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SMALL ENTITY COMPLIANCE GUIDE

Implementing Kari's Law and Section 506 of RAY BAUM'S Act; Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules

FCC 19-76

PS Docket No. 18-261

PS Docket No. 17-239

GN Docket No. 11-117

Released August 2, 2019

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

In this *Report and Order* in PS Docket Nos. 18-261 and 17-239 and GN Docket No. 11-117, the Commission adopted rules that will help to ensure that members of the public can successfully dial 911 to request emergency services and that Public Safety Answering Points (PSAPs) can quickly and accurately locate every 911 caller, regardless of the type of service that is used to make the call. These rules implement two statutes, Kari’s Law Act of 2017 (Kari’s Law), which requires direct 911 dialing and central notification capabilities in multi-line telephone systems (MLTS), and Section 506 of RAY BAUM’S Act (RAY BAUM’S Act), which requires the Commission, within 18 months after the date of the legislation’s enactment, to “conclude a proceeding to consider adopting rules to ensure that the dispatchable location is conveyed with a 9-1-1 call, regardless of the technological platform used and including with calls from [MLTS].”

Pursuant to Kari’s Law, the *Report and Order* adopts direct dialing and central notification requirements for MLTS, which are telephone systems often used by enterprises such as office buildings, campuses, and hotels. Pursuant to Section 506 of RAY BAUM’S Act, the *Report and Order* also adopts requirements for conveying dispatchable location or alternative location information to the PSAP with 911 calls from MLTS, fixed telephony, interconnected Voice over Internet Protocol (VoIP) service, Telecommunications Relay Services (TRS), and mobile text services. “Dispatchable location” includes the validated street address of the 911 calling party, plus additional information such as suite, apartment, or similar information necessary to adequately identify the caller’s location. The *Report and Order* also consolidates the Commission’s existing 911 rules and the new direct dialing and dispatchable location rules into a single part of the Code of Federal Regulations, 47 CFR part 9.

The decisions made in this *Report and Order* will facilitate timely emergency response and improved location accuracy with 911 calls from small businesses and other enterprises impacted by these requirements. The rules adopted in the *Report and Order* are measured, technically feasible, and technologically neutral, so that small businesses and other impacted enterprises can choose the most effective solutions from a range of options. In addition, the requirements are phased in to allow sufficient time for advance planning and deployment of new location technology. Consistent with this, the *Report and Order* provides clear and measurable timelines and benchmarks for all stakeholders, including small businesses. In addition, consolidation of the Commission’s 911 rules into part 9 simplifies and streamlines the rules, making it easier for small entities to identify and understand what is required to comply with all 911 requirements. The *Report and Order* does not change the existing indoor location accuracy benchmarks or other location requirements for wireless providers. (*See* 47 CFR § 9.10(i) for E911 indoor location requirements applicable to Commercial Mobile Radio Service (CMRS), or wireless, providers.)

II. COMPLIANCE REQUIREMENTS

The *Report and Order* adopts requirements for direct 911 dialing and central notification for MLTS, as well as dispatchable location information for 911 calls from MLTS, fixed telephony, interconnected VoIP, Internet-based TRS, and mobile text services. These requirements and the deadlines for complying with the requirements are summarized below.

Direct Dialing, Central Notification, and Location Information Requirements for Multi-Line Telephone Systems (MLTS) (47 CFR §§ 9.15-9.17)

A. Direct Dialing and Notification for MLTS

1. Application

(a) *MLTS covered by the rules.* The rules apply to any MLTS that is manufactured, imported, offered for first sale or lease, first sold or leased, or installed after February 16, 2020. (47 CFR § 9.15(c))

- MLTS are typically used in enterprise settings such as hotels, offices, and campuses.
- The definition of MLTS covers the full range of networked communications systems that serve enterprises, including IP-based and cloud-based systems.
- The definition of MLTS also includes outbound-only MLTS systems that allow users to make 911 calls but do not enable the PSAP to place a return call directly to the 911 caller.

