

Standards Committee T1

Carrier Liaison Committee

Telecommunications
Industry Forum

Ordering and Billing
Forum

Network Interconnection
Interoperability Forum

Industry Numbering
Committee

Protection Engineers
Group

Standards Committee O5

Network Reliability
Steering Committee

Internetwork
Interoperability Test
Coordination Committee

Telecommunications
Fraud Prevention
Committee

Generic Requirements
Users Group

International Forum on
ANSI-41 Standards
Technology

Interactive Voice
Response Forum

TTY Forum

Administrative Council for
Terminal Attachments

IMSI Oversight Council

May 17, 2002

VIA HAND DELIVERY

Mr. Thomas J. Sugrue
Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Communication In the Matter of Revision of the
Commission's Rules to Ensure Compatibility with Enhanced 911
Emergency Calling Systems, CC Docket No. 94-102, *Report and Order*
(April 29, 2002) ("Report and Order")

Dear Mr. Sugrue:

I am writing in my capacity as the Chair of the Emergency Services Interconnection Forum ("ESIF")¹ to convey new information to the Federal Communications Commission ("FCC" or "Commission") that was not introduced into the record during the proceeding cited above. Specifically, the purpose of this communication is to: (1) identify a potential solution found in industry standard, J-STD-036 (Annex C); (2) identify potential adverse impacts of the consecutive number (123-456-7890) solution currently provided for in the Report and Order; and (3) suggest the benefits of further analysis of the potential solutions and the resulting potential need for the deferral of the October 1, 2002 effective date specific to the consecutive number (123-456-7890) solution.

Again, the ESIF recognizes that the information contained within this correspondence was not introduced into the record during the proceedings and, as such, was not available during the Commission's deliberation. The ESIF may, if determined appropriate at the time, file an official Petition for

¹ The ESIF is a sponsored committee of the Alliance for Telecommunications Industry Solutions ("ATIS") that has been jointly convened by ATIS and the National Emergency Number Association ("NENA") to facilitate the identification and resolution of technical issues related to the interconnection of the telephony and emergency services networks. ESIF is an open, technical forum encouraging the voluntary participation of interested parties to identify and resolve recognized interconnection issues. For further information on the ESIF, its work or meetings, please see www.atis.org/atis/esif/esifhome.htm.

Reconsideration and Stay of the Effective Date once the Report and Order has been published in the Federal Register consistent with 47 CFR § 1.106(c)(2).

By way of background, the Commission released a Public Notice on May 18, 2000 seeking comments on the “call back capabilities for non-serviced initialized handsets” and whether the Commission should address technical solutions or educational programs.² The Public Notice was prompted by the requests of a group of Public Safety Entities led by the Texas Commission on State Emergency Communications. The group requested that the Commission revisit issues surrounding non-service initialized phones and, specifically, the requirement that calls be forwarded to Public Safety Answering Points (“PSAP”) and the inability for call-back once the connection is broken.³ The Commission then released a Further Notice of Proposed Rulemaking on May 25, 2001 seeking additional comment on possible technical solutions to the call-back issue.⁴

On the basis of a mixed record in the above proceeding, the Commission required in the Report and Order that non-service-initialized handsets donated through carrier-sponsored programs and newly manufactured “911-only” phones be programmed with the code 123-456-7890 as the telephone number and mobile identification number.⁵ The Report and Order further requires, subject to OMB approval, that the requirement become effective on October 1, 2002.⁶ It is with respect to this required technical solution and effective date that the ESIF provides the following information.

First, the ESIF has identified at least one other plausible solution to the call-back issue apparently not advocated on the record. That solution is found in Annex C of J-STD-036, “Enhanced Wireless 9-1-1 Phase 2,” published in August of 2000 as a joint standard by the Telecommunications Industry Association (“TIA”), on behalf of Committee TR-45, and the Alliance for Telecommunications Industry Solutions (“ATIS”), on behalf of its sponsored Committee T1. There is agreement between the TIA TR45.2 Ad Hoc on Emergency Services and the NENA Technical Committees that Annex C contains a solution suggesting the use of a handset’s Electronic Serial Number (“ESN”) or International Mobile Station Equipment Identity

² *Public Notice*, “Comment Sought On Request For Further Consideration of Call Back Number Issues Associated With Non-Service Initialized Wireless 911 Calls,” DA 00-1098 (rel. May 18, 2000).

