



**Federal Communications Commission
Washington, DC 20554**

May 10, 2024

DA 24-447

SMALL ENTITY COMPLIANCE GUIDE

**Amendments to Part 9 of the Commission's Rules
Concerning Location-Based Routing for Wireless 911 Calls Requirements**

**FCC 24-4
PS Docket No. 18-64
Released January 25, 2024**

In accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, this Small Entity Compliance Guide (Guide) is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the 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 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 in the above referenced docket and the appropriateness of its application to a particular situation. The Commission will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The Commission may decide to revise this Guide without public notice to reflect changes in its approach to implementing a rule, or it may clarify or update the text of the Guide. Please direct comments and recommendations, or requests for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)

Videophone: 1-844-4-FCC-ASL (1-844-432-2275)

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I. OBJECTIVES OF THE PROCEEDING

In the *Location-Based Routing for Wireless 911 Calls Report and Order (Report and Order)*¹, the Commission required Commercial Mobile Radio Service (CMRS) providers to implement location-based routing for wireless 911 voice calls and real-time text (RTT) communications² to 911 nationwide. Technical limitations of legacy Enhanced 911 (E911) routing can result in a CMRS provider routing a wireless 911 call to a Public Safety Answering Point (PSAP) other than the one designated by the relevant state or local 911 authority to receive calls from the actual location of the caller. Misroutes can occur for several reasons, including when more than one PSAP is within the coverage area of a cell site or sector. With location-based routing (LBR) as implemented under the rules in the *Report and Order*, CMRS providers will use precise location information to route wireless 911 voice calls and RTT communications to 911 to the appropriate PSAP. For the millions of individuals seeking emergency assistance each year by wireless 911 voice calls or RTT communications to 911, improving routing for these services will reduce emergency response time and save lives.

II. COMPLIANCE REQUIREMENTS

The *Report and Order* adopted new and amended rules for the 911 requirements in Part 9, subparts A and C which can be found at 47 CFR §§ 9.3, 9.10(a), and 9.10(s). The LBR rules apply only to wireless 911 voice calls, and RTT communications originating on IP-based networks (i.e., 4G LTE, 5G, and subsequent generations of IP-based networks). To facilitate the implementation of LBR for wireless 911 voice calls and RTT communications to 911, the Commission adopted the requirements detailed below.

A. Applicability – 911 Service (47 CFR § 9.10(a))

1. The adopted LBR requirements apply to CMRS providers excluding mobile satellite service (MSS) operators, to the extent that they, (1) offer real-time, two way switched voice service that is interconnected with the public switched network; and (2) use an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. These requirements are applicable to entities that offer voice service to consumers by purchasing airtime or capacity at wholesale rates from CMRS licensees.

B. Definitions (47 CFR § 9.3)

1. *Location-Based Routing* – LBR information is defined as information about the location of a device, including but not limited to device-based location information, to deliver 911 calls and RTT communications to point(s) designated by the authorized local or state entity to receive wireless 911 voice calls and RTT communications to 911, such as an Emergency Services Internet Protocol Network (ESInet) or PSAP, or to an appropriate local emergency authority.
2. *Device-Based Location Information* – Device based location information is defined as information about the location of a device used to call or text 911 generated all or in part from on-device sensors and data sources.

C. Location Based Routing Requirements (47 CFR § 9.10(s))

1. *Wireless 911 Voice Calls* (47 CFR § 9.10(s)(1)(i); 47 CFR § 9.10(s)(1)(ii); 47 CFR § 9.10(s)(3)(i); 47 CFR § 9.10(s)(3)(ii))

¹ *Location-Based Routing for Wireless 911 Calls*, PS Docket No. 18-64, Report and Order, FCC 24-4 (rel. January 26, 2024), Erratum (rel. March 13, 2024) (*Report and Order*).

² The Commission defines real-time text as “[t]ext communications that are transmitted over Internet Protocol (IP) networks immediately as they are created, e.g., on a character-by-character basis.” 47 CFR § 9.3; *accord id.* § 67(g). In the *Report and Order*, the term “RTT communications” refers to instances in which an RTT user initiates contact with 911, for consistency with part 9 and part 67 rules. See 47 CFR §§ 9.10(c), 67.1(g), 67.2(c)(2).

