 20.18(b) of the Commission's rules.[19]

6. In its *Second E911 Memorandum Opinion and Order*, the Commission modified its rules to require that handsets donated through carrier-sponsored programs, as well as newly manufactured 911-only phones, be programmed with a specific code alerting the PSAP that no call-back capability was

[11] *See* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Order*, 12 FCC Rcd 15313 (1997); Additional Comment Sought in Wireless Enhanced 911 Reconsideration Proceeding Regarding Rules and Schedules, CC Docket No. 94-102, *Public Notice*, 12 FCC Rcd 15331 (1997)(Public Notice).

[12] Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Memorandum Opinion and Order*, 12 FCC Rcd 22665 (1997) (*First E911 Memorandum Opinion and Order*).

[13] *Id.* at 22680 ¶ 28.

[14] *Id.* at 22682 ¶ 33.

[15] *Id.* at 22684 ¶¶ 36, 37.

[16] Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Report and Order*, 17 FCC Rcd 8481 (2002) (*Second E911 Report and Order*).

[17] *Id.* at 8489-90 ¶ 26.

[18] FCC Clarifies that 911 Call-Forwarding Rule does not Preclude Wireless Carriers from Blocking Fraudulent 911 Calls from Non-Service Initialized Phones Pursuant to State and Local Law, CC Docket No. 94-102, *Public Notice*, 17 FCC Rcd 21877 (2002).

[19] *Id.* at 21878; 47 C.F.R. § 20.18(b).

available.[20] It also required carriers to program NSI devices with a sequential number of "911" plus the last seven least significant digits of the decimal representations of the handsets unique identifier.[21] The Commission took these actions to allow PSAPs to identify the specific NSI device making a particular call, finding it "highly probable" that a PSAP receiving fraudulent calls from an NSI device would be able to identify the phone and work with carriers and law enforcement "to trace it and block further harassing calls from the device."[22] The Commission further noted its intention to continue monitoring the nature and extent of problems associated with 911 service for NSI devices.[23]

7. The instant Petition claims that while the *Second E911 Memorandum Opinion and Order* did achieve "the goal of helping PSAPs identify when 911 calls are from NSI devices [such] calls continue to create severe problems for PSAPs."[24] According to studies done by Petitioners, only "a very small minority of the 911 calls from NSI devices were made to report actual emergencies."[25] The majority of calls from NSI devices were hang-ups, but there were also significant numbers of harassing calls, many made by repeat callers, often children.[26] Petitioners note that such calls "waste the limited and precious resources of the PSAPs and interfere with PSAPs' ability to answer emergency calls."[27] Moreover, "efforts to locate or prosecute the callers likewise require tremendous effort and resources from the PSAP, which further detract from their emergency mission."[28]

8. Petitioners also assert that even when PSAPs and other authorities have requested carriers to block harassing 911 calls from NSI devices, carriers have raised a number of concerns with complying with such requests.[29] According to Petitioners, some carriers assert that call blocking would be ineffective because, due to the call-forwarding rules, a device blocked by one carrier network may simply roam until it finds another available network.[30] Petitioners claim that carriers have also voiced concerns

[20] *Second E911 Memorandum Opinion and Order*, 18 FCC Rcd at 23391 ¶ 19.

[21] *Id.* The Commission also continued to require that carriers complete any network programming necessary to deliver the code to PSAPs. *Id.*

[22] *Id.* at 23386, 23388 ¶¶ 6, 12, 13.

[23] *Id.* at 23392 ¶ 24.

[24] Petition at 8.

[25] Petition at 10.

[26] Petition at 10-12.

[27] Petition at 12. Tennessee's PSAP survey, for example, indicated that such calls constituted 40% of the total reported calls from NSI devices. *Id.* at 10. The Tennessee and other of Petitioners' survey data are set forth in Attachment A to the Petition. *See id.* Attachment A; *see also* Letter from Jeffrey Vannais, PSAP Representative, Connecticut Enhanced 9-1-1 Commission, to Federal Communications Commission (filed Feb. 19, 2008) ("Every dispatch center employee I talk to tells stories of how their center has been involved in dispatching public safety resources to countless false calls.").