(b) *MLTS entities covered by the rules.*

- The MLTS entities regulated under the rules are persons engaged in the business of manufacturing, importing, selling, leasing, installing, managing, or operating an MLTS. These entities, including those that are small entities, may comply with the new rules by following the requirements summarized herein. (47 CFR § 9.15(a), (b))

2. Direct 911 dialing and notification for MLTS

(a) *Direct dialing obligation of MLTS manufacturers, importers, sellers, and lessors* (47 CFR § 9.16(a)(1))

A person engaged in the business of manufacturing, importing, selling, or leasing an MLTS may not:

- Manufacture or import an MLTS for use in the United States, or sell or lease or offer to sell or lease an MLTS in the United States unless the system is pre-configured so that when properly installed in accordance with subsection (b) of section 9.16 of the rules, a user may directly initiate a call to 911 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit 9, regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls. (47 CFR § 9.16(a)(1))

Timing of Compliance. MLTS manufacturers, importers, sellers, and lessors must comply with this requirement by February 17, 2020.

(b) *Direct dialing and notification obligations of MLTS installers, managers, and operators* (47 CFR § 9.16(b)(1), (b)(2))

A person engaged in the business of installing, managing, or operating an MLTS:

- May not install, manage, or operate an MLTS for use in the United States unless it is configured so that a user may directly initiate a call to 911 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit 9, regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls. (47 CFR § 9.16(b)(1))

- Shall, in installing, managing, or operating an MLTS for use in the United States, configure the system to provide MLTS notification to a central location at the facility where the system is installed or to another person or organization regardless of location, if the system is able to be configured to provide the notification without an improvement to the hardware or software of the system. (47 CFR § 9.16(b)(2))

- An improvement to the hardware or software of the system includes upgrades to the core systems of the MLTS, as well as substantial upgrades to the software and any software upgrades requiring a significant purchase. (47 CFR § 9.3 (definition of improvement to the hardware or software of the system))

(c) MLTS Notification

MLTS notification is an MLTS feature that can send notice to a central location at the facility where the system is installed or to another person or organization regardless of location. Examples of notification include conspicuous on-screen messages with audible alarms for security desk computers using a client application, text messages for smartphones, and email for administrators. (47 CFR § 9.3 (definition of MLTS notification))

- Notification shall include, at a minimum, the following information:
 - the fact that a 911 call has been made;
 - a valid callback number; and
 - the information about the caller's location that the MLTS conveys to the PSAP with the call to 911; provided, however, that notification does not have to include a callback number or location information if it is technically infeasible to provide this information. (47 CFR § 9.3 (definition of MLTS notification))
- MLTS notification must meet the following requirements:
 - It must be initiated contemporaneously with the 911 call, provided that it is technically feasible to do so;
 - It must not delay the call to 911; and
 - It must be sent to a location where someone is likely to see or hear it. (47 CFR § 9.16(b)(2))

Timing of Compliance. MLTS installers, managers, and operators must comply with these requirements by February 17, 2020.

B. Location Information Requirements for MLTS

1. The specific dispatchable location requirements for MLTS depend on whether the MLTS device is on-premises or off-premises and whether it is fixed or non-fixed.

- **On-premises/off-premises.** An on-premises MLTS device is one that is within the fixed property (e.g., building(s), facilities, or campus) and under the operational control of a single administrative authority.

- **Fixed/non-fixed.** A fixed MLTS device is one that connects to a single end point (e.g., a desk or office phone) and is not capable of being moved to another endpoint by the end user, although it may be capable of being moved to a different endpoint by a professional installer or network manager. A non-fixed MLTS device is one that the end user can move from one endpoint to another without assistance.

- (a) **Location information for on-premises, fixed devices.** An on-premises, fixed device associated with an MLTS shall provide automated dispatchable location with 911 calls. (47 CFR § 9.16(b)(3)(i))

- Dispatchable location is a location delivered to the PSAP with a 911 call that consists of the validated street address of the calling party, plus additional information such as suite,

apartment, or similar information necessary to adequately identify the location of the calling party.

- Automated dispatchable location is automatic generation of dispatchable location, which means that the dispatchable location information associated with the MLTS device must be conveyed to the PSAP when a user places a 911 call, without further intervention by the user at the time it places the call.

