

80. We are concerned that unauthorized access to the NG911 network will increase the number of unintentional, prank, or malicious calls to a PSAP.<sup>91</sup> However, there may be opportunities to reduce the risks by creating authorization models that are separate from traditional subscriber arrangements. As a hypothetical example, state motor vehicle authorities could provide, as part of their normal identity management operations, network and Application Service Provider (ASP) credentials that would be valid for emergency calls. We seek comment on whether such emergency-call-only credentials would be desirable and feasible? If so, how can they be implemented? What regulatory arrangements would be necessary to facilitate this emergency-call authentication?

81. Even if new authorization procedures can be developed, it may still be necessary for NG911 systems to support emergency communications in some circumstances where the caller cannot be identified. We seek comment on how this problem can be addressed. When would it be appropriate for the NG911 system to support emergency calls without authentication and/or authorization? Should ASPs be required to support emergency calls for zero-balance customers? Should providers of public and semi-public wireless data networks, such as 802.11 hot spots, be required to provide access for emergency calls?

## 9. International Issues

82. Currently, an international traveler can make a 911 call in the United States as long as the traveler's mobile phone can connect to the local wireless network. In an NG911 environment, an international traveler's home ASP can route an emergency call to the appropriate PSAP in the United States, even if the ASP is located in another country.<sup>92</sup> However, regulatory arrangements may be needed to make this call routing feasible. Should these types of calls be supported by NG911? What kind of arrangements and regulatory changes will be needed to facilitate these calls?

## E. JURISDICTION, AUTHORITY, AND REGULATORY ROLES

83. State, Tribal, and local governments are the primary administrators of the legacy 911 system and are responsible for establishing and designating PSAPs or appropriate default answering points, purchasing customer premises equipment, retaining and training PSAP personnel, and purchasing 911 network services. Certain communications technologies, however, necessitated the adoption of a uniform national approach. For example, following the introduction of CMRS in the United States, the Commission established rules requiring CMRS carriers to implement basic 911 and E911 services.<sup>93</sup> In addition, Congress adopted the 911 Act to promote and enhance public safety through the use of wireless communications services.<sup>94</sup> The 911 Act directed the Commission to designate 911 as the universal emergency assistance number for wireless and wireline calls,<sup>95</sup> which the Commission accomplished in 1999.<sup>96</sup> The 911 Act also required the Commission to consult and cooperate with state and local officials in its role of encouraging and supporting the deployment of "comprehensive end-to-end emergency

<sup>91</sup> See *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*, 23 FCC Rcd 6097 (2008).

<sup>92</sup> See B. Rosen et al., Internet Engineering Task Force, *Framework for Emergency Calling using Internet Multimedia*, Internet Draft, Oct. 2010.

<sup>93</sup> See *E911 First Report and Order*, 11 FCC Rcd at 18689-722 ¶¶ 54-91; see *supra* note 41.

<sup>94</sup> See H.R. Rep. No. 106-25 at 1.

<sup>95</sup> See 911 Act § 3(a) (codified at 47 U.S.C. § 251(e)(3)).

<sup>96</sup> See *N11 Codes Fourth Report and Order*, 15 FCC Rcd at 17083-85 ¶¶ 8-14.

communications infrastructure and programs.”<sup>97</sup> Similarly, in applying E911 rules to interconnected VoIP in 2005, the Commission noted that a uniform national approach was necessary to ensure that the quality and reliability of 911 service would not be damaged by the introduction of new communications technologies that posed technical and operational challenges to the 911 system.<sup>98</sup> In 2008, Congress codified these rules in the NET 911 Act.<sup>99</sup>