[28] Petition at 12.

[29] Petition at 12; *see also, id.* Attachment B (providing statements regarding call blocking requests).

[30] Petition at 12.

about liability.[31] One such stated concern is the lack of a specific definition for "blocking." Another is lack of clarity as to which specific "state and local law enforcement procedures" are required or sufficient to institute a block on such calls. Moreover, according to Petitioners, the inherent portability of NSI devices prevents carriers and PSAPs from ascertaining whether the person placing the unwarranted calls from a particular device is the only person with access to, and reliance on, the device in case of emergency.[32]

9. Accordingly, Petitioners ask us to "provide further clarification and guidance on this [blocking] option to stop harassing and fraudulent 911 calls from NSI devices."[33] Petitioners also ask us to consider other options to address these issues, including further call-back capabilities for NSI devices, the elimination of call-forwarding requirements for NSI devices, or requiring carriers' donation programs to provide service-initialized phones.[34] In the alternative, Petitioners ask us to seek comment on other solutions.[35]

III. DISCUSSION

10. We request comment, analysis, and information on three specific areas: (1) the nature and extent of fraudulent 911 calls made from NSI devices; (2) concerns with blocking NSI phones used to make fraudulent 911 calls, and suggestions for making this a more viable option for carriers; and (3) other possible solutions to the problem of fraudulent 911 calls from NSI handsets. We now address each of these issues in turn.

A. Extent of Fraudulent 911 Calls Made From NSI Devices

11. The Petition offers evidence that nuisance 911 calls from NSI devices are a significant challenge for PSAPs. According to Petitioners, in Tennessee, during a three-month period in late 2006, PSAPs reported receiving more than 10,000 fraudulent 911 calls from NSI devices.[36] In December 2006, Florida PSAPs, covering approximately half the state's population, reported more than 8,400 such calls in just that month.[37] Petitioners also provide evidence of this same problem for six counties in Michigan, covering approximately 7% of the state's population, for the months of November and December 2006, and for the same period in Snohomish County, Washington, for PSAPs covering approximately 11% of the state's population.[38] Moreover, Petitioners provide the statements of three emergency

[31] Petition at 12-13.

[32] Petition at 12-13.

[33] Petition at 13.

[34] Petition at 13-14

[35] Petition at 14.

[36] Petition at 1 and Attachment A – Tennessee Survey Data.

[37] Petition at 1-2 and Attachment A – Florida Survey Data.

[38] Petition at 2 and Attachment A – Michigan and Snohomish County, Washington Survey Data.

communications administrators attesting to the extent of this problem in their jurisdictions.[39] Petitioners also provide thirteen media reports for the period 2007-2008 from across the country evidencing the misuse of NSI devices.[40]

12. We request further comment, analysis, and information on the extent of this issue. In this regard, we note that the data provided by Petitioners is limited to portions of four states, and from late 2006. We thus believe it would be helpful for commenting parties to provide similar, but more recent and expansive survey evidence for the same and other jurisdictions. We would also welcome further evidence, including statements from knowledgeable parties, media reports, etc. illustrating the extent of the problem.

B. Present Call-Blocking Solution

13. Petitioners state that the present call-blocking option is ineffectual because carriers refuse to honor the blocking requests of PSAPs and other authorities due to "technical and legal concerns."[41] According to Petitioners, some carriers assert that call blocking would be ineffective because, due to the 911 call-forwarding requirement, a device blocked by one carrier network may simply roam until it finds another available network.[42] We seek comment on the extent to which a NSI phone blocked by one carrier can roam on another carrier's network to place a 911 call, and how in such cases the NSI phone can be blocked by all carriers. For example, how can blocking be achieved for all types of NSI devices and among various carrier technologies? Petitioners note that carriers would need to coordinate in order to fully stop harassing calls from a specific NSI device.[43] Accordingly, we also request comment on any technical, business, cost or other considerations impacting the ability of carriers to conduct such coordination. To the extent possible, we seek specific data as opposed to anecdotal evidence.

