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

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for	)	**CG Docket No. 03-123**
Individuals with Hearing and	)	**CC Docket No. 98-67**
Speech Disabilities	)	
	)	
E911 Requirements for IP-Enabled	)	**WC Docket No. 05-196**
Service Providers	)[1]	

EMERGENCY PETITION OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation, on behalf of the Telecommunications Relay Service ("TRS") operations of its subsidiary, Sprint Communications Company LP, ("Sprint") hereby respectfully requests a limited 6-month waiver of the requirements set forth in Section 64.605(b)(2) of the Commission's Rules, 47 C.F.R. §64.605(b)(2) to the extent that it must route "[a]ll 911 [IP-Relay] calls [from its registered users] ... through the use of ANI and, if necessary, pseudo-ANI, via the dedicated Wireline E911 Networks," 47 C.F.R. §64.605(b)(2)(iii), and that it must ensure that its users registered location information is made "available to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from and through the appropriate automatic location information (ALI) database." 47 C.F.R. §64.605(b)(2)(iv). As set forth below, "good cause" exists for granting Sprint this limited waiver since "the particular facts" involved in Sprint's provision of emergency calling "makes

[1] Sprint is not requesting a waiver from the rules for its provision of VRS service. Sprint provides VRS service through Hands-On which it assumes will be in position to comply with Section 64.605(b)(2)(iii) & (iv) on December 31, 2008.

strict compliance" with this routing standard for emergency calls by users of Sprint's IP-Relay service "inconsistent with the public interest." *Northeast Cellular Telephone Co. v. FCC,* 897 F.2d 1164, 1166 (D.C. Cir. 1990) citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

I. BACKGROUND

Currently, when Sprint receives a 911 call from an IP Relay user, its CA obtains the caller's name and location as well as the information necessary to enable Sprint to re-establish a contact with the caller in the event that either the call between the IP-Relay user and Sprint's CA or the call from the Sprint CA to the PSAP is disconnected. Sprint then accesses its 911 database maintained by provided by Sprint's third party vendor, Spatial Data, to obtain the emergency number of the appropriate PSAP. Sprint emphasizes in this regard that the numbers provided by Spatial Data will in most, if not all, cases connect the Sprint CA directly with emergency personnel. They are not the PSAPs' "so-called" administrative numbers. Sprint then calls the PSAP, provides the PSAP with the caller's location information and relays the call.

Sprint has been handling emergency calls from IP Relay users in this manner for a number of years now without any untoward effects. Indeed, the FCC, in its *Report and Order* (FCC 08-78) issued March 19, 2008 in the instant proceeding (*March 19 Report and Order*) , required that all providers of IP-enabled relay services handle emergency calls in a manner similar to the method then being used by Sprint. *See, id.* at ¶¶ 16-18; *see also* 47 C.F.R. § 64.604(a)(2)(i), (iii) & (v).

The FCC subsequently determined that, as of December 31, 2008, IP Relay (and VRS) providers could no longer handle 911 calls in the manner prescribed in the *March 19 Report and Order*. The FCC's determination here was based on the fact that, as of this date, providers of

these services would have to implement a system for assigning 10-digit telephone numbers linked to the North American Numbering Plan (NANP) to IP Relay and VRS users. *See, Report and Order* (FCC 08-151) issued June 24, 2008 at ¶ 1 (*June 24 Report and Order*). Under the new system, providers would have to obtain such user's registered location information upon issuing the user a 10-digit NANP number and use such registered location information to provide emergency services. Specifically, the FCC required (*id.* at ¶82, footnotes omitted) that a provider of VRS or IP-Relay services

> "transmit all 911 and E911 calls, as well as a call back number, the name of the relay provider, the CA's identification number, and the caller's Registered Location for each call, to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers under section 64.3001 of the Commission's rules. These calls must be routed through the use of ANI and, if necessary, pseudo-ANI, via the dedicated Wireline E911 Network, and the Registered Location must be available from or through the ALI Database.

In order to meet this requirement, each provider has to connect either directly or indirectly through a third party with the dedicated LEC Wireline E911 Network. By doing so the provider would be able to upload its users' registered location information into the LEC-maintained ALI database as well as rely on the LECs' Selective Routers and Selective Router Database to "forward[] the [emergency] calls to the PSAP that has been designated to serve the caller's area, along with the caller's phone number (ANI)." *Id.* at footnote 203. IP-Relay and VRS service providers would no longer need to dial the PSAP's ten-digit number and, in fact, as of December 31, 2008, will be prohibited from "fulfill[ing] their 911 obligations by routing 911 calls [from their registered users] to ten-digit NPA-NXX numbers (so called "administrative numbers") of PSAPs… ." *Id.* at ¶ 84.

At the same time, the FCC emphasized that providers of VRS or IP-Relay services "must use best efforts to handle an emergency call and place the outbound leg of such a call, even if the calling party refuses to provide his or her identity or a Registered Location." *Id.* at footnote 199. Presumably, to meet this requirement, providers will still have to follow their current procedures for handling emergency calling, including calling the appropriate PSAP's ten-digit number.