- a. Nationwide CMRS providers – By November 13, 2024, all nationwide CMRS providers must deploy a technology that supports LBR for wireless 911 voice calls on their IP-based networks (4G LTE, 5G, and subsequent generations of IP-based networks) nationwide. (47 CFR § 9.10(s)(1)(i))
 - b. Non-nationwide CMRS providers – By May 13, 2026, all non-nationwide CMRS providers must deploy a technology that supports LBR for wireless 911 voice calls on their IP-based networks (4G LTE, 5G, and subsequent generations of IP-based networks). (47 CFR § 9.10(s)(1)(ii))
 - c. Timeliness and Accuracy – Both nationwide and non-nationwide CMRS providers are required to,
 - i. use LBR for wireless 911 voice calls when caller location information available to the CMRS provider’s network at time of routing is ascertainable within a radius of 165 meters at a confidence level of at least 90%. (47 CFR § 9.10(s)(3)(i))
 - ii. use alternative routing methods based on “best available” location information, which may include but is not limited to device-based or tower-based location information, when caller location information available to the CMRS provider’s network at time of routing is not ascertainable within a radius of 165 meters at a confidence level of at least 90%. (47 CFR § 9.10(s)(3)(ii))
2. *RTT Communications to 911* (47 CFR § 9.10(s)(2); 47 CFR § 9.10(s)(3)(i); 47 CFR § 9.10(s)(3)(ii))
- a. All CMRS providers by May 13, 2026, must deploy a technology that supports LBR for RTT communications to 911 originating on their IP-based networks (4G LTE, 5G, and subsequent generations of IP-based networks). (47 CFR § 9.10(s)(2))
 - b. Timeliness and Accuracy –All CMRS providers are required to,
 - i. use LBR for RTT communications to 911 when caller location information available to the CMRS provider’s network at time of routing is ascertainable within a radius of 165 meters at a confidence level of at least 90%. (47 CFR § 9.10(s)(3)(i))
 - ii. use alternative routing methods based on “best available” location information, which may include but is not limited to device-based or tower-based location information, when caller location information available to the CMRS provider’s network at time of routing is not ascertainable within a radius of 165 meters at a confidence level of at least 90%. (47 CFR § 9.10(s)(3)(ii))
3. *Certification and Reporting* (47 CFR § 9.10(s)(4))
- a. Certification - Within 60 days after each benchmark specified in paragraphs (s)(1)(i) and (ii) and (s)(2) of section 9.10 of the rules, November 13, 2024 for nationwide CMRS providers, and May 13, 2026 for non-nationwide CMRS providers, all CMRS providers must comply with the below certification requirements. CMRS providers

can request confidential treatment for any of the information they submit in accordance with the Commission's confidentiality rules.

