

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

In the Matter of)	
)	
Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications)	PS Docket No. 11-153
)	
Framework for Next Generation 911 Deployment)	PS Docket No. 10-255
)	

To: The Commission

COMMENTS OF AICC

By its counsel:

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SUMMARY

The Alarm Industry Communications Committee (“AICC”), on behalf of its members, submits these Comments in the above referenced proceeding, in which the Commission seeks information about how to best implement protocols to foster Next Generation 911 (“NG911”) capabilities. AICC filed comments in response to the NOI in this proceeding expressing concern about the potential harms that can be caused by device-initiated communications to Public Safety Answering Points (“PSAPs”) (including 911 signaling built into automated consumer devices). Based on a review of the NPRM and discussions with the Commission’s staff, AICC understands that the NPRM is primarily focused on the enabling of texting to 911 and establishment of the Commission’s jurisdiction over and the structure of the NG911 rules, and that a future NPRM will focus more specifically on the issues relating to device-initiated signaling. However, because the NPRM includes topics directly related to device-initiated signaling, and this phase of the proceeding will make decisions relating to Commission jurisdiction over and policies for NG911 that can affect future actions concerning device-initiated signaling, AICC wishes to weigh in on these related issues.

As discussed below, AICC supports the Commission’s initiative to modernize the nation’s 911 system so as to accommodate manually-sent texting as a way to appropriately and effectively communicate with public safety dispatch centers. However, the Commission must recognize that, merely because a device is capable of communicating with public safety directly, does not mean that it should be so enabled. Otherwise, PSAPs will be overwhelmed to the point of ineffectiveness, sorting through

false alarms and automated signals that do not originate from actual emergencies. The Commission has jurisdiction over NG911, and must exercise this jurisdiction in a way so as to prevent an unintended harm to PSAPs' ability to function effectively using NG911 technology.

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¹ *Notice of Proposed Rulemaking* (“NPRM”), PS Docket Nos. 11-153 and 10-255, FCC 11-134, released September 22, 2011 [76 FR 63257, October 12, 2011]; *see also Notice of Inquiry* (“NOI”), PS Docket No. 10-255, FCC 10-200, released December 21, 2010 [76 FR 2297, January 13, 2011].

initiated signaling, AICC wishes to weigh in on these related issues. As discussed below, AICC supports the Commission's initiative to modernize the nation's 911 system so as to accommodate manually-sent texting² as a way to appropriately and effectively communicate with public safety dispatch centers. However, the Commission must recognize that, merely because a device is capable of communicating with public safety directly, does not mean that it should be so enabled. Otherwise, PSAPs will be overwhelmed to the point of ineffectiveness, sorting through false alarms and automated signals that do not originate from actual emergencies.

I. Statement of Interest

AICC is comprised of representatives of the Central Station Alarm Association (CSAA), Electronic Security Association (ESA),³ Bosch Security Systems, Digital Monitoring Products, Digital Security Control, Telular Corp, Stanley Convergent (alarm division, formerly known as Honeywell Monitoring), Honeywell Security, Vector Security, Inc., ADT Security Services, Inc., AES- IntelliNet, Alarm.com, Bay Alarm, Intertek Testing, RSI Videofied, Security Network of America, United Central Control, Security Industry Association (SIA), AFA Protective Systems, Vivint (formerly APX Alarm), COPS Monitoring, DGA Security, Security Networks, Universal Atlantic Systems, Axis Communications, Interlogix, LogicMark, Napco Security, and the Underwriters Laboratories.

² Machine-generated texts, while rare now, would pose the same issues as other autodialer and device-initiated alarms. However, texts sent manually by a person are appropriate.

³ CSAA and ESA are associations comprised of central station alarm companies, alarm monitoring centers, alarm installation companies and alarm manufacturing companies. Their memberships represent the majority of such companies operating in the United States.

ESA and CSAA, representing the alarm dealer segment, have 2434 member companies providing alarm service to the public. AICC member companies protect a wide range of sensitive facilities and their occupants from fire, burglaries, sabotage and other emergencies. Protected facilities include government offices, power plants, hospitals, dam and water authorities, pharmaceutical plants, chemical plants, banks, schools and universities. In addition to these commercial and governmental applications, alarm companies protect a large and ever increasing number of residences and their occupants from fire, intruders, and carbon monoxide poisoning. Alarm companies also provide medical alert services for obtaining ambulances in the event of medical emergencies.

