

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Public Safety and Homeland Security	)	PS Docket No. 10-255
Bureau Seeks Comment on the Legal and	)	
Statutory Framework for Next Generation	)	PS Docket No. 11-153
9-1-1 Services Pursuant to the Next	)	
Generation 9-1-1 Advancement Act of	)	PS Docket No. 12-333
2012	)	
	)	
<b>To: The Commission</b>		

**REPLY COMMENTS OF THE  
ALARM INDUSTRY COMMUNICATIONS COMMITTEE**

The Alarm Industry Communications Committee (“AICC”), on behalf of its members<sup>1</sup> and pursuant to the request of the Public Safety and Homeland Security Bureau in the *Public Notice* of November 13, 2012,<sup>2</sup> hereby submits its reply comments in connection with the Commission’s report to Congress on the legal and statutory framework for Next Generation 9-1-1 (“NG911”) services. AICC believes that federal regulation will play an integral role in the implementation of both FirstNet and NG911; that liability protection should be homogenized at the federal level; and that any funding regime should be non-discriminatory and allow for the use of FirstNet and NG911

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<sup>1</sup> Central Station Alarm Association (CSAA), Electronic Security Association (ESA), Security Industry Association (SIA), Bosch Security Systems, Digital Monitoring Products, Digital Security Control, Telular Corp, Stanley Convergent (alarm division, formerly known as Honeywell Monitoring), Honeywell Security, Vector Security, Inc., ADT Security Services, Inc., AES- IntelliNet, Alarm.com, Bay Alarm, Intertek Testing, RSI Videofied, Security Network of America, United Central Control, AFA Protective Systems, Vivint (formerly APX Alarm), COPS Monitoring, DGA Security, Security Networks, Universal Atlantic Systems, Axis Communications, Interlogix, LogicMark, Napco Security, Alarm Detection, ASG Security, Protection One, Security Networks, Select Security, Inovonics, Linear Corp., Numerex, Tyco Integrated Security, FM Approvals, and the Underwriters Laboratories.

<sup>2</sup> *Public Safety and Homeland Security Bureau Seeks Comment on the Legal and Statutory Framework for Next Generation 9-1-1 Services Pursuant to the Next Generation 9-1-1 Advancement Act of 2012*, PS Dockets No. 10-255, 11-153, and 12-333; DA 12-1831, released November 13, 2012.

networks by quasi-public safety entities on a secondary basis. Each of these points is discussed in turn below.

**I. Legal and Regulatory Framework for the Development of NG911 Services and Transitioning Legacy Networks**

Federal regulation, by the FCC in particular, should undoubtedly continue to play a role in the development and implementation of both NG911 and FirstNet. Such regulation is necessary to ensure that service providers have adequate and reasonably-priced access to network facilities, as well as to protect the integrity of those services and the ability of PSAPs to do their jobs. Federal regulatory authority is also necessary to ensure a smooth transition from legacy 911 to NG911. While AICC has demonstrated in the past that the Commission already has adequate authority to regulate NG911 in this type of role,<sup>3</sup> it should take this opportunity to recommend to Congress that it enact legislation making the Commission's authority to regulate NG911 explicit, especially with regard to the regulation of device-initiated signaling, as discussed further below.

Federal regulation is necessary to ensure access on a level playing field to essential network elements for NG911 service providers. While the use of industry standards and best practices will undoubtedly help shape the evolution of technology and service, as well as inform the regulatory requirements imposed on NG911, they are not sufficient to ensure the successful implementation of FirstNet and NG911 or compliance with any requirements thereon.

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<sup>3</sup> Comments of the Alarm Industry Communications Committee, *In the Matter of Facilitating Deployment of Text-to-911 Applications and other NG911 Applications; Framework for Next Generation 911 Deployment*, PS Dockets No. 11-153, 10-255, filed December 12, 2011 at p. 6.

Federal regulation is also necessary to restrict the use of devices that pose a threat to the integrity of the NG911 network and the ability PSAPs to respond to emergency calls. AICC has discussed at length the dangers presented by device-initiated alarms being sent unscreened directly to the PSAP.<sup>4</sup> These devices would be able to place an emergency call without any verification, meaning 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. The public safety community has overwhelmingly agreed with AICC's concerns that these devices may flood PSAPs with potentially illegitimate calls, to the point of rendering them ineffective. As AICC has further demonstrated in the past, the use of industry standards and best practices does not effectively protect NG911 networks against this problem.<sup>5</sup> AICC agrees with NENA that industry-developed standards will play an important role in identifying situations in which device-initiated signaling may be appropriate (such as chemical leaks and radiation leaks), and in controlling such signaling. However, for the numerous situations where such signaling is problematic (such as home alarms), Commission regulation will be vital to limit such uses and more importantly to give teeth to enforcement efforts against violators. This has been demonstrated by the recent need for Commission enforcement actions against cell phone jamming devices.<sup>6</sup>

Finally, federal regulation is necessary to ensure a smooth transition from legacy technologies to NG911 technologies. As the Commission knows, one of the main benefits

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<sup>4</sup> *Id.* at pp. 3-6.

<sup>5</sup> *Id.* at pp. 12-13.

<sup>6</sup> See, e.g., March 6, 2012 Enforcement Advisory, DA 12-347 (“In recent days, there have been various press reports about commuters using cell phone jammers to create a “quiet zone” on buses or trains. . . . The FCC Enforcement Bureau has a zero tolerance policy in this area and will take aggressive action against violators.”).

of Long Term Evolution (“LTE”) technology (as suggested by its name) is the fact that it is software upgradeable, meaning less hardware replacement as the technology advances. At the same time, it is necessary to be mindful of the legacy devices that do not have this capability. As providers move to LTE technologies and prepare to sunset legacy platforms, massive (and expensive) hardware replacement may be necessary to simply maintain the status quo. Like the potentially dangerous equipment discussed immediately above, industry standards and best practices are not necessarily well suited to deal with this complication. Rather, AICC respectfully submits that federal regulation is necessary.

