

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Non-Emergency Calls to 9-1-1 from Non-Service) PS Docket 08-51
Initialized Handsets)

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Commission’s *Public Notice*, DA 13-430 (released March 14, 2013), seeking to refresh the record regarding options for addressing non-emergency calls to 9-1-1 from non-service initialized (“NSI”) handsets. As indicated below, APCO now supports the gradual elimination of the current requirement that such calls be delivered to Public Safety Answering Points (“PSAPs”).

Founded in 1935, APCO is the nation’s oldest and largest public safety communications organization. Most APCO members are state or local government employees who manage and operate communications systems -- including PSAPs, dispatch centers, radio networks, and information technology -- for law enforcement, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO has long been involved in Commission proceedings regarding 9-1-1 capability and other aspects of public safety communications.

Since 1997, the Commission has required wireless carriers to transmit to PSAPs 9-1-1 calls originating from NSI handsets.¹ APCO and many others in public safety supported that provision at the time, though with serious reservations. The fear then -- which has since proven

¹ Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Memorandum Opinion and Order*, 12 FCC Rcd 22665 (1997).

to have been well-justified -- was that allowing 9-1-1 calls from NSI phones could lead to fraudulent, disruptive, and abusive 9-1-1 calls that could not be easily traced or blocked. That problem did indeed come to fruition and, in 2008, APCO joined with a coalition of national, state, local public safety entities to submit a petition to the FCC urging that it conduct an inquiry to explore possible solutions.² The joint petition included extensive data from several states showing that PSAPs were receiving large numbers of calls from NSI handsets, but that only a tiny percentage of those calls were legitimate requests for assistance. More common were repeated instances of accidental or fraudulent calls that served no purpose other than to disrupt emergency call center operations. The FCC responded to the joint petition with a *Notice of Inquiry*³ in the above-captioned docket and, more recently, with the *Public Notice* seeking to refresh the record.

APCO now believes that the FCC should eliminate the requirement that wireless carriers forward to PSAPs 9-1-1 calls from NSI handsets. The information already in the record of this proceeding demonstrates the serious problems posed by such calls, which will only get worse with widespread deployment of wireless IP telephony devices. However, APCO suggests that it would be appropriate to phase out the NSI/9-1-1 requirement over a reasonable time period to allow for public education for those individuals who may continue to possess a NSI handset and for gradual replacement of such handsets. For example, NSI handsets were previously distributed to at-risk individuals (such as low-income victims of domestic abuse) who might well have a legitimate need to call 9-1-1. However, our understanding is that current programs of that nature only distribute handsets that have at least limited carrier- subscription status and are

² Petition for Notice of Inquiry Regarding 911 Call-Forwarding Requirements and Carriers' Blocking Options for Non-Initialized Phones, CC Docket No. 94-102 (filed Feb. 14, 2008).

³ *Notice of Inquiry*, FCC 08-95, PS Docket 0851 (Apr. 11, 2008).

“service initialized.” Lifeline-type wireless services are also currently available for little or no cost, eliminating most legitimate reasons that may have existed to possess an NSI handset.

CONCLUSION

Therefore, for the reasons set forth above and in the record of this proceeding, the Commission should issue a notice of proposed rulemaking to eliminate the current requirement that wireless carriers forward to PSAPs 9-1-1 calls from non-service initialized handsets.

Respectfully submitted,

/s/

Robert M. Gurss
Senior Regulatory Counsel
APCO International
(202) 236-1742 (m)
gursr@apcomail.org

APCO Government Relations Office
1426 Prince Street
Alexandria, VA 22314
(571) 312-4400

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