84. The level and manner of state-level coordination of 911 services varies widely.<sup>100</sup> In some states, 911 service is strictly a local matter. Other states have centralized the 911 program function or have otherwise established a statewide coordination mechanism, although their circumstances and authority vary widely. Another factor that varies widely is the extent to which states have coordinated their 911 systems with those of Tribal governments. Although the staffing of PSAPs and handling of 911 calls will generally remain a local function, certain aspects of transitioning to NG911 will require state-level planning and implementation coordination. For example, according to NENA, “ESInets will be developed and managed locally or regionally, but will need strong state-level leadership and coordination to ensure both operability and interoperability of state, local, and regional ESInets.”<sup>101</sup> In light of the variation in state-level approaches to legacy 911, we seek comment on the ability of states to effectively coordinate the transition to NG911. Should each state designate an organization that will be responsible for planning, coordinating, and implementing the NG911 system in that particular state? Similarly, we seek comment on how coordination with Tribal governments is effectuated at the local level.

85. We also seek comment on whether there should be federal oversight or governance of state deployment of NG911. The National Broadband Plan called on Congress to enact and the FCC to implement a federal NG911 regulatory framework that confers federal jurisdiction and oversight for the “development and transition to NG911 networks” while preserving “existing state authority for 911 services.”<sup>102</sup> We seek comment on the extent of the FCC’s jurisdiction to oversee the transition to NG911, since PSAPs, service providers, consumer device manufacturers, and software developers will all be involved. We also seek comment on the role that other federal agencies, such as ICO and those entities with responsibilities to Tribal lands, should play. Should a single federal entity be established to oversee the transition to NG911? Should there be a single federal entity to ensure compliance with required standards, coordination, implementation, and policies? Should there be a national policy established by the Commission or another federal entity to ensure consistent regulation? What entity should enable and instigate the development and deployment of shared state-wide ESInets and related cooperative working agreements between federal, state, tribal, and local agencies? What functions and responsibilities should be performed at the federal, regional, state, Tribal, and local levels in the implementation, transition to, and ongoing operation of NG911 in areas including networks, NG911 functional elements, databases, system operation, and PSAP operation? What statutory or regulatory changes, if any, would be necessary for the Commission, other federal agencies, states, Tribes, or localities to facilitate and oversee NG911?

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<sup>97</sup> 911 Act § 3(b) (codified at 47 U.S.C. § 615).

<sup>98</sup> *VoIP 911 Order and VoIP 911 NPRM*, 20 FCC Rcd at 10249-50 ¶¶ 8, 10, 10259-60 ¶ 25.

<sup>99</sup> See *supra* note 15.

<sup>100</sup> See NENA NG9-1-1 Transition Handbook at 6.

<sup>101</sup> *Id.* at 7.

<sup>102</sup> National Broadband Plan at 325.

86. How should the FCC coordinate with other federal agencies on issues related to the deployment of NG911, such as mobile health, telemedicine and disability access? How should the FCC and other federal agencies coordinate with the states and Tribal governments?<sup>103</sup> Should the FCC provide oversight to the states as they assume leadership roles in the transition to and implementation of NG911 systems within and between states?

## V. PROCEDURAL MATTERS

### A. Paperwork Reduction Act

87. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 47 U.S.C. § 3506(c)(4).

### B. *Ex Parte* Presentations

88. The inquiry this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>104</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.<sup>105</sup> Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.<sup>106</sup>

### C. Comment Filing Procedures

89. 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://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- **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.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-

<sup>103</sup> For example, although the Twenty-First Century Act authorizes the FCC to develop rules that will ensure emergency access for people with disabilities that is both reliable and interoperable, the U.S. Department of Justice has jurisdiction under Title II of the Americans with Disabilities Act to ensure that emergency services provided by local governments are accessible to these populations. Pub. L. 101-336, 42 U.S.C. §12131 *et. seq.*

<sup>104</sup> 47 C.F.R. §§ 1.200 *et seq.*

<sup>105</sup> *See* 47 C.F.R. § 1.1206(b)(2).

