

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

In the Matter of)
)
Implementation of the NET 911 Improvement) WC Docket No. 08-171
Act of 2008)
)

To: The Commission

REPLY COMMENTS OF THE KING COUNTY E911 PROGRAM

I. INTRODUCTION

The King County E911 Program provides these reply comments in response to comments submitted regarding the Notice of Proposed Rulemaking, FCC 08-195, released by the Commission on August 25, 2008, in the above-captioned proceeding.

King County is the largest county in Washington State with a population of 1.8 million people, which is 28% of the State's population, and also makes it the 13th most populous county in the nation. Enhanced 911 (E911) service was implemented in 1985, and is provided to the public through 13 Public Safety Answering Points (PSAPs). The implementation of wireless Phase II service was completed in 2003. Of the 1.9 million 911 calls answered by the PSAPs in 2007, 54% of the calls were made from wireless phones, 45% were made from wireline phones, and .4% were VoIP calls.

II. KING COUNTY RESPONSES TO FILED COMMENTS

The following reply comments are submitted in response to comments filed in this proceeding.

A. Capabilities

King County agrees with several commenters who agreed with the Commission that pseudo Automatic Number Identification (“p-ANI”), real-time Automatic Location Identification (“ALI”) database access, Emergency Service Numbers (“ESN”), Master Street Address Guides (“MSAG”), shell records, callback number, and selective router interconnection are necessary capabilities to provide E911 service. We also agree with the comments filed by the Washington State E911 Program that routing the 911 call to the correct PSAP and providing an accurate callback number and location are the most critical elements to the PSAPs. In the development of standards for these capabilities, we encourage the Commission to look to the extensive work that has been done by the National Emergency Number Association (“NENA”) and other national standards bodies to define technical standards for these capabilities.

B. Ownership, Control, Availability, and Right of Access

King County agrees with the comments submitted by Verizon that the Commission should not require entities that own 911 capabilities to satisfy requests from IP-enabled voice service providers for non-standard or untested capabilities. As noted above, NENA and other national standards bodies have developed national VoIP E911 technical standards, such as the Interim VoIP Architecture for E911 Services (known as “i2”). These standards are developed through an extensive process of discussion and review, with participation from all parties involved in the provision of E911 service. IP-enabled voice service providers should be required to implement E911 service in accordance with these national standards. Past experience has shown that non-standard and untested technical solutions result in a lower level of E911 service to the public, with

the basic functions of selective routing, callback number, and location not working correctly. This jeopardizes the safety of the public who depends on their telecommunications service for access to 911, and who expects that service to provide the same quality of E911 service that is associated with wireline telephones.

In addition, in King County there are currently 92 companies providing wireline and wireless telecommunications service, and an unknown number of companies providing IP-enabled voice services. It is critical that all of these companies, as well as the E911 network, database, and equipment vendors, follow national standards for the provision of E911 service in order for all service components to properly interface for the delivery of the 911 call and associated data to the PSAPs. It is not technically feasible for the PSAPs to interface to multiple non-standard implementations.

C. Technical, Network Security, or Information Privacy Requirements that Are Specific to IP-Enabled Voice Services

Regarding the protection of VoIP customer information, the federal laws that govern the protection of wireline and wireless customer information, including the exception that this information must be provided to PSAPs in order to respond to the user's call for emergency services, should be expanded to include VoIP customers. King County agrees with the Washington State E911 Program that the law must ensure that PSAPs have access to this information based on knowing the phone number only, as there are emergency situations reported to the PSAPs in which they are only provided the phone number and must obtain the customer's location from the service provider. The wireline and wireless companies have implemented procedures for the release of this information to PSAPs that include verification of the legitimacy of the requesting PSAP,

so it is practical for the IP-enabled voice service providers to implement similar procedures. In addition, once it has been provided to the PSAPs, the use, confidentiality, and security of this information is restricted to responding to emergency calls by the E911 service provider tariffs filed with the Washington Utilities and Transportation Commission (“WUTC”), and by contracts between King County and the PSAPs. These rules could be expanded to include VoIP customer information.

Regarding the requirement that IP-enabled voice service providers register with the Commission and establish a point of contact for PSAPs, we agree with the comments of NENA and APCO that the NET 911 Improvement Act requires such registration. This is critical for the PSAPs. Today, the PSAPs have no way of knowing which IP-enabled voice service providers have customers in their area until a 911 call is made from one of their customers. The majority of IP-enabled voice service providers do not make any contact with the 911 authority prior to offering service to customers in their area. As a result, we are unable to coordinate the delivery of E911 service to their customers to ensure a standard level of service. The NET 911 Improvement Act authorizes the 911 authorities to collect a 911 fee from IP-enabled voice service providers for their customers, but since we have no idea which companies are offering service here, we would be unable to even notify them of when the fee has been implemented. It is also critical that the IP-enabled voice service providers include 24 x 7 contact information for PSAPs to use to request customer information in emergency situations as discussed above, and for the PSAPs to use to report system problems. NENA currently maintains a list of wireline and wireless service providers, along with their 24 x 7 contact information and the areas they serve, and this list is regularly reviewed in order to provide the most

current information to our PSAPs. It would be ideal for one comprehensive list of all types of service providers to be maintained at the national level, so this information would be readily available to the PSAPs. In addition, if the national list does not contain detailed information about the State and local areas where the service is provided, the Commission should delegate the registration requirements to the States, as discussed below.

