

April 6, 2011

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: PS Docket No. 10-255

Dear Ms. Dortch:

One of the topics covered in Bandwidth.com Inc.'s ("Bandwidth.com") March 29, 2011 meeting with Public Safety Staff concerned Bandwidth.com's request that the commission support the National Emergency Number Association ("NENA") and the Internet Engineering Task Force ("IETF") standards for the NG9-1-1 and establish roles and responsibilities for originating communications service providers and the NG9-1-1 System Service providers ("SSPs") with a special emphasis on the interconnection rights and obligations for each on a national level. In this context, Bandwidth.com raised one example of a current real-world situation that it and its LEC customers are dealing with today that could be mitigated by Commission action in this docket. Staff requested additional information about the particular rules at issue in this example and so we are writing to provide those here.

As discussed, the Illinois Commerce Commission's ("ICC") rules governing how LECs are required to interconnect with the E9-1-1 SSP contain a requirement for a "direct and dedicated trunk" between the LEC's switch and the E9-1-1 SSP's selective router. In recent discussions with Bandwidth.com and its LEC customer, Illinois staff unfortunately interprets its rules to require LECs to have individualized trunking to PSAPs such that LECs subject to ICC jurisdiction would not be allowed to use a turn-key E9-1-1 solution from an underlying VoIP Provisioning Center ("VPC") service like that offered by Bandwidth.com/Dash to its customers around the country. This regulatory interpretation can thus spill over into interconnection agreements that require such trunking, thereby imposing unnecessary costs since a LEC desiring a VPC service offering would not otherwise utilize the trunking. This results in an undesirable regulatory barrier to innovation and competition since the regulations in effect mandate an exclusive preference for a legacy solution. Below are links and excerpts to the Illinois rules that the ICC has relied upon for this position.

Moreover, in addition to the mandate that LECs establish individualized trunking, it is problematic to note from a public safety perspective that the rules in Illinois do not require the E9-1-1 SSP to deploy its selective routers in pairs to achieve redundancy and thereby significantly increase reliability to ensure actual call delivery. Oddly, the net result here is that, networks which meet the specific requirements of the rules in Illinois would be less reliable than Bandwidth.com's IP-based

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redundant offering to ensure an emergency call actually reaches a dispatcher. Despite this limitation, the current rules in Illinois are construed by ICC staff to preclude LECs in Illinois from using Bandwidth.com's innovative and highly competitive cost-saving solution, even though there is an express desire by some LECs to do so.

Link to the full set of ICC 911 Rules:

<http://www.ilga.gov/commission/jcar/admincode/083/08300725sections.html>

Link to ICC 911 Rulemaking:

<http://www.icc.illinois.gov/Telecommunications/CodePart725.aspx>

Rules Highlighted by ICC Relevant to Bandwidth.com's Efforts to Support LECs in Illinois:

Section 725.105 – Definitions

"Dedicated Direct Trunking" – An arrangement where a telephone line connection has no intermediate switching points between the originating central office and PSAP location. The facilities utilized in this arrangement may be either intra- or inter-exchange.

Section 725.500(c)

Dedicated direct trunking shall be considered to be the standard method of providing incoming 9-1-1 circuits. Incoming trunking shall initially be designed assuming a minimum offered load of 1.00 CCS (expected traffic load) per 1000 main stations to be served, or a minimum of two trunks, whichever is higher. Within 6 months after the on-line date, each trunk group shall be re-evaluated and maintained to assure 99% completion of calls placed to 9-1-1 during the average busy hour of the average busy day, or a minimum of two trunks, whichever is higher. In the event there is a host/remote central office configuration, additional trunks should be added in either a separate trunk group from each host/remote or in consolidated trunk groups based on cost and engineering considerations. Each trunk group should be sized to deliver calls to the selective routing switch being engineered in such a manner that will meet or exceed a P.01 grade of service.

- 1) If dedicated direct trunking is not available from a remote switch, either to the host office or to the 9-1-1 control office serving the PSAPs, use of the umbilical for 9-1-1 will be allowed from the remote to the host. When direct remote trunking is available, dedicated trunk groups shall be provisioned directly from the remote switch.
- 2) Alternative incoming 9-1-1 trunking methods may be utilized by the PSAP if technology and/or local telecommunications facilities can be designed and implemented. The quantity of trunks and related switching components in the

telephone network shall be engineered in accordance with good engineering practices and the applicable Commission Standards of Service specified for the interoffice and intertoll network to ensure completion of calls placed to 9-1-1 during the average busy hour of the average busy day. A detailed description of the trunking method to be used must be included in tentative 9-1-1 plans. Approval by the Commission's 9-1-1 Program regarding alternative incoming 9-1-1 trunking methods shall be required by the petitioner prior to submitting the final application. Requests for alternative trunking methods for existing systems require a detailed written description of the trunking method to be used for approval by the Commission's 9-1-1 Program prior to implementation.

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Bandwidth.com believes the NENA and IETF standards establish the appropriate rights and responsibilities for E9-1-1 service providers at a national level. A particular benefit with a federal level standard would be that E9-1-1 calling could be supported effectively for a wide variety of communications services and would not be as susceptible to a myriad of unique rules that may depend upon service specific labels or definitions that lead to diverse treatments like the ICC's rules do today. To clearly signal the direction the commission is headed, Bandwidth.com would also advocate for clarifications of current rules that support the use of NG9-1-1 features now.

In our discussions with Staff, staff suggested a number of other areas in which additional information from the industry would inform the Commission's consideration of NG9-1-1. Bandwidth.com will be providing additional information on the issues requested by Staff and looks forward to further discussion of those matters with Staff as this proceeding moves forward.

Respectfully submitted,

/s/

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