

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of )  
)  
Revision of the Commission's Rules To )  
Ensure Compatibility with Enhanced ) CC Docket No. ~~94-102~~  
911 Emergency Calling Systems )  
Non-Initialized Phones )

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PETITION FOR A NOTICE OF INQUIRY  
REGARDING 911 CALL-FORWARDING REQUIREMENTS AND  
CARRIERS' BLOCKING OPTIONS FOR NON-INITIALIZED PHONES

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## I. INTRODUCTION

The Tennessee Emergency Communications Board (“Tennessee ECB”), the National Emergency Number Association (“NENA”), the National Association of State 9-1-1 Administrators (“NASNA”), the Association of Public-Safety Communications Officials International (“APCO”), the Michigan State 9-1-1 Office, the State of Montana 911 Program, the New Jersey State 9-1-1 Commission, the Washington State Enhanced 911 Program, the Snohomish County Enhanced 9-1-1 Office, and Openwave Systems Inc. (collectively, “the 911 Entities”) respectfully request that the Federal Communications Commission (“Commission” or “FCC”) issue a Notice of Inquiry (“NOI”) in the above-referenced docket regarding application of the 911 call-forwarding requirement<sup>1</sup> to non-service initialized (“NSI”) phones<sup>2</sup> and wireless carriers<sup>3</sup> ability to block fraudulent 911 calls from such phones.

Harassing and fraudulent 911 calls<sup>4</sup> from NSI devices continue to be a serious problem for public safety answering points (“PSAPs”). In Tennessee, PSAPs reported receiving more than 10,000 fraudulent 911 calls from NSI devices in just three months; Florida PSAPs reported

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<sup>1</sup> 47 C.F.R. § 20.18(b).

<sup>2</sup> Non-service initialized phones are wireless mobile devices that are not registered for service with any wireless carrier; they include 911-only phones that can only make 911 calls and are technically incapable of receiving any incoming calls. *See* 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 n3 (2002) (“*E911 Public Notice Regarding Blocking*”).

<sup>3</sup> Wireless carriers are those subject to 47 C.F.R. § 20.18: Broadband Personal Communications Services (part 24, subpart E of this chapter), Cellular Radio Telephone Service (part 22, subpart H of this chapter), and Geographic Area Specialized Mobile Radio Services and Incumbent Wide Area SMR Licensees in the 800 MHz and 900 MHz bands (included in part 90, subpart S of this chapter) and those entities that offer voice service to consumers by purchasing airtime or capacity at wholesale rates from these licensees (collectively CMRS providers), to the extent that they offer real-time, two way switched voice service that is interconnected with the public switched network and utilize an in-network switching facility which enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls.

<sup>4</sup> For these purposes, fraudulent calls include all calls placed for any reason other than to report an event that the person placing the call reasonably believed to be an emergency. Examples are: prank calls, bogus calls for help, threatening calls, hang ups, accidental calls, and children playing on the phones.

more than 8,400 such calls in just one month; six Michigan PSAPs reported nearly 1,000 calls in two months; and one PSAP in Snohomish County, Washington reported more than 500 calls in less than two months.<sup>5</sup> These fraudulent 911 calls often are made by repeat callers. For example, Tennessee PSAPs reported more than 60 repeat callers, including one who made 140 separate calls to the PSAP; Florida's data contained 33 repeat callers, including one who placed 300 separate calls. As the Commission has recognized, these calls disrupt 911 service and waste precious public safety resources.<sup>6</sup>

Although the Commission previously clarified that 47 C.F.R. § 20.18(b) does not preclude carriers from blocking fraudulent calls from NSI phones, the carriers have not been prepared to do so when requested by authorities having jurisdiction within the 911 community. PSAPs report that carriers have expressed concern with both their technical ability to block the calls and the liability associated with blocking all calls from a particular device in light of the Commission's 911 call-forwarding mandate.<sup>7</sup>

Accordingly, the 911 Entities seek clarification and guidance from the Commission concerning the legal and technical aspects of NSI device call forwarding and call blocking. In addition, the 911 Entities ask the Commission to consider other options for resolving the issues surrounding 911 calls from NSI devices and to consider whether the call-forwarding mandate shall apply to new wireless services currently being developed, such as WiMax and Wi-Fi.

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<sup>5</sup> The PSAPs reported the calls in response to a survey conducted from October 1, 2006 through December 31, 2006. For a more detailed discussion of the survey responses, please see the section entitled "NSI Call Volumes" on page 8. For a summary, please see Attachment A. The reports are available for review by the Commission.

<sup>6</sup> *E911 Public Notice Regarding Blocking*, 17 FCC Rcd 21877 (2002).

<sup>7</sup> See Attachment B for supporting statements from PSAPs; *see also* Attachment G.