(b) Location information for on-premises, non-fixed devices. An on-premises, non-fixed device associated with an MLTS shall provide to the appropriate PSAP automated dispatchable location, when technically feasible; otherwise, it shall provide dispatchable location based on end user manual update, or alternative location information. (47 CFR § 9.16(b)(3)(ii))

- Alternative location information may be coordinate-based, and it must be sufficient to identify the caller's civic address and approximate in-building location, including floor level, in large buildings. (47 CFR § 9.3 (definition of alternative location information))

(c) Location information for off-premises devices. An off-premises device associated with an MLTS shall provide to the appropriate PSAP automated dispatchable location, if technically feasible; otherwise, it shall provide dispatchable location based on end user manual update, or enhanced location information. (47 CFR § 9.16(b)(3)(iii))

- Enhanced location information may be coordinate-based, and it consists of the best available location that can be obtained from any available technology or combination of technologies at reasonable cost. (47 CFR § 9.16(b)(3)(iii))

2. Location Obligations and Compliance Deadlines for Specific MLTS Entities

(a) Location obligations of manufacturers, importers, sellers, and lessors. A person engaged in the business of manufacturing, importing, selling, or leasing an MLTS may not manufacture or import an MLTS for use in the United States, or sell or lease or offer to sell or lease an MLTS in the United States unless such system has the capability, after proper installation in accordance with the Commission's rules, of providing the location information required under the rules to the PSAP with 911 calls. (47 CFR § 9.16(a)(2))

Timing of Compliance. MLTS manufacturers, importers, sellers, and lessors must comply with this requirement by January 6, 2021 for on-premises, fixed devices and by January 6, 2022 for on-premises, non-fixed devices and any off-premises devices.

(b) Location Obligation of MLTS installers. A person engaged in the business of installing an MLTS may not install such a system in the United States unless it is configured so that it is capable of being programmed with and conveying the location information required under the Commission's rules to the PSAP with 911 calls. (47 CFR § 9.16(b)(3))

Timing of Compliance. MLTS installers must comply with this requirement by January 6, 2021 for on-premises, fixed devices and by January 6, 2022 for on-premises, non-fixed devices and any off-premises devices.

(c) Location Obligation of MLTS managers and operators. A person engaged in the business of managing or operating an MLTS may not manage or operate such a system in the United States unless it is configured so that the location information required under the Commission's rules is conveyed to the PSAP with 911 calls. (47 CFR § 9.16(b)(3))

Timing of Compliance. MLTS managers and operators must comply with this requirement by January 6, 2021 for on-premises, fixed devices and by January 6, 2022 for on-premises, non-fixed devices and any off-premises devices.

C. Location Information Requirements for Fixed Telephony (47 CFR § 9.8)

- Providers of fixed telephony services must provide automated dispatchable location with 911 calls. (47 CFR § 9.8(a))

Timing of Compliance. Fixed telephony providers must comply with this requirement by January 6, 2021.

D. Location Information Requirements for Mobile Text Service (47 CFR § 9.10(q)(10)(v))

- Covered text providers must provide automated dispatchable location with all 911 text messages routed to a PSAP if technically feasible; otherwise they must provide either end-user manual provision of location information, or enhanced location information as defined under the rules. (47 CFR 9.10(q)(10)(v))

- **Enhanced location option:** Enhanced location information may be coordinate-based, and it must consist of the best available location that can be obtained from any available technology or combination of technologies at reasonable cost. (47 CFR 9.10(q)(10)(v))

Timing of Compliance. Covered text providers must comply with these requirements by January 6, 2022.

E. Location Information Requirements for Interconnected Voice over Internet Protocol (VoIP), including Requirements for Outbound-Only Interconnected VoIP (47 CFR §§ 9.11, 9.12)

The location requirements for interconnected VoIP depend on whether the service is fixed or non-fixed.

- Fixed VoIP services provide the functional equivalent of fixed telephone service by means of a device that connects to a single access point and is not capable of being moved by the end user.
- Non-fixed VoIP services enable the end user to connect a handset or other IP-enabled device to multiple access points. Non-fixed services may also be described as “nomadic” or “mobile” VoIP.

