

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

In the Matter of

Petition for Notice of Inquiry Regarding 911  
Call-Forwarding Requirements and Carrier's  
Blocking Option for Non-Initialized Phones

PS Docket No. 08-51

Public Notice to Refresh the Record Regarding  
Options for Addressing Non-Emergency Calls  
to 911 From Non-Service Initialized Handsets

**COMMENTS OF AT&T INC.**

The Commission has invited interested parties to refresh the record that was developed in this proceeding in response to the 2008 *Notice of Inquiry* seeking to “enhance [the Commission’s] understanding of the extent of the problem concerning non-emergency 911 calls made from NSI [non-service initialized] phones and to explore potential solutions.”<sup>1</sup> This recent request to refresh the record was stimulated by a National Emergency Number Association (NENA) *ex parte* in which the association advised that it could now “support the reversal of the ‘all calls’ rule.”<sup>2</sup> AT&T Inc., on its behalf and on behalf of its affiliates (AT&T), files these comments in response to that invitation.

**DISCUSSION**

In the *Public Notice*, the Commission posed three items for consideration. *First*, the Commission would like to know “whether other interested parties agree or disagree with NENA’s view that the Commission should consider phasing out the call-forwarding requirement

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<sup>1</sup> *Petition for a Notice of Inquiry Regarding 911 Call-Forwarding Requirements and Carriers Blocking Options for Non-Initialized Phones, Notice of Inquiry*, 23 FCC Rcd 6097 (2008) (2008 NOI). See *Public Notice*, PS Docket No. 08-51, DA 13-430 (PS&HS Bur. rel. Mar. 14, 2013) (*Public Notice*). See definition of NSI devices at 47 C.F.R. § 20.18(b) (All Calls Rule).

<sup>2</sup> Letter from Telford Forgety, III, NENA Director of Governmental Affairs & Regulatory Counsel, to Marlene Dortch, Secretary, Federal Communications Commission, PS Docket No. 08-51 (Feb. 11, 2013) (*NENA Ex Parte*).

as it applies to NSI devices.”<sup>3</sup> *Second*, the Commission seeks “comment on relevant changes in industry, technology, regulation, public practice, or otherwise that may have occurred since the earlier filing of comments”—specifically referencing the comments solicited in response to the 2008 NOI.<sup>4</sup> And, *finally*, the Commission asks commenters “to point out any earlier-submitted facts or analyses in the record that they now regard as outdated, and to provide any new information that they consider relevant.”<sup>5</sup>

In a nutshell, AT&T can support the NENA position to eliminate the All Calls Rule as it would apply to non-circuit-switched voice calls originating from IP-based handsets and using IP-based networks. This support is conditioned upon an either-or result; that is, either the All Calls Rule would be phased out as proposed by NENA (*i.e.*, the modified All Calls Rule would apply only to such circuit-switched voice calls and exclude voice calls originating from IP-based handsets and using IP-based networks, with no exceptions) *or* the existing All Calls Rule would not be modified at all.

#### **A. Phasing Out the All Calls Rule**

As stated above, NENA has changed its advocacy in this proceeding and can now support phasing out the All Calls Rule as it applies to devices and networks that no longer support legacy circuit-switched voice calling.<sup>6</sup> For its part, AT&T can support maintaining the All Calls Rule as presently constituted but fully recognizes the burden that is being placed on PSAPs when dealing with non-emergency and fraudulent 9-1-1 calls. Given the options, however—*i.e.*, allowing the *status quo* to continue with its obvious burdens on PSAPs or attempting to engineer some future, costly, selective call-blocking mechanism—AT&T prefers the NENA solution.

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<sup>3</sup> *Public Notice* at 3. See *NENA Ex Parte* in which NENA proposes that any change to the All Calls Rule not be an “overnight proposition,” but rather that the Commission phase out the rule “for devices and networks that no longer support legacy circuit-switched voice calling.” *NENA Ex Parte* at 2.

<sup>4</sup> *Public Notice* at 3.

<sup>5</sup> *Id.*

<sup>6</sup> *NENA Ex Parte* at 2.

In our 2008 Comments, we explained that we do not presently possess the technology to individually block NSI calls.<sup>7</sup> If it were even possible to do and the Commission were to choose to impose a selective call-blocking obligation on CMRS providers, it would take considerable time to design, develop, test, and implement. Even then, a call-blocking solution presupposes the existence of an appropriate authority capable of accurately distinguishing fraudulent or harassing NSI calls from legitimate emergency NSI calls in order to direct call-blocking instructions to carriers. To develop such a capability would be no small task. And, apart from technical feasibility, this sort of requirement would raise all sorts of additional issues, including costs and legal liability considerations.<sup>8</sup>

Phasing out the All Calls Rule for non-circuit-switched voice calls would mean, among other things, that non-circuit-switched voice calls originating from IP-based handsets and using IP-based networks would be subject to the call validation process. Said another way, CMRS providers would only be obligated to process IP-based 9-1-1 voice calls from their subscribers' handsets and the handsets of subscribers of valid roaming partners. Emergency calls originating from NSI and other non-validated handsets—such as, pre-paid handsets without active minutes, handsets associated with suspended accounts, handsets of non-valid roaming providers—would not have to be processed. While this might initially sound draconian to some, it would be fair to say that the users of such handsets, which would not support other voice services at all, would not have a reasonable expectation of completing an emergency call because they would be aware of the status of their account or because they would know that they were not in their home

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<sup>7</sup> Comments of AT&T Inc., PS Docket No. 08-51 at 2 (filed June 30, 2008) (AT&T 2008 Comments). For simplicity sake, AT&T adopts and incorporates its 2008 Comments here by reference.

<sup>8</sup> CMRS providers would not be in a position to differentiate fraudulent NSI calls aimed at PSAPs from legitimate ones. In our opinion, any obligation to designate which 9-1-1 calls should be blocked should remain with trusted, authorized government actors. What's more, even when CMRS providers are following, or trying to follow, the directions of authorized government actors, they would need absolute protection from civil lawsuits in the event that non-fraudulent callers are improperly denied access to emergency services or in the event that other errors are made in call blocking.

territory. Indeed, given the near ubiquity of wireline and wireless phones, it is reasonable presume that individuals in need of emergency services would have ready alternatives available to them. Thus, the potential impact of this change to end users and the general public is likely to be negligible.

In summary, we can support NENA's proposal to phase out the All Calls Rule by excluding its application to non-circuit-switched voice calls originating from IP-based handsets and using IP-based networks. In our view, the harm to public safety caused by fraudulent calls out weighs any alleged benefit gained by allowing NSI handsets to originate emergency calls. Our other concerns raised in AT&T's 2008 Comments remained unchanged, however, and we are unenthusiastic about any attempt to create a call-blocking mechanism to address this issue because it would be rife with technological, cost, and legal complications.

#### **B. Relevant Changes**

We are unaware of any relevant changes in industry, technology, regulation, public practice, or otherwise that may have occurred since the earlier filing of comments that should bear upon the Commission's review of this matter.

#### **C. Earlier-submitted Facts or Analyses**

We are unaware of any earlier-submitted facts or analyses in the record offered by AT&T that we now regard as outdated, and we are presently unaware of the need to provide new relevant information that should bear upon the Commission's review of this matter.

**AT&T Inc.**

By: /s/ William A. Brown

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