

September 12, 2000

Comments to the:

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RE: In the Matter of Rulemaking Concerning Line Extension Tariffs
Docket No. UT-991737
Chapter 480-120-017 WAC

From:

The Washington State Enhanced 911 Program

Summary

The Statewide E911 Program has concerns about permitting Local Exchange Carriers (LEC) to utilize wireless services in lieu of wired connections. These concerns relate to the capability to provide an equal level of Enhanced 911 service, reliability equal to wireline, and equal tax treatment. Wireless carriers currently do not provide of E911 service roughly equal to that traditionally provided by wireline carriers. Wireless carriers have not demonstrated a similar level of assured reliability as wireline carriers. Wireless subscribers do not contribute to public safety funding at the same level as wireline. The rules adopted by the Commission should address each of these issues if a service extension utilizing wireless is to be considered reasonably comparable to that normally offered by the LEC.

Equal Service level

Referendum 42 established a requirement that counties in Washington State provide Enhanced 911 (E911) service to their citizens. This requirement assures a uniform statewide 911 access to emergency assistance. These services are acquired under service tariffs filed by the Local Exchange Carriers in conformance with WAC 481-120-340. Automatic Number Identification (ANI), Automatic Location Identification (ALI), and selective routing of the call to the responsible Public Safety Answering Point (PSAP) are included as essential components of an Enhanced 911 service in those tariffs. Only when the contracted radio communications service fully meets the conditions of those tariffs should the LECs be permitted to utilize wireless service to extend service to the LEC subscribers.

Although a wireless telephone is preferable to no telephone for purposes of calling for emergency assistance, wireless telephones do not provide essential features that make E911 successful. Wireless carriers do not provide location information for a caller, and only in the urban areas of the state have some wireless carriers integrated their systems to provide selective routing or calling

customer phone number identification. Citizens have a right to expect quality E911 service from wireline LEC telephone service providers, both by statute (RCW 38.52.500) and through existing provisions in the Washington Administrative Code (WAC 480-120-340). Wireless continues to provide a lesser quality of 911 service. To date no wireless provider has published a schedule to provide location information for 911 calls. No wireless carrier has yet provided statewide calling customer phone number identification as required by statute (38.52.510) and the implementation of Federal Communications Commission rulings in CC Docket 94-102 relating to wireless provisioning for ANI are progressing slowly at best. Permitting a wireline LEC to extend service by utilizing a wireless provider under currently operational systems would result in a service level less than what their customers would receive when dialing 911 if physical connectivity was extended to the customer premise. That would not be a reasonably comparable service. Only when the service is equal in Enhanced 911 functionality should line extension by use of wireless systems be permitted.

When Referendum 42 was approved by the voters in 1991 the ballot statement was: "Shall enhanced 911 emergency telephone dialing be provided throughout the state and be funded by a tax on telephone lines?" That statement made no distinction to what technology was utilized to deliver the call. It also clearly established an anticipated service level with that service level being Enhanced 911 service, statewide. For wireline carriers that service level has been achieved by county implementation of E911 service, including significant efforts required to assure that the entire state was addressed so the actual street address of 911 callers could be displayed at the Public Safety Answering Point. This effort was accomplished with the cooperation and assistance of the Local Exchange Carriers in Washington. The Utilities and Transportation Commission should approve no changes in carrier operations that would result in a lesser service level.

There is no definition of what is included in the requirement for all carriers to provide "Access to emergency services (911)" as part of basic telecommunications services in RCW 80.36.600. However, the above referenced statute RCW 38.52.500, enacted through a referendum to the voters, in non-ambiguous terms establish that in the state of Washington 911 means Enhanced 911. **Therefore, to provide a "reasonably comparable" level of service wireline companies, when utilizing wireless services in lieu of line extensions, must assure that the wireless service includes the delivery of comparable ANI and ALI with selective routing to the correct PSAP when callers dial 9-1-1 from those wireless extensions.**

The definitions of ANI and ALI are somewhat specific to wireline services. However, wireless services can provide similar features if it is recognized that the intent is to provide a level of service adequate to facilitate response. Location information is derived from the callers phone number. It is the key to selectively routing the call to the correct PSAP. The phone number and address information

delivered by the E911 system is the only available information on where response should be directed for some 911 calls. Wireless systems can transmit the caller's telephone number to E911 systems. Existing 911 systems route calls based on the phone number received, regardless of which carrier's system originated the call if routing databases are established. The address display at the PSAP is derived from databases keyed by telephone number. Requiring that the 911 service level be equal does not preclude the use of wireless service in-lieu-of wireline extension. It only requires that those services be utilized where the wireless carrier has implemented adequate technologies to provide an equal level of E911 capability. This could be accomplished either through the use of subscriber location determination technologies currently being planned for deployment in response to the Federal Communications Commission's rulings in CC Docket 94-102, or by utilizing fixed location wireless units which can be engineered to appear to the E911 system as wireline telephones. A reasonably comparable service level for LEC line extension must require that the wireless carrier provision the wireless service to assure an equal level of Enhanced 911 service to that normally offered by the wireline LEC.

Equal reliability

The capability to dial 911 and have the call processed relies on the capability of the telecommunications network to process calls. Those capabilities, and the steps to take when the network is compromised, are assured in provisions of WAC 480-120-515 dealing with network performance standards, and WAC 480-120-520 dealing with major outages and service interruptions. It is not clear to what extent these provisions would apply to a local exchange carrier who is contracting with a wireless carrier to provide service extensions. No similar provisions exist for wireless services. The customer will have one phone service. That service will be within the territory served by the LEC and will be arranged for under the auspices of the LEC; therefore provisions of these rules should apply with the LEC being responsive to the customer to assure an equivalent level of reliability provisioning and outage management. **The LEC requirements for a comparable level of service to line extensions achieved utilizing wireless should include all service quality requirements associated with wireline LEC services.**

Equal tax treatment

At question is the tax status of service being provided by a wireline carrier through the use of a wireless carrier's facilities. Carrier 911 taxes are established under RCW 82.14B.030 at different levels for wireline versus wireless subscribers. The wireless line extension service as proposed would appear to be the primary telephone service to the customer and is in effect the customer's primary access line. Although not so stated, it would appear that the intent is also to have the billing generated by the LEC as local service. The wireless carrier would in effect be utilizing wireless transmission capability as a substitute local loop making the

connection an access line. **The service will appear to the customer as an access line, therefore the tax treatment should be that for wireline exchange services.** The Commission is encouraged to clarify the tax treatment with the Department of Revenue prior to implementing rules.

Conclusion

In conclusion, Enhanced 911 is an anticipated service in the state of Washington, statewide. Counties acquire Enhanced 911 from the Local Exchange Carriers. Those carriers have an obligation to provide an equal level of 911 service to their customers, regardless of the technology chosen to deliver the service to the customer premise. Any provision for LECs to utilize wireless technologies for extension of service must include requirements for an equal level of Enhanced 911 service, equal reliability assurance and equal taxation for E911 support.

Submitted on behalf of the State E911 Program.

Robert G. Oenning
State E911 Administrator

Date