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January 15, 2025

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

RE: PS Docket No. 15-80
PS Docket No. 13-75
ET Docket No. 04-35

Comments in Support of January 6, 2025 *Ex Parte* by APCO, NANSA and NENA and Addressing the Commission's Current Rules Regarding 911 Outage Notifications.

On January 6, 2025, the Association of Public Safety Communications Officials International (APCO), the National Association of State 911 Administrators (NANSA), and the National Emergency Number Association (NENA) filed an *ex parte* letter, stressing the need for timely and actionable 911 alerts. This is an ideal long embraced by FailSafe Communications. Our comments today are in support these organizations (the Coalition). We concur that the Federal Communications Commission should take a fresh look at the current rules for 911 outage notifications and help enable innovations that new and emerging technologies can bring to Emergency Communications Centers (ECCs).

This Commission will recall that Failsafe has rigorously advocated a methodology that re purposes the *Intelligent Signaling Network* data which accompanies every call to quickly alert ECCs, public officials and regulators.[1] FailSafe agrees that the current outage notification requirements, which are solely dependent on carrier reporting and outdated metrics like "lost minutes" do not meet the needs of ECCs today. As the Coalition noted, the alerts are often too late in coming, too limited in scope, irrelevant to jurisdiction, or formatted in a manner that is too time-consuming to act upon quickly. The present

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1   10/25/2024 Request for 911 Industry and Service Provider Forum

  10/12/2024 REPLY COMMENTS OF FAILSAFE COMMUNICATIONS, INC

  04/22/2024 COMMENTS OF FAILSAFE COMMUNICATIONS, INC

  01/16/2024 Notice of Ex Parte Letter, PS Docket No. 15-80, PS Docket No. 13-75 and ET Docket No. 04-35

  10/18/2023 Notice of Ex Parte Letter, PS Docket No. 15-80, PS Docket No. 13-75 and ET Docket No. 04-35

  09/06/2023 Notice of Ex Parte Letter, PS Docket No. 15-80, PS Docket No. 13-75 and ET Docket No. 04-35

  07/07/2023 Notice of Ex Parte Letter, PS Docket No. 15-80, PS Docket No. 13-75 and ET Docket No. 04-35

  06/20/2023 Notice of Ex Parte Letter, PS Docket No. 15-80, PS Docket No. 13-75 and ET Docket No. 04-35

  06/06/2024 Reply Comments of FailSafe Communications (988 Proceeding)

  04/14/2023 FAILSAFE COMMENTS REGARDING CCA'S PETITION FOR RECONSIDERATION

reporting system places the burden on often recalcitrant service providers. Perhaps most distressing, the present system allows only *estimates* of affected 911 callers rather than providing empirical data. There is a better way: *Focus on the 911 callers themselves rather than on estimates based on carrier reports.*

Intelligent Signaling Networks already in place with every carrier can be repurposed to:

> (a) provide a safety net during an often rocky Next Generation 911 (NG911) roll out
>
> (b) pinpoint and assist 911/988 callers that cannot get through
>
> (c) automate alerts to ECCs and regulators
>
> (d) eliminate the data overload and duplication issues in the present system.

1.   Protect Callers During NG911 Transition

Next Generation 911 (NG911) promises to enhance emergency services by creating a system that allows digital information (voice, photos, videos, text messages) to flow seamlessly from the public, through the 911 network and eventually, directly to first responders. As this transition occurs however, an often rocky transition is creating life threatening vulnerabilities as existing systems are often retired before NG911 is truly ready.[2]   At the present time the State of California has placed all NG911 plans on indefinite hold. After inside sources first sounded the alarm, an investigation uncovered a litany of problems, detailing how some of the first dispatchers to use NG911 reported that the state deployed an "error-prone, unfinished system that potentially put lives in danger."[3]

> *"In my 12 years at the Tuolumne County Sheriff's Department, I recall experiencing 2 or 3 complete failures of the [old] Legacy 9-1-1 system…Since taking my position in February, the NGA system has experienced 6 failures." "We are averaging a failure a month."[4]*

UPDATE: On the very afternoon of this writing, the NBC investigative unit reached out to us via email with a link to a story they ran last night, January 14, 2025, which cites even more problems.

<p style="text-align:center">View January 14, 2025 Updated Story HERE</p>

The solution is to use Intelligent Signaling Network data as a backup system before, during and after the NG911 conversion. This methodology captures emergency call data in real-time by simply triggering on desired signaling network messages, whether 911, 988, or 10 digit emergency numbers.[5] This data provides the caller's originating number – *whether a voice call actually sets up or not*. A call <u>attempt</u> is all it takes to create a text and an email to the ECC and to 911 responsible officials respectively, not a completed call. The 911/988 caller also receives a text which can be customized, assuring them that help is on the way even though they got a busy signal when they called. This backup system for NG911 is available right now and can alleviate many of these vulnerabilities.

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2   Sources: NBC News Investigation and Television Video as well as California Public Records Act responses.