The alarm industry works hand in hand with the public safety community to identify ways to best relay information about genuine emergencies requiring a PSAP response, while limiting the burden on public safety resources through a screening of false alarms and non-emergency events.

II. The Harms of Device-initiated Alarm Signals Far Outweigh the Benefits

The NPRM seeks comment on the expected benefits of deploying NG911 text and multimedia alternatives⁴ and the benefits of providing additional information to PSAPs relative to the burdens the increased volume of data will create.⁵ Again, while the main focus of the NPRM is on texting, paragraphs 2, 7 and 23 of the NPRM discuss facilitating the sending of information to PSAPs from security cameras, “automated alarms”, and

⁴ NPRM ¶68.

other sources. Therefore, AICC feels compelled to at least touch upon some of the concerns raised in its NOI comments now, even though it expects the Commission to focus on those issues in greater detail in a later phase of this proceeding. Of particular concern to AICC is the addition of so-called “device-initiated services for emergency communications”⁶ and the concomitant increase in 911 calls such devices would generate. While AICC recognizes the benefit of additional information in emergency situations, the Commission must carefully monitor and curate the types of devices that are able to send information to PSAPs, specifically by ensuring that messages from an automated device are verified (by a human, or a central station or other service bureau), in order to avoid inundating PSAPs to the point of ineffectiveness.

A device-initiated alarm signal is simply one where the emergency call is placed not by a human, but by an automatically-triggered device. Examples of such devices can include the security cameras and “automated alarms” mentioned in the NPRM.⁷ AICC’s concern is that device-initiated calls are the result of a sensor automatically detecting what is perceived to be an emergency situation, yet such devices are subject to malfunction, incorrect installation or operation, or simple false alarms.⁸

In its initial comments in response to the Commission’s Notice of Inquiry⁹, AICC demonstrated that the direct transmission of alarm signals to a PSAP from consumer-

⁵ NPRM ¶74.

⁶ NOI ¶58

⁷ NPRM ¶2; see also NOI at ¶58.

⁸ Comments of the Alarm Industry Communications Committee, *In the Matter of Framework for Next Generation 911 Deployment*, PS Docket No. 10-255, filed February 28, 2011 (“AICC NOI Comments”).at 6.

⁹ Notice of Inquiry (“NOI”), PS Docket No. 10-255, FCC 10-200, released December 21, 2010 [76 FR

installed alarm systems, security cameras and entertainment devices will cause far more harm than good.¹⁰ PSAPs are already overburdened by existing call volumes, and the addition of new and unverified avenues of communication can potentially flood PSAPs with erroneous or non-emergency alerts.¹¹ In the *NOI* proceeding, the public safety community overwhelmingly agreed with AICC's concerns, as reflected in the Comments of the Association of Public Safety Communications Officers (APCO) and the Joint Comments of the International Association of Chiefs of Police (IACP), the International Association of Fire Chiefs (IAFC) and the National Sheriffs Association (NSA).¹² As those organizations correctly pointed out, permitting device-initiated emergency calls directly to a PSAP runs the risk of overwhelming, and at times effectively shutting down, state and local emergency response capabilities.

The danger with device-initiated service requests is that a PSAP has no way of knowing whether or not an emergency call or signal is legitimate until valuable time and resources have already been spent. As AICC has highlighted, a PSAP will not be able to treat a device-initiated request lightly once it is received.¹³ AICC respectfully submits that without a screening process between devices and PSAPs, the benefits are outweighed by the harms. The alarm industry has worked with the public safety to develop a screening protocol, and has found that 93 percent of all alarms do not require PSAP response if properly screened by trained personnel.

2297, January 13, 2011].

¹⁰ AICC NOI Comments at pp. 3-12.

¹¹ AICC NOI Comments at 4.

¹² Comments of IACP-IAFC-NSA *In the Matter of Framework for Next Generation 911 Deployment*, PS Docket No. 10-255, filed February 28, 2011, at 4; Comments of APCO, *In the Matter of Framework for Next Generation 911 Deployment*, PS Docket No. 10-255, filed February 28, 2011, at 6.

