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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC ADOPTS RULES TO MAKE 911 CALLING MORE RELIABLE

Spurred by the Widespread 911 Network Failures After a Derecho Storm, FCC Requires 911 Service Providers to Take Action to Provide Reliable, Resilient 911 Service

WASHINGTON, D.C. – The Federal Communications Commission today adopted rules to help ensure that Americans’ phone calls to 911 are delivered during disasters. The rules are designed to improve 911 communications networks nationwide by requiring 911 service providers – generally, the wireline phone companies that route both wireline and wireless calls to 911 call centers – to take reasonable measures to provide reliable and resilient 911 service, as evidenced by an annual certification. The FCC also strengthened its rules to ensure that 911 service providers give 911 call centers timely and useful notification of 911 network outages.

Today’s action is the culmination of work that began after a derecho storm hit portions of the Midwest and Mid-Atlantic in June 2012, bringing widespread 911 disruptions. From isolated breakdowns in Ohio, New Jersey, Maryland, and Indiana to systemic failures in northern Virginia and West Virginia, a significant number of 911 systems and services were partially or completely down for up to several days. Across the storm’s path, at least 77 911 call centers serving more than 3.6 million people in these six states lost some degree of network connectivity, including vital information on the location of 911 callers. At least 17 of these 911 call centers, mostly in northern Virginia and West Virginia, lost service completely, leaving more than 2 million residents unable to reach emergency services.

The FCC’s Public Safety and Homeland Security Bureau conducted an inquiry into the 911 outages, finding that many could have been avoided if 911 service providers had fully implemented well-established network reliability best practices – which were developed with and backed by industry – and other sound engineering principles. The FCC said today that a purely voluntary approach to 911 reliability has not been sufficient.

The new rules are designed to maximize flexibility for 911 service providers and account for differences in network architecture without sacrificing reliability. Accordingly, the rules require service providers to certify annually that they have either implemented industry-backed best practices or acceptable alternative measures that are reasonably sufficient in light of their particular circumstances, so long as they briefly explain those measures. The best practices cover three core areas: auditing 911 circuits for physical diversity, maintaining central office backup power, and maintaining reliable and resilient network monitoring systems. If needed, the Bureau may follow up with service providers to address deficiencies revealed by the certification process. The FCC will review these rules in five years to determine whether they are still technologically appropriate, adequate, and necessary.

In addition, the FCC amended its rules to now give 911 service providers deadlines and other more specific requirements for notifying 911 call centers of outages.

Action by the Commission December 12, 2013, by Report and Order (FCC 13-158). Chairman Wheeler, Commissioners Clyburn and Rosenworcel with Commissioners Pai and O’Rielly dissenting. Chairman Wheeler, Commissioners Clyburn, Rosenworcel, Pai and O’Rielly issuing statements.

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