

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission’s Rules	)	GN Docket No. 11-117
	)	
Wireless E911 Location Accuracy Requirements	)	PS Docket No. 07-114
	)	
E911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196
	)	

**REPLY COMMENTS OF APCO INTERNATIONAL  
IN RESPONSE TO  
SECOND FURTHER NOTICE OF PROPOSED RULEMAKING**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following reply to comments filed in response to the Commission’s *Second Further Notice of Proposed Rulemaking*, FCC 11-107 (released July 13, 2011) (“*Second FNPRM*”) in the above-captioned proceedings.<sup>1</sup>

APCO explained in its initial comments that its “guiding principle in response to the *Second FNPRM* is the public’s current expectation that, if they can make an ‘outbound’ telephone call, they can reach 9-1-1” and that “the Commission’s rules and VoIP service providers must move forward as quickly as possible to make public perception a reality.” There was general agreement in other comments that reasonable public expectations should be the

---

<sup>1</sup> The *Second FNPRM* was released on July 13, 2011, in a Commission document titled “*Notice of Proposed Rulemaking, Third Report and Order, and Second Further Notice of Proposed Rulemaking.*”

trigger for 9-1-1 requirements.<sup>2</sup> For example, AT&T, Bandwidth.com, TCS, and NENA agree with APCO that there are currently many instances where phones or services with one-way VoIP create reasonable consumer expectations for access 9-1-1 emergency service.<sup>3</sup>

On the other hand, Verizon, ITI, NCTA, and Vonage argue that there are also instances where there is no expectation for access to 9-1-1 emergency service.<sup>4</sup> While that may be true, the presumption should be that the public will expect any outbound-only VoIP service to be capable of reaching 9-1-1, and that should be the primary criteria for Commission requirements. Even if a VoIP service subscriber uses a particular service without an expectation of making domestic outbound calls (let alone calling 9-1-1), to the extent a phone-like device is capable of doing so, others (*e.g.*, a family member, friend, visitor, customer, or employee of a subscriber) may use that device in an emergency situation with a clear expectation that they will be able reach 9-1-1. A subscriber might also obtain a VoIP service with the intention of using it in narrow circumstances (*e.g.*, international calls), and then begin to use it more broadly over time, creating new expectations of its capabilities by the time an emergency occurs.

The Commission's regulatory framework should be built upon the presumption that outbound-only VoIP service is perceived by the general public as being 9-1-1 capable. Nevertheless, there may be some basis for creating FCC-recognized consensus guidelines and standard of care best practices for situations that *clearly* do (or do not) create reasonable expectations of 9-1-1 capability.<sup>5</sup> In other words, the presumption of 9-1-1 capability could be

---

<sup>2</sup>Vonage initial comments at 12, VON initial comments at 2.

<sup>3</sup> APCO initial comments at 2-3; AT&T initial comments at 2; Bandwidth.com initial comments at 3-4; TCS initial comments at 3; NENA initial comments at 3).

<sup>4</sup> Verizon initial comments at 5; ITI initial comments at 9; NCTA initial comments at 11; Vonage initial comments at 3.

<sup>5</sup> Bandwidth.com initial comments at 6.

“rebutted” under certain well-defined circumstances. That should be the exception, however, not the rule.

### CONCLUSION

Therefore, for the reasons stated above and in the initial comments of APCO and other parties, the Commission should proceed to develop appropriate 9-1-1 requirements for outbound-only VoIP services.

Respectfully submitted,

/s/

Robert M. Gurss  
Regulatory Counsel  
APCO International  
[gurssr@apcomail.org](mailto:gurssr@apcomail.org)  
(202) 236-1743 (mobile)

APCO Government Affairs Office  
1426 Prince Street  
Alexandria, VA 22314

November 2, 2011