In short, AICC agrees with Intrado in stating, “it is appropriate for the federal government to take responsibility for mandating access to NG9-1-1, to ensure reliable NG9-1-1 networks, to determine interconnection obligations among originating service providers, 9-1-1 service providers and 9-1-1 authorities, and to clarify whether states and/or federal authority will determine the obligations of service providers in the delivery and routing of calls to 9-1-1 authorities.”<sup>7</sup> The Commission should recommend the same in its report.

## **II. Adequate Liability Protection for NG911 Providers**

AICC also supports uniform liability protection for NG911 and FirstNet access service providers, PSAPs, users and vendors providing NG9-1-1 services. While States will undoubtedly play an important role in the implementation and regulation of NG911, AICC believes that the uniformity of rule embodied by Federal statute is necessary with regard to liability protection. As APCO correctly points out, “NG9-1-1 will introduce

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<sup>7</sup> Comments of Intrado, *Public Safety and Homeland Security Bureau Seeks Comment on the Legal and Statutory Framework for Next Generation 9-1-1 Services Pursuant to the Next Generation 9-1-1 Advancement Act of 2012*, PS Dockets No. 10-255, 11-153, 12-333, filed December 13, 2012 at p. 2.

more complex legal issues as transmissions extend beyond voice to text, photos, videos, medical health information, environmental sensors, etc.”<sup>8</sup> The situation should not be exacerbated by a myriad of varying liability regimes across States for what will often be interstate services.

As NENA points out, “[although] Congress has, on several occasions required states to extend existing liability protections to novel 9-1-1 service providers ... many of the underlying liability protection regimes may not necessarily provide adequate assurances that vendors, carriers, integrators, PSAPs, or 9-1-1 professionals will not be subject to potentially devastating civil damage awards.”<sup>9</sup> AICC agrees with the many commenters calling for a comprehensive liability protection regime to incentivize the provision of services by the widest array of potential industry participants. To the extent uniform federal liability protection cannot be implemented, AICC agrees with Intrado in proposing that States consider legislative changes to promote the same.<sup>10</sup>

In sum, the Commission should recommend that Congress enact legislation to this effect.

### **III. Funding Mechanisms and Fee Structures**

The Commission should recommend that Congress take steps to ensure that any NG911 funding mechanism is not disproportionately burdensome for certain types of

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<sup>8</sup> Comments of Association of Public-Safety Communications Officials-International, Inc., *Public Safety and Homeland Security Bureau Seeks Comment on the Legal and Statutory Framework for Next Generation 9-1-1 Services Pursuant to the Next Generation 9-1-1 Advancement Act of 2012*, PS Dockets No. 10-255, 11-153, 12-333, filed December 13, 2012 at p. 4.

<sup>9</sup> Comments of the National Emergency Number Association, *Public Safety and Homeland Security Bureau Seeks Comment on the Legal and Statutory Framework for Next Generation 9-1-1 Services Pursuant to the Next Generation 9-1-1 Advancement Act of 2012*, PS Dockets No. 10-255, 11-153, 12-333, filed December 13, 2012 at p. 10.

<sup>10</sup> Comments of Intrado, *supra* fn 7, at p. 8.

services over others. As AICC has observed in the context of other proceedings, certain contribution methodologies are inherently unfair to services that make very brief or limited use of the network.<sup>11</sup> Specifically, in the context of reforming universal service fund contribution methodologies, AICC demonstrated that numbers- and connections-based contribution methodologies would be grossly disproportionate to the comparatively infinitesimal usage most alarm connections see on a yearly basis – sometimes as little as a few seconds per year.<sup>12</sup>

The Commission should also recommend that any funding model should allow the opportunity for quasi-public safety entities such as alarm companies to act as anchor tenants, with first responders and public safety entities as primary users of the network, in order to increase compatibility and integration within those services while at the same time generating revenue. As AICC has previously stated, any such participation should be in accordance with prioritization protocols established by FirstNet to ensure that public safety communications are not compromised.

AICC does not specifically support a state and/or local funding regime over a federal regime, or vice versa. However, AICC does concur with APCO in exhorting Congress to ensure that fees collected to support NG911 are actually used for NG911 purposes.<sup>13</sup>

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<sup>11</sup> Reply Comments of the Alarm Industry Communications Committee, *In the Matter of a National Broadband Plan for Our Future, In the Matter of Universal Service Contribution*, GN Docket No. 09-51, WC Docket No. 06-122, filed August 6, 2012, at p. 6.

<sup>12</sup> *Id.*

<sup>13</sup> Comments of APCO, *supra* fn. 8 at p. 5.

#### **IV. Conclusion**

For the forgoing reasons, AICC supports the continued role of federal regulation in the implementation of 911 services, including NG911; the implementation of a uniform liability protection system for all NG911 service providers and manufacturers; and a non-discriminatory funding mechanism, whether Federal, state, or both, that supports the co-tenancy of quasi-public safety entities on a secondary basis on NG911 and FirstNet networks. The Commission should therefore recommend the same to Congress in its report.

Respectfully submitted,

**ALARM INDUSTRY  
COMMUNICATIONS COMMITTEE**

By           /s/          John A. Prendergast            
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