<sup>106</sup> *Id.* § 1.1206(b).

class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours 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 must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

90. 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

#### VI. ORDERING CLAUSE

91. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 4(i), 4(j), 10, 218, 303(b), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 160, 218, 303(b), 303(r), and 403, this Notice of Inquiry IS ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION



Marlene H. Dortch  
Secretary

STATEMENT OF  
CHAIRMAN JULIUS GENACHOWSKI

*Re: Developing a Framework for Next Generation 911 Deployment, Notice of Inquiry; FCC-10-200, FCC Docket No. 10-255*

With today's NOI, we launch an important proceeding to modernize the 9-1-1 system. This fulfills yet another recommendation of the National Broadband Plan, which laid out a vision for Next-Generation 9-1-1 that harnesses cutting-edge technologies to help save lives.

Thanks to the outstanding job of our first responders and everyone who participates in 9-1-1-operations, the current 9-1-1 system provides an incredibly valuable service — handling more than 650,000 calls every day, over 237 million per year.

But today's 9-1-1 system doesn't support the communication tools of tomorrow. Many 9-1-1 call centers don't have broadband; some are in communities where broadband isn't even available. And today's 9-1-1 system doesn't effectively take advantage of the proliferation of mobile technology.

More than two-thirds -- almost 70% -- of 9-1-1 calls are made from mobile phones. That's why the Commission recently moved to make location-accuracy requirements more stringent for wireless service providers. As we discussed when we launched that proceeding, too many mobile 9-1-1 calls don't provide accurate location information to responders.

Even beyond that, there is much more we can do to seize the opportunities of mobile technologies for 9-1-1. As we all know, consumers are increasingly using their phones for texting. And yet, even though mobile phones are the device used by most 9-1-1 callers, right now, you can't text 9-1-1.

Let me repeat that point. If you find yourself in an emergency situation and want to send a text for help, you can pretty much text anyone *except* a 9-1-1 call center.

The Virginia Tech campus shootings in 2007 are a tragic, real-life reminder of the technological limitations that 9-1-1 is now saddled with. Some students and witnesses tried to text 9-1-1 during that emergency, but those messages never went through; they were never received by local 9-1-1 dispatchers.

It's time to bring 9-1-1 into the digital age.

Broadband-enabled, Next-Generation 9-1-1 will revolutionize emergency response. It will enable texting; it will enable photos and video; it will incorporate data. All of this will improve situational awareness and rapid response, and save lives.

I spoke about how Next Generation 9-1-1 texting could have helped at Virginia Tech. That kind of service could also help people in emergency situations, where speaking with a 9-1-1 dispatcher could jeopardize their life or safety.

It could help people with disabilities – for example, allowing a deaf person to communicate with an emergency call center by sending text messages.

And it's easy to see how sending photos or video to 9-1-1 emergency centers could have tremendous benefits. Imagine a caller transmitting a photo of a car leaving the scene of an armed robbery.

Next-Generation 9-1-1 will also allow emergency calls to be placed by devices, rather than human beings – devices like environmental sensors capable of detecting chemicals, or highway cameras, security cameras, alarms, personal medical devices, and consumer electronics in automobiles.

The benefits are clear, as is the need for action.

The reality is that modernizing 9-1-1 raises complex challenges that will take not only time, but also significant coordination. We need the help of our federal, state and local partners, public safety, lawmakers, communications and broadband service providers, and equipment manufacturers to develop a national framework for Next Generation 9-1-1 services.

Last month, as we were working on preparing this Notice, I visited the Arlington County Emergency Communications Center, and was pleased to hear the enthusiasm for embracing new technology as part of 9-1-1, and the desire and willingness to work together toward making it happen. Our first responders want access to every communications technology that can help them save lives, and I'm committed – and the FCC is committed – to meeting this challenge head on and playing a strong role in accelerating the implementation of Next Generation 9-1-1.

We can't do it alone. This initial NOI starts an important process to ensure that there is a consistent regulatory framework for states and local governments as this new technology is deployed. These efforts, coupled with the efforts of the National Highway and Transportation Administration and Congress to ensure funding for this important endeavor, will ensure Next Generation 9-1-1 becomes a reality throughout the Nation.