## II. BACKGROUND

From the outset, wireless technologies have presented many challenges for 911, including issues related to the transmission of calls from NSI devices to PSAPs. The Commission, carriers, and 911 organizations all have recognized the risks associated with such calls.<sup>8</sup> NSI devices do not provide automatic number information (“ANI”) or call back features, and PSAPs cannot call back and often cannot locate an emergency caller from an NSI device if the call is dropped or disconnected. PSAPs also do not get the information they need to stop or respond to fraudulent and harassing calls from the devices.<sup>9</sup>

In 1994, the Commission released a *Notice of Proposed Rulemaking* on requirements for wireless carriers to provide enhanced 911 services for wireless callers.<sup>10</sup> In that *Notice*, the Commission proposed that each carrier be required to forward to PSAPs all 911 calls, without user validation,<sup>11</sup> from subscribers in the carrier’s home service area and from users authorized to roam on the carrier’s network.<sup>12</sup>

In 1996, after receiving comments and reviewing the record, the Commission issued a *Report and Order* concluding that the 911 call-forwarding requirement proposed in the 1994

<sup>8</sup> See, e.g., Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102 (“*E911 Docket No. 94-102*”), *Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 18676, 18696 ¶ 38 (1996) (“*E911 First Report and Order*”); *E911 Docket No. 94-102, Report and Order*, 17 FCC Rcd 8481, 8485 ¶ 9, ¶ 12 (2002) (“*E911 2002 Report and Order*”); *E911 Public Notice Regarding Blocking*, 17 FCC Rcd 21877 (2002).

<sup>9</sup> A similar problem may arise with prepaid wireless devices, because users are not required to provide a name, address, or alternate telephone number to purchase such devices.

<sup>10</sup> *E911 Docket No. 94-102, Notice of Proposed Rulemaking*, 9 FCC Rcd 6170 (1994).

<sup>11</sup> The Commission did not define the term “user validation” but referenced recommendations in a joint paper filed by the Personal Communications Industry Association, APCO, NENA, and NASNA. The Joint Paper recommended that dialing 911 must override any lockout requirement for handsets and that no additional dialing digit sequence be required to reach emergency services. *Id.* at 6177 ¶ 41, Appendix D (1994) (citing the *Position Paper on Emergency Access Services* filed July 5, 1994, in GN Docket No. 90-314, Amendment of the Commission’s Rules to Establish New Personal Communications Services).

<sup>12</sup> *Id.* at 6177 ¶ 41 (1994). See also *E911 First Report and Order*, 11 FCC Rcd at 18692 ¶ 30 (1996).

*Notice* was too narrowly defined.<sup>13</sup> The Commission determined that carriers must transmit to PSAPs all 911 calls from wireless mobile handsets that transmitted a code identification,<sup>14</sup> again without user validation.<sup>15</sup> The Commission further concluded that PSAPs could request transmission of all calls, with or without code identification, and that carriers must comply with such requests.<sup>16</sup>

In the 1996 *Report and Order*, the Commission specifically recognized that, at that time, there was “no technical way to differentiate between subscribers and non-subscribers placing a 911 call without invoking authentication and validation procedures.”<sup>17</sup> The Commission determined that the public interest was best served by allowing all handsets with code identification to make 911 calls, based on the belief that authentication or call validation procedures could unreasonably delay or prevent completion of some 911 calls.<sup>18</sup> The Commission, however, also recognized the disadvantages of requiring that carriers process 911 calls from non-subscribers; these include “the fact that ANI and call back features may not be usable, and hoax and false alarm calls may be facilitated.”<sup>19</sup>

Several parties filed petitions for reconsideration and *ex parte* presentations concerning technical issues related to the 1996 *Report and Order*. The Commission issued a stay and sought

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<sup>13</sup> *E911 First Report and Order*, 11 FCC Rcd at 18692 ¶ 30 (1996).

<sup>14</sup> The Commission defined “code identification” as a Mobile Identification Number (“MIN”) or functional equivalent of a MIN and defined MIN as “a 34-bit binary number that a PCS or cellular handset transmits as part of the process of identifying itself to wireless networks. Each handset has one MIN, and it is derived from the ten-digit North American Numbering Plan (NANP) telephone number that generally is programmed into the handset at the time service for a new subscriber is initiated.” *Id.* at 18683 ¶ 10 n.12 (1996) (citation omitted).

<sup>15</sup> *Id.* at 18692 ¶ 29 (1996).

<sup>16</sup> *Id.* at 18695 ¶ 37 (1996).