14. The Petition also cites other technical concerns related to blocking. Specifically, it raises questions concerning whether calls would be blocked on just one tower or on multiple towers, with respect to one PSAP or all PSAPs, the duration of a block, and how a block would be removed.[44] The Petition also asks how blocked calls should be handled. For example, rather than connecting to a PSAP, should the caller be connected to an answering center, or simply be provided with a recorded message

---

[39] *See* Petition, Attachment D, Statement Regarding NSI Calls in Shelby County, Tennessee; Attachment E, Statement Regarding NSI Calls in Bedford County, Tennessee; and Attachment F, Statement Regarding NSI Calls in Maury County, Tennessee. The three administrators are the Director of the Bedford County, Tennessee Emergency Communications District (signed February 8, 2008), the Director of the Bedford County, Tennessee Emergency Communications District (signed January 6, 2008), and the Director of the Maury County, Tennessee Emergency Communications District (signed February 11, 2008); *see also* Letter, Jeffrey Vannais, PSAP Representative, Connecticut Enhanced 9-1-1 Commission, to Federal Communications Commission (dated Feb. 14, 2008) (discussing the problem in his jurisdiction).

[40] *See* Petition, Attachment C, Media Reports Regarding Misuse of NSI Devices.

[41] Petition at 12.

[42] Petition at 12.

[43] Petition at 12.

[44] Petition, Attachment B, Statement Regarding Requests to Block False 911 Calls from Non-Service Initialized Devices in Maury County Tennessee, ¶ 4(a)-(b).

instructing use of a different phone in the case of an actual emergency?[45] We seek comment on the possible resolutions to each issue. We also seek comment on any other technical concerns parties may have related to present call-blocking options, as well as proposed solutions to these problems.

15. Petitioners indicate that carriers and PSAPs have also voiced concerns regarding legal liability for blocking calls to PSAPs, which they assert has discouraged the development of technical innovations to address the problem of nuisance 911 calls from NSI devices.[46] Petitioners provide the statements of three emergency communications administrators attesting to the extent of this problem in their jurisdictions.[47] We note initially, that it is unclear from Petitioners' filing whether the carriers and PSAPs' liability concerns are limited only to potential violations of Commission policy and rules, or also to civil liability as well. We ask for comment clarifying this issue. In any event, one cited concern is the lack of a specific definition for "blocking" as outlined in the Commission's Public Notice.[48] We seek detailed examples of instances where a carrier's concern about the lack of a specific definition for "blocking" has led to its refusal to block a fraudulent 911 call from an NSI device. We also seek comment on solutions the Commission could implement to best address this problem. Another liability concern raised by Petitioners is a lack of clarity as to which specific "state and local law enforcement procedures" are required or sufficient to institute a block on fraudulent calls without violating the Commission's call-forwarding mandate.[49] Petitioners provide one example where a carrier refused to block a harassing 911 caller on the basis of the Commission's 911 call-forwarding mandate, even after the clarifying Public Notice.[50] We seek other examples of instances where this problem has led to a refusal of a carrier to block a fraudulent 911 call from an NSI device, as well as comment on solutions the Commission could implement to best address this problem.

16. Moreover, according to Petitioners, the inherent portability of NSI devices prevents carriers and PSAPs from ascertaining whether the person placing the unwarranted calls from a particular device is the only person with access to, and reliance on, the device in case of emergency.[51] Specifically, according to Petitioners' statements, carriers and PSAPs are concerned about their liability if someone was unable to obtain help in an actual emergency because an NSI device had been blocked.[52] This

[45] Petition, Attachment B, Statement Regarding Requests to Block False 911 Calls from Non-Service Initialized Devices in Maury County Tennessee, ¶ 4(c).