¹³ AICC NOI Comments at p. 3.

Therefore, the Commission must restrict the use of device-initiated emergency service calls to NG911 networks, to address these concerns. There is still an urgent need for verification to avoid a flood of false alarm auto-calls to the PSAP.

III. The Commission Has Jurisdiction to Regulate Such Devices

Paragraph 115 of the NPRM asks for comment on the Commission's jurisdiction over NG911. The Commission has, at a minimum, the authority to regulate devices which initiate direct alarm signals to a PSAP. Although a diverse array of such devices may be developed over time, the Commission has several channels through which to exert authority. In the first place, AICC concurs with the Commission's assertion that its Title III jurisdiction gives it the power to regulate spectrum usage. Specifically, in addition to the Commission's authority over spectrum licensees, the Commission currently exercises authority over unlicensed devices through Part 15, and devices which connect to the Public Switched Telephone Network ("PSTN") through Part 68. Thus, to the extent any direct signaling device falls into one of these categories, the Commission has regulatory power over such device. Moreover, the Commission's ancillary jurisdiction reaches these devices, through its general jurisdiction under Title I over all communications, by wire or radio, and through its obligation to maintain the integrity of and protecting the viability of a nationwide communication service "... for the purpose of promoting safety of life and property through the use of wire and radio communication."¹⁴ Each of these avenues of authority is discussed in turn below.

¹⁴ 47 USC §151.

A. Primary Jurisdiction

AICC agrees with the Commission's analysis that it is empowered under Title III to regulate spectrum licensees as part of its licensing authority consistent with the public interest, convenience, and necessity.¹⁵ And, indeed, the Commission is required by Congress in Section 7 of the Communications Act of 1934 ("the Act"), as amended, to "determine whether any new technology or service proposed ... is in the public interest," whether it is through a petition or through its own volition.¹⁶ In making a public interest determination, the Commission is required to consider public safety by both its enabling act, under Section 1 of the Act¹⁷, and by Section 3 of the Wireless Communication and Public Safety Act of 1999, amending 47 U.S.C. § 615 (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, including seamless, ubiquitous, reliable wireless telecommunications networks and enhanced wireless 9-1-1 service").¹⁸ Therefore, to the extent that devices providing device-initiated alarm signaling make use of radio spectrum, the Commission is empowered to make the determination that certain services and devices providing device-initiated alarm signaling are not in the public interest and thereby prohibit or otherwise regulate them.

The Commission's authority also includes unlicensed devices pursuant to Part 15, which would encompass the ability to regulate for public safety reasons devices that initial alarm signals to PSAPs without necessarily using licensed spectrum. Indeed, Part

¹⁵ NPRM at ¶117

¹⁶ 47 USC §157

¹⁷ 47 USC §151.

15 already includes a restriction on eavesdropping for Part 15 devices in the name of public safety. Rule Section 15.9 states that “no person shall use, either directly or indirectly, a device operated pursuant to the provisions of this part for the purpose of overhearing or recording the private conversations of others unless such use is authorized by all of the parties engaging in the conversation.” In creating this restriction, the Commission found that it “has broad licensing authority over radio devices in section 301 of the Communications Act and has exercised that authority in the rules promulgated by it as to both specific licensing and the part 15 facet of its functions. Under section 303 of the Communications Act, the Commission is empowered by Congress, as the public convenience, interest, and necessity requires, to prescribe the nature of the service to be rendered by radio stations and to make such rules and regulations as may be necessary to carry out that function. Thus, the establishment of rules prohibiting radio eavesdropping is consistent with the authority of the Commission to prescribe the nature of the service rendered by radio devices.”¹⁹ AICC submits that a restriction on the ability of devices to initiate direct signals to PSAPs would be no different.

Finally, the Commission also has jurisdiction over these devices to the extent that they connect to the PSTN. Part 68 of the Commission’s rules governs all terminal equipment and customer premises equipment, which may include devices such as modems, auto-dialers, local area network communications gateways, and other equipment at which communications circuits are terminated.²⁰ AICC submits that any device which is designed to directly signal a PSAP via connection with the PSTN would

¹⁸ See also, *Nuvio Corp. v. FCC*, 473 F.3d 302, 308 (D.C. Cir. 2006).

