



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON MULTI-LINE TELEPHONE SYSTEMS PURSUANT TO THE NEXT GENERATION 911 ADVANCEMENT ACT OF 2012

CC Docket No. 94-102, WC Docket No. 05-196, PS Docket No. 07-114, PS Docket No. 10-255

Comments Due: July 5, 2012
Reply Comments Due: August 6, 2012

On February 22, 2012, the Next Generation 911 Advancement Act of 2012 became law as a part of the Middle Class Tax Relief and Job Creation Act of 2012.¹ Section 6504(b) of the Next Generation 911 Advancement Act directs the Commission to issue a public notice seeking comment on (1) the feasibility of Multi-Line Telephone Systems (MLTSs) to provide the precise location of a 911 caller and (2) the National Emergency Number Association's "Technical Requirements Document on Model Legislation E911 for Multi-Line Telephone Systems" (NENA Model Legislation).² More specifically, Section 6504(b) of the Next Generation 911 Advancement Act directs the Commission to do the following:

(1) IN GENERAL. Not later than 90 days after the date of enactment of this Act, the Commission shall issue a public notice seeking comment on the feasibility of MLTS manufacturers including within all such systems manufactured or sold after a date certain, to be determined by the Commission, one or more mechanisms to provide a sufficiently precise indication of a 9-1-1 caller's location, while avoiding the imposition of undue burdens on MLTS manufacturers, providers, and operators.

(2) SPECIFIC REQUIREMENT. The public notice under paragraph (1) shall seek comment on the National Emergency Number Association's "Technical Requirements Document On Model Legislation E9-1-1 for Multi-Line Telephone Systems" (NENA 06-750, Version 2).

Background

In general, MLTSs serve multiple telephone stations at a single customer site, e.g., an office

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 (2012), Title VI, Subtitle E (Next Generation 911 Advancement Act).

² *Id.* § 6504(b)(2).

building or a university campus, and allow the stations to be administered, managed and billed as a single entity for the customer.³ When an emergency (*i.e.*, 911) call is placed from a station served by an MLTS, the Public Safety Answering Point (PSAP)⁴ receiving the call will not always be able to identify the office, dormitory room, or other detailed location of the caller.⁵ This problem is well known and has been the subject of several Commission proceedings.⁶

In the *E911 Scope Report and Order*, the Commission noted that “the lack of effective implementation of MLTS E911 could be an unacceptable gap in the emergency call system” but ultimately declined to adopt federal rules to address the issue, because the record demonstrated that state and local governments were in a better position to devise rules for their jurisdictions.⁷ On the other hand, the Commission stated that it may re-visit the issue, depending upon whether states demonstrate a willingness to correct the problem.⁸

Feasibility of MLTS Manufacturers to Provide Precise 911 Location Information

As directed by the Next Generation 911 Advancement Act, we seek comment on the feasibility of MLTSs to provide the precise location of a 911 caller, including any costs and technical issues that are

³ The Next Generation 911 Advancement Act defines MLTS as a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises based systems, such as Centrex and VoIP, as well as PBX, Hybrid, and Key Telephone Systems (as classified by the Commission under part 68 of title 47, Code of Federal Regulations), and includes systems owned or leased by governmental agencies and non-profit entities, as well as for profit businesses. Next Generation 911 Advancement Act at § 6502(2); *cf.* NENA Model Legislation at 10.

⁴ See Next Generation 911 Advancement Act, § 6001(25) (referring to the definition of PSAP “as given such term in Section 222 of the Communications Act of 1934 (47 U.S.C. 222).”). Section 222(h)(4) of the Communications Act of 1934, as amended, defines a PSAP as “a facility that has been designated to receive emergency calls and route them to emergency service personnel.” 47 U.S.C. § 222(h)(4); *see also* 47 C.F.R. § 64.3000(c).

⁵ The emergency calling system in the legacy wireline 911 system typically works as follows: When a caller dials 911 to place an emergency call, the serving local exchange carrier (LEC) uses the caller's telephone number to deliver the call to the correct PSAP. The caller's telephone number is sent to the PSAP, and the PSAP uses that number to automatically query a database to obtain the customer's address. The system works when the delivered number references the location from which the 911 call is placed. However, when the Public Switched Telephone Network (PSTN) delivers an emergency call from a station on an MLTS to the PSAP, the PSAP may receive the MLTS's outgoing trunk's telephone or circuit number, and not the emergency caller's station number. (In some cases, the MLTS station that placed the call will not even have its own telephone number.) As a result, a PSAP is oftentimes unable to locate an emergency call from a station on an MLTS.

⁶ For a history of the Commission's actions concerning the compatibility of E911 with MLTSs, see Framework for Next Generation 911 Deployment, PS Docket No. 10-255, Notice of Inquiry, 25 FCC Rcd 17869 (2010); Public Notice, “Commission Seeks Comment About Status of State Action to Achieve Effective Deployment of E911 Capabilities for Multi-Line Telephone Systems (MLTSs),” 19 FCC Rcd 23801 (2004); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 25340, 25361-62, ¶¶ 49-50 (2003) (*E911 Scope Report and Order*). *See also* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, IB Docket No. 99-67, Further Notice of Proposed Rulemaking, 17 FCC Rcd 25576, 25605-07, ¶¶ 82-85 (2002); and Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Notice of Proposed Rulemaking, 9 FCC Rcd 6170, 6170-73, ¶¶ 1, 8, 11 and 12 (1994).

⁷ *See E911 Scope Report and Order*, 18 FCC Rcd at 25361 ¶ 50.