King County agrees with Intrado that compiling a list of PSAPs to be provided to IP-enabled voice service providers would not be in the best interests of national E911 service. We strongly agree that such a PSAP list should not be made available publicly, as this would pose a threat to national security. We have experienced many problems with the implementation of wireless and VoIP E911 service because the Master PSAP Registry maintained and published by the Commission's Public Safety and Homeland Security Bureau does not contain sufficient information to enable the implementation of E911 service. For example, the PSAP Registry does not distinguish between primary PSAPs for wireline, wireless, and VoIP. Due to the technical limitations of the current E911 system, there are different configurations of primary PSAPs for each of these three types of service. For example, the same PSAP may be primary for wireline and VoIP, but not wireless. There have been many occasions in which a service provider has obtained our PSAP information from the PSAP Registry and implemented their E911 service with no contact with King County, and as a result, were routing 911 calls to the wrong PSAPs.

The Wireless Telecommunications and Public Safety Act of 1999 mandates that the Commission "shall encourage and support efforts by States to deploy comprehensive

end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans." As such, the Commission should maintain a current list of contact information for the State agency responsible for statewide E911 service in each of the 50 States. Each State agency should be responsible for coordinating the implementation of VoIP E911 service within the State. In some States, the State agency would work directly with the IP-enabled voice service providers to implement the service. In other States, the State agency would refer the IP-enabled voice service provider to the appropriate local 911 authority. In either case, the 911 authority within the State should communicate directly with the IP-enabled voice service provider for the implementation of E911 service to ensure that the correct PSAP information and other pertinent information are supplied to the IP-enabled voice service provider. This would eliminate the problem of telecommunications service providers implementing service based on incorrect information and without the knowledge of the PSAPs who will receive the 911 calls.

D. Other Considerations – Delegation of Authority to States

Regarding the delegation of the authority to enforce regulations issued under this proceeding, King County agrees with the comments of the Oklahoma Statewide 911 Advisory Board that the authority to ensure that each IP-enabled voice service provider complies with its obligations under the NET 911 Improvement Act should be delegated to the States. As discussed above, the Wireless Telecommunications and Public Safety Act of 1999 mandates the Commission to support efforts by States to develop statewide plans for E911 service.

Statewide E911 service has been mandated in Washington State since 1992, and the process for the coordination of this service is well-established and has worked very effectively. A State E911 Office was established to coordinate the implementation of the service with the 39 counties, and to assist the counties with funding the E911 system. There is a combination of 911 funding at the State and county level, which ensures that both levels work together for the provision of the service. A State E911 Advisory Committee, with representation from all types of service providers, public safety, and other interested parties, meets on a monthly basis to discuss issues related to E911 service and to advise the State E911 Office. The E911 Advisory Committee forms subcommittees to focus on specific topics, and to bring the information back to the full Committee for decision-making. Examples of subcommittees are: 911 Communications, which focuses on wireline, wireless, and VoIP technical issues; NG911, which is focused on NG911 service implementation; Policy Review, which recommends policies for the distribution of the State 911 funds to the counties; Strategic Plan; Public Education; and Training. In addition, the WUTC has been very involved in the implementation and operation of E911 service, and is a member of the E911 Advisory Committee.

Although the counties are mandated by the State to provide E911 service to the public, the service is coordinated as a statewide system. Through the collaboration of the counties, the State E911 Office, the State E911 Advisory Committee, and the WUTC, the implementation of wireline and wireless Phase I and Phase II E911 service have been very effectively implemented statewide, and the implementation of NG911 service is underway. Examples are the agreement by all parties to numerous statewide standards for service, and statewide standards for procedures such as the transferring of calls

between PSAPs and test calls. Standard service agreements were negotiated by the E911 Advisory Committee with each of the wireless carriers, so the agreements could be signed by each county with each carrier, without the need for the carriers to negotiate separate agreements with all 39 counties. Any standards that have been established have been based on NENA recommended standards, to ensure that our State is in agreement with national standards.

This demonstrates that Washington State has established, mature organizations and processes in place for the coordination of VoIP E911 service statewide, and for coordination with the Commission and federal E911 agencies. We are well-prepared for the Commission to delegate enforcement authority and coordination of this service to the WUTC and the State E911 Office. We encourage the Commission to establish the regulations that are to be enforced, and to delegate the enforcement of the regulations to State public utility commissions. We encourage the Commission to delegate the coordination of the service to the State agencies responsible for statewide E911 service. Under the Wireless Telecommunications and Public Safety Act of 1999, States that have not established an agency that is responsible for a statewide plan for E911 service should be encouraged to do so.

We disagree with the comments of Verizon that the delegation of enforcement authority to the States risks inconsistent application of the Commission's rules, and with the comments of Vonage that the delegation of authority to the States may result in forum-shopping by disputing parties and inconsistent rulings by various authorities. If the authority of the States is restricted to enforcement only of the regulations established by the Commission, then the implementation of a standard level of VoIP E911 service

nationwide will be facilitated, just as wireline, wireless, and NG911 service are effectively facilitated statewide among 39 counties with over 60 PSAPs in Washington State.

III. CONCLUSION

We would like to thank the Commission for your continued support of E911 service, as demonstrated by this Notice of Proposed Rulemaking. Your work in E911 has resulted in an improved level of service for users of all types of communications devices in Washington State and throughout the nation. We respectfully encourage the Commission to consider our comments on regulations related to the NET 911 Improvement Act, which would result in an improved level of E911 service for VoIP users, and would facilitate the implementation of this service nationwide.

Respectfully submitted,

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