<sup>17</sup> *Id.* at 18694 ¶ 36 (1996) (citation omitted).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 18696 ¶ 38 (1996) (citation omitted). The Commission noted these drawbacks with respect to calls from devices without code identification because such devices lack “evidence that a call is emanating from an authorized user of *some* CMRS provider.” *Id.* By definition, these same concerns apply to calls from NSI devices.

additional comment.<sup>20</sup> In December 1997, the Commission released a *Memorandum Opinion and Order* modifying the rules by requiring carriers to transmit all 911 calls without regard to validation procedures or code identification.<sup>21</sup>

The record reflected that technology at that time was not able to distinguish between handsets with or without code identifiers, without applying validation procedures, just as it could not differentiate between calls from subscribers and non-subscribers.<sup>22</sup> Based on the record, the Commission determined that “the technically feasible and most practical options are to forward either *all* 911 calls, or *only* those that have been validated.”<sup>23</sup> It further found the public interest would be better served by requiring that carriers forward all 911 calls.<sup>24</sup> The Commission declined to require “that wireless carriers screen and block calls on behalf of PSAPs, in order to deter and prevent hoax 911 calls.”<sup>25</sup> Further, the Commission noted that FCC rules “apply to wireless carriers, not PSAPs,” and that PSAPs may decide how to manage incoming calls and should “receive call information that will allow them to screen out or identify many types of fraudulent calls.”<sup>26</sup>

In April 2002, the Commission released a *Report and Order* addressing call-back capabilities of NSI devices.<sup>27</sup> Based on the record, the Commission determined that it could not,

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<sup>20</sup> *E911 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).

<sup>21</sup> *E911 Docket No. 94-102, Memorandum Opinion and Order*, 12 FCC Rcd 22665, 22668 ¶ 5 (1997). Among other issues, the Commission also clarified that carriers’ obligation to provide Phase I call back information does not apply to calls from NSI devices or in other circumstances when the carrier does not know the handset’s directory number. *Id.* at 22717-8 ¶ 108.

<sup>22</sup> *Id.* at 22680 ¶ 28 (1997).

<sup>23</sup> *Id.* at 22682 ¶ 33 (1997).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 22684 ¶ 36 (1997).

<sup>26</sup> *Id.* at 22684 ¶ 37 (1997).

<sup>27</sup> *E911 2002 Report and Order*, 17 FCC Rcd at 8483 ¶ 4 (2002).

at that time, require carriers to develop and implement a call-back solution for the NSI devices.<sup>28</sup> Rather, the Commission imposed requirements designed to alert PSAPs when a 911 call is made by a device that lacks call-back capabilities and to alert users that NSI devices lack such capabilities.<sup>29</sup>

Specifically, to alert PSAPs, the Commission required that NSI handsets donated through carrier-sponsored programs and newly manufactured 911-only phones be programmed with the code 123-456-7890 and that carriers complete any network programming necessary to deliver the code to PSAPs as the NSI device's telephone number or mobile directory number.<sup>30</sup> For users, the Commission required that carriers that participate in NSI-device donor programs and manufacturers of 911-only devices label each handset and institute public education programs to inform users of the device limitations.<sup>31</sup> The Commission also specifically noted that it would continue to monitor and may later revisit the issues related to 911 service for NSI devices.<sup>32</sup> In September 2002, in response to a request for stay and petition for reconsideration, the Commission stayed the effective date of the April 2002 *Report and Order*.<sup>33</sup>

In October 2002, the Commission issued a *Public Notice* clarifying that its rules requiring carriers to forward all wireless 911 calls to PSAPs do not "preclude these carriers from blocking fraudulent 911 calls from non-service initialized phones pursuant to applicable state and local law enforcement procedures."<sup>34</sup> The Commission noted that PSAPs have "an important role in

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<sup>28</sup> *Id.* at 8485 ¶ 11 (2002).

<sup>29</sup> *Id.* at 8481 ¶ 2 (2002).

<sup>30</sup> *Id.* at 8489-90 ¶ 26 (2002).

<sup>31</sup> *Id.* at 8493 ¶ 38 (2002).

<sup>32</sup> *Id.* at 8486 ¶ 14, 8494-5 ¶ 44 (2002).

<sup>33</sup> *E911 Docket No. 94-102, Order*, 17 FCC Rcd 19012 (2002). Before granting the stay, the Commission first sought comment on the request and petition. See *Wireless Telecommunications Bureau Seeks Comment on Petition for Reconsideration Regarding the Commission's Rules on Non-Initialized Phones and on Filing of Request for Stay*, CC Docket No. 94-102, *Public Notice*, 17 FCC Rcd 12933 (2002).