Indeed, the FCC subsequently confirmed in its *Second Report and Order and Order on Reconsideration* (FCC 08-275) issued December 19, 2008 (*December 19 Second Report and Order*), that providers will have to continue the current method of providing emergency services including asking the caller for his or her location at the outset of the call and calling the ten-digit number of the appropriate PSAP. It amended its rules to limit the requirement that providers route emergency calls from users via the dedicated LEC wireline 911 network to "911 calls placed by registered users whose Registered Location is in a geographic area served by a Wireline E911 Network and is available to the provider handling the call." 47 C.F.R. § 64.605(b)(1). This amendment was necessitated by the facts that (1) current VRS and IP Relay users will not be able to obtain 10-digit telephone numbers until December 31, 2008, will have at least until March 31, 2009 to obtain such numbers, but will still be able to place and receive VRS and IP-Relay calls without registering their location and obtaining a 10-digit number until June 30, 2009, *Second Report* at ¶ 23;[2] and (2) as Sorenson pointed out, VRS and IP-Relay providers

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[2] One of the new requirements set forth in the *December 19 Second Report and Order* is that before it issues a phone number to a user of VRS and IP-Relay services, the provider verify the accuracy of the user's registered location information and obtain a certification from the user that he or she has a hearing or speech disability. *Id.* at ¶ 37. These verification/certification requirements become effective upon approval by the Office of Management and Budget. *Id.* at footnote 156. However, once they are effective, providers will have to obtain a verification and certification from all previously registered users. It is unclear at this point whether a provider

Footnote continues on next page.

will still need to call the appropriate PSAP's 10-digit telephone number "when a user's Registered Location is in a geographic area not served by a Wireline E911 Network or when the non-default provider is handling a 911 call but does not have access to the 911 caller's Registered Location or other relevant data." *Id.* at ¶ 26.

II. ARGUMENT

Sprint recognizes that "an applicant for waiver faces a high hurdle even at the starting gate." *WAIT Radio v. FCC*, *supra*, 418 F.2d at 1157. Sprint recognizes also that because its waiver here involves how it connects an emergency call from an IP Relay user to a PSAP, designated statewide default answering point or appropriate local emergency authority, the "hurdle" it faces is perhaps a bit higher than normal. Nonetheless, Sprint's request that it be allowed until June 30, 2009 to meet the requirement that it route 911 calls from its registered IP Relay users "via the dedicated Wireline E911 Network," 47 C.F.R. § 64.605(b)(2)(iii), and ensure that the registered location information of its users is loaded into the ALI database is fully justified under this standard.

Initially, Sprint emphasizes that it will continue to ensure that any of its registered IP Relay users making an emergency call is connected to the appropriate PSAP designated statewide default answering point or appropriate local emergency authority as rapidly as possible. Although a Sprint Relay CA will be dialing a ten-digit number, he or she will be connected in most, if not all cases, directly to emergency personnel and not to the PSAP's administrative offices. The Sprint CA will also inform emergency personnel that Sprint Relay is

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will have to nullify the assignment of the 10-digit number to a user who is unwilling or unable to verify his or her location or certify that he or she is hearing or speech disabled. Presumably, if the assignment of the ten digit number is revoked, the provider would still be required to connect an emergency caller to an appropriate PSAP using the method in place today.

calling on behalf of an end user; will provide his or her identification number; will provide the caller's registered location information and a call back number. Indeed, given that the CA will be able to access the caller's registered location information from Sprint's database and will not have to obtain such information from the caller, the CA will be able to connect the caller to the appropriate emergency center more quickly than is currently the case.[3] Again, Sprint has been connecting its IP Relay callers to PSAPs for a number of years without problem.

Sprint's request for a brief extension of time to route emergency calls from its registered users to an appropriate PSAP, designated statewide default answering point or appropriate local emergency authority through via the dedicated Wireline E911 Network as well as upload the its registered users location information into the ALI database is based on a unique set of unavoidable circumstances. Specifically, given the severe downturn in the economy, Sprint must be extremely careful to allocate its resources in the most cost-effective manner as possible. Sprint has explored the possibility of self-provisioning the necessary facilities to connect to the dedicated E911 Wireline network and ALI database as well as a number of third party vendors. It has decided that the most efficacious solution is the one offered by Spatial Data, Sprint's current 911 database provider. Based on the information provided by Spatial Data, Sprint estimates that it will take approximately 6 months for Sprint to obtain the necessary facilities to connect to Spatial Data's network, make the IT changes, and perform the necessary testing to ensure that the system is working properly and transmitting its registered users' location

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[3] Of course, Sprint will have to continue to ask for location information of any IP Relay user seeking to be connected to a PSAP who has not registered with Sprint Relay. *See December 19 Second Report and Order* at ¶25 (..."under our registration and permissive calling plan, there should be no delay problems for existing Internet-based TRS users, as they may continue to place calls without a ten-digit, geographically appropriate number until the end of the permissive calling period.")

information to the appropriate PSAP.[4] Given that the Commission has allowed a 6-month period for users to register, Sprint believes that a waiver to coincide with this period is reasonable.

Respectfully submitted,

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[4] As a condition of this waiver, Sprint will file a monthly report with the FCC detailing its progress toward meeting the requirements of 47 C.F.R. § 64.605(b)(2)(iii) & (iv).