

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Implementation of the Middle Class Tax Relief)
and Job Creation Act of 2012) CG Docket No. 12-129
)
Establishment of a Public Safety Answering Point)
Do-Not-Call Registry)

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Commission’s *Notice of Proposed Rulemaking*, FCC 12-56 (released May 22, 2012) (“*NPRM*”), in the above-captioned proceeding. As required by Congress, the Commission is seeking comments regarding a proposal to establish a Do-Not-Call-Registry (“DNCR”) for Public Safety Answering Points (“PSAPs”).¹

Founded in 1935, APCO is the nation’s oldest and largest public safety communications organization. Most APCO members are state or local government employees who manage and operate communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO appears regularly before the Commission on a wide range of public safety communications issues.

Section 6507 of the Act requires the Commission to establish a registry that allows PSAPs to register telephone numbers on a Do-Not-Call list and prohibit the use of automatic dialing or “robocall” equipment to contact those numbers. As expressed by the FCC in the

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 (2012), §6507 (the “Act”).

NPRM, the goal of the DNCR is to prevent repeated calls that could “tie up public safety lines, divert critical responder resources away from emergency services and impede access by the public to emergency lines.”² APCO supports the creation of a DNCR that achieves that goal without creating unnecessary burdens on PSAPs, government officials, local exchange carriers (LECs), or other parties.

In particular, APCO strongly supports the Commission’s proposal to give PSAPs substantial discretion to designate which numbers to include in the DNCR, with the only requirement being that the numbers “are associated with the provision of emergency services or communications with other public safety agencies.”³ This would include administrative lines that might be used for overflow from emergency lines, when frivolous robocalls would be particularly disruptive. Similarly, numbers associated with secondary PSAPs need to be included as such facilities are often subject to extremely high call volumes.

The Commission correctly identifies the difficult question of how best to acquire and verify the numbers to be included in the DNCR. One approach may be for the LECs/CLECs to coordinate with PSAPs to identify and compile the relevant numbers in their service areas. The Commission notes an alternative of allowing individual PSAPs to register number with the DNCR. However, there is a great deal of diversity across the nation as to how PSAPs are organized and governed, making it particularly difficult to establish a generic definition regarding which individuals/titles are permitted to submit and verify numbers for submission.

The *NPRM* notes that the Act requires that the DNCR rules “provide a process for verifying, no less frequently than once every 7 years, that registered numbers should continue to

² *NPRM* at ¶1.

³ *Id.* at ¶9.

appear upon the registry.”⁴ There is no need to require verification more frequently than every 7 years as PSAPs rarely change the relevant numbers and, unlike businesses, PSAPs are relatively stable entities. The one caveat is that the migration to NG9-1-1 might lead to greater consolidation among PSAPs and possibility lead to some numbers no longer being used over time. However, a more likely scenario is that a PSAP administrative number is re-purposed for another critical governmental function for which DNCR listing may still be appropriate. In any event the volume of discontinued numbers will be very small and does not seem to justify the cost of updating the DNCR more often than every 7 years.

The Commission also inquires as to how operators of “automatic dialing” or “robocall” equipment should access the DNCR. Such operators should not be given anything more than the actual numbers to be excluded from their autodialing and robocalls. They should not be provided with any identifying information regarding the agency or specific use of the relevant numbers, as that is often sensitive information that could, if placed in the wrong hands, lead to even more dangerous disruptions to emergency communications. Therefore, APCO also supports the Commission’s proposed rules to prohibit parties “from selling, renting, leasing, purchasing, or using the PSAP registry or any part thereof, of any purpose except compliance with” the DNCR rules and the Act.⁵ We suggest, however, that the rule also prohibit the “sharing or distribution to third parties” of the numbers obtained from the DNCR. The proposed rule appears only to include situations in which some remuneration is involved.

APCO concurs with the Commission’s recommendation that both voice and text messages should be subject to the DNCR requirements, and with others general rule provisions discussed in the *NPRM*. In particular, we urge the Commission to impose the highest allowed

⁴ Act at § 6507(b)(2).

⁵ *NPRM* at ¶17.

penalties for violations of the DNCR rules. APCO does not believe that a “safe harbor” is necessary unless it involves a newly assigned number that the operator can prove was not provided to them at the time of the call. The Commission asks whether there are situations in which PSAPs may wish to received autodialed calls. APCO is not aware of any such situation.

CONCLUSION

Therefore, APCO supports proceeding with the DNCR consistent with the comments set forth above.

Respectfully submitted,

/s/

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