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

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FCC TAKES ACTION TO ENSURE RELIABILITY OF CALLS TO 9-1-1 DURING TIMES OF EMERGENCY; ADOPTS KEY RECOMMENDATIONS FROM INQUIRY INTO WIDESPREAD 9-1-1 FAILURES DURING 2012 DERECHO STORM

WASHINGTON, D.C. – The Federal Communications Commission today proposed action to improve the reliability and resiliency of America’s 9-1-1 communications networks, especially during disasters, by ensuring that service providers implement vital best practices in network design, maintenance, and operation. The Commission also proposed amending its rules to clarify how service providers can more effectively and uniformly notify 9-1-1 call centers of communications outages and cooperate to restore service as quickly as possible.

In a Notice of Proposed Rulemaking adopted today, the Commission moved forward to implement four key recommendations for strengthening 9-1-1 service made by the FCC’s Public Safety and Homeland Security Bureau. The Bureau’s recommendations, contained in a January 2013 report, resulted from an in-depth inquiry into the widespread 9-1-1 service failures that occurred after a derecho storm hit portions of the Midwest and Mid-Atlantic in June 2012.

A significant number of 9-1-1 systems and services were partially or completely down for several days after the derecho – from isolated breakdowns in Ohio, New Jersey, Maryland, and Indiana to systemic failures in northern Virginia and West Virginia. In all, 77 9-1-1 call centers serving more than 3.6 million people in these six states lost some degree of connectivity, including vital information on the location of 9-1-1 calls. Seventeen 9-1-1 call centers, mostly in northern Virginia and West Virginia, lost service completely, leaving more than 2 million residents unable to reach emergency services for varying periods of time.

Unlike hurricanes and superstorms, which are generally well-forecast, derechos are more like earthquakes, tornados, and man-made events for which there is little-to-no advance notice and opportunity to prepare. As a result, the derecho put a portion of the Nation’s communications infrastructure to an unexpected test, revealing significant vulnerabilities in the design and maintenance of 9-1-1 networks. The Bureau found that most of the failures would have been avoided if the network providers that route calls to 9-1-1 call centers had fully implemented industry best practices and available industry guidance.

With today’s action, the Commission is seeking comment on the most effective approaches for implementing the recommendations in the Bureau’s report. Specifically, the Commission is seeking the best ways to ensure that service providers:

- **Periodically audit 9-1-1 circuits for physical diversity**, which will improve network reliability and resiliency by helping to identify and correct single points of failure;

- **Maintain adequate central office backup power**, such as generators and battery backup systems, supported by appropriate maintenance, testing, and records retention; and
- **Maintain reliable and resilient network monitoring systems** to provide accurate situational awareness during communications outages.

The Commission put forth a range of possible approaches for implementing these recommendations, including:

- **Reporting** – where the Commission would require service providers to periodically report on the extent to which they are voluntarily implementing critical best practices or complying with standards established by advisory bodies or requirements established by the Commission;
- **Certification** – where the Commission would require providers to certify periodically that their 9-1-1 network service and facilities meet specified criteria;
- **Reliability requirements** – where the Commission would specify minimum requirements for 9-1-1 communications reliability; and
- **Compliance reviews and inspections** conducted by the Commission to verify that 9-1-1 service providers are following certain practices or adhering to certain requirements.

The Commission also posed a range of questions regarding the extent to which 9-1-1 service providers implement existing best practices, the incentives most likely to ensure that they do so in the future, and the costs and benefits of ensuring that best practices are implemented in each area. Whatever approach is ultimately adopted must account for differences in service providers' networks and support the ongoing transition from today's legacy 9-1-1 system to a Next Generation 9-1-1 (NG9-1-1) system, the Commission said.

In addition, the Commission is considering clarifying its current rule that requires service providers to notify 9-1-1 call centers of significant communications outages. To provide service providers with greater specificity about their obligation, the proposed rule would require them to notify 9-1-1 call centers of outages immediately, by telephone and in writing via electronic means, with critical information.

Today's action builds on prior Commission efforts to ensure that the public has access to a reliable, state-of-the-art 9-1-1 communications system. Most notably, the Commission is working to promote the deployment of NG9-1-1, which offers greater resiliency during disasters and enables public safety responders to receive more information – text, photos, video, and data – to help them assess and respond to emergencies. The Commission has also taken action to spur the uniform availability of text-to-9-1-1, a major milestone in the transition to NG9-1-1.

Action by the Commission March 20, 2013, by Notice of Proposed Rulemaking (FCC 13-33). Chairman Genachowski, Commissioners McDowell, Clyburn, Rosenworcel and Pai. Separate statements issued by Chairman Genachowski, Commissioners McDowell, Clyburn, Rosenworcel and Pai.

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