



PUBLIC NOTICE

Federal Communications Commission
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DA 21-1607

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
PETITION FOR RULEMAKING FILED BY THE NATIONAL ASSOCIATION
OF STATE 911 ADMINISTRATORS**

PS Docket No. 21-479

Comments Due: January 19, 2022

Replies to Comments Due: February 3, 2022

The Public Safety and Homeland Security Bureau (the Bureau) seeks comment on a Petition for Rulemaking; Alternatively, Petition for Notice of Inquiry filed by the National Association of State 911 Administrators (NASNA) requesting that the Federal Communications Commission (Commission) initiate a rulemaking proceeding or notice of inquiry to facilitate the implementation of and transition to Next Generation 911 services (NG911).¹

Specifically, NASNA requests that the Commission initiate a rulemaking or notice of inquiry to: “[e]stablish Commission authority over originating service providers’ (OSPs) (i.e., wireless, landline, and interconnected VoIP) delivery of 911 services through IP-based emergency services networks (ESInets)”;

“[a]mend 47 C.F.R §§ 9.4 and 9.5 as needed to advance the transition to and implementation of NG911 services”; and “[r]equire the cost of compliance . . . is the responsibility of the OSPs, except where cost-recovery is provided by state law or regulation.”² As part of these requests, NASNA asks the Commission to establish an “NG911 cost demarcation point or points, for allocating costs when the parties cannot agree on the appropriate demarcation points(s).”³ NASNA also notes that it is “critically important” to preserve state/local authority over 911, specifically for existing cost recovery mechanisms.⁴

In addition, NASNA asks the Commission to implement an NG911 Readiness Registry or establish NG911 readiness “stages or phases” as a mechanism to be used by state/local 911 authorities and OSPs in transitioning to NG911 services.⁵ NASNA proposes that the Commission define three NG911 readiness phases, in which an ESInet is either (1) “ready to receive 911 calls from the OSPs via a

¹ Petition for Rulemaking; Alternatively, Petition for Notice of Inquiry, CC Docket No. 94-102 and PS Docket Nos. 18-64, 18-261, 11-153, and 10-255 (filed Oct. 19, 2021), <https://ecfsapi.fcc.gov/file/1019188969473/Final%20NG911%20Cost%20Clarification%20Filing.pdf> (NASNA Petition). NASNA petitions for rulemaking pursuant to section 1.401 of the rules, 47 CFR § 1.401, or, alternatively, for a notice of inquiry pursuant to section 1.430 of the rules, 47 CFR § 1.430.

² NASNA Petition at 2-3.

³ NASNA Petition at 3.

⁴ NASNA Petition at 6-7.

⁵ NASNA Petition at 3.

Legacy Network Gateway,” (2) “ready to receive 911 calls in SIP [Session Initiation Protocol] format,” or (3) “ready to receive 911 calls in NG911 format.”⁶

To address the Petition and related issues, the Bureau has opened PS Docket No. 21-479.⁷ The Bureau will place this Public Notice in the dockets referenced by NASNA in the Petition, but directs interested parties to file statements in support or opposition and replies thereto only in **PS Docket No. 21-479**.

Filing Procedures. Pursuant to Section 1.405 of the Commission’s rules,⁸ interested parties may file statements in support of or in opposition to the Petition and replies thereto on or before the dates indicated on the first page of this document. Statements and replies may be filed using the Commission’s Electronic Comment Filing System (ECFS), or by filing paper copies.⁹ Statements and replies should refer to PS Docket No. 21-479.

- Electronic filers: Statements in support of or in opposition to the Petition and replies to such statements may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent 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.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.
 - During the time the Commission’s building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

⁶ NASNA Petition at 7-8. The three NG911 readiness phases proposed by NASNA are based on readiness criteria identified in the December 2016 supplemental report issued by the Task Force on Optimal PSAP Architecture (TFOPA). *See* TFOPA Working Group 2 Phase II Supplemental Report: NG9-1-1 Readiness Scorecard (2016), https://transition.fcc.gov/pshs/911/TFOPA/TFOPA_WG2_Supplemental_Report-120216.pdf.

⁷ *Public Safety and Homeland Security Bureau Opens PS Docket No. 21-479*, Public Notice, DA 21-1606 (PSHSB Dec. 20, 2021).

⁸ 47 CFR § 1.405.

⁹ *See* FCC, *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (May 1, 1998).

- After COVID-19 restrictions are lifted, the Commission has established that hand-carried documents are to be filed at the Commission's office located at 9050 Junction Drive, Annapolis Junction, MD 20701. This will be the only location where hand-carried paper filings for the Commission will be accepted.¹⁰

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).

Ex Parte Rules. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹¹ 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.

Additional Information. For additional information on this matter, contact Brenda Boykin, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418-2062 or Brenda.Boykin@fcc.gov, or Rachel Wehr, Attorney Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418-1138 or Rachel.Wehr@fcc.gov.

¹⁰ See *Amendment of the Commission's Rules of Practice and Procedure*, Order, 35 FCC Rcd 5450 (OMD 2020).

¹¹ 47 CFR §§ 1.1200 *et seq.*