

# NENA

## The 9-1-1 Association

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1700 Diagonal Road | Suite 500 | Alexandria, VA 22314

Ms. Marlene H. Dortch, *Secretary*  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

February 11<sup>th</sup>, 2013

*In re* Petition for a Notice of Inquiry Regarding Call Forwarding Requirements and Carrier Blocking Options for Non-Initialized Phones, PS Docket No. 08-51.

Dear Mr. Furth:

On behalf of the NENA: The 9-1-1 Association, I submit the following clarification in response to questions from the Public Safety and Homeland Security Bureau concerning an apparent change in position by NENA with respect to the desirability of eliminating the Commission's current rules requiring CMRS providers to deliver 9-1-1 calls from Non-Service Initialized (NSI) phones to PSAPs.

In 2008, NENA, along with several other public safety entities,<sup>1</sup> submitted comments and reply comments in the above-captioned proceeding in which we stated that "...the experience of the past decade demonstrate[s] that legitimate calls from NSI phones to 9-1-1 can be made....," and that "[w]hile we are sympathetic to those comments that call for an outright reversal of the "forward all calls" rule, we cannot support such a request at this time...."<sup>2</sup> Although NENA cannot speak for our co-petitioners, our members' experience since 2008 has convinced NENA that we now *can* support the reversal of the "all calls" rule.

As we recently commented in the NG9-1-1 Legal Framework proceeding,

In addition to proving ineffective as tools for enhancing the safety and security of vulnerable populations, NSI devices have proven themselves enormously detrimental to PSAP operations. Today, PSAPs face an ever-growing onslaught of non-emergency calls to 9-1-1 from NSI devices. Some of these calls are accidental, such as those triggered by children given an obsolete telephone as a toy. Others are deliberate, but not intended to cause harm, such as those initiated by lonely individuals simply seeking a friendly ear. Still others, however, are malicious, often initiated by serial callers who exploit the lack of location capability in NSI devices to evade capture as they initiate

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<sup>1</sup> The other petitioners in this matter, who jointly submitted the 2008 comments, were the Tennessee Emergency Communications Board, the National Association of State 9-1-1 Administrators, the Michigan State 9-1-1 Office, the New Jersey State 9-1-1 Commission, the Snohomish County Enhanced 9-1-1 Office, the Association of Public Safety Communications Officials International, the State of Montana 9-1-1 Program, the Washington state E9-1-1 Program, and Openwave Systems, Inc.

<sup>2</sup> Petitioners, *Reply Comments* at 3.

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hundreds or even thousands of calls simply to harass telecommunicators or waste government resources.

Whatever the source, however, every type of nonemergency NSI call results in significant burdens to telecommunicators and 9-1-1 authorities. Telecommunicators are required to deal with each of these non-emergency calls, taking them away from legitimate emergencies. Likewise, expensive 9-1-1 trunk time or link bandwidth are made unavailable to serve callers with a legitimate need. This increases the cost of providing 9-1-1 service and reduces its effectiveness.

Additionally, I note that NSI phone donation programs have since been supplanted by outright donations of devices *and* service by CMRS providers, and by state and federal programs (such as the Universal Service Fund-supported LifeLine program) that provide free or reduced-cost mobile service to low-income or at-risk individuals. Consequently, NENA has changed positions in light of these new experiences, and now supports the rescission of the “all calls” rule.

For clarity, I wish to emphasize that NENA believes moving to a post-NSI regime cannot be an overnight proposition. Instead, we propose that the Commission phase out the “all calls” rule for devices and networks that no longer support legacy circuit-switched voice calling. NENA believes that this rule will minimize stranded investments by carriers and consumers as carriers transition to fully IP-based architectures such as LTE and as consumers transition to IP-only devices that no longer support circuit-switched voice services. In addition, this rule will provide an incentive for carriers and handset manufacturers to speed the transition to advanced networks and devices. Finally, this change will ultimately provide PSAPs with relief from the barrage of false or harassing calls from NSI devices while affording consumers who currently rely on NSI devices

Sincerely,



Telford E. Forgy, III; “Trey”  
*Director of Government Affairs  
& Regulatory Counsel*

CC: David Furth, PSHSB