

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

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

CG Docket No. 12-129

**INITIAL COMMENTS OF THE TEXAS 9-1-1 ALLIANCE, THE TEXAS
COMMISSION ON STATE EMERGENCY COMMUNICATIONS, AND THE
MUNICIPAL EMERGENCY COMMUNICATION DISTRICTS ASSOCIATION
TO THE NOTICE OF PROPOSED RULEMAKING**

The Texas 9-1-1 Alliance,¹ the Texas Commission on State Emergency Communications,² and the Municipal Emergency Communication Districts Association³ appreciate the opportunity to submit these brief initial comments to the Federal Communications Commission (the "Commission") Notice of Proposed Rulemaking ("NPRM") seeking information necessary for the establishment and ongoing management of a Public Safety

¹ The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 24 Texas Emergency Communication Districts with E9-1-1 service and public safety responsibility for approximately 53% of the population of Texas. These districts were created pursuant to Texas Health and Safety Code Chapter 772.

² The Texas Commission on State Emergency Communications is a state agency created pursuant to Texas Health and Safety Code Chapter 771, and is the State of Texas' authority via statute for 9-1-1 emergency communications.

³ The Municipal Emergency Communication Districts Association is an association of 27 municipal 9-1-1 centers as defined under the Texas Health and Safety Code Chapter 771.001(3)(A) in the State of Texas.

Answering Point (“PSAP”) Do-Not-Call registry as required by the Middle Class Tax Relief and Job Creation Act of 2012 (“Tax Relief Act”).⁴

In interpreting the statutory language of the Tax Relief Act to address its intended 9-1-1, emergency communications, and public safety purposes, the Commission should broadly enable and protect the registration of numbers, 9-1-1 trunks, and 10-digit lines as determined to be appropriate by the verified PSAP administrator or manager “customer of record” for inclusion in the new PSAP Do-Not-Call registry. While there is a large spectrum of potentially different federal, state, regional, county, and city government entities or private entities that may be the verified PSAP administrator or manager “customer of record” for relevant numbers, 9-1-1 trunks, and 10-digit lines at a PSAP, as a general rule there is only one individual “customer of record” at a time authorized to make service provisioning decisions and changes. Likely potential verified PSAP administrators or managers “customers of record” may include a state, region, county, city, or 9-1-1 administrative entity. In some cases, the verified PSAP administrator or manager “customer of record” may be the 9-1-1 administrative entity, but such would not be the situation in many other cases. Verified PSAP administrators or managers “customers of record” should be broadly interpreted to be the relevant individual “customer of record” for each specific number, 9-1-1 trunk, or 10-digit line, or if information is not available to the verified PSAP administrator or manager “customer of record” for a valid reason, their authorized communications service provider agent.

While in some areas of the country a 9-1-1 network service provider may only use test numbers that are in the switch and point to a PSAP Emergency Service Number (“ESN”) only

⁴ *In the Matter of Implementation of the Middle Class Tax Relief and Job Creation Act of 2012 and Establishment of a Public Safety Answering Point Do-Not-Call Registry (“NPRM”),* CG Docket No. 12-129 (rel. May 22, 2012).

during testing, this may not be the situation in all cases or nationwide. Moreover, regardless of what particular situations may exist today, practices on 9-1-1 trunks or using non-dialable pANIs may have specific exceptions somewhere, and new exceptions could develop or occur in the future.

Ways to verify the PSAP administrator or manager “customer of record” need not be overly complex. For example, the Commission could require as part of website registration certification that the submitter of the registration is an authorized employee of the “customer of record” for such relevant individual number, 9-1-1 trunk, or 10-digit line and that they are authorized to make decisions or changes related to such relevant individual number, 9-1-1 trunk, or 10-digit line, and require a valid e-mail address of the employee and at least one other employee, and a management contact name and telephone number for the entity with authority over such relevant individual number, 9-1-1 trunk, or 10-digit line.

Following the existing Do-Not-Call registry model with some PSAP specific customization may be sufficient to achieve the intended purposes of the new PSAP Do-Not-Call registry required by the Tax Relief Act, and may be an efficient and workable approach. Some PSAPs in Texas have been using the existing Do-Not-Call registry for some 10-digit 9-1-1 call overflow numbers, and it has helped to address or lessen an identified problem that was occurring. Other than verification of the PSAP administrator or manager “customer of record” issue discussed above, specific additional PSAP customizations should include: (1) materially increasing the existing “three telephone number” limit for internet registrations (because this may be the most efficient and likely registration method); (2) including 10-digit lines that may not be used solely as emergency lines (such as a burglar alarm number or an administrative line that is also used for overflowing of emergency calls); (3) having broader applicability (including

as suggested by the Commission, potentially subjecting third-parties who hire operators of autodialing equipment to be jointly and severally liable to the extent that it can be shown that such third-parties have actual knowledge of reckless or intentional ongoing violations by the operator); and (4) having a higher “safe harbor” standard for any prohibited calls or disclosure of the registered numbers that is the result of an error (such as by replacing “despite routine business practices” used under the current Do-Not-Call registry with a more appropriate “despite materially strict business practices” for the new PSAP registry) in order to lessen concerns that PSAPs, network operators, law enforcement, or the military may have for certain highly sensitive relevant numbers, 9-1-1 trunks, or 10-digit lines.

The Texas 9-1-1 Alliance, the Texas Commission on State Emergency Communications, and the Municipal Emergency Communication Districts Association respectfully urge the Commission to establish the new PSAP Do-Not-Call registry required by the Tax Relief Act consistent with the recommendations in these initial comments.

Respectfully submitted,



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