¹⁹ *In the Matter of Amendment of Parts 2 and 15 of Commission’s Rules to Add Regulations Prohibiting the Use of Radio Devices for Eavesdropping Purposes*, 2 F.C.C.2d 641, 646 (FCC 1966) at ¶21.

fall under Part 68 and could therefore be regulated by the Commission.

B. Ancillary Jurisdiction

The Commission’s ancillary jurisdiction, enumerated in §154(i) of the Act, also sufficiently authorizes the Commission to limit or prohibit device-initiated alarm signaling directly to PSAPs. Ancillary jurisdiction covers circumstances where: (1) the Commission’s general jurisdictional grant under Title I covers the subject of the regulations, and (2) the regulations are reasonably ancillary to the Commission’s effective performance of its statutorily mandated responsibilities.²¹ As the Supreme Court has recognized, the Commission is expected by Congress to “serve as the ‘single Government agency’ with ‘unified jurisdiction’ and ‘regulatory power over all forms of electrical communication, whether by telephone, telegraph, cable, or radio.’”²²

The first prong of the ancillary jurisdiction test is satisfied because the Act’s provisions are explicitly applicable to “all interstate and foreign communication by wire or radio”²³ Such communications are defined by the Act so as to encompass “the transmission of . . . signals, pictures, and sounds of all kinds,” whether by radio or cable, “including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.”²⁴ Therefore, the Commission’s general jurisdictional grant under Title I applies to both the existing 911 emergency response system and the NG911 emergency response system to be developed pursuant to this rulemaking. The District of Columbia

²⁰ See FCC “Part 68 FAQ”

²¹ *United States v. Southwestern Cable Co.*, 392 U.S. 157, 177-78 (1968) (*Southwestern Cable*) (upholding the FCC regulatory authority over cable television).

²² *Id.* at 168.

²³ 47 U. S. C. § 152 (a).

Court of Appeals has recognized that Congress has given the Commission the responsibility to regulate the telecommunications industry, which industry it has repeatedly deemed important to protecting public safety.²⁵

The second prong of ancillary jurisdiction is satisfied because the Act charges the Commission with responsibility for making available “a rapid, efficient, Nation-wide, and world-wide wire and radio communication service . . . for the purpose of *promoting safety of life and property* through the use of wire and radio communication.”²⁶ When the Commission extended its 911 requirements to VoIP, it acknowledged that, “promoting an effective nationwide 911/E911 emergency access system has become one of the Commission's primary public safety responsibilities under the Act.”²⁷ In enacting the Enhance 911 Act of 2004, Congress found that “for the sake of our Nation's homeland security and public safety, a universal emergency telephone number (911) that is enhanced with the most modern and state-of-the-art telecommunications capabilities possible should be available to all citizens in all regions of the Nation.”²⁸

The restriction of device-initiated alarm signaling will facilitate communications for the purposes of national defense and the promotion of “safety of life and property” during emergencies. As AICC has shown, allowing device-initiated alarm signaling directly to a PSAP poses a serious risk to the integrity of the communications network upon which public safety agencies rely, as well as to the PSAPs themselves. In the event

²⁴ 47 U. S. C. §§ 153 (a), (b).

²⁵ *Nuvio Corp. v. FCC*, 473 F.3d 302, 307-308 (D.C. Cir. 2006).

²⁶ 47 USC §151.

²⁷ *In the Matters of IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, 20 FCC Rcd 10245, 10262 (FCC 2005)

of a virus (*i.e.*, intentional sabotage) or glitch (*i.e.*, unintentional malfunction), unchecked device-initiated signals could conceivably overwhelm 911 or other alarm/emergency response circuits, and distract first responders from fulfilling their mission. Indeed, a terrorist could intentionally “jam” the 911 system through the use of such devices.