<sup>34</sup> *E911 Public Notice Regarding Blocking*, 17 FCC Rcd 21877 (2002) (citation omitted).

monitoring incoming calls and initiating efforts to guard against fraudulent use of the 911 systems.”<sup>35</sup> The Commission specified that carriers may comply with a PSAP’s request to block harassing calls from NSI devices and that such compliance will not constitute a violation of Section 20.18 of the Commission’s rules.<sup>36</sup>

In 2003, the Commission granted the petition to reconsider its April 2002 *Report and Order*. The Commission modified its rules by striking the requirement to program the 123-456-7890 code into carrier-donated NSI devices and 911-only phones;<sup>37</sup> it replaced it with the requirement to program the devices with a sequential number of “911” plus the seven least significant digits of the decimal representation of the handset’s unique identifier, such as the Electronic Serial Number or International Mobile station Equipment Identity.<sup>38</sup> As with the previous rule, the Commission also required that carriers complete any network programming necessary to transmit the code to PSAPs.<sup>39</sup>

The Commission noted the rule change should allow PSAPs to identify the specific NSI device making a particular 911 call.<sup>40</sup> The Commission found it “highly probable” that a PSAP receiving harassing calls from an NSI device would be able to identify the phone, using the new code information, “and to work with the appropriate carrier and law enforcement personnel to trace it and block further harassing calls from the device.”<sup>41</sup> The Commission recognized that “it is important to weed out those callers who are using non-initialized phones or 911-only devices to make harassing calls to PSAPs, which cannot afford to waste their precious time and

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<sup>35</sup> *Id.* at 21878 (2002) (citation omitted).

<sup>36</sup> *Id.*; 47 C.F.R. §20.18.

<sup>37</sup> *E911 Docket No. 94-102, Memorandum Opinion and Order*, 18 FCC Rcd 23383 (2003).

<sup>38</sup> *Id.* at 2339 ¶ 19 (2003).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 23386 ¶ 6, 23388 ¶ 12 (2003).

<sup>41</sup> *Id.* at 23388 ¶ 13 (2003).

resources.”<sup>42</sup> The Commission again noted its intention to monitor the issue closely and consider additional information on the nature and extent of the problems associated with 911 service for NSI devices.<sup>43</sup>

### **III. CURRENT PROBLEMS WITH 911 CALLS FROM NSI DEVICES**

The Commission, with the 2003 rule revision, achieved the goal of helping PSAPs identify when 911 calls are from NSI devices. The calls, however, continue to create severe problems for PSAPs. Too many callers use NSI devices to harass PSAPs or make fraudulent emergency reports.<sup>44</sup> The calls waste precious PSAP resources, which should be devoted to true emergencies, and PSAPs have very limited means of stopping the calls. Carriers have declined to block the calls, expressing technical and legal concerns with the blocking option.<sup>45</sup> In addition, PSAPs still have no ability to call back those who use NSI-devices to call 911 and often cannot locate the user in need of emergency services if the call is dropped or disconnected.

#### **A. NSI Call Volumes**

In late 2006, the Tennessee ECB, the Florida Statewide 911 Coordinator, the Michigan 911 State Administrator, and the E9-1-1 Manager in Snohomish County, Washington gathered information concerning the number of 911 calls PSAPs in their areas received from NSI devices.<sup>46</sup> They asked the PSAPs under their jurisdiction to note whether the calls were legitimate calls for help and, if not, to categorize the non-emergency calls as threatening in nature, bogus or fraudulent calls for help, prank calls, accidental dials, or other. Based on the survey responses, the Tennessee ECB also created a category specifically for children playing on

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<sup>42</sup> *Id.* at 23392 ¶ 21 (2003).

<sup>43</sup> *Id.* at 23392 ¶ 24 (2003).

<sup>44</sup> See Attachment C for sample media reports concerning misuse of NSI devices.

<sup>45</sup> See Attachment B.

<sup>46</sup> The survey materials are available for review by the Commission. The surveys were written, distributed, gathered and counted by 911 staff members, not professional statisticians, and the data therefore is not guaranteed to be 100% error-free. It simply reflects the 911 Entities' best effort to quantify the problem with the resources available.

the NSI devices, and Michigan was able to identify calls from children for three of its PSAPs. In addition, Tennessee and Florida compiled data on the number of repeat callers in their areas. The survey summaries are included as Attachment A to this petition.

Tennessee received responses from 40 counties covering approximately 54% of the overall state population, generally for the period October 1 through December 31, 2006.<sup>47</sup> Florida received responses for the period December 1 through December 31, 2006 from twelve counties covering approximately 50% of the overall state population.<sup>48</sup> Michigan received responses from six counties covering approximately 7% of the population; five reported for November 1 through December 31, 2006, while the largest reported only November 1 through November 30, 2006. Snohomish County, Washington gathered responses for the period November 1, 2006 through December 18, 2006 from one PSAP covering approximately one-third of the county's population; Snohomish County covers approximately 10.5% of the overall state population.

The 911 Entities were able to gather total call volumes for some of the PSAPs for the same reporting periods. Tennessee gathered data for two of the responding PSAPs. The PSAPs reported 22,517 total calls to 911 during the survey period. Of those, 1,777, or approximately 8%, were from NSI devices.

The six Michigan PSAPs that participated in the survey also collected data on the total number of wireless 911 calls to the PSAPs during the survey period. They received 20,694 total wireless 911 calls during the survey period, including 1,003, or approximately 5%, from NSI devices.

