

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

In the Matter of:

Petition for a Notice of Inquiry Regarding 9- )  
1-1 Call-Forwarding Requirements and )  
Carriers' Blocking Options for Non- )  
Initialized Phones )

PS Docket No. 08-51

**REPLY COMMENTS  
OF  
AMERICAN ROAMING NETWORK**

American Roaming Network (ARN) herewith submits its reply comments in the captioned *Notice of Inquiry (NOI)*.

**OVERVIEW**

In its initial comments filed on June 30, ARN demonstrated the value of its proposal to serve as a clearinghouse and filter for all calls made to Public Safety Answering Points (PSAPs) from non-service initialized (NSI) phones, whether through an automated Interactive Voice Responsive system or an operator-based approach. Either model would provide immediate relief to PSAPs and their staffs from the burden of diverting their resources to cope with NSI calls (the vast bulk of which have proven fraudulent) at only nominal expense and with minimal delay.

In response to the Commission's captioned *Notice of Inquiry (NOI)*, dozens of comments were filed. Having reviewed them, ARN respectfully submits that its proposal remains the only one capable of immediate implementation and practical import to provide effective relief, while not frustrating eventual implementation of a more permanent or comprehensive remedy. Indeed, all the alternative solutions proposed in other comments are fatally flawed.

**THE NEED FOR PROMPT RELIEF**

The largest group of comments was received from those in the forefront of public safety dispatching. All emphasized the urgency of the problem of fraudulent NSI calls and asserted in telling terms the need for prompt implementation of even an interim solution. Several commenters bolstered their position with figures that are at once compelling and alarming. The King County [Washington] E911 Program documented that 86.1% of calls received from NSI phones were inappropriate (including misdials, hang-ups, harassment and seekers of non-emergency information). The comparable figure reported by the Indiana Wireless 911 Advisory Board was over 90%, including 97% of repeat callers. The State of Maryland Emergency Numbers Systems Board reported county-wide results for bogus NSI calls that ranged up to 100% of all NSI calls received (for Worcester County). The responders' comments were

unanimous in documenting both the magnitude of the current problem and the urgent need for relief.

### **ALTERNATIVE APPROACHES AND THEIR FLAWS**

Many other commenters proposed solutions, but none is practical at this time.

- **Education and Information** – The National Association of Telecommunications Officers and Advisors (NATOA) suggested that the problem could be met through public education, such that once consumers understood the issue, they would take appropriate steps to prevent its recurrence. With all due respect to the NATOA members, this is naïve. Statistics provided in the comments of the Indiana Wireless 911 Advisory Board document that over 60% of all NSI calls, and over 74% of all abusive repeat NSI calls, are made by children, who presumably are unsupervised at the time and would be relatively immune from adult insistence that they modify their mischievous or rebellious behavior in this regard. Even among adults, aside from the occasional calls seeking non-emergency information, nearly all other NSI calls are malevolent. Thus it seems hopeless to assume that the callers can all be shamed into refraining from persisting in such activity. It must also be noted that education is a long and hugely expensive process – just consider how many adults still do not understand the digital TV conversion process, even after many months and hundreds of millions of dollars’ worth of information initiatives by government and industry.
- **Outright Denial of NSI Access to PSAPs** – Nor is this broad-based proposal feasible. The corollary to the figures noted above for abusive NSI calls is the amount that remain and were legitimate. For example, while the King County E911 Program is properly concerned with the 86% of its NSI calls that were found to be fraudulent, that leaves 14% that were legitimate calls for emergency help. It would be unconscionable to deny access, and thus relief, to even a relative few legitimate callers who depend upon the utility of NSI phones in situations in which they might not be able to choose other means of communicating their need to local responders. Such an approach cannot possibly be squared with the public interest.
- **Modification of Phones to Prevent Accidental Calls** – Stop Accidental Cell Calls (SACC) proposes that all cell phones be fitted with a “life saver ring” to encircle the area surrounding the “9” key (or perhaps the redial key) and thus prevent accidental activation in pockets, purses, etc. Although the cost is commendably nominal (\$1.50 for a kit including surface preparation and multi-lingual instructions), the SACC solution is to a non-existent problem. Calls generated by mistakenly hitting the #9 or redial buttons are not the bane of PSAPs; rather it is the **intentional** misuse of phones that must be meaningfully addressed.
- **Requiring Use of VoIP** – YMax Corporation suggests requiring use of Voice over Internet Protocol (and in particular its own magicJack device) for emergency calls. According to YMax, a next-generation version of its device will use a cellular transceiver to complete 911 calls through a CMRS provider. The obvious flaw in this suggestion is

that it would require universal subscription and proximity to either a VoIP-enabled computer or some other Internet supporting technology platform, which defeats the very purpose of enabling anyone, anywhere to use a nearby phone to call for help. In any event, YMax merely looks toward future development of its proprietary technology. Thus, it is apparent that its solution is not yet ready for implementation to solve the immediate problem outlined in the *NOI* and underscored in other comments.

- **Blocking Calls at the Request of a PSAP** – Several commenters provide thoughtful yet ineffective approaches to blocking abusive NSI calls. Unlike the ARN proposal, they all are triggered only **after** a PSAP is harassed sufficiently to take some affirmative defensive action, rather than serving to prevent the harassment in the first instance. Thus, Telecommunication Systems, Inc. has independently proposed a solution that shares many features with ARN’s approach to block fraudulent E911 calls. However, TCS’s system would only be triggered by a PSAP once harassing calls had already been received, and thus only partially relieves PSAPs from the diversion of resources and personnel pressure caused by reception of fraudulent calls in the first instance.