3   In our 10/24/2024 filing we described other related issues such as the statewide Massachusetts failure.

4   Bill Pooley, Sheriff and 9-1-1 dispatch manager for Tuolumne County, California memo outlining the failures of the new system which was obtained as part of a California Public Records Act request to the California Office of Emergency Services (CalOS).

5   Intelligent Signaling Network data may be SS7, I/p 4G, 5G, Diameter, TDM, or any future standard. Stated simply, as long as there is one landline left on the planet, the Red Network must still be able to call the Blue Network. For this reason alone, Intelligent Signaling Network data will remain multi-lingual through the NG911 conversion and far beyond.

2. 911 "Alert Overload"

The Coalition quite rightly seeks "timely and actionable" information[6] as well as data about outages *"even if the outage does not meet the high threshold that trigger a notification."*[7] The methodology advocated by FailSafe identifies every caller to 911 and 988, including those who do not get through. This allows the focus to shift from the *network provider* to the *actual caller.* For example, a text can be sent to an ECC every time a caller dials 911 or 988 and does not get through due to an overloaded system. At the ECC, that message can be easily handled as a text-to-911 call using existing Automatic Location Identification (ALI) databases. This helps eliminate false alerts and information overload since alerts are based on actual callers in trouble as opposed to the carrier's best guess. Furthermore, the ECC can establish business rules for use of the data so that only certain levels of calls trigger alerts or assuring that they only get the kinds of alerts they want to see.[8]

3. "High Touch as well as High Tech" [9]

The coalition complains about current reports being in a *"dense, text-only format."* In addition the coalition also seeks *"a real-time web-based visual representation of the outage."* FailSafe has been working with the Pacific Disaster Center (PDC) for two years in anticipation of this need. We have offered to host a demonstration for this Commission in the past – either at the Commission or at PDC headquarters in Maui. We concur with the coalition recommendation that the Commission convene a workshop where FailSafe and the PDC can demonstrate this approach.[10] There are many other marketplace participants who offer geographic information systems (GIS), although the PDC is the only one so far to incorporate and visualize Intelligent Signaling Network data over other useful data. This was presented in an earlier FCC filing by FailSafe. We are therefore confident the FCC will be impressed by the federally-funded capabilities of the PDC, particularly when set in the context of correlation with disasters and the visualization of their impact on actual 911 callers.

4. Other Comments

FailSafe is intrigued by the coalition's suggestion of a "dashboard."[11] We are aware of the difficulties in finding the right contact person at an ECC and have no reason to doubt the coalition's difficulty in finding a contact person at a carrier. If such a system comes in to being, FailSafe will be an advocate of feeding the system at least in part with Intelligent Signaling Network data, as that data represents the most instantaneous and reliable representation of emergency calling patterns that is possible.

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6   Coalition letter at p. 2.

7   *Id.*

8   Upon information and belief, anti-terrorism organizations like the CIA and NSA used similar technology in the early 2000's in the war on terrorism. By triggering only on selected numbers, Intelligent Signaling Network data could be used to spot potential bad actors without ever monitoring a call or even setting up a voice call. This is a powerful capability and it belongs in the emergency services environment.

9   The phrase "high tech, high touch" was coined by John Naisbitt in his 1982 book "Megatrends," where he discussed the idea that as technology advances ("high tech"), people still crave meaningful human interaction ("high touch").

10   We respectfully repeat our request from October 24, 2024 that this Agency convene an industry forum.

11   Coalition letter at p. 3.

5.   Summary and Conclusions

The existing rules for carrier reporting represented the best methods available - at the time they were devised.   Assuming that carrier reports are actually generated accurately and used correctly, they can provide a basic *estimate* of the impact on emergency callers due to failures. They only provide an estimate however and no more.

Moreover, as the Coalition points out, even when generated faithfully by the carriers, reports that just pile up on a FCC server or at an ECC are not particularly useful. As these comments point out, there is a better solution that is focused on actual callers in trouble rather than suppositions by carriers.   This notion of improvements for emergency services is gaining traction with municipalities, counties and other local officials in Texas who through hard-earned experience with numerous disasters are increasingly embracing options like these. (Attachment A).

FailSafe anticipates that the incoming FCC will make a broad effort to reduce or eliminate some regulations after January 20. The current rule regarding how 911 outages are captured certainly qualifies as needing examination and revision. We also feel certain that service providers would be relieved to no longer have *primary* responsibilities for reporting outages, when a superior solution can take them out of the spotlight and focus on actual users, not just them.

We look forward to working with the Commission and other stakeholders in crafting state-of-the-art solutions to the current problems of 911 outages, particularly "Sunny Day Outages" that have become far too prevalent during the conversion to Next Generation 911. We have decades of experience to draw upon to assist the Commission in these efforts. (Attachment B). We believe that this Commission can encourage innovative solutions that rely less on regulation and more on innovation.