[46] Petition at 12-13.

[47] *See* Petition, Attachment B, Statements Regarding Call Blocking Requests; The three administrators are the Director of Emergency Service in Putnam County, Tennessee (signed February 11, 2008), the Director of the Maury County, Tennessee Emergency Communications District (signed February 11, 2008), and the Michigan State 9-1-1 Administrator (signed December 7, 2007).

[48] Petition at 12-13.

[49] Petition at 13; *see also* Petition, Attachment B, Statement Regarding Requests to Block False 911 Calls from Non-Service Initialized Devices in Maury County Tennessee, ¶ 4(e).

[50] Petition, Attachment B, Letter, Mark A. Jongekrijg, Deputy Director, Operations Manager, Ottawa County Central Dispatch Authority, to Harriet Miller Brown, State of Michigan 9-1-1 Administrator (December 7, 2007).

[51] Petition at 13.

[52] *See* Petition, Attachment B, Statement Regarding Requests to Block False 911 Calls from Non-Service Initialized Devices in Maury County Tennessee, ¶ 4(d).

appears to be a particular concern when children use their parents' NSI device to make harassing phone calls without the parents' knowledge.[53] Again, we seek clarification as to exactly which type of legal liability carriers and PSAPs are concerned: violation of Commission rules, civil liability, or criminal liability. And we again also seek examples of instances where this problem has led to a refusal of a carrier to block a nuisance 911 call from an NSI device. In addition, we seek comment on what type of solution the Commission could implement to best address concerns regarding liability under the Commission's rules, or under civil or criminal law.

C. Potential Alternative Solutions

17. Petitioners ask us to consider three other potential solutions to address the problem of fraudulent 911 calls from NSI devices. These solutions are (1) implementing further call-back capabilities for such devices, (2) eliminating call-forwarding requirements for NSI devices, and (3) requiring carriers' donation programs to provide service-initialized phones.[54] We request detailed comment on the advantages and disadvantages of these three suggested solutions, each of which is discussed in more detail below. We also seek comment on any further solutions that may assist us in resolving the problem of fraudulent 911 calls from NSI devices.

18. *Further call-back capabilities for NSI devices.* The Commission's *Second E911 Report and Order*, released in 2002, indicated that no technically feasible network solution existed, or could be developed in the near future, to support call-back capabilities for NSI devices.[55] Petitioners, however, point out that in 2005 the National Emergency Number Association (NENA) issued a technical information document analyzing the issue and proposing potential solutions.[56] Accordingly, Petitioners ask whether further Commission consideration of these solutions might be warranted at this time.[57] We, in turn, ask for commenters' evaluation of the proposed NENA solutions. If a commenter believes that any of these solutions are practicable and desirable, we seek detailed suggestions as to how the Commission could best implement such solution.

19. *Elimination of call-forwarding requirements for NSI devices.* In the 2002 *Second E911 Report and Order*, the Commission declined to eliminate the 911 call forwarding requirement for NSI phones because "[a]bolishing the requirement at this stage would restrict basic 911 service and result in the inability of many non-initialized wireless phone users to reach help in the event of an emergency."[58] Petitioners suggest that further consideration of eliminating the call forwarding requirement for NSI phones might be warranted now "based on the evidence of the overwhelming number of fraudulent and harassing 911 calls PSAPs are receiving from NSI devices."[59]

---

[53] *See* Petition, Attachment B, Statement Regarding Requests to Block False 911 Calls from Non-Service Initialized Devices in Maury County Tennessee, ¶ 4(d).

[54] Petition at 13-14

[55] *Second E911 Report and Order*, 17 FCC Rcd at 8486 ¶ 13.