⁸ *Id.* at 25365, ¶ 59.

associated with MLTSs offering E911 capabilities.⁹ These costs may include hardware upgrades, software upgrades, customer service costs, decreased innovation and investment in services, market exit, liability concerns, as well as other potential costs. In addition, we seek comment on whether recent technological developments, such as changes in IP-technology, have made it less burdensome for MLTS providers and manufacturers to offer E911 service. As directed by the Next Generation 911 Advancement Act, we seek comment on the feasibility of MLTS manufacturers to include within all of their systems manufactured or sold after a date certain, one or more mechanisms to provide a precise indication of a 911 caller's location. If it is feasible to do so, we seek comment on an appropriate date certain.

To establish a baseline from which to calculate the benefits and costs of extending E911 service requirements to MLTS manufacturers and operators, we seek comment on the number of firms and subscribers that would be affected; the number of firms that currently provide E911 service for MLTS; the projected growth in use of MLTS, including any growth in the use of MLTS to the exclusion of services that are required to comply with the Commission's E911 rules; and the number of MLTS 911 calls that are placed annually.

We seek comment on the appropriate manner to calculate the benefits that would result from extending E911 service requirements to MLTS. These benefits may include decreased response times for emergencies; reductions in property damage, the severity of injuries and loss of life; and the increase in the probability of apprehending criminal suspects. Potential benefits may also include less tangible and quantifiable factors, such as an increased sense of security. We seek comment on how these intangibles should be accounted for in any analysis.

NENA Model Legislation

The NENA Model Legislation was designed to encourage states to adopt standards and regulations that serve to improve the precision of 911 location information in an MLTS environment.¹⁰ Recently, NENA noted that changes in IP technology have made it necessary to update the Model Legislation.¹¹ The NENA Model Legislation also recommends that the Commission undertake several specific actions. We seek comment on those recommendations and on the NENA Model Legislation more generally.

⁹ We note that the Commission has previously stated that “[r]equiring MLTS to be E911 capable presents a set of issues and requirements beyond those implicated by non-multi-line systems, and involves coordination among a multitude of parties.” See *E911 Scope Report and Order*, 18 FCC Rcd at 25366 ¶ 61 (observing that, for a successful and timely rollout of MLTS E911 services, certain key players – namely, the wireline E911 service provider (typically the LEC) and the requesting PSAP – must be capable of supporting MLTS emergency capabilities)). E911 transmits caller identification and location information to the PSAP. E911 also routes calls to the appropriate PSAP. The E911 network performs these tasks by using the following features: automatic number identification (ANI); selective routing (SR); and automatic location information (ALI). With these features, calls made from a residence easily identify the caller's emergency response location. These features alone, however, would not reveal the location of emergency calls originating from a MLTS. While each telephone within the organization served by a MLTS has a unique telephone number or extension that the MLTS recognizes for directing internal traffic and inbound calls, outbound external calls may not have a unique identifier, and therefore may be unable to transmit complete 911 information. See *id.* at 25366 n.207.

¹⁰ See http://www.nena.org/?page=MLTS_PBX (last visited May 3, 2012) (introduction to NENA's MLTS-PBX Project, “Multi-Line Telephone System & Private Branch Exchange,” web page).

¹¹ See NENA Model Legislation, available at http://www.nena.org/resource/collection/C9292FAF-6B47-4CEB-83D1-3982DBE77186/NENA_06-750_v3_MLTS_Model_Legislation.pdf, at 6 (last visited May 3, 2012).

First, the NENA Model Legislation recommends that the FCC incorporate MLTS E911 requirements into the Commission's Part 68 rules.¹² The Commission's Part 68 rules identify the technical criteria for Terminal Equipment (TE).¹³ Since MLTSs are classified as TE, MLTSs must comply with the FCC's Part 68 rules; however, the Commission's Part 68 rules do not require TE to support E911 services.¹⁴ We seek comment on whether the Commission should modify its Part 68 rules to include E911 requirements for MLTS.

Second, according to the NENA Model Legislation, "to improve the uniformity of E9-1-1 service, regulators will need to be proactive in encouraging industry to develop needed standards. The FCC should be encouraged to take the lead in the effort."¹⁵ Accordingly, we request information on any related standards efforts that are currently underway. If there is a need for additional standards, we seek comment on what entity should set and update those standards, or assist in their coordination?¹⁶ Should the standards be national or set on a state-by-state basis? Should the Commission develop a set of best practices? Alternatively, should the Commission adopt deadlines or timetables for the implementation of standards? Do MLTS manufacturers have an incentive to rapidly deploy E911 solutions? If so, what are those incentives? Should the Commission defer regulatory action until standards are more fully complete?

Procedural Matters

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

¹² NENA Model Legislation at 11.

¹³ Part 68 of the Commission's rules define TE as "communications equipment located on customer premises at the end of a communications link, used to permit the stations involved to accomplish the provision of telecommunications or information services." 47 C.F.R. Part 68.

¹⁴ The Commission has previously determined that "revising Part 68...would be inconsistent with its conclusion that the states are in a better position to determine the manner in which E911 should be deployed in a particular locality." *E911 Scope Report and Order and Second FNPRM*, 18 FCC Rcd at 25366-67, ¶ 62; see also above Background Section, citing *E911 Scope Report and Order and Second FNPRM*, 18 FCC Rcd at 25361 ¶50.

¹⁵ NENA Model Legislation at 19.

¹⁶ We note that NENA's Model Legislation states that "[s]pecific standards should not be encoded in the [FCC's] rules" and that "the administrative burden for regulators to keep up with such changes would be excessive." NENA Model Legislation at 18.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information regarding this proceeding, contact David Siehl, Policy and Licensing Division, Public Safety and Homeland Security Bureau (202) 418-1313.

The Public Safety and Homeland Security Bureau issues this Public Notice under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission’s rules, 47 C.F.R. §§ 0.191, 0.392.

¹⁷ 47 C.F.R. §§ 1.1200 *et seq.*