I want to personally acknowledge the leadership and dedicated efforts of the National Highway Traffic Safety Administration. They are a valued resource and partner on these issues.

I'd also like to thank the National Emergency Number Association and the Association of Public-Safety Communications Officials-International for their consistent leadership in the 911 arena, providing a voice in Washington for 911 professionals on the front lines throughout the country. Their continued commitment and contributions to moving this initiative forward will be instrumental.

The FCC staff recognize the importance of coordination and continue to work diligently with all interested parties to move this initiative forward. I encourage all the key constituencies to work with us, and I expect this proceeding will provide a vehicle for coordination to seize the opportunity to effectively deploy next generation 9-1-1 across America.

9-1-1 is an indispensable, life-saving tool. Broadband can make it even better.

The technology is there. The question is: will we be able to harness that technology to revolutionize America's 9-1-1 system.

I look forward to working with Congress, our federal, state and local partners, the public safety community, the communications industry and my colleagues at the Commission to get this right.

I thank the Bureau for their leadership on this issue and their hard work on this important item.

**STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

*Re: Developing a Framework for Next Generation 911 Deployment, Notice of Inquiry; FCC-10-200, FCC Docket No. 10-255*

While we may at times disagree on the way forward on some issues before the Commission, I think we can all agree that the safety of the American public must always be our top priority. In point of fact, though, the challenge in this item is not all that different than the rest of our agenda: how to take a system designed for the voice telephony world and ensure that it keeps pace with our Twenty-first century communications networks. Better promoting the safety and protection of the American people today means, in large measure, realizing and applying the potential of new and evolving technologies.

Each year, 240 million 911 calls are made. Although service is available to 99 percent of the U.S. population, availability is not the same thing as maximizing convenience, viability and effectiveness. So today we ask important questions about how to enhance the breadth and depth of information communicated in an emergency situation. Next Generation 911 is all about thinking beyond traditional voice communications. The future of 911 includes the potential for transmitting text, photos and video, and it doesn't take much imagination to realize how bringing this to reality can improve public and personal safety. But it will require a great deal of focus to ensure a smooth transition to IP-based communications capabilities. And to make it as seamless as possible will require real skill and dedication at all levels of government and all levels of public safety. But we know it's worth it because NG911 tools can save lives.

This Notice of Inquiry (NOI) also begins to fulfill one of our responsibilities under the recently enacted Twenty-First Century Communications and Video Accessibility Act, which directed the FCC to enable Next Generation 911 access for individuals with disabilities. This NOI asks important questions about how emergency communications can take into account the needs of individuals with hearing or speech disabilities. It is just one of many proceedings where I hope we will think creatively about how to ensure persons with disabilities can be full participants in our society and entitled to its full protections.

I commend the Chairman for bringing this important item to the full Commission for consideration. I particularly want to thank the staff of the Public Safety and Homeland Security for their hard work and thorough analysis. I look forward to working with my colleagues, with the staff and with all NG911 stakeholders as we continue to strengthen the requirements and capabilities of emergency communications.

**STATEMENT OF  
COMMISSIONER ROBERT M. McDOWELL**

*Re: Developing a Framework for Next Generation 911 Deployment, Notice of Inquiry; FCC-10-200, FCC Docket No. 10-255*

I am pleased to support this Notice of Inquiry. I look forward to gaining a better understanding of how best to meet consumer expectations through study of the gaps between today's antiquated 911 system and current advanced broadband capabilities. In particular, I would like to learn more about possible avenues for local public safety agencies to obtain funding for upgraded systems and technological education. While I understand that this is not within the Commission's purview, it is a critical component of the solution and thus must be a part of our discussion.

I thank the staff of the Public Safety and Homeland Security Bureau for your work and creativity. I also want to acknowledge Brian Fontes and his team at NENA. You are an invaluable resource. We appreciate your counsel and expertise, and look forward to continuing to work with you.

