

Comments to the:
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

From:
The Washington State Enhanced 911 Program

Concerning:

Docket No. UT-991737
Concerning Line Extension Tariffs
Revisions to 480-120-017 WAC

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 requirements that counties in Washington State are required to provide Enhanced 911 (E911) service to their citizens. These services are contracted under service tariffs filed by the LECs. Only when the wireless service fully meets the conditions of those tariffs should the LECs be permitted to provide wireless services to their subscribers. Automatic Number Identification (ANI), Automatic Location Identification (ALI) and selective routing of the call to the responsible PSAP are included as essential components of an enhanced 911 service in those tariffs.

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 equal E911 service both by statute, RCW 38.52.500 & 38.52.510, and through existing provisions in the Washington Administrative Code, WAC 480-120-340. Providing a service level less than that of their wireline customers receive when dialing 911 would not be a reasonably comparable service.

When Referendum 42 was approved by the voters in 1991 the ballot statement, "Shall enhanced 911 emergency telephone dialing be provided throughout the state and be funded by a tax on telephone lines?" made no distinction to what technology was utilized to deliver the call. It also clearly established an anticipated service level. That service level being enhanced 911 service, statewide. Although 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, the above referenced statutes, 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 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 ANI and ALI with selective routing to the correct PSAP.

It should be noted that ANI and ALI are somewhat specific to wireline in definition. Wireless services can provide similar features if it recognized that the intent is to provide the callers telephone number to the Public Safety Answering Point and information sufficient to permit selective routing of the call based on the callers location and location information adequate to direct responding emergency services to the caller's location. Requiring that the 911 service level be equal does not preclude the use of wireless services in-lieu-of wireline extension. It only requires that those services only be utilized where the wireless carrier has implemented adequate technologies to provide an equal level of service. This could be accomplished either through the use of subscriber location determination technologies currently being deployed in response to the Federal Communications Commissions 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 telephone.

The capability to dial 911 and have the call processed relies on the capability of the telecommunications network to process calls. Those capabilities and steps to take when the systems 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. Given that to the customer the carrier appears to be the LEC, and the territory served will be within the LEC's service territory, provisions of these rules should apply with the LEC being responsive to the customer to assure an equivalent level of provisioning and outage management.

A related question is the tax status of service being provided by a wireline carrier through the use of a wireless carrier's facilities. Wireline carriers 911 taxes are established under RCW 82.14B.030 at different levels for wireline versus wireless subscribers. The service as proposed would appear to be the primary telephone service to the customer and is in effect the customer's primary access line. Therefore the tax treatment would appear to be that for wireline exchange services. However, the Commission is encouraged to clarify the tax treatment with the Department of Revenue prior to implementing rules.

In conclusion, Enhanced 911 is an anticipated service in the State of Washington, statewide. Counties under contract acquire it with the Local Exchange Carriers. Those carriers have an obligation to provide an equal level of 911 service to all 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 a requirement for an equal level of enhanced 911 service.

Submitted on behalf of the State E911 Program.

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Date