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December 10, 2004

VIA ELECTRONIC AND FIRST CLASS MAIL

Ms. Carole J. Washburn
Executive Secretary
Washington Utilities & Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, Washington 98504-7250

RE: Rulemaking to consider Amendment of WAC 480-120-450, Enhanced 9-1-1 (E911), Obligations of Local Exchange Companies, Docket No. UT-041629

Dear Ms. Washburn:

I. INTRODUCTION

Pursuant to the Notice of Opportunity to File Written Comments dated November 16, 2004, the Washington State Enhanced 911 (E911) Program provides the following comments.

II. DISCUSSION

The Washington State E911 Program requests the Washington Utilities and Transportation Commission (WUTC) to amend WAC 480-120-450 to standardize 911 network costs in accordance with the Federal Communications Commission (FCC) wireless rules.

We are suggesting that WAC 480-120-450 be modified to make it clear that the Local Exchange Carrier (LEC) obligation for the transport of 9-1-1 dialed calls is to assure that the call is transported to a demarcation point at the Selective Router, or its functional equivalent. This meets the goals of clarifying the call transport portion of LEC responsibilities to their customers while also providing a demarcation point that is technologically and competitive neutral.

The suggestion is that WAC 480-120-450 be modified with an addition to both sections (1) and (3) as follows:

- (1) (d) For all classes of service, transport of the 911 call to the E911 system selective router, or its functional equivalent, will be considered as part of the basic service requirement defined in WAC 480-120-021.
- (3) (a) For transmission of the call, LECs may only recover the costs associated with the transport of the call from the selective router, or its functional equivalent, to the PSAP.

The WUTC has established access to emergency services (E911) as a basic service to be supplied for voice grade telecommunications customers. The Federal Communications Commission has also established E911 as the standard for access to emergency services (Attachments A & C. These standards apply to carriers offering local services regardless of the nature of the technology utilized or the regulatory classification of the company.

To a degree the obligations contained in the requirement to provide E911 as the access to emergency services have not been clearly defined, particularly with regard to what portion of the components of E911 service are a responsibility of carriers to support as part of their business model and what portion are within the purview of the services acquired by government agencies to assure E911 call delivery.

Public Safety Answering Points (PSAPs) currently pay Incumbent Local Exchange Carriers (ILECs) for connections between their end offices and the Selective Router (SR). PSAPs are not required to pay for connections between Competitive Local Exchange Carriers (CLECs) switches and the SR or between cellular switches and the SR. PSAPs are required to pay for all connections between the SR and the PSAPs.

In the King County order (docket 02-146, May 14, 2002) (Attachment B), the FCC stated, "We find that the cost allocation point for E911 implementation should be at that point at which the system identifies the appropriate PSAP and distributes the voice call and data location to that PSAP". The "point" or demarcation point referred to by the FCC is the SR.

The FCC determined that CLECs and cellular communications companies could recover their costs from customers in any reasonable manner. ILECs can recover the cost before the SR as part of "basic" service cost. Rural carriers can access the Universal Service Fund for 911 cost reimbursement as part of the Basic Services requirement (Attachment D).

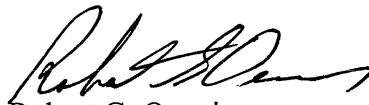
Technology has changed and new providers have entered the telecommunications market, each making decisions on market service territory and call transport technology. These new providers may have switches in other states and ILECs have consolidated SRs to the point that only ten SRs serve Washington State. Therefore, the PSAPs should not have to pay for any connections on the telecommunications company side of the SR.

RCW 38.52.520 authorizes the State E911 coordination Office to coordinate and facilitate the implementation and operation of enhanced 911 emergency communications systems throughout the state. RCW 38.52.540 authorizes the State E911 Coordinator to enter into statewide service agreements. The state E911 Advisory Committee is supportive of this proposal.

III. CONCLUSION

Establishing a standard for all carriers regardless of competitive classification to be responsible for the delivery of 9-1-1 dialed calls to the 911 system assures that carriers can operate in a competitive environment while clearly focusing the local and state government efforts to acquire E911 services to the portion of the network they have a responsibility to manage for the benefit of the public.

Sincerely,



Robert G. Oenning
Washington State E911 Administrator

Attachments:

- A Federal Communications Commission
Implementation of 911 Act WT. Docket No. 00-110
- B Federal Communications Commission
King County request concerning E911 Phase I issues
- C Federal Communications Commission
Universal Service Report & Order: Section 4
- D United States Code of Federal Regulations
Title 47§ 64.3001