

NENA

The 9-1-1 Association

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

July 18th, 2013

RE: Docket Nos. GN 13-111; ET 08-73; WT 10-4; RM-11430; PRM09WT; PRM11WT

Dear Ms. Dortch:

On behalf of NENA: The 9-1-1 Association, I write to provide brief comments on with respect to the above-captioned proceeding.

NENA wishes to first express our grave concern at the lack of specific and enforceable 9-1-1 service protections for consumers of wireless services in the proposals of the petitioners and the Commission's proposed rules. Although managed-access cellular systems and contraband wireless detection technologies represent a substantial tool to improve the safety of corrections officers, they also pose a direct and immediate threat to the safety and security of a populace that has come to rely on wireless service – and wireless 9-1-1 service in particular – for their protection in times of danger. While NENA is convinced that this threat can be mitigated, we are concerned that the currently-proposed rules do not require operators of such systems to undertake *any* specific steps to do so. Consequently, NENA commends the following proposals to the Commission's attention.

NENA believes that operators of managed-access wireless systems should be required to undertake a consumer-impact analysis for each proposed installation, and to file with the Commission a detailed plan aimed at preventing the system from blocking the calls of legitimate wireless consumers located outside the boundaries of the correctional institution in which the system will be installed. The extent of required consumer protection measures and periodic testing obligations could then be set in inverse proportion to the chorological isolation of the facility. For example, the acceptable received-signal level at an institution's boundaries, and the rate at which those levels deteriorate with increasing distance, could be much lower for facilities that are not located in close proximity with homes and businesses. Additionally, while NENA believes that all managed-access systems should be required to periodically test actual received signal levels at, and just beyond, their boundaries, such testing could be required with a lower frequency for isolated institutions where nearby populations are less likely to be impacted. For institutions located in densely-populated areas, however, NENA believes that such testing (along with prompt remediation of any excess signal levels) should be required on an annual basis.

Even with such protections in place, NENA believes that operators of managed-access systems should be required to undertake extensive public education campaigns aimed at informing business and consumers about the potential for call blocking at the borders of the systems' service areas *before* their systems are made operational. As suggested in the Commission's proposal, NENA agrees that mailed announcements, door-hangars, and media campaigns could all be effective tools for this purpose. Additionally, however, NENA also believes that the Commission should require proponents of managed-access installations to coordinate their deployment with local 9-1-1 authorities to ensure that the

interest of the public in wireless 9-1-1 accessibility can be monitored at the local level. Importantly, NENA also believes that these public education requirements should be equally applicable to operators of contraband-detection systems.

Unlike managed-access systems, contraband wireless detection and location systems pose a lower risk to the safety of consumers at large. Because such systems cannot disable wireless service to devices located outside their installed service area without human intervention, NENA believes that erroneous call blocking will, in practice, be less common. However, this belief is premised on the assumption that such systems will achieve real-world location accuracy performance that far exceeds that of large-scale commercial wireless networks. In part, the validity of this assumption can be bolstered by the fact that contraband detection systems will be installed in controlled environments and with higher sensor density. To assure the public that accidental mis-location of devices located outside of correctional institutions will not result in requests for service shutdown, the Commission should require requesting institutions to certify that this assumption is valid. For example, the Commission could require that shutdown requests be accompanied by a certification that the location of a device has been determined to lie within a correctional institution with a certain maximum uncertainty and minimum confidence factor such that the likelihood the device actually lies outside the institution is minimized. An authorized corrections officer could then certify that a detected device's location has been measured to within 10m at the 95% confidence level, and that the fraction of the hyperbolic error triangle for the detected device that lies outside the facility's boundary is no greater than 10%.

With respect to both managed-access systems and contraband detection systems, NENA believes that final rules must set clear standards for the prompt resolution of consumer complaints related to improper blocking or shutdown of wireless service. Specifically, NENA believes that the Commission should require operators of managed-access or wireless detection systems to send a pre-shutdown SMS message notifying wireless users: 1) why their device has been targeted for shutdown or blocking; 2) who they can contact to dispute the shutdown or blocking; and 3) at what 24x7 telephone number and email address their complaint can be received. Finally, NENA believes that the Commission should require resolution of consumer complaints within 24 hours in 90% of cases, and should establish penalties non-compliance with adopted consumer protection rules.

Assuming the Commission proposes specific additional rules aimed at protecting the ability of innocent citizens who live and work in proximity to correctional institutions to access 9-1-1, NENA believes that managed-access and contraband detection systems can begin protecting our corrections colleagues with due speed.

Sincerely,



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