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<sup>47</sup> Some of the counties have multiple PSAPs, and not all PSAPs participated in the survey. Also, October 1 through December 31, 2006, was the maximum period covered in the reports from Tennessee PSAPs; a few of the PSAPs did not collect reports for the entire period. The results thus may be somewhat understated.

<sup>48</sup> Some of the counties have multiple PSAPs, and not all PSAPs participated in the survey. The results thus may be somewhat understated.

The data reflects that a very small minority of the 911 calls from NSI devices were made to report actual emergencies. In Tennessee, only 188 calls from NSI devices, less than 2% of the 10,262 total NSI-device 911 calls, were legitimate calls for help. In Florida, of the total 8,774 calls from NSI devices, only 310, or 3.5%, were legitimate calls for help. In Michigan, of the total 1,003 NSI-device 911 calls, only 5, or less than 1%, were legitimate. Likewise, in Snohomish County, Washington, 9 calls, or less than 2% of the 553 total NSI-device 911 calls, were legitimate.

In contrast, the majority of the NSI-device calls reported by the PSAPs were hang ups. The 911 Entities have received some anecdotal reports that such calls may not always originate from NSI devices.<sup>49</sup> Some of the calls, however, seem to be placed for the purpose of harassing the PSAPs. For example, Shelby County, Tennessee reported receiving 1,148 calls from one NSI device in a sixteen-day period.<sup>50</sup> The caller often stayed on the line less than a minute, but the connection sometimes lasted more than two minutes before the caller hung up. The calls finally stopped, but for sixteen days the harassing calls threatened the PSAP's ability to answer legitimate calls and provide emergency communications.

Other PSAPs also reported problems with repeat callers. The Tennessee PSAP survey reports include 4,279 NSI-device 911 calls from repeat callers. These calls comprise more than 40% of the 10,262 total calls from NSI devices reported in Tennessee during the survey period. Of the repeat callers in Tennessee, 62 made 10 or more calls during the survey period; one made 140 separate calls. In Florida, more than 10% of the 911 calls from NSI devices were repeat

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<sup>49</sup> One theory is that information for service-initialized devices may not register on the network or be transmitted to PSAPs if the users dial 911 immediately after powering on the devices.

<sup>50</sup> These calls were not included in the Tennessee PSAP totals because they occurred from August 23 through September 7, 2006, before the Tennessee survey period. Please see Attachment D for supporting documentation regarding these calls.

callers. Of the 8774 total calls in December 2006, 1,196 were made by 33 repeat callers; one made 300 separate calls and another made 115.

The survey data also indicates that many of the 911 calls from NSI devices may result from children having access to the phones. The original surveys did not include this as a separate category of calls, and the data therefore does not reflect the full extent of the problem. In Tennessee, many of the call takers who completed the reports noted details of the calls, including if children made the calls or could be heard playing on the handsets. Of the total 10,262 reports from Tennessee PSAPs, call takers specifically noted children playing on the NSI device or using it to harass the call takers for 731 calls. In Michigan, three PSAPs reported children playing on the devices. Calls from children accounted for 142 of the 810 total NSI-device calls reported by the three PSAPs.

After the survey period, several Tennessee PSAPs reported specific examples of harassing 911 calls from children using NSI devices. In Bedford County, a young child had three NSI devices and repeatedly called 911 to give false information or use foul language. The child sometimes called more than 30 times in one sitting. The calls continued for more than a month until, with much difficulty, the 911 officials finally located the child and informed the parents.<sup>51</sup>

The PSAP in Maury County, Tennessee has had numerous incidents of children harassing 911 from NSI devices.<sup>52</sup> At least three cases involved children repeatedly making false and harassing 911 calls using NSI devices the mothers obtained from domestic violence organizations. One child called seven times from a bus on the way home from school, reporting false emergencies. As a result, first responders were dispatched to four different locations, only to find the reports were false. A second child called the PSAP 84 times on a Saturday evening,

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<sup>51</sup> Supporting documentation is provided in Attachment E.

<sup>52</sup> Attachment F to this petition is an affidavit further detailing these incidents

nearly immobilizing the PSAP's ability to receive or respond to actual emergency calls. A third child called the PSAP 40 times on a Sunday afternoon, again disrupting the PSAP operations. In all three instances, the PSAP eventually was able to locate and stop the child involved; however the calls and location effort wasted precious public safety resources.

The overall survey data reflects that the great majority of 911 calls from NSI devices are not actual calls for help. These calls waste the limited and precious resources of the PSAPs and interfere with PSAPs' ability to answer emergency calls. Efforts to locate or prosecute the callers likewise require tremendous effort and resources from the PSAPs, which further detract from their emergency mission. PSAPs need a mechanism to stop harassing calls from NSI devices. Although the Commission previously clarified that its rules do not preclude blocking such calls, the 911 Entities request that the Commission seek new information and provide further guidance on the technical and legal aspects of the blocking option and explore other solutions to this problem.

