



# Key State and Federal 911 Developments

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# Introduction/Overview



- ◆ FCC NG911 Notice of Proposed Rulemaking
  - ◇ NASNA Petition (Oct. 2021)
  - ◇ Extension of *King County* Decision
  - ◇ Proposed Rules and Impact on Real-World NG911 Deployments
  - ◇ Parallels with Location-Based Routing Proceeding
  - ◇ Interconnection Implications
- ◆ Other FCC Updates
  - ◇ Outage Reporting
  - ◇ 911 Reliability Rules Enforcement
- ◆ State 911 Regulatory Updates

# NASNA Petition

- ◆ NASNA Petition for Rulemaking Filed October 2021
- ◆ Requested the FCC:
  - ◇ Establish Authority over Originating Service Providers (OSP) delivery of 911 services through IP-based emergency services networks (ESInets);
  - ◇ Amend its rules to advance the transition to – and implementation of – NG911 services; and,
  - ◇ Require OSPs to bear the cost of delivering NG911 calls to the 911 network by extending the *King County* decision to all OSPs.
- ◆ FCC Public Notice December 2021
  - ◇ Approximately 30 Comments and Reply Comments Filed
  - ◇ *Ex Parte* Meetings with FCC Staff

# NASNA Petition Background



- ◆ *King County* Letter (May 2001)
  - ◇ May 2000 King County E-911 Program Office asked FCC “whether the funding of network and database components of Phase I service, and the interface of these components to the existing 911 system [is] the responsibility of the wireless carriers or PSAPs?”
  - ◇ The FCC found, “the Proper demarcation point for allocating costs between the wireless carriers and the PSAPs is the input to the 911 selective router maintained by the Incumbent Local Exchange Carrier (ILEC).”

# NASNA Petition Background



## ◆ Maine PUC Request

- ◆ November 2016 Maine PUC asked FCC to extend *King County* letter holding to text-to-911 deployments
  - Maine argued that the *King County* letter established the demarcation point for wireless Phase I service as the E911 selective router.
  - In the NG911 environment, Maine argued the equivalent to the E911 selective router is the Maine ESInet. Maine, “strongly believes ... that it should be the wireless carriers’ responsibility to carry the cost of delivering text-to-911 for their customers to our network, just as the carriers are required to do for regular 911 service.”
- ◆ FCC Public Notice January 2017

# NASNA Petition



- ◆ Request #1: FCC Should Establish Authority over NG911 Services
  - ◇ Specifically, authority over OSPs delivery of 911 services through ESInets
  - ◇ 2014 FCC Policy Statement and Notice of Proposed Rulemaking on enhanced 911 Reliability Rules
    - “As IP-based 911 service providers transition to architectures that extend beyond the boundaries of any state and implement network changes that may affect quality of service on a regional or national scale, consistent and collaborative governance is ... essential to maintaining the vital public benefits to 911. Together with our state and local partners, the Commission has the public safety imperative to oversee each of the increasingly complex component pieces of the nation’s 911 infrastructure... . Where there are multi-state aspects of the 911 architecture or technology trends that may increase the risk of failure or cause confusion to PSAPs and end-users, the FCC must, and will, take a leadership role in resolving such risks and confusion.”

# NASNA Petition



- ◆ Request #2: FCC Should Amend its Rules to provide clarity and deadlines around the NG911 transition
  - ◇ Section 9.4 of FCC's rules:
    - OSPs must transmit all calls to a PSAP or other appropriate emergency authority.
    - The Petition asks the FCC to expand this obligation to require these calls be transmitted in an NG911 format using NG911 protocols.
  - ◇ Section 9.5 of FCC's rules:
    - Provides deadlines that have long since passed (e.g., 2001 and 2002) by which OSPs must deliver 911 calls to designated answering points.
    - The Petition asks the Commission to update this rule and provide deadlines by which OSPs must deliver 911 calls with standardized NG911 components (e.g., in SIP format, with location information attached to the SIP header, and using compatible location information). Deadlines dictated at the state and local level.