STATEMENT OF  
COMMISSIONER MIGNON L. CLYBURN

*Re: Developing a Framework for Next Generation 911 Deployment, Notice of Inquiry; FCC-10-200, FCC Docket No. 10-255*

If constructed correctly, Next Generation or NG9-1-1 networks should be a vast improvement over our legacy system. These new networks will give consumers the ability to communicate emergency messages through more media platforms than are possible today. Additionally, they will offer the ability to include more information when sending emergency communications. NG9-1-1 networks will also give public safety entities more options for finding a person in an emergency and will provide continued improvements in location accuracy over the current 9-1-1 system. This is not just an opportunity to solve past problems, but also a chance to design and construct state of the art emergency communications networks that make the most of the benefits IP technologies have to offer.

There are a number of important differences between NG9-1-1 networks, and their predecessors. NG9-1-1 can be accessible by a wide variety of end users and devices; many of which will have identifiers other than telephone numbers. More than one entity will be able to provide network access and communications services. As the Notice of Inquiry explains, however, while these differences offer advantages in emergency communications, they also present challenges in ensuring a successful migration to NG9-1-1 networks.

There are two main reasons why I am optimistic that we will successfully meet these challenges. First, a number of relevant stakeholders have already demonstrated that they understand that successful implementation of this policy will take collaboration and consensus. In fact, when it enacted the New and Emerging Technologies Act of 2008, Congress recognized the importance of such collaboration by creating the National E9-1-1 Implementation Coordination Office (ICO). ICO played an instrumental role, by developing a national plan for migrating to this new IP-enabled emergency network, by consulting with the public safety community, groups representing people with disabilities, technology developers, and communications providers.

The testimony of Ms. Laurie Flaherty, from NHTSA, reaffirms the value of ongoing interagency coordination. I was also pleased to see that NENA, the IETF, and others, have been actively engaged in developing and harmonizing technical standards to support the IP-based solutions that will be necessary to make the migration to NG9-1-1 a success. I urge all relevant public and private entities to continue such collaboration.

The second reason for my optimism is that this Notice properly embarks the Commission and our industry on a comprehensive examination of the relevant technological, economic, and institutional issues raised by this proceeding. I was particularly pleased to see that the Notice seeks to ensure that the concerns of all people with special needs, those living with disabilities, and non-English speaking persons are included in the design of these new networks. The Notice recognizes that there will be significant costs to constructing NG9-1-1 networks and asks a number of questions to elicit creative approaches to addressing these costs. It is also important, as the Notice points out, to consider the cyber security ramifications of these new networks.

I commend Admiral Barnett and his staff at the Public Safety Homeland Security Bureau, for initiating this proceeding with an excellent and thorough Notice of Inquiry.

**STATEMENT OF  
COMMISSIONER MEREDITH ATTWELL BAKER**

***Re: Developing a Framework for Next Generation 911 Deployment, Notice of Inquiry; FCC-10-200, FCC Docket No. 10-255***

I am glad that we are beginning to move forward on the recommendations from the National Broadband Plan regarding Next Generation 911 Deployment. The need to incorporate state of the art technologies into emergency communications services is something upon which we can all agree. Today's *Notice of Inquiry (NOI)* is a thoughtful starting point for our work to ensure that public safety communications capabilities meet the public's legitimate expectations and requirements. I look forward to reviewing the comments.

As we proceed, I hope that we will continue to be mindful of the statutory limits of our authority. In addition, in these challenging economic times we must not lose sight of the costs of the required technology upgrades. I would hate to see the unaffordable "better" trump the attainable "good," thus putting needed innovation effectively out of reach.

I would like to acknowledge the input of various expert organizations, including NENA, APCO, the E-911 Institute and the National E911 Implementation Coordination Office (ICO). I am sorry we consider such an important *NOI* in the shadow of Net Neutrality. It is important in its own right, and an area ripe for consensus.