

In the Matter of  
Implementation of the Middle Class Tax Relief  
and Job Creation Act of 2012  
Establishment of a Public Safety Answering Point  
Do-Not-Call Registry

CG Docket No. 12-129

June 8, 2012

Dear Commission,

The California Chapter (CALNENA) of the National Emergency Number Association (NENA) is pleased to provide this ex-parte response to the Notice of Proposed Rule Making CG Docket No. 12-129.

CALNENA applauds the Commission for their timely response to the enactment of the Middle Class Tax Relief and Job Creation Act of 2012 and the "Do-Not-Call" provisions supporting the nation's Public Safety Answering Point's (PSAP). CALNENA and NENA were very interested parties in the inclusion of these provisions in the Act which will protect PSAP's from the robotic calling systems that have plagued our members for years.

#### **A. Establishment of a PSAP Do-Not-Call Registry**

CALNENA agrees with the Commission in that the PSAP managers are the best positioned to identify the phone numbers that will require protections. CALNENA also agrees that secondary PSAP's are equally affected and require equal protections.

CALNENA does not know of nor do we believe an existing database exists of the relevant phone numbers affected in PSAP's.

CALNENA suggests that a partition in the existing FCC Universal Licensing System (ULS) could serve as the automated registration service and database collections point for the PSAP's. Most PSAP's are associated with public safety radio communications services. As such there are available personnel familiar with the use of the ULS system. PSAP personnel could be trained by local agency staff on the use of the ULS. The ULS is a relatively simple system used by public safety, amateur radio and commercial radio services nationwide.

Once a PSAP is registered, the authorized PSAP representative can register all of the phone numbers in the PSAP and maintain the list online with the ULS registry.

The use of the ULS also would provide a reporting capability for violations to the Commission. A registered PSAP could access a notice of suspected violation section for investigation and enforcement by the Commission.

The issue would be the development of the partition in the ULS and the minimal memory space required for the resulting PSAP database information compared to the existing radio frequency licensing database.

CALNENA believes that all phone numbers utilized within the PSAP service should be eligible for inclusion on the "Do-Not-Call" list. The reasoning is that while not all phone lines in a PSAP have the same priority for being answered, ALL phone lines in the PSAP MUST be answered. As any phone number that has ever been listed as belonging to a PSAP MAY be used for an EMERGENCY call, however unlikely that is, each call must be answered and a dispatcher must determine the priority of that call given existing protocols and needs. Each ringing phone requires that limited PSAP staff answer that device in a timely manner within protocols limiting the availability of PSAP staff for other ringing phones.

The registry of PSAP phone numbers would need updating of a constant basis. The PSAP is not always the entity responsible for changing numbers and is not always able to manage those changes. Often the telephone service provider changes numbers as needs change. For example adding area codes or overlapping area codes.

CALNENA believes that the online "live" nature of using the ULS for the registry database will answer the timeliness of changing phone numbers in the PSAP. However the distribution of the registry numbers to the operators of automatic dialing equipment will need to occur at least quarterly.

### **B. Access to the Registry by Operators of Automatic Dialing Equipment**

As noted above, the dissemination of the registry to operators of automatic dialing equipment would need to occur at least quarterly. Dissemination could be similar to that of the National "Do-Not-Call" registry. CALNENA would recommend that in order to protect the nature of the numbers in the registry the only information that would be shared with the operators is the numbers themselves. This data could be shared in electronic or printed format.

CALNENA would propose that an alternative would be to allow the operators of automatic dialing equipment access to the ULS registry with access limited to viewing, printing, and downloading a subset of the data contained therein. Those limitations would allow the operator's access to only the phone numbers in the registry.

CALNENA agrees with the Commission on their proposals for certifying, abjuring and monitoring the operators of automatic dialing equipment accessing the registry. Use of the ULS would automatically supply the unique identification number and monitoring the login logs on the ULS would provide information on who is accessing the registry and when.

### **B. Protecting the Registry from Unauthorized Disclosure or Dissemination**

CALNENA believes that use of the ULS registry method provides adequate safeguards to the data prior to dissemination to the operators of automatic dialing equipment. In as much as the data released to the operators would be limited to the phone numbers themselves a certain level of protection is provided. With the addition of the monetary penalties for violations of the confidentiality of the numbers CALNENA believes the protections are sufficient.

CALNENA believes that the Commission's proposal to require certification with the rules established by the Commission could occur and be documented upon registration of the operator with the ULS registry system.

CALNENA agrees with the Commission that registry data should not be shared with entities who have hired services from the operators of automatic dialing equipment. Further the Commission could require in the certification process that if the operator provides services to a third party for hire that the operator

will not disseminate registry information to that third party and will safeguard the data from inadvertent dissemination.

### **C. Prohibiting the Use of Automatic Dialing or “Robocall” Equipment to Contact Registered PSAP Numbers**

CALNENA agrees with the Commission on the proposals in this section. We would note that PSAP’s have the discretion to *not* list all PSAP phone numbers in the registry if the PSAP wishes to receive autodialed calls on those phone lines. Typically the phone numbers associated with the managers, watch commanders, and shift supervisors where calls regarding emergency notification alerts or information would normally be received should not be included on the registry. This would be a determination to be made by the PSAP and would be adjustable in a timely manner by the nature of the live access to the registry in the ULS system.

CALNENA believes the operators of automatic dialing equipment are sufficiently notified of the nature of the registry by virtue of their certification as an operator of automatic dialing equipment. Also, the registration process for operators of automatic dialing equipment should contain notification of the rules, requirements and penalties provided by the Commission and the Tax Relief Act. A first violation should result in the appropriate fines and penalties.

CALNENA believes that the Commission’s existing definitions of the terms negligent, grossly negligent, reckless, or willful, are proper and sufficient, as is the assessment of penalties based on whether the violation was a first or subsequent offence, for the purpose of enforcement.

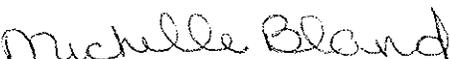
CALNENA believes that for the purposes of identifying violation occurrence “per incident” and “per call” refers to each and every incidence of a PSAP being called in violation of the Act. By this we mean that for each calling campaign, each PSAP that is called constitutes a violation, i.e. if during a calling campaign the operator causes calls to be received by three (3) different PSAP’s three (3) violations will have occurred.

CALNENA believes that as discussed in Section B above, third parties should not be privy to registry information and that the operators of automatic dialing equipment are responsible for violations.

CALNENA believes that a Safe Harbor protection as defined in this section is appropriate. However, after notification of the error, the operators of automatic dialing equipment immediately become liable.

CALNENA thanks the Commission for the opportunity to contribute to this effort and is available to respond to any and all queries by the Commission.

Sincerely,

  
Michelle Bland, ENP  
President