³ Letter to Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, dated April 28, 2000, filed by the Texas Commission on State Emergency Communications and 16 local Texas Emergency Communications Districts, the National Emergency Number Association, the Association of Public-Safety Communications Officials-International, Inc., and the National Association of State Nine-One-One Administrators.

⁴ In the Matter of Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems,” CC Docket No. 94-102, *Further Notice of Proposed Rulemaking*, RM-8143 (rel. May 25, 2001).

⁵ Report and Order at ¶ 26.

⁶ Report and Order at ¶ 51.

("IMEI") to create a surrogate number. The surrogate number would be "911" plus the last seven digits of the ESN or the IMEI expressed as a decimal number. The IMEI is associated with GSM phones.

During initial ESIF discussions regarding the Annex C solution, it has been suggested that this solution may serve better than the consecutive number solution currently proposed in situations where a non-initialized phone is abusively employed to make hundreds of harassing calls to a PSAP effectively shutting down the 9-1-1 system in that area. The Annex C solution would allow for the easier identification of the phone used. In addition, the Annex C solution would identify the legitimate emergency caller forced by extenuating circumstances to make multiple calls to a PSAP.

Second, the consecutive number solution of 123-456-7890 required by the Report and Order also serves as a valid International Roaming MIN ("IRM") range. The impact of the 123-456-7890 number solution for non-initialized phones is to potentially remove one million numbers from the IRM assignment pool. It is worth noting that IRMs are a finite numbering resource where the first number of a ten-digit number must be a zero (0) or a one (1)⁷. The IFAST is an ATIS-sponsored open industry forum that promulgates IRM assignment guidelines.⁸ While the Commission is under no legal compulsion to consult with the IFAST, further examination of the potential solutions, including the new one introduced in this letter, may afford the IFAST an opportunity to comment on any potential impacts.

Finally, the ESIF believes that the new facts provided above establish persuasive grounds for further deliberation of the consecutive number solution provided for in the Report and Order, as well as the Annex C solution and, possibly, other surrogate number options. While the ESIF supports the timely implementation of a technical solution to the call-back problem for non-initialized phones, the ESIF recognizes that the further deliberation may require a limited deferral of the October 1, 2002 effective date. Nonetheless, the ESIF believes there are good reasons to provide industry and public safety parties, through the ESIF and otherwise, with an opportunity to further investigate the potential technical solutions.

The ESIF and its participants would welcome an opportunity to further examine the matter and, when and if appropriate, provide the Commission with further information for the record.

⁷ See, *International Roaming Guide*, release 1.1, dated November 2001 and, *International Roaming Mobile Identification Number (MIN) Assignment Guidelines and Procedures*, version 3.0, dated May 2001. Both documents are available at: www.ifast.org/ifast_documents.htm.

⁸ The International Forum for ANSI-41 Standards Technology ("IFAST") is an open, international, technical forum that facilitates the identification and resolution of issues to enable the interoperability of systems between countries, carriers, technologies, and standards, thereby protecting the investment made by the industry in the ANSI-41 family of standards while evolving to a seamless global network. For further information on the IFAST, its work or meetings, please see www.atis.org/atis/ifast/ifasthome.htm

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Should you have any questions regarding this matter, please contact Megan Campbell, ATIS General Counsel, at 202-434-8847 or Ed Hall, ATIS Vice President of Technology Development, at 202-434-8836. Those individuals will convey information to the ESIF and coordinate any necessary Forum activities.

Sincerely,



James Nixon
ESIF Chair
Director of Government Affairs
VoiceStream Wireless

cc: John Melcher, ESIF Co-Covener, NENA (jmelcher@911.org)
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