# NASNA Petition



- ◆ Request #3: The FCC Should Establish a Demarcation Point to Allocate Costs Between OSPs and 911 Authorities
  - ◇ Extend *King County* Letter to OSPs for NG911 Transition
  - ◇ FCC should establish the floor or a default demarcation point for cost allocation to provide certainty and preserve state/local authority over 911, specifically existing 911 cost recovery mechanisms.
- ◆ NG911 Readiness Registry
  - ◇ OSP deadline to transmit calls in an NG911-compliant format would follow the customer/911 Authority submitting its NG911 Readiness Certification.
    - Similar to Text-to-911 Requirement to deliver texts within six months of valid request

# Real-World NG911 Deployments



## ◆ South Dakota

### ◆ Statewide NG911 Contract and Statewide Network

- 28 PSAPs serviced by two meet points (Sioux Falls and Rapid City)
- Contemplated 18 Rural Carriers delivering 911 traffic to one of these meet points

### ◆ Petition for Declaratory Ruling (October 2017)

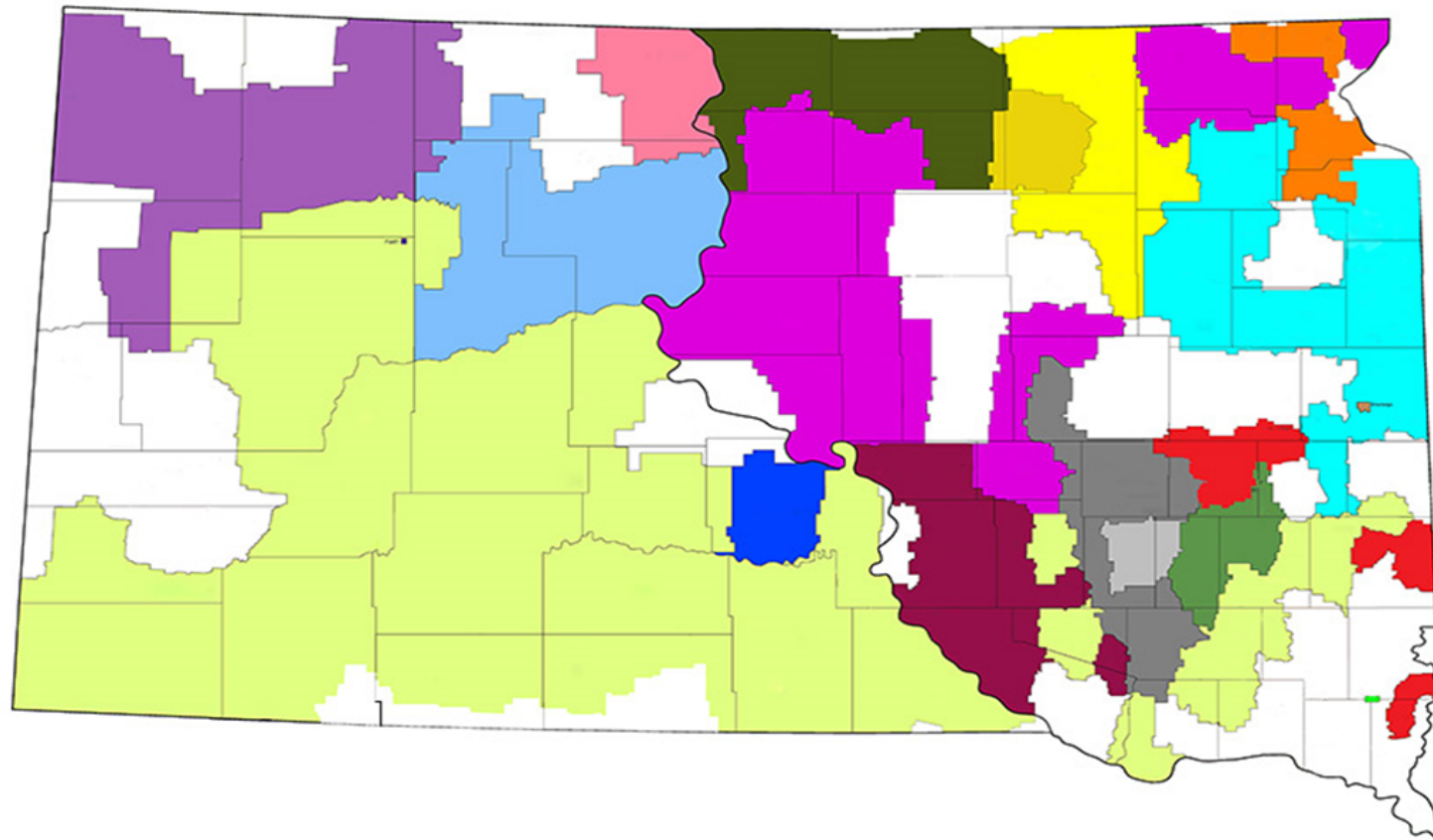
- Key Issue: *Who is responsible for transporting traffic between rural service territories and the NG911 network's centralized POIs – the rural carriers or the 911 Authority/Covered 911 Service Provider?*

