

NENA

The 9-1-1 Association

1700 Diagonal Road | Suite 500 | Alexandria, VA 22314

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

May 25th, 2013

In re Improving 9-1-1 Reliability; Reliability and Continuity of Communications Networks Including Broadband Technologies. PS Dockets Nos. 13-75 & 11-60.

Dear Ms. Dortch:

On June 3rd, 2013, the undersigned, Trey Forgety, Director of Government Affairs and Regulatory Counsel, along with NENA CEO Dr. Brian Fontes made an *ex parte* presentation to representatives of the Commission's Public Safety and Homeland Security Bureau with respect to the above-captioned proceedings. Present on behalf of the Bureau were Jeffrey Goldthorp, Lauren Kravetz, John Healy, Michael Connolly, Eric Schmidt, and Cecilia Mateo.

During our presentation, we explained NENA's vision for a risk-based approach to ensuring network reliability. Specifically, we explained how carriers and SSPs could have flexibility to choose network reliability approaches that best fit the relative risks to specific facilities as well as the relative impacts to public safety should those facilities fail. We also explained our belief that risk-based analysis could dovetail neatly with the Commission's proposed certification approach by allowing carriers and SSPs to certify that they have conducted risk analysis for 9-1-1 related facilities and that they have implemented reliability improvements consistent with the results of those analyses, subject to some minimum baseline requirements. We also described how we believe the Commission could react, from an enforcement perspective, should carriers or SSPs be found to have made false or materially incorrect certifications as, for example, by requiring such carriers or SSPs to submit to periodic inspections of certain facilities.

In addition to our discussion of NENA's proposed risk-based approach, we also discussed the specific problems identified in the NPRM, and the need to look beyond the PSAP-protection aspect of circuit diversity auditing. We noted that while the failure of carriers or SSPs to ensure the path diversity of protection circuits purchased by PSAPs from Selective Routers to their premises represents a major component of the 9-1-1 network reliability equation, the failure to maintain diversity of links from carrier origination networks to Selective Routers represents an equally important challenge. We also expressed our belief that automated circuit auditing could allow carriers to improve service to PSAPs and Selective Routers, but expressed our concern that the actual performance of such an approach would require future review to evaluate its continuing effectiveness.

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Next, NENA expressed our concern that some carriers have chosen to exploit their market position to deny public safety agencies and their representatives the very data they insist is lacking in NENA's and others' presentations to the FCC. Specifically, we expressed grave concern about certain practices that have arisen or proliferated in the wake of the Derecho such as requesting or requiring 9-1-1 Authority or PSAP customers to execute Non-Disclosure Agreements (NDAs) with respect to network reliability data. We advised the Bureau that NENA has already engaged with some carriers to resolve this issue, and will continue to work with the carrier and SSP communities to ensure that PSAPs, 9-1-1 Authorities, and public safety representatives such as NENA can access the critical reliability information we need to evaluate whether existing networks and systems are as reliable as required by law and contract, and to make informed policy recommendations to the FCC and other policy makers.

Finally, in response to Bureau questions, NENA explained that we currently lack information on the availability of redundant Selective Routing service. We then expressed our interest in developing data on that subject, and committed to conducting an inquiry with our membership to seek that data.

Should you have any questions concerning this presentation, please contact me as below.

Sincerely,



Telford E. Forgety, III; "Trey"
*Director of Government Affairs
& Regulatory Counsel*

CC: Jeff Goldthorp, PSHSB
Lauren Kravetz, PSHSB
John Healy, PSHSB
Michael Connolly, PSHSB
Eric Schmidt, PSHSB
Cecilia Mateo, PSHSB