- i. Certify that they are in compliance with the LBR requirements for Wireless 911 voice calls and RTT communications to 911 specified in paragraphs (s)(1)(i) and (ii) and (s)(2) of section 9.10 of the rules applicable to them (47 CFR § 9.10(s)(4)(i)(A));
 - ii. Identify specific network architecture, systems, and procedures used to comply with the LBR requirements for Wireless 911 voice calls and RTT communications to 911 in paragraphs (s)(1)(i) and (ii) and (s)(2) of section 9.10 of the rules, including the extent to which the CMRS provider validates location information for routing purposes and the validation practices used in connection with this information (47 CFR § 9.10(s)(4)(i)(B));
 - iii. Certify that neither they nor any third party they rely on to obtain location information or associated data used for compliance with the LBR requirements for Wireless 911 voice calls and RTT communications to 911 in paragraph (s)(1)(i) or (ii) or (s)(2) of section 9.10 of the rules will use such location information or associated data for any non-911 purpose, except with prior express consent or as otherwise required by law (47 CFR § 9.10(s)(4)(i)(C)); and
 - iv. The certification must state that the CMRS provider and any third parties it relies on to obtain location information or associated data used for compliance with the LBR requirements for Wireless 911 voice calls and RTT communications to 911 in paragraph (s)(1)(i) or (ii) or (s)(2) of section 9.10 of the rules have implemented measures sufficient to safeguard the privacy and security of such location information or associated data. (47 CFR § 9.10(s)(4)(i)(C))
- b. Collection, Recordkeeping, and Reporting - Within 60 days after each benchmark specified in paragraphs (s)(1)(i) and (ii) and (s)(2) of section 9.10 of the rules, November 13, 2024 for nationwide CMRS providers, and May 13, 2026 for non-nationwide CMRS providers, all CMRS providers must comply with the following collection, recordkeeping, and reporting requirements:
- i. Collect and report aggregate data on the routing technologies used for all live wireless 911 voice calls in the locations specified for live 911 call location data in paragraph (i)(3)(ii) of section 9.10 of the rules for a thirty-day period which begins on the compliance date(s) specified in paragraphs (s)(1)(i) and (ii) of section 9.10 of the rules. Retain live wireless 911 voice call data gathered pursuant to the LBR requirements for a period of 2 years. (47 CFR § (s)(4)(ii)(A));
 - ii. Collect and report the following data, expressed as both a number and percentage of the total number of live wireless 911 voice calls for which data is collected pursuant to the LBR requirements (47 CFR § (s)(4)(ii)(A)(1)-(3)):

- Live wireless 911 voice calls routed with LBR using location information that meets the timeliness and accuracy thresholds defined in paragraphs (s)(3)(i)(A) and (B) of section 9.10 of the rules;
- Live wireless 911 voice calls routed with LBR using location information that does not meet the timeliness or accuracy thresholds defined in paragraphs (s)(3)(i)(A) and (B) of section 9.10 of the rules; and
- Live wireless 911 voice calls routed using tower-based routing.

4. *Modification of Deadlines By Agreement* (47 CFR § 9.10(s)(5))

- PSAPs and CMRS providers may establish, by mutual consent, deadlines that differ from those established for CMRS provider compliance in paragraphs (s)(1)(i) and (ii) and (s)(2) of section 9.10 of the rules.
- CMRS providers must notify the Commission of the dates and terms of the alternate time frame within 30 days of the parties' agreement or June 11, 2024, whichever is later.
- CMRS providers must subsequently notify the Commission of the actual date by which it comes into compliance with the LBR requirements in paragraph (s)(1)(i) or (ii) or (s)(2) of section 9.10 of the rules within 30 days of that date or June 11, 2024, whichever is later.
- CMRS providers must file such notifications pursuant to paragraph (s)(5) of section 9.10 of the rules in PS Docket No. 18-64. The parties may not use the deadline modifications permitted pursuant to paragraph (s)(5) to delay compliance with paragraph (s)(1)(i) or (ii) or (s)(2) of section 9.10 of the rules indefinitely.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The rules adopted in the *Report and Order* contain new or modified information collection requirements for CMRS providers. The details and specifics of the reporting and recordkeeping requirements adopted in the Location Based Routing for Wireless 911 Calls Report and Order are discussed in Section II of this guide under the Compliance Requirements.

IV. IMPLEMENTATION DATE

The rules in 47 CFR §§ 9.10 (s)(1)-(s)(3) in Appendix A of the *Report and Order* become effective on May 13, 2024. The rules in 47 CFR §§ 9.10 (s)(4), and (s)(5) in the *Report and Order* contain information collection and recordkeeping requirements and require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. Compliance with these rules will not be required until after OMB approval. The Commission will publish a notice in the Federal Register announcing OMB approval and the relevant effective date(s).

V. INTERNET LINKS

A copy of the *Report and Order* is available at:

<https://docs.fcc.gov/public/attachments/FCC-24-4A1.pdf>.

A copy of the *Erratum* is available at:

<https://docs.fcc.gov/public/attachments/DOC-401090A1.pdf>.

A copy of the Federal Register Summary of the *Report and Order* is available at:

<https://www.federalregister.gov/documents/2023/01/17/2023-00519/location-based-routing-for-wireless-911-calls>.