### ◆ Arguments

- Rural Carriers: Interconnect at point on LEC Network and not outside service territory
- Covered 911 Service Provider: Interconnection Statute is irrelevant, and Carriers required to deliver 911 calls to PSAP or Statewide Default Answering Point

# South Dakota Rural LEC Territories

## member companies



- Alliance Communications
- Beresford Municipal Telephone
- Cheyenne River Sioux Tribe Telephone Authority
- Faith Municipal Telephone
- Golden West Telecommunications
- Interstate Telecommunications Cooperative (ITC)
- James Valley Telephone
- Northern Valley Communications
- Kennebec Telephone Company
- Midstate Communications
- Roberts County Telephone Cooperative
- Santel Communications
- Mitchell Telecom
- Swiftel Communications
- TrioTel Communications
- Valley Telecommunications
- Venture Communications
- West River Cooperative Telephone Company
- West River Telecom
- Nonmember Telecommunications Companies



# Real-World NG911 Deployments



- ◆ South Dakota Resolution:
  - ◇ PUC did not determine whether federal interconnection statute applied, nor did it set a cost allocation demarcation point.
  - ◇ Original statewide contract terminated, and a new contract was awarded.
- ◆ Similar cost allocation and interconnection arguments occurring in other states:
  - ◇ Minnesota
  - ◇ South Carolina
  - ◇ Arizona
  - ◇ Florida
  - ◇ Pennsylvania

# FCC Notice of Proposed Rulemaking



- ◆ Posture: Notice of Proposed Rulemaking (not final rules)
- ◆ Proposed Rules:
  - ◇ OSPs must deliver 911 calls, including associated location information, in the requested IP-based format to an ESInet or other designated point(s) that allow emergency calls to be answered upon request of 911 authorities who have certified the capability to accept IP-based 911 communications.
  - ◇ OSPS must transmit all 911 calls to demarcation points designated by a 911 Authority.
  - ◇ In the absence of an alternative agreement, OSPs must cover the costs of transmitting 911 calls to the point(s) designated by a 911 Authority

# FCC Notice of Proposed Rulemaking



## ◆ Delivery of 911 Calls in IP-Based Format

### ◆ Rationale:

- Alleviate the burden on state and local 911 authorities of maintaining transitional gateways and other network elements to process and convert legacy calls
- TFOPA found a significant impediment to NG911 service was OSPs not being prepared to deliver 911 calls via IP technology with location information
- Complements Location-Based Routing proposal

### ◆ FCC Questions in NPRM

- Should the FCC specify that the IP-based format must meet certain criteria?
- How should this proposal apply to 911 calls that originate on non-IP wireline networks?
- How would this requirement support interoperability?
- Should the FCC seek regulatory parity among OSPs or is there a reason to apply different requirements to 911 calls that are originated on different platforms?

# FCC Notice of Proposed Rulemaking



- ◆ Delivery Points for IP-based traffic
  - ◇ The delivery points that could be designated by a 911 authority would include a PSAP, designated statewide default answering point, appropriate local emergency authority, ESI-net, or other designated point(s) that allow emergency calls to be answered
- ◆ Rationale
  - ◇ This provides states with a uniform framework to manage NG911 transition costs and minimize time-consuming negotiations with providers
- ◆ FCC Questions in NPRM
  - ◇ Should interconnection points be required to meet certain criteria (ex. located within a specific State or LATA)?
  - ◇ What are the costs and benefits of this proposal?
  - ◇ Should a hybrid approach be considered to accommodate legacy services?

# FCC Notice of Proposed Rulemaking



- ◆ Cost Allocation
  - ◇ States and Localities may establish cost recovery mechanisms they deem necessary for delivering 911 traffic to required point(s).
  - ◇ In the absence of such mechanisms, the cost of compliance from call origination to the demarcation point would fall on the OSP
- ◆ Rationale
  - ◇ Consistent with FCC's approach in *King County*
  - ◇ Costs associated with installing, maintaining, and upgrading components necessary to deliver 911 traffic to 911 networks are required costs for OSPs.
- ◆ FCC Questions in NPRM
  - ◇ Should FCC place limits on cost (only require OSPs to bear costs if interconnection point is within service territory or LATA)?
  - ◇ Requests estimates from rural carriers on costs of this proposal



# FCC Notice of Proposed Rulemaking



- ◆ Valid Request for IP-based Service
  - ◇ Proposed definition of a “valid request,” requires 911 authority to certify:
    - It is technically ready to receive 911 calls in the IP-based format requested;
    - It is specifically authorized to accept 911 calls in the IP-based format requested; and,
    - It has provided notification to the provider via either a registry made available by the FCC or by written notification reasonably acceptable to the provider
  - ◇ FCC Questions in NPRM
    - What level of NG911 readiness should 911 authorities achieve to trigger these requirements?
    - What elements does a state or local authority need to have in place before making a valid request?
    - Should “IP-capable” be defined in the FCC’s rules?

