

**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 |) | CG Docket No. 12--129 |
| |) | |
| Establishment of a Public Safety Answering Point Do-Not-Call Registry |) | |
| |) | |

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF TELECOMMUNICATIONS
OFFICERS AND ADVISORS**

The National Association of Telecommunications Officers and Advisors (“NATOA”)¹ submits these comments in response to the above-captioned Notice of Proposed Rulemaking (“NPRM”),² released May 22, 2012.

We commend the Commission for proceeding with this NPRM and for its continued focus on public safety communications and the vital role these services play in protecting the public’s safety. NATOA often files comments with the Commission on a variety of public safety

¹ NATOA is a national trade association that promotes local government interests in communications, and serves as a resource for local officials as they seek to promote communications infrastructure development.

² See *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*, Notice of Proposed Rulemaking, CG Docket No. 12-129 (rel. May 22, 2012) (“NPRM”).

issues, including Next Generation 911 deployment and application;³ the transition process for 700 MHz public safety broadband waiver recipients;⁴ and outage reporting requirements for interconnected voice over Internet protocol service providers and broadband Internet service providers.⁵

Section 6507 of the Middle Class Tax Relief and Job Creation Act of 2012 *requires* the Commission to establish a registry for public safety answering points (“PSAPs”) that will, among other things, “permit verified public safety point administrators or managers to register the telephone numbers of all 9-1-1 trunks and other lines used for the provision of emergency services to the public or for communications between public safety agencies.”⁶ The registry was “designed to address concerns about the use of “automatic dialing equipment,” which can generate large numbers of phone calls in a short period of time, tie up public safety lines, divert critical responder resources away from emergency services and impede access by the public to emergency lines.”⁷ As such, we agree with the Commission’s determination that the 9-1-1 registry provide “broader” protections against the use of autodialed equipment than those provided to residential subscribers by the Telephone Consumer protection Act (“TCPA”).

³ See National Association of Telecommunications Officers and Advisors, the National Association of Counties, and the National League of Cities Reply Comments, PS Docket Nos. 11-153 and 10-255 (February 9, 2012).

⁴ See National Association of Telecommunications Officers and Advisors, the National Association of Counties, the National League of Cities, and the United States Conference of Mayors Comments, PS Docket No. 12-94 (April 20, 2012).

⁵ See National Association of Telecommunications Officers and Advisors, the National League of Cities, and the National Association of Counties Comments, PS Docket No. 11-82 (October 7, 2011).

⁶ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 (2012), §6507 (the “Act”).

⁷ NPRM at ¶ 1.

However, while we strongly support the establishment of such a registry, the Commission must be careful in crafting the structure and operation of the proposed registry to avoid putting undue burdens, including those of a financial nature, on PSAPs and other local government entities. Furthermore, because of differences in how PSAPs are organized and governed nationwide, we urge flexibility and caution by the Commission in attempting to establish generic, one-size-fits-all rules and regulations.

NATOA agrees with APCO that operators of automatic dialing or robocall equipment “not be given anything more than the actual numbers to be excluded” and “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.”⁸ To this end, we believe that unauthorized disclosure or dissemination of the *protected list* of registered numbers should be subject to a monetary penalty even for the *first* offense, the amount of which to be based upon the conduct of the operator leading to the violation.

However, in the event an operator can demonstrate that a *prohibited call* was made as a “result of an error despite routine business practices designed to ensure compliance,” we believe the establishment of a safe harbor provision is not unreasonable. However, the Commission must retain the ability to impose a monetary penalty – even for a first offense – depending on the underlying conduct of the operator.

Conclusion

NATOA supports the Commission’s establishment of a PSAP do-not-call registry

⁸ See APCO Comments, CG Docket No. 12-129, at 3 (July 23, 2012).

consistent with the above comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Traylor". The signature is fluid and cursive, with the first letter being a large, stylized 'S'.

Stephen Traylor
Executive Director/General Counsel
NATO
3213 Duke Street, #695
Alexandria, VA 22314
703-519-8035
July 26, 2012