Similarly, INdigital Telecom proposes to intercept NSI calls, notifying a local PSAP of its possible nuisance status, and then treating calls from that device in whatever way the PSAP requests. However, this plan depends upon each wireless phone being provisioned with identification by populating the billing field of the ISDN Setup User Part Initial Address Message. ARN’s proposal also could utilize information already required to be sent from every NSI phone to identify it and then route that information to authorities for further action or automatically block further calls, if public policy were to endorse that approach, even though that would trigger the drawbacks noted with respect to outright denial of NSI access. The difference, though, is that ARN would intercede directly, without waiting for a request by a PSAP, while the other blocking proposals would come only after the nuisance had arisen and diverted PSAP resources to identify and address in some manner. Thus, only the ARN approach would relieve PSAPs from the need to become involved in collateral activity that would detract from their exclusive focus on delivering emergency services.

- **Requiring all NSI Phones to Have a Call-Back Feature** – The Texas 911 Alliance suggests that all NSI phones be required to include a call-back feature and location information that would have to be registered, either nationally or locally, to enable the phone to be traced. While perhaps feasible for all new or newly refurbished equipment, this approach disenfranchises the huge universe of existing NSI phones upon which emergency callers often depend, and especially those in lower economic strata who are less likely or able to upgrade their mobile phones regularly and who are more apt to seize upon whatever equipment is available in times of dire need. The current economic climate is not the best time for an approach that requires extensive replacement of older equipment.
- **Establishing a National Registry of Offending Equipment** – Intrado, Inc. suggests the creation of a national data repository of offending NSI devices, which would then be accessible to call processors. But the only way to identify equipment to be placed in such a registry would be for PSAPs to first bear the burden of receiving multiple abusive calls

and then submit a report. Moreover, all blocking, identification and registration proposals share a fatal flaw – they improbably assume that all repeat offenders will always use the same phone. None of the studies submitted in this proceeding suggests that is true. By focusing only upon a specific device used to place fraudulent calls, they enable wrongdoers to evade the protections a meaningful system must create.

- **Development of a Full Record Before Acting** – AT&T urges that before formulating any rule, the FCC must study the problem and propose blocking solutions. As a general matter, it is important that the FCC not implement blocking precipitously before considering its negative consequences. As AT&T points out, based on its own experience, carriers cannot presently block calls effectively, and so some other means must be developed. Yet, the record is clear that relief of some sort is urgently needed, and requiring the unavoidable delays for extended administrative procedures will only defeat the purpose of the *NOI* to afford PSAPs relief as quickly as possible.
- **Relegating PSAPs to Handle the Problem Themselves** – In a related vein, T-Mobile USA, Inc. and CTIA – The Wireless Association both favor removing carriers from the chain of responsibility and thus requiring PSAPs to handle the problem themselves. While ARN agrees that carriers are not equipped or prepared to assume this added burden, encouraging PSAPs to deal with the problem themselves does not solve the problem but merely enables it to continue unabated. Clearly, some other entity, such as ARN, is best suited to serve as an intermediary, so as to solve the problem without requiring either carriers or PSAPs to expend their own resources.

### **THE ARN SOLUTION REMAINS FEASIBLE AND SUPERIOR**

As outlined above, despite their obvious sincerity in wishing to fashion a solution, and while other approaches may hold promise for comprehensive future remedies, other commenting parties have not presented proposals that both are immediately capable of implementation and will serve to insulate PSAPs from the vast majority of fraudulent NSI calls they now receive. Moreover, all the technical proposals are based upon identifying and blocking specific pieces of equipment and thus are far too broad. As ARN pointed out in its initial comments, and as verified in some of the data submitted by responders, many fraudulent calls are made by children, often on the same phones that their parents may depend upon for use in emergencies. Thus, effectively disabling those phones for **all** future use may defeat the very purpose of the FCC's requirement that NSI phones be capable of connection to a responder in the event of an emergency when other equipment cannot be accessed.

ARN's proposal will intercept every NSI call, regardless of its origination, even from a phone that has been a consistent source of problematic calls in the past, and even from repeat abusers who may be apt to switch equipment or location. ARN then will quickly determine the legitimacy of the call, and promptly route it as appropriate, whether to a PSAP or to some other source of needed information or assistance. This is the only way to relieve PSAPs from the burden of having to cope with fraudulent NSI calls.

**CONCLUSION**

Following a careful review of the comments and alternative proposals, ARN remains convinced that it has presented the most practical, useful and immediately adoptable plan that can make a meaningful difference in relief from abusive NSI 911 calls. With proper authorization, appropriate protection from civil liability and a workable method of funding, relief can be implemented effectively and without undue delay. ARN is aware that there are several state policies or statutes that may be inconsistent with the ARN solution, to the extent they might prohibit outside parties from playing a role in the provision of emergency services. Thus, FCC limited preemptive action may be required to make the benefits of ARN's proposal universally available, whether nationally, state-wide or for individual PSAPs.

For the reasons stated in our comments and in this reply, ARN respectfully urges the Commission to adopt its proposal with an appropriate funding mechanism without delay, as it is feasible, adaptable and immediately available to relieve PSAPs from the burden now posed by fraudulent NSI calls. If current law cannot provide a workable liability solution, then the FCC should propose new, limited legislation for this purpose to Congress.

Respectfully Submitted,



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