# FCC Notice of Proposed Rulemaking



- ◆ Timing of IP-based Delivery and Designated Delivery Points
  - ◇ Wireline and Interconnected VoIP providers have 6 months from the date of a valid request
  - ◇ Internet-based TRS providers have 12 months from the date of a valid request
  - ◇ 911 authorities may agree to alternative timelines with these providers
- ◆ FCC Questions in NPRM
  - ◇ Are these timelines adequate?
  - ◇ What is the length of time required by wireline, interconnected VoIP and Internet-based TRS providers to complete IP connectivity onboarding and testing with 911 authorities?

# FCC Notice of Proposed Rulemaking



- ◆ **NG911 Readiness Registry**
  - ◇ FCC seeks comment on whether it should require or make available a registry or database that would allow state and local 911 authorities to notify OSPs of readiness to receive calls in IP-based format.
- ◆ **Appropriate Requesting Entity**
  - ◇ The local or state entity with authority and responsibility to designate the point(s) that allow emergency calls to be answered would be the appropriate authority to request IP-based service from OSPs. FCC asks whether the appropriate requesting entity should include PSAPs?
- ◆ **911 Authority**
  - ◇ The state, territorial, regional, Tribal, or local agency or entity with the authority and responsibility under applicable law to designate the point(s) to receive emergency calls.

# FCC Notice of Proposed Rulemaking



## ◆ Applicability of Interconnection Statutes

### ◆ Background

### ◆ Applicability to Rural LECS

### ◆ FCC NPRM:

- “We propose to clarify that the interconnection requirements of sections 251 and 252 do not require 911 authorities or their contracted NG911 service providers to provide points of interconnection for 911 traffic within existing LEC service areas.”

### ◆ Rationale:

- State and local 911 authorities are not commercial “telecommunications carriers” to which the interconnection requirements of sections 251 and 252 would apply, because they do not offer telecommunications for a fee directly to the public.

# Interconnection Implications of NPRM

- ◆ Central Kentucky 911 Network (July 2015)
  - ◇ AT&T Petition for Declaratory Order asking PSC to determine AT&T's obligations to interconnect and route 911 traffic to CKN
  - ◇ AT&T argued CKN must be certificated as a utility under Kentucky Law and request interconnection under Sections 251 and 252
  - ◇ CKN is owned/operated by County Governments, operates an IP network, and asked PSC to dismiss
  - ◇ FCC NPRM provides additional argument: 911 Authorities are not subject to 251 and 252 Interconnection



# Outage Reporting

- ◆ Network Outage Reporting System – online portal whereby communications providers file reports to keep FCC abreast of major disruptions in their networks.
  - ◇ 47 C.F.R. § 4.9 (f) (Wireline Provider)
  - ◇ 47 C.F.R. § 4.9 (h) (Covered 911 Service Provider)
- ◆ Outage (47 C.F.R. § 4.5(a))–
  - ◇ Significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider’s network

# Outage Reporting

- ◆ Outage Affecting a 911 Special Facility (47 C.F.R. § 4.5(e))
  - ◇ Loss of communications to PSAP affecting at least 900k user minutes, and:
    - Failure is not at PSAP nor on premises of PSAP;
    - No reroute for all end users available; and
    - Outage lasts at least 30 minutes
  - ◇ Loss of 911 call processing capabilities in one or more E911 tandems/selective routers for at least 30 minutes; or
  - ◇ One or more End Office or MSC switches or host/remote clusters is isolated from 911 service for at least 30 minutes and potentially affects 900k user minutes; or
  - ◇ Loss of ANI/ALI and/or failure of location determination eqpt, including Phase II eqpt, for at least 30 minutes and potentially affecting 900k user minutes
    - Failure neither at PSAP nor on PSAP premises

