



February 16, 2022

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

EX PARTE

Re: *In the Matter of Facilitating Implementation of Next Generation 911* (PS Docket No. 21-479)

Dear Ms. Dortch:

The Industry Council for Emergency Response Technologies (“iCERT”) respectfully submits the following ex parte communications in response to the FCC’s *Public Notice* of December 20, 2021, in which it seeks comment on a request by the National Association of State 911 Administrators (“NASNA”) to initiate a proceeding to facilitate the implementation of and transition to Next Generation 9-1-1 (“NG911”) services.<sup>1</sup> iCERT believes that timely NG911 implementation is important to our nation, and we appreciate the Commission’s prompt response to the petition filed by NASNA.

As the nation’s only trade association focused exclusively on the emergency response sector, iCERT has a strong interest in NG911. Our member companies represent a broad cross section of companies with a collective interest in advancing innovative solutions that will improve public safety communications and help protect first responders and the public they serve. This includes companies that develop, provide, and support NG911 systems, services, and equipment, as well as Originating Service Providers (OSPs) that provide their subscribers with access to emergency services. iCERT believes that NG911 will yield considerable benefits to the public, as well as first responders, and thus, we’ve been an active advocate for public policies that support the rapid implementation of NG911 across the country.

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<sup>1</sup> See FCC Public Notice, DA 21-1607, rel. Dec. 20, 2021.

## **Background**

NASNA's petition asks the FCC to take certain actions that will help facilitate the implementation of and transition to NG911. First, it asks the Commission to establish authority over OSP delivery of 911 services through IP-based emergency services networks (ESInets) including delivery by wireless, landline, and interconnected VoIP providers. Second, it requests that the FCC amend 47 C.F.R. §§ 9.4 and 9.5, as needed, to advance the transition to and implementation of NG911 services. Third, it asks the FCC to make a determination that the cost of complying with these FCC requirements are the responsibility of the OSPs, except where cost recovery is provided by state law or regulation. Fourth, and finally, NASNA urges the FCC to consider adding a NG911 Readiness Registry to its existing Text-to-911 or public safety answering point (PSAP) registries – or combine the two and add a NG911 Registry.

## **iCERT Position**

iCERT agrees with the Comments filed by ATIS, CTIA, NENA, and others, which note the importance of ensuring a smooth and timely transition to NG911 and the need to ensure clarity on application of the FCC's rules.<sup>2</sup> Nationwide deployment of NG911 is important to ensure that all communities around the nation have the best advanced emergency communications systems possible to most effectively protect the public. However, the Commission should not undertake a time-consuming rulemaking process without a clear need to do so, and any proceeding should focus attention on those issues where there is a clear need for clarification or change.

As an initial matter, iCERT does not believe it is necessary for the Commission to initiate a rulemaking proceeding to establish its authority over OSP delivery of 911 services through IP-based ESInets. As the Colorado Public Utilities Commission and CTIA note in their respective comments, the FCC already has such authority and the obligation of OSPs to deliver 911 calls applies without regard to the technology used for delivering them.<sup>3</sup> As a result, iCERT does not believe it either necessary or a good use of Commission time and resources to undertake a broad rulemaking proceeding to address that question.

Based on the comments filed with the FCC, it would appear that the greatest need for clarity is with regard to the responsibilities of incumbent local exchange carriers (ILECs), the manner in which they interconnect

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<sup>2</sup> See Comments of the Alliance for Telecommunications Industry Solutions ("ATIS Comments") at 3; Comments of CTIA at 2; Initial Comments of NENA: The 9-1-1 Association ("NENA Comments") at 1.

<sup>3</sup> See Comments of Colorado Public Utilities Commission ("Colorado PUC Comments") at 2; CTIA Comments at 4.

with NG911 systems, and their cost allocation and billing practices.<sup>4</sup> Comtech, for example, noted that it has experienced significant delays in the completion of NG911 transitions due to regulatory uncertainty and resistance from certain ILECs and OSPs, which have consistently resulted in unnecessary and costly NG911 transition delays.<sup>5</sup> Comtech further agreed with NASNA that the biggest regulatory roadblock with these carriers is with regard to the establishment of demarcation points for cost allocation.<sup>6</sup> The State of Arizona notes that several ILECs have indicated that they do not have an obligation to terminate their 9-1-1 traffic to the points of interconnection (POIs) as designated by the state and that it is the NG911 service provider that must extend connections to the ILEC switches at a cost to the state.<sup>7</sup> The State of Minnesota specifically raises concerns with wireline OSPs that receive cost recovery from the state. It notes that, while it has implemented an NG911 project that provides accommodations for a variety of OSP interconnection options, no wireline OSPs that receive cost recovery have yet submitted an interconnect plan.<sup>8</sup>

iCERT agrees with these commenters that the lack of clarity with regard to the applicability of the FCC's rules to ILECs creates confusion, delay, and unnecessary costs to NG911 deployments. Clarifying these ILEC responsibilities and amending the FCC's rules, should that be necessary, would benefit carriers, NG911 service providers, and 911 Authorities and ultimately speed the deployment of NG911 networks and services. iCERT agrees with NASNA that any FCC review of OSP responsibilities should focus on the applicability of 47 C.F.R. §§ 9.4 and 9.5, as well as the allocation of costs and the appropriate demarcation points between OSPs and 911 Authorities. With regard to cost allocation and demarcation, iCERT agrees with commenters stating that they believe the FCC's *King County Decision* has applicability in the NG911 context. As was the case with E911, OSPs should not charge the NG911 service provider for delivering NG911 calls to the appropriate point of demarcation. In a NG911 environment, the demarcation point should be the point of entry of traffic from the OSP (or its designated transport provider) into the ESInet

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<sup>4</sup> See *generally* Initial Comments of the Texas 9-1-1 Entities, Comments of the Arizona Department of Administration (Arizona Comments), Comments of Comtech Telecommunications Corp. (Comtech Comments), Comments of Iowa Department of Homeland Security and Emergency Management, Comments of Minnesota Department of Public Safety (Minnesota Comments),

<sup>5</sup> Comtech Comments at 2.

<sup>6</sup> *Ibid.*

<sup>7</sup> Arizona Comments at 1.

<sup>8</sup> Minnesota Comments at 1.

being operated on behalf of the 911 Authority, though we acknowledge that the specific demarcation point used may be traffic dependent.

iCERT believes that there is a need for continued collaboration of industry and public safety stakeholders on these important issues, and we commend NENA for undertaking a new work group to examine them.<sup>9</sup> While we support the FCC's timely review of these issues, we urge the Commission to take into account these voluntary efforts as it considers what actions it will take. Ultimately, iCERT believes increased clarity and guidance from the FCC on how its rules should apply to NG911 could be helpful in ensuring an effective transition to NG911.

### **Summary**

In summary, iCERT supports increased clarity on applicability of the FCC's rules to NG911. To the extent that achievement of this goal requires the initiation of a new proceeding, iCERT urges the FCC to limit its review to the responsibilities of ILECs, the manner in which they interconnect with NG911 systems, and their cost allocation and billing practices.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Kelemen", with a stylized, flowing script.

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<sup>9</sup> See NENA Comments at 2-3.