#### **B. Blocking Option**

In general, carriers have not blocked 911 calls from NSI devices when requested by PSAPs and other authorities having jurisdiction within the 911 community, citing technical and legal concerns about such blocking. Some have raised questions about whether call blocking would be effective. Due to the call-forwarding rules, a device that is blocked on one carrier network may simply roam until it finds another available network. Thus, coordination among carriers may be necessary to fully stop harassing calls from a specific NSI device.

Carriers also have noted concerns about liability and other legal issues associated with blocking all calls from an NSI device.<sup>53</sup> The lack of a specific definition of "blocking" has contributed to concerns regarding the potential for liability and discouraged the development of

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<sup>53</sup> See Attachment G; *see also* Attachment B.

technical innovations to address the problem. Further, PSAPs and carriers both question what “state and local law enforcement procedures” are required or sufficient to institute a block on such calls. The inherent portability of the devices also leads to other concerns; carriers and PSAPs cannot know that the person placing harassing and fraudulent calls from a particular NSI device is the only one with access or who may be relying on the device in case of emergency. This is especially true in light of the evidence that children often play with these devices.

Accordingly, the 911 Entities respectfully request that the Commission provide further clarification and guidance on this option to stop harassing and fraudulent 911 calls from NSI devices.

### **C. Other Options**

The 911 Entities also ask that the Commission consider other options to address these issues or seek comment concerning other solutions. One possibility may be further exploration of call-back capabilities for NSI devices. According to the Commission’s 2002 *Report and Order*, some carriers at that time concluded that no technically feasible network solution existed or could be developed in the near future to support such call back.<sup>54</sup> In October 2005, NENA issued a technical information document analyzing the issue and proposing possible solutions.<sup>55</sup> Further consideration by the Commission may be warranted at this time.

Likewise, the Commission noted in 2002 that elimination of the call-forwarding requirement for NSI devices may “potentially reduce the number of fraudulent 911 calls made from wireless phones, or at least reduce the costs of having to dispatch emergency services to respond to bogus calls.”<sup>56</sup> In 2002, the Commission declined to address the issue on the merits and identified concerns with the approach. Now, further consideration may be warranted based

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<sup>54</sup> See *E911 2002 Report and Order*, 17 FCC Rcd at 8486 ¶ 13 (2002).

<sup>55</sup> It is available at [http://www.nena.org/media/files/03-504\\_20051020.pdf](http://www.nena.org/media/files/03-504_20051020.pdf).

<sup>56</sup> *E911 2002 Report and Order*, 17 FCC Rcd at 8489 ¶ 24 (2002).

on the evidence of the overwhelming number of fraudulent and harassing 911 calls PSAPs are receiving from NSI devices.

In the 2002 *Report and Order*, the Commission also considered whether to require that all carrier-sponsored wireless phone donation programs provide service-initialized phones.<sup>57</sup> The Commission noted that several carriers participate in such service-initialized donation programs.<sup>58</sup> The programs “provide users with access to the best available emergency service, while minimizing potential abuse” of the donation programs.<sup>59</sup> The Commission encouraged carriers to continue serving the public through these programs, without requiring that all carrier-sponsored donation programs be service-initialized. Further consideration of this option may now be warranted, especially if the Commission reconsiders elimination of the call-forwarding requirement.

#### **IV. CONCLUSION**

Fraudulent 911 calls from NSI devices are significantly contributing to the overtaxing of the call receipt and call processing portions of the 911 service delivery system. PSAPs receive thousands of these calls each month and have little or no power to stop them. The calls divert essential resources from the life-saving mission of 911 and inhibit PSAPs’ ability to answer and respond to true emergency calls. The 911 Entities respectfully request that the Commission address this very serious issue by further considering the call-blocking option and other possible solutions to the problem.

Respectfully submitted,

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<sup>57</sup> *Id.* at 8489 ¶ 25 (2002).

<sup>58</sup> *Id.* at 8490-8491 ¶¶ 28-31 (2002).

<sup>59</sup> *Id.* at 8490 ¶ 28 (2002).

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**ATTACHMENT A**

**SUMMARIES – 911 CALLS FROM NON-INITIALIZED DEVICES**

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## ATTACHMENT A - TENNESSEE SURVEY DATA

Survey Period: October 1 through December 31, 2006<sup>1</sup>

Area represented by survey: 40 counties (out of 95 Tennessee counties)<sup>2</sup>

Population: 3,263,137 (out of total Tennessee population of 6,038,809)<sup>3</sup>

Percentage of state's population: approximately 54%

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<sup>1</sup> Some of the PSAPs did not collect reports for the entire survey period.

<sup>2</sup> Some of the counties have multiple PSAPs, and not all PSAPs participated in the survey.

<sup>3</sup> United States Census Bureau, July 1, 2006 annual population estimates.