(a) Fixed Interconnected VoIP Service. Providers of fixed interconnected VoIP service must provide automated dispatchable location with each 911 call. (47 CFR § 9.11(b)(4)(i))

Timing of Compliance. Fixed interconnected VoIP providers must comply with this requirement by January 6, 2021.

(b) Non-Fixed Interconnected VoIP and all Outbound-Only Interconnected VoIP Services. Providers of non-fixed interconnected VoIP service and all providers of outbound-only interconnected VoIP service must provide automated dispatchable location if technically feasible. Otherwise, they must provide either Registered Location information or alternative location information that meets the requirements below. As a last resort, providers also may route the caller to a national emergency call center, so long as the provider has made a good-faith effort to

obtain location data from all available alternative location sources. (47 CFR § 9.11(b)(4)(ii)) Outbound-only VoIP service allows users to call 911 but may not allow the PSAP to place a return call to the 911 caller.

• **Registered Location option:**

- The service provider has obtained from the customer, prior to the initiation of service, the Registered Location (as defined in section 9.3 of the rules) at which the service will first be used;
- The service provider has provided end users one or more methods of updating their Registered Location, including at least one option that requires use only of the CPE necessary to access the interconnected VoIP service. Any method used must allow an end user to update the Registered Location at will and in a timely manner; and
- The service provider must identify whether the service is being used to call 911 from a different location than the Registered Location and, if so, either: (i) prompt the customer to provide a new Registered Location; or (ii) update the Registered Location without requiring additional action by the customer with each 911 call. (47 CFR § 9.11(b)(4)(ii)(B))

• **Alternative location option:** Alternative location information may be coordinate-based, and it must be sufficient to identify the caller's civic address and approximate in-building location, including floor level, in large buildings. (47 CFR §§ 9.11(b)(4)(ii)(C); 9.3)

(c) **All Outbound-Only Interconnected VoIP Services.** In addition to providing the location information above, providers of outbound-only interconnected VoIP service must comply with all other 911 rules for interconnected VoIP providers as stated in section 9.11(b) of the rules. (47 CFR § 9.11(b))

Timing of Compliance. Non-fixed interconnected VoIP providers and all outbound-only interconnected VoIP providers must comply with these requirements by January 6, 2022.

F. Location Information Requirements for Telecommunications Relay Services (TRS) (47 CFR §§ 9.13, 9.14)

The *Report and Order* adopts location requirements for three Internet-based TRS: Video Relay Service (VRS), Internet Protocol Relay Service (IP Relay), and Internet Protocol Captioned Telephone Service (IP CTS). These location rules largely parallel the rules for fixed and non-fixed interconnected VoIP, with some important differences based on the nature of each specific TRS.

• Non-fixed VRS, IP Relay, or IP CTS is service that is capable of being used from more than one location.

(a) **Fixed VRS, IP Relay, and IP CTS.** Providers of fixed VRS, IP Relay, and IP CTS must provide automated dispatchable location with each 911 call. (47 CFR §§ 9.14(d)(4)(i); 9.14(e)(4)(i))

Timing of Compliance. Providers of fixed services must comply with these requirements by January 6, 2021.

(b) **Non-fixed VRS, IP Relay, and IP CTS.** Providers of non-fixed VRS, IP Relay, and IP CTS must provide automated dispatchable location, if technically feasible. Otherwise they

must provide either Registered Location information or alternative location information as defined in the rules. As a last resort, providers also may route the caller to an emergency call center, so long as the provider has made a good-faith effort to obtain location data from all available alternative location sources. (47 CFR §§ 9.14(d)(4)(ii); 9.14(e)(4)(ii))

• **Registered Location option for VRS and IP Relay:**

- The service provider has obtained from the customer, prior to the initiation of service, the Registered Location (as defined in section 9.3 of the rules) at which the service will first be used;
- The service provider has provided end users one or more methods of updating their Registered Location, including at least one option that requires use only of the Internet-based TRS access technology necessary to access the VRS or IP Relay. Any method used must allow an end user to update the Registered Location at will and in a timely manner; and
- If the VRS or IP Relay is capable of being used from more than one location, if it is not possible to automatically determine the Registered Internet-based TRS user's location at the time of the initiation of an emergency call, verify the current location with the user at the beginning of an emergency call. (47 CFR §§ 9.14(d)(4)(ii)(B); 9.3)

