

**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

**SUPPLEMENT TO THE COMMENTS AND
REPLY COMMENTS OF AICC**

The Alarm Industry Communications Committee (“AICC”), on behalf of its members, submits this Supplement to its Comments and Reply Comments as filed in the above captioned proceeding, in which AICC discussed its concerns regarding device-initiated direct-to-PSAP alarm signals in the context of implementing Next Generation 911 (“NG911”) capabilities.¹ This supplement reinforces those concerns in light of the Middle Class Tax Relief and Job Creation Act of 2012’s (“Tax Relief Act”) requirement that the Commission implement a Do-Not-Call list to prevent automatic dialers and robo-callers from contacting public safety answering points (“PSAPs”).² Specifically, AICC demonstrates that the concerns justifying Congress’ implementation of the Do-Not-Call registry are practically identical to those of AICC with

¹ Comments of AICC, *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Dockets No. 11-153 and 10-255, filed December 11, 2011 (NG911 Comments of AICC); Reply Comments of AICC, filed February 9, 2012 (NG911 Reply Comments of AICC).

² Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 at §6507 (2012); see *In the Matter of Implementation of Middle Class Relief and Job Creation Act of 2012; Establishment of a Public Safety Do-Not-Call Registry*, Notice of Proposed Rulemaking, CG Docket No. 12-129, released May 21, 2012 (NPRM).

regard to device-initiated alarm signals. Therefore, the Commission should similarly restrict those devices as well.

As far back as its comments in response to the Commission's initial Notice of Inquiry on NG911, AICC has demonstrated that devices capable of initiating direct-to-PSAP alarm signals pose a threat to the operation of any emergency response system, NG911 included.³ 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.⁴ As not only AICC, but also the Association of Public Safety Communications Officers (APCO), the International Association of Chiefs of Police (IACP), the International Association of Fire Chiefs (IAFC), and the National Sheriffs Association (NSA), have 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.⁵

Section 6507 of the Tax Relief Act requires the Commission, among other things, 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. Although the Tax Relief Act does not define "automatic dialing" or "robocall" equipment, the Commission itself plainly states the rationale behind this requirement in its NPRM:

These provisions are 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**

³ See, 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 (NOI Comments of AICC).

⁴ NG911 Comments of AICC, *supra* fn 1, at p. 5.

⁵ *Id.*

away from emergency services and impede access by the public to emergency lines.⁶

Congress' intention to curb the potential for such outcomes is further emphasized by the heavy fines associated with violation of the Do-Not-Call Registry provisions – not less than \$10,000 **per call.**⁷ Therefore, it is clear that preventing these harms is of paramount importance.

Given the existence of the Telephone Consumer Protection Act (TCPA), which already provides for some protection against the dangers associated with automatic dialing equipment, the Commission stated that, "...we believe that the Tax Relief Act should be interpreted as giving PSAP telephone numbers protections against the use of autodialed equipment that are broader than those provided by the TCPA."⁸ To this end, the Commission should consider including any device that initiates a direct alarm signal to a PSAP, without any human involvement in the process, in the definition of "automatic dialing" or "robocall" equipment, thereby allowing PSAPs to decide whether they wish to receive calls from such devices. As discussed above, the dangers posed by automatic dialing equipment and by devices that can initiate alarm signals on their own are similar, in that no human element can screen an overwhelming number of what may be false alarms. Therefore, the use of a Do Not Call registry to screen both auto dialers as traditionally defined by the TCPA and other devices that automatically initiate contact directly with a PSAP may be appropriate.

In conclusion, AICC respectfully submits that the concerns Congress addressed in legislation the creation of a Do Not Call registry for PSAPs are no different than the concerns

⁶ NPRM at ¶1, *see also* NPRM App'x B ¶2 (emphasis supplied).

⁷ Pub. L. No. 112-96 at §6507(c)(2) (emphasis supplied).

⁸ NPRM at ¶9.