The Commission has long played a role in emergency communications, and should continue to do so as NG911 rolls out. That this issue falls under the Commission’s authority is also evidenced by the numerous steps the Commission has taken in order to ensure the availability and integrity of an effective emergency communications system. As the Commission has recognized, “new communications technologies have posed technical and operational challenges to the 911 system, necessitating the adoption of a uniform national approach to ensure that the quality and reliability of 911 service is not damaged by the introduction of such communications technologies.”²⁹ For example, following the introduction of Commercial Mobile Radio Services (CMRS) in the United States, the Commission in 1996 established rules requiring CMRS carriers to implement basic 911 and E911 services.³⁰ Similar steps were taken to extend these requirements to voice-over-internet-protocol (VoIP) providers in 2005.³¹ The Commission has also established its Public Safety & Homeland Security Bureau (PSHSB), the primary goal of which is to support and advance initiatives that “further strengthen and enhance the security and reliability of the nation's communications infrastructure and public safety and emergency response capabilities.”³² The FCC also requires communications

²⁸ 118 Stat. 3986 §102

²⁹ *IP Enabled Services*, 20 FCC Rcd at 10249.

³⁰ *Id.*

³¹ *Id.*

³² <http://www.fcc.gov/help/public-safety-and-homeland-security-bureau-about-us>, last visited December 7,

providers, including wireline, wireless, paging, cable, satellite and Signaling System 7 service providers, to electronically report information about significant disruptions or outages to their communications systems that meet specified thresholds set forth in Part 4 of the FCC's rules.³³ In addition, the FCC has adopted backup power rules in the wake of Hurricane Katrina.³⁴

IV. Prioritization and Industry Standards Will Not Mitigate AICC's Concerns

The Commission seeks comment on the qualitative and quantitative benefits of the prioritization of 911 traffic over non-911 traffic³⁵ and on the potential development of standards regarding deployment of IP-based text and multimedia emergency services for next generation networks.³⁶ AICC submits that prioritization and industry standards may be tools for mitigating its concerns regarding device initiated alarm signaling, but ultimately such devices should be prohibited entirely.

As stated above, AICC recognizes the benefits expanded categories of 911-capable devices can offer to PSAPs and emergency responders; however, as technology opens the door to new and more innovative ways of conveying information to PSAPs, the risk of drowning them in a deluge of such information increases significantly. AICC recognizes that by substantially raising the priority of alarm signals that have been screened and verified (versus device-initiated alarm signals sent directly to the PSAP),

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³³ 47 C.F.R. Part 4.

³⁴ *In re Recommendations of the Indep. Panel Reviewing the Impact of Hurricane Katrina on Commun. Networks*, 22 FCC Rcd 10541, 10565 (FCC 2007)

³⁵ NPRM at ¶61.

³⁶ NPRM ¶76.

the Commission may theoretically be able to relegate these devices to a supplementary role which would not unduly interfere with actual, verified requests for emergency aid. Therefore, AICC supports the continued exploration of a prioritization scheme for 911 traffic. However, AICC remains concerned that, in the absence of leapfrog prioritization capabilities, device-initiated alarms could often rise to the level of simply shutting down the 911 network.

Likewise, AICC concurs that standards-setting bodies will play a key role in the nationwide roll-out of NG911, but questions the inclusion of device-initiated signaling. In the *NOI* proceeding, the National Emergency Number Association (NENA) asserted that device-initiated 911 calls should be controlled so as not to “unduly complicate or interfere with the operations of NG911 PSAPs”³⁷ and called for the development of standards to that end. *Id.* at 19. AICC respectfully submits that any standards adopted with regard to NG911 should exclude the use of most devices capable of device-initiated signaling that does not undergo a verification process similar to that used by central stations and OnStar. As AICC has pointed out, the burden of false alarms is currently mitigated by existing standards that prevent transmission of alarm messages to PSAPs until there has been an attempt by trained central station personnel to verify the emergency.³⁸ But for these measures, there would be an 1100% increase in alarm signal calls to PSAPs *without* the addition of device-initiated signals.³⁹ Any device that directly contacts the PSAP would bypass these standards and necessarily increase the PSAPs’ burden. Due to the sheer increase in volume precipitated by the introduction of device-

³⁷ Comments of National Emergency Number Association, *In the Matter of Framework for Next Generation 911 Deployment*, PS Docket No. 10-255, filed February 28, 2011, at p. 20.

³⁸ AICC NOI Comments at p. 8.

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