[56] Petition at 13. The NENA document is available at http://www.nena.org/media/files/03-504_20051020.pdf (last visited March 10, 2008).

[57] Petition at 13.

[58] *Second E911 Report and Order*, 17 FCC Rcd at 8489 ¶ 24.

[59] Petition at 13-14.

20. For example, Petitioners submitted data indicating that in the four jurisdictions studied, between 3.5% and less than 1% of 911 calls placed by NSI phones were legitimate calls relating to actual emergencies.[60] We ask commenters to submit further data which can help us to more comprehensively determine what percentage of 911 calls from NSI devices to PSAPs are legitimate requests for assistance. We seek to determine whether there is a major disparity between the number of fraudulent phone calls from service-initialized and NSI devices. Accordingly, we also ask commenters to submit data indicating what percentage of 911 calls from *service initialized* phones are fraudulent. Finally, we ask for comment on how we should balance public safety interests in relation to the cost of fraudulent 911 calls from NSI devices and the benefits of legitimate 911 calls from those devices. For example, Petitioners indicate that in Florida, of the 8,774 calls from NSI devices made during the study period, only 310, or 3.5% were legitimate calls for help.[61] While this appears to be a very low percentage of legitimate calls, it nevertheless includes 310 legitimate calls for help that may involve life-threatening situations. How should the Commission consider these factors in determining whether to eliminate the call-forwarding rule for NSI phones?

21. *Requiring carriers' donation programs to provide service-initialized phones.* Petitioners point out that in the Commission's *Second E911 Report and Order*, the Commission noted that a number of carriers provided service-initialized phones in their donation programs, and encouraged but did not require other carriers to do the same.[62] In this regard, we seek current data on carrier donation programs, including how many NSI devices are being made available under such programs, and by which carriers We also ask for comment on whether we should mandate that such donated devices be service-initialized.

22. *Other Potential Solutions.* Petitioners also suggest that we seek comment on potential solutions besides the three discussed above.[63] Accordingly, we ask for comment on any other potential solutions interested parties believe would be helpful. The Rural Cellular Association, for example, has suggested the formation of an advisory committee, similar to the group formed under provisions of the Warning, Alert, and Response Network (WARN) Act, that would include representatives of communications service providers.[64] We seek comment on such an approach. Are there other technical solutions, beyond providing a call-back capability, that could provide additional user identification capabilities for purposes of combating fraudulent use? Commenting parties who propose an alternate solution should provide sufficient detail describing how their method would address the problem of fraudulent calls from NSI devices, and an explanation as to why such solution is superior to call-blocking and any of the other suggested solutions, and the costs involved with implementing such a solution.

---

[60] Petition at 10.

[61] Petition at 10.

[62] Petition at 14.

[63] Petition at 14.

[64] *Ex Parte* Letter of David L. Nace, on behalf of the Rural Cellular Association, to Marlene Dortch, Secretary, FCC, at 3 (filed Feb. 20, 2008); Warning, Alert, and Response Network Act, 47 U.S.C. §§ 1201-1205.

23. Finally we seek comment on whether our present location accuracy proceeding might provide opportunities to address the problem of fraudulent 911 calls from NSI devices.[65] For example, our *Location Accuracy Order* requires CMRS carriers to meet the Enhanced 911 (E911), Phase II location accuracy requirements at the Public Safety Answering Point (PSAP) service-area level.[66] Accordingly, will this requirement make it easer to locate persons making fraudulent 911 calls over NSI devices?

IV. PROCEDURAL MATTERS

A. Ex Parte Presentations

24. This is an exempt proceeding in which ex parte presentations are permitted (except during the Sunshine Agenda period) and need not be disclosed.[67]

B. Comment Filing Procedures

25. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: http://www.fcc.gov/cgb/ecfs/ or the Federal eRulemaking Portal: http://www.regulations.gov. Filers should follow the instructions provided on the website for submitting comments.

    - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

---

[65] Wireless E911 Location Accuracy Requirements, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling, 911 Requirements for IP-Enabled Service Providers, PS Docket No. 07-114, CC Docket No. 94-102, WC Docket No. 05-196, *Report and Order*, 22 FCC Rcd 20105 (2007) (*Location Accuracy Order*).

[66] *Id.* at 20105 ¶ 1.

[67] *See* 47 C.F.R. § 1.1204(b)(1).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

26. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

27. In addition, one copy of each pleading must be sent to the Commission's duplicating contractor, Best Copy and Printing, Inc, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; website: www.bcpiweb.com; phone: 1-800-378-3160.

28. Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C., 20554. Copies may also be purchased from the Commission's duplicating contractor, BCPI, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI through its website: www.bcpiweb.com, by e-mail at fcc@bcpiweb.com, by telephone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563.

V. ORDERING CLAUSE

30. Accordingly, IT IS ORDERED that, pursuant to Sections 1, 4(i), 4(j), 303(r) and 332 of the Communications Act of 1934, 47 U.S.C. §§ 151, 154(i), 154(j), 303(r), 332, the Petition for Notice of Inquiry filed by the Tennessee Emergency Communications Board, the National Association of State 9-1-1 Administrators, the Michigan 911 State 9-1-1 Office, the New Jersey State 9-1-1 Commission, the Snohomish County Enhanced 9-1-1 Office, the National Emergency Number Association, the Association of Public-Safety Communications Officials International, the State of Montana 911 Program, the Washington Sate E911 Program, and Openwave Systems, Inc., IS GRANTED to the extent indicated herein, and this Notice of Inquiry in PS Docket No. 08-51 IS ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch

Marlene H. Dortch
Secretary

STATEMENT OF
CHAIRMAN KEVIN J. MARTIN

Re: Notice of Inquiry Regarding 911 Call-Forwarding Requirements and Carriers' Blocking Options for Non-Initialized Phones, PS Docket No. 08-51.

We all know that people are relying on cell phones for more and more of their calls, including calls to 911. The advances in wireless technology allow people to call for help more quickly and from more remote places than ever before. When used appropriately, wireless devices are a valuable tool that can speed help to those who are in need. Any tool, however, when used inappropriately, can damage the usefulness of the tool for others.

Fraudulent 911 calls can waste valuable public safety resources. I am pleased, therefore, that we are taking steps today by granting the request of the public safety community to investigate ways to curb fraudulent 911 calls from non-service initialized handsets. I look forward to developing additional data on this issue, and examining recommendations to enhance the effectiveness of our 911 system by ensuring that resources are directed to legitimate calls for help, and that fraudulent uses of the 911 system are eliminated. I thank the Petitioners for bringing this concern to us, and am pleased that the Commission is acting on this request quickly.

STATEMENT OF COMMISSIONER DEBORAH TAYLOR TATE

Re: Petition for a Notice of Inquiry Regarding 911 Call-Forwarding Requirements and Carriers' Blocking Options for Non-Initialized Phones, PS Docket No. 08-51.

Often the easiest course of action for government officials is to merely ignore a problem. In this case, nine public safety organizations and a software development firm – including public safety officials in the States of Tennessee, Michigan, New Jersey, Montana and Washington – provided research, data and analysis of the problem. They now seek our help in actually resolving an issue of concern to all citizens who need a robust, reliable public safety communications network.

The data from several states reveal alarming statistics. In my home state of Tennessee, there were more than 10,000 fraudulent 911 calls from non-service initialized devices in a three-month period in 2006. In short, these huge numbers of fraudulent calls distract our nation's public safety officials, which in turn makes it that much more difficult for these public servants to fulfill their life-saving mission.

I applaud the efforts of the Joint Petitioners in raising this issue and hope that today's Notice of Inquiry can launch a nationwide dialogue to help address the problem.