**NON-SERVICE INITIALIZED PHONE CALL DATA**  
**PARTICIPATING TENNESSEE COUNTIES**  
 October 1, 2006 - December 31, 2006

<b>Call Category</b>	<b>Number of NSI Calls</b>	<b>Percentage of Total NSI Calls</b>
OTHER*	9,283	90.46%
BOGUS	50	0.49%
THREATENING	10	0.10%
CHILD	731	7.12%
LEGITIMATE	188	1.83%
<b>TOTAL</b>	<b>10,262</b>	

\* The "Other" category includes hang ups, accidental dials, and all other calls not covered by the specific categories.

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**REPEAT CALLERS**

**The totals above include the following number of multiple calls from repeat callers:\*\***

<b>Call Category</b>	<b>Number of NSI calls (repeat callers)</b>		
OTHER (Multiple)	3,703		
BOGUS (Multiple)	28		
THREAT (Multiple)	8		
CHILD (Multiple)	540		
<b>TOTAL (Multiple)</b>	<b>4,279</b>	<b>Percentage of total NSI-device 911 calls from repeat callers:</b>	<b>41.70%</b>

\*\* The next page lists repeat callers who made more than 10 calls during the survey period.

**NON-SERVICE INITIALIZED PHONE CALL DATA  
PARTICIPATING TENNESSEE COUNTIES**

**REPEAT CALLERS**

(over 10 calls from October 1, 2006 - December 31, 2006)

<b>Category - OTHER</b>		<b>OTHER - Continued</b>		<b>Category - CHILD</b>	
<b>Caller</b>	<b>Total # of Calls</b>	<b>Caller</b>	<b>Total # of Calls</b>	<b>Caller</b>	<b>Total # of Calls</b>
911-015-9873	18	911-883-0316	140	911-013-7630	13
911-029-2080	33	911-887-3920	43	911-028-4419	13
911-029-6060	33	911-908-3514	13	911-043-1680	11
911-029-9080	14	911-938-6600	10	911-120-0990	22
911-051-5690	32	911-953-0990	11	911-191-8792	15
911-051-8380	10	unknown*	10	911-255-8680	15
911-083-9000	10	unknown*	10	911-903-1760	37
911-091-9800	10	unknown*	16	unknown*	20
911-101-3190	27	unknown*	17		
911-114-8910	10				
911-155-9660	15	Number of repeat callers		Number of repeat callers	
911-160-3500	11	making more than 10 "other"		identified as children making	
911-176-2848	20	non-emergency 911 calls		more than 10 non-emergency	
911-182-1664	12	during survey period:	54	calls during survey period:	8
911-190-5880	16				
911-193-8870	12				
911-196-1630	11				
911-214-5070	12				
911-220-1010	12				
911-220-7880	34				
911-222-5125	19				
911-230-5240	10				
911-284-8740	22				
911-339-2772	20				
911-375-5910	30				
911-392-2290	14				
911-404-9090	17				
911-407-3807	13				
911-424-2039	11				
911-428-3918	12				
911-481-6540	15				
911-521-4407	36				
911-541-5000	10				
911-546-4605	10				
911-576-5742	11				
911-616-6690	66				
911-628-9740	10				
911-640-4179	11				
911-657-5530	12				
911-680-0030	10				
911-771-1740	14				
911-805-5902	10				
911-829-6230	10				
911-859-4130	21				
911-859-5310	43				

\*Each entry with no telephone number listed was reported by a PSAP as a repeat caller (making the listed number of calls).

**NON-SERVICE INITIALIZED PHONE CALL DATA  
PARTICIPATING TENNESSEE COUNTIES**

**NSI CALLS AS PERCENTAGE OF TOTAL 911 CALLS**

**Two (2) Sample Districts**

(October 1, 2006 - December 31, 2006)

	<u>SHELBY COUNTY Sheriff's Office</u>	<u>ROBERTSON COUNTY Emergency Communications District</u>
NSI - OTHER	1,328	268
NSI - BOGUS	4	8
NSI - THREATENING	0	0
NSI - CHILD	76	75
NSI - LEGIT	8	10
<b>TOTAL NSI CALLS TO 911</b>	<b>1,416</b>	<b>361</b>
<b>TOTAL 911 CALLS (including calls from NSI devices) DURING SURVEY PERIOD</b>	<b>16,101</b>	<b>6,416</b>
<b>911 CALLS FROM NSI DEVICES AS % OF TOTAL 911 CALLS DURING SURVEY PERIOD</b>	<b>8.79%</b>	<b>5.63%</b>
<b>LEGITIMATE 911 CALLS FROM NSI DEVICES AS % OF TOTAL 911 CALLS DURING SURVEY PERIOD</b>	<b>0.05%</b>	<b>0.16%</b>
	<hr/> <b>COMBINED TOTALS:</b> <hr/>	
<b>TOTAL NSI CALLS TO 911</b>	<b>1,777</b>	
<b>TOTAL 911 CALLS (including calls from NSI devices) DURING SURVEY PERIOD</b>	<b>22,517</b>	
<b>911 CALLS FROM NSI DEVICES AS % OF TOTAL 911 CALLS DURING SURVEY PERIOD</b>	<b>7.89%</b>	
<b>LEGITIMATE 911 CALLS FROM NSI DEVICES AS % OF TOTAL 911 CALLS DURING SURVEY PERIOD</b>	<b>0.08%</b>	

