

Agenda Date: November 10, 2004
Item Number:

Docket: UT-041629

Company Names: Telecommunications Companies

Subject: Rulemaking to consider amendment of WAC 480-120-450, Enhanced E-9-1-1 (E911) obligations of local exchange companies.

Staff: Rebecca Beaton, Senior Analyst
Bob Williamson, Senior Engineer
John Cupp, Consumer Program Specialist
Theodora Mace, Administrative Law Judge
Jonathan Thompson, Assistant Attorney General

Recommendation:

Direct the Secretary to file a preproposal statement of inquiry (CR-101) with the Code Reviser in Docket UT-041629 to consider amendment of WAC 480-120-450, Enhanced E-9-1-1 (E911) obligations of local exchange companies.

Background:

On September 9, 2004, the Commission received a Petition by the E911 Emergency Management Division (EMD), docket UT-041629, to amend WAC 480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies. On October 29, 2004, the Commission sent a letter to EMD rejecting the petition.

The EMD petition asked the Commission to amend the rule to establish a uniform demarcation point in the E911 network for carrier cost recovery from Public Safety Answering Points (PSAPs.)

The Office of Financial Management rule form completed by EMD stated that WAC 480-120-450 should be changed or repealed because it conflicted with another federal, state, or local law or rule. The petition did not include proposed rule language. Additionally, WAC 480-120-450 does not conflict with another federal, state, or local law or rule. Rather, the Commission's rules simply do not address the issue of a demarcation point.

Attached to the EMD Petition was the Federal Communication Commission's (FCC) Order *In The Matter of Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems Requested of King County, Washington* CC Docket No. 94-102 (July 2002.) The FCC initially issued a decision in 2001 identifying the 911 Selective Router as the demarcation for allocating E911 implementation costs between wireless carriers and PSAPs. The Order on Reconsideration issued in 2002 clarified the demarcation point for wireless carriers. Paragraph 5 and 15 of the FCC Order essentially leaves the decision-making to the states and admits there is no consistency between the ILEC and CLEC demarcation.

In Washington, ILECs charge the counties that operate the 911 PSAP for transport of 911 calls that originate from the ILEC's customers to the selective router. Wireless carriers and CLECs do not charge counties for transport of 911 calls from their customers to the selective router. In the case of ILECs, PSAPs pay for the trunks from the central office to the selective router. In the case of CLECs and wireless carriers, the CLEC or wireless carrier pays that cost.

Defining the demarcation point in rule would shift the current method of charging for transport of 911 calls from the PSAPs to the ILECs. Today, ILECs charge PSAPs for the transport, while CLECs and wireless carriers pay for this portion of the transport.

Discussion:

Staff believes EMD's concerns are best considered under the parameters of a preproposal statement of inquiry (CR-101.) Opening a CR-101 to explore whether rules on this subject may be needed and what they might accomplish will allow interested persons and the Commission an opportunity to consider the issues and decide whether to go forward with a formal rule proposal by filing a Notice of Proposed Rulemaking (CR-102) with the Code Reviser.

Staff discussed the recommendation with EMD representatives who are in agreement with opening a preproposal statement of inquiry. Representatives for Verizon and Qwest support a CR-101 process as well. Additionally, King County, Snohomish County, Clallam County and Island County 911 managers informed Staff they wish to comment on the subject through the CR-101 process, and plan to be active participants in the rulemaking process.

Conclusion

Staff recommends the Commission direct the Secretary to file a preproposal statement of inquiry (CR-101) with the Code Reviser in Docket UT-041629 to consider amendment of WAC 480-120-450, Enhanced E-9-1-1 (E911) obligations of local exchange companies.