• **Registered Location option for IP CTS:**

- The service provider has obtained from the customer, prior to the initiation of service, the Registered Location (as defined in section 9.3 of the rules) at which the service will first be used; and
- The service provider has provided end users one or more methods of updating their Registered Location, including at least one option that requires use only of the Internet-based TRS access technology necessary to access the IP CTS. Any method used must allow an end user to update the Registered Location at will and in a timely manner. (47 CFR § 9.14(e)(4)(ii)(B))

• **Alternative location option for VRS, IP Relay, and IP CTS:**

- Alternative location information may be coordinate-based, and it must be sufficient to identify the caller's civic address and approximate in-building location, including floor level, in large buildings. (47 CFR §§ 9.14(d)(4)(ii)(C); 9.14(e)(4)(ii)(C); 9.3)

Timing of Compliance. Providers of non-fixed VRS, IP Relay, and IP CTS must comply with these requirements by January 6, 2022.

G. Enforcement (47 CFR §§ 9.17(a)(2) – 9.17(a)(3))

1. Presumption. If an MLTS fails to comply with section 9.16(b) of the rules, the MLTS manager is presumed to be responsible for that failure. The manager can rebut the presumption by demonstrating compliance with its obligations under the statute and the Commission's rules. (47 CFR § 9.17(a)(2))

2. Complaint Procedures. Any person alleging a violation of section 9.16 of the rules implementing Kari's Law may file a complaint under the procedures set forth in sections 1.711 – 1.737 of the Commission's rules. (47 CFR § 9.17(a)(3))

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The requirements adopted by the Commission in the *Report and Order* created recordkeeping and reporting obligations for various types of service providers and MLTS entities. These requirements can be found in Section II of this guide, which details the compliance obligations in the *Report and Order*. Examples of the requirements are listed below.

- MLTS managers and operators may not manage or operate an MLTS unless it is configured so that the location information required under the Commission’s rules is conveyed to the PSAP with 911 calls.
- Interconnected VoIP service providers must collect and provide location information with all 911 calls.
- TRS providers must collect and provide location information with all 911 calls.
- Covered text providers must provide location information with 911 text messages routed to a PSAP.

For the details and specifics of the requirements, see the Compliance Requirements section of this guide.

IV. IMPLEMENTATION DATE

The rules in the *Report and Order* became effective on January 6, 2020, although the compliance deadlines for the rules vary. The following rules in the *Report and Order* require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act: 47 CFR §§ 9.8(a); 9.10(q)(10)(v); 9.11(b)(2)(ii), (iv); 9.11(b)(4); 9.11(b)(5)(ii), (iii); 9.14(d)(2)(ii), (iii), and (v); 9.14(d)(4); 9.14(e)(2)(ii), (iv); and 9.14(e)(4). These rules shall become effective after the Commission publishes a notice in the Federal Register announcing OMB approval and the relevant effective date.

V. INTERNET LINKS

A copy of the *Report and Order* is available at: <https://www.fcc.gov/document/fcc-improves-access-911-and-timely-assistance-first-responders-0>.

A copy of the Erratum to the *Report and Order* is available at: <https://www.fcc.gov/document/erratum-implementing-karis-law-and-section-506-ray-baums-act>.

A copy of the Federal Register summary of the *Report and Order* is available at: <https://www.govinfo.gov/content/pkg/FR-2019-12-05/pdf/2019-20137.pdf>.

The FCC’s webpage on 911 Direct Dialing, Notification, and Dispatchable Location requirements for MLTS is available at: <https://www.fcc.gov/mlts-911-requirements>.

The FCC’s webpage on dispatchable location requirements for 911 calls from MLTS, Fixed Telephony, Interconnected VoIP services, TRS, and Mobile Text service is available at: <https://www.fcc.gov/911-dispatchable-location>.