## **ATTACHMENT A - FLORIDA SURVEY DATA**

Survey Period: December 1 through December 31, 2006

Area represented by survey: 12 counties (out of 67 Florida counties)<sup>1</sup>

Population: 8,936,647 (out of total Florida population of 17,918,227)

Percentage of state's population: approximately 50%

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<sup>1</sup> Some of the counties have multiple PSAPs, and not all PSAPs participated in the survey.

**Non-Initialized Cell Phone Call Survey 12/1-31/2006  
Participating Florida Counties 911**

COUNTY	Threatening in Nature Calls	Hang Up Calls	Accidental Calls	Bogus Calls	Prank Calls	Legitimate Calls	Other Calls	Total Calls for Counties
BREVARD	3	188	47	2	9	16	23	288
BROWARD	1	98	12	81	513	7	13	725
COLLIER	12	620	78	1	248	63	60	1082
ESCAMBIA	0	95	4	0	3	3	8	113
HILLSBOROUGH	0	138	29	9	23	21	39	259
MARION	21	86	11	3	7	2	16	146
MIAMI DADE	2	527	32	5	13	68	95	742
MONROE	0	23	6	0	0	2	1	32
ORANGE	0	2997	330	6	155	90	40	3618
SEMINOLE	0	780	123	3	43	34	95	1078
UNION	0	4	0	0	0	0	3	7
VOLUSIA	0	457	18	0	2	4	203	684
<b>Totals</b>	<b>39</b>	<b>6,013</b>	<b>690</b>	<b>110</b>	<b>1,016</b>	<b>310</b>	<b>596</b>	
<b>Percentages of Total</b>	<b>0.44%</b>	<b>68.53%</b>	<b>7.86%</b>	<b>1.25%</b>	<b>11.58%</b>	<b>3.53%</b>	<b>6.79%</b>	
<b>Grand Total</b>		<b>8,774</b>						

**Number of Repeat Callers  
(over 10 Calls in December)**

County	Total # Of Calls	Threatening Calls	Hang Up Calls	Accidental Calls	Bogas Calls	Prank Calls	Other Calls
BREVARD	11	0	0	11	0	0	0
BROWARD	300	0	0	0	0	300	0
BROWARD	12	0	0	0	0	12	0
BROWARD	20	0	0	0	10	10	0
BROWARD	40	0	0	0	0	40	0
BROWARD	50	0	0	0	50	0	0
BROWARD	60	0	0	0	0	60	0
BROWARD	65	0	0	0	0	65	0
BROWARD	24	1	3	0	9	10	1
COLLIER	70	0	0	0	0	70	0
COLLIER	44	0	0	0	0	44	0
COLLIER	27	0	0	27	0	0	0
COLLIER	25	0	25	0	0	0	0
COLLIER	11	11	0	0	0	0	0
COLLIER	13	0	13	0	0	0	0
COLLIER	12	0	0	0	0	0	12
COLLIER	15	0	0	0	0	0	15
COLLIER	115	0	0	0	0	115	0
ESCAMBIA	12	0	12	0	0	0	0
ESCAMBIA	12	0	10	0	0	0	2
HILLSBOROUGH	21	0	7	0	7	7	0
MARION	15	0	15	0	0	0	0
MARION	20	20	0	0	0	0	0
MIAMI-DADE	63	1	47	5	0	0	10
SEMINOLE	12	0	5	0	0	2	5
SEMINOLE	28	0	25	1	0	1	1
SEMINOLE	14	0	10	1	0	0	3
VOLUSIA	13	0	2	0	0	0	11
VOLUSIA	13	0	4	0	0	0	9
VOLUSIA	13	0	7	0	0	0	6
VOLUSIA	13	0	13	0	0	0	0
VOLUSIA	17	0	12	0	0	0	5
VOLUSIA	16	0	14	0	0	0	2
<b>Totals</b>	<b>1196</b>	<b>33</b>	<b>224</b>	<b>45</b>	<b>76</b>	<b>736</b>	<b>82</b>
<b>Percentage of Totals</b>		<b>2.76%</b>	<b>18.73%</b>	<b>3.76%</b>	<b>6.35%</b>	<b>61.54%</b>	<b>6.86%</b>

Grand Total 1196

\*Repeat Caller information not available for Orlando at this time.