# Outage Reporting

- ◆ Wireline Provider
  - ◆ Notification – Within 2 hours of discovery
    - Includes: Entity name, date/time of outage, brief description of problem, service effects, geographic area impacted, personnel contact information
    - Also notify designated PSAP Official
  - ◆ Initial Report – Within 3 days
    - Includes: All pertinent information available on the outage
  - ◆ Final Report – Within 30 days
    - Includes: All pertinent information available on the outage, including any change since Initial Report
    - Signatory attests to truth/accuracy
    - Possibly additional information tied to Reliability Certification



# Outage Reporting

- ◆ Covered 911 Service Provider

- ◆ Notification – Notify official designated by PSAP w/in 30 minutes of discovering an outage potentially affecting that PSAP

- Convey all available information that may be useful in mitigating effects of outage
    - Name, phone #, and email address

- ◆ Follow up – Communicate additional material info no later than 2 hours later

- Nature of outage; best known cause; geographic scope; estimated repair time; any other useful info

# Outage Reporting

- ◆ Applicability/Obligations:
  - ◇ C9SP: Notification and Follow up
  - ◇ Carrier: 3 reports for each reportable Outage
- ◆ When:
  - ◇ C9SP: 30 mins of discovery; follow up 2 hrs later
  - ◇ Carrier: 2 hours of discovery; Initial Report 3 days later; Final Report 30 days later
- ◆ How:
  - ◇ Via the FCC's online portal, available here:  
<https://www.fcc.gov/nors/outage/StartUp.cfm>
    - Submitted by authorized employee
    - Notifications and Initial Reports may be withdrawn (and a substantial number are withdrawn)

# Outage Reporting: A Refresh



- ◆ FCC Updated NORS rules
  - ◇ Maintain 911 Special Facility Contact Information
  - ◇ Harmonize PSAP notifications
  - ◇ Notification when C9SP ceases operations
- ◆ CCA Petition for Reconsideration
  - ◇ FCC should reconsider its refusal to apply “30-minute notification deadline flexibility,” and should either retain “as soon as possible” or start the 30-minute clock when aware of outage.
  - ◇ FCC should create/maintain PSAP database and not require OSPs

# FCC's 911 Reliability Rules

- ◆ Timeline for 911 reliability rules
  - ◇ Derecho (June 2012)
  - ◇ FCC follow-up
    - Public notice (July 2012)
    - FCC NPRM (March 2013)
    - FCC final rules (December 2013)
    - FCC further clarification (July 2015)
    - Initial certification (October 2015)
    - First full certification (October 2016)

# FCC's 911 Reliability Rules

- ◆ Applicability:
  - ◇ Covered 911 service providers
    - Routing/ALI/ANI directly to a PSAP
- ◆ Requirements:
  - ◇ Take reasonable measures to provide reliable 911 service with respect to three network elements:
    - Redundancy of critical 911 circuits
    - Central office backup power
    - Diverse network monitoring
- ◆ Annual Certification
  - ◇ Corporate officer

# FCC's 911 Reliability Rules

- ◆ Critical 911 Circuits
  - ◇ Safe Harbor
    - Diversity audit
    - Tag critical 911 circuits
    - Eliminate all single points of failure
- ◆ Reasonable alternative measures in lieu of safe harbor
  - ◇ FCC may determine “reasonableness”

# FCC's 911 Reliability Rules



- ◆ Backup Power
  - ◇ Safe Harbor
    - 24 hours of backup power for a central office directly serving a PSAP
    - 72 hours of backup power for a central office hosting a selective router
- ◆ Third-Party Data Centers
  - ◇ State/local zoning; noise ordinances; fuel storage

# FCC's 911 Reliability Rules



- ◆ Diverse Network Monitoring
  - ◆ Safe Harbor
    - Audit diversity of network monitoring aggregation points
    - Audit monitoring links between aggregation points and NOCs
    - Implement physically diverse aggregation points for network monitoring data in each 911 service area
    - Implement physically diverse links from aggregation points to at least one NOC
  - ◆ Reasonable Alternative Measures
    - If monitoring over IP, auditing may be impossible



# FCC's 911 Reliability Rules



# FCC's 911 Reliability Rules

- ◆ Sunny Day Outage
  - ◇ 6-Hour 911 service outage
  - ◇ 11 million people in 6 states
- ◆ FCC Action
  - ◇ Proposed rules
    - Expand 911 reliability obligations
  - ◇ Enforcement
    - \$17.4 M in fines
- ◆ Possible rule changes:
  - ◇ Clarify certification period
  - ◇ Streamlined outage reporting
    - May happen as part of 5-year refresh
  - ◇ Frequency of certifications

# FCC's 911 Reliability Rules: Enforcement



# Quick 911 State Updates





# Thank You

Any questions?