Respectfully submitted,

s/ Eddie M. Pope

Eddie M. Pope
General Counsel

 CC:

Mel Maier, CEO and Executive Director APCO International
Harriet Renee-Brown, Executive Director NANSA
Brian F. Fontes, CEO, NENA

Attachment A

State of Texas	Resolution 2025-01	County of Ellis

A Non-Binding Resolution by the Ellis County Commissioners' Court
Endorsing a 9-1-1 Update to Identify Unsuccessful Callers

WHEREAS, on December 12th, 2024, former Ovilla Mayor Leo A. Wrobel appeared before this body to describe and demonstrate how recent 911 outages have occurred in the United States, including a case in Massachusetts that left municipal authorities unprepared; and

WHEREAS, the Federal Communications Commission (FCC), which has recently issued over $100 million in fines to service providers for miscarried 911 calls, stated on April 18th, 2024 that *"When you call 911 in an emergency, it is vital that call goes through. The FCC has already begun investigating the 911 multi-state outages...;"* and

WHEREAS, Wrobel described how to identify 911 callers who do not get through due to overloaded phone lines, as well as the means to alert public officials and policymakers when such situations occur; and

WHEREAS, Wrobel and his staff, desiring to implement this potentially life-saving system in North Texas, have reached out to the North Central Texas Council of Governments (NCTCOG) and other responsible entities that have expressed interest in this capability upon request by any municipality or other official entity likewise expressing interest and support;

NOW THEREFORE BE IT RESOLVED:

1) That the Ellis County Commissioners' Court endorses the concept of a 911 emergency telephone enhancement to give 911 centers the ability to identify callers that cannot get through due to overloaded phone lines, and which also automatically notify elected officials and other policymakers when such incidents occur;

2) That this resolution in no way binds Ellis County to any expense or commitment, but only signifies interest in and support of enhanced 911 tracing capabilities in North Texas;

3) That the Ellis County Commissioners' Court respectfully requests that the North Central Texas Council of Governments and/or other responsible entities explore options to implement such a service, insofar as making it available and affordable to counties, municipalities, districts, 911 call centers, and other official entities.

In witness thereof, signed the 7th of January, 2025 –

Todd Little, Ellis County Judge

Randy Stinson, Commissioner, Precinct 1

Lane Grayson, Commissioner, Precinct 2

Louis Ponder, Commissioner, Precinct 3

Kyle Butler, Commissioner, Precinct 4

Attest: Krystal Valdez, County Clerk

Inventor and Management of the Company

Leo A. Wrobel, Inventor and CEO

Wrobel's talent for exploiting changes in laws, technology and regulations has earned him broad acceptance and acclaim. Leo built the first computer disaster recovery center in a telephone central office in 1986. He was the first in Texas to run telephone traffic over a cable television system. In 1997 he founded his own phone company which was the first in the US   to become certified in all 50 states. He is the author of 12 books and over 1600 trade articles. He has lectured in most of the 50 states and overseas in locations such as Santiago Chile, Tel Aviv Israel, and as a guest speaker for the Chinese Academy of Sciences in Beijing. A former Mayor and City Councilman, Leo is an expert in complex technology having written disaster recovery plans and designed disaster recovery systems for dozens of Fortune 100 companies in the airline, manufacturing, education, financial services and government services industries. He holds degrees in Business and Public Policy, Telecommunications Systems Technology, and Electronics Systems Technology and is a Vietnam Era US Air Force veteran.

Sharon Wrobel – Board Member and Corporate Secretary

Sharon M. (Ford) Wrobel has authored more than a dozen trade articles and co-authored a book, *Disaster Recovery for Communications and Critical Infrastructure* with husband Leo and the Pacific Disaster Center. She served as a Director and Secretary to the Board of the Network and Systems Professionals Association (NaSPA) a 36 year old 501(c)6. Sharon attended the University of Maryland and El Centro College, where she trained as a registered nurse before joining Leo in his businesses. Sharon also served as a public official, accepting appointments to the City of Ovilla Planning and Zoning Commission and Historical Commission. Sharon volunteers as a Christian dance fitness instructor.

Michael Hatfield – Board Member, President and CEO

Michael Hatfield is an experienced executive with a demonstrated history in the management consulting industry, with specialization in finance, business planning, telecommunications network management and national distribution networks for various firms and product lines. He has been President of Greenway Communications since 2016. His broad business acumen has aided clients by skillfully organizing business plans to bring their companies from conceptual ideas to sound profitability. Michael's analytical, team building, sales force management, recruiting and strategic planning skills have proven to be insightful and extraordinary for a wide variety of demanding clients. He specializes in "Out of the Box," non-traditional thinking that energizes new opportunities.

Philip N. Diehl – Board Member

Philip Diehl is an American businessman and former monetary policy advisor who served as the 35th director of the United States Mint. He is the president of U.S. Money Reserve, a published analyst of gold markets and a member of the boards of the Industry Council for Tangible Assets, the Coalition for Equitable Regulation and Taxation and the Gold and Silver Political Action Committee. He served as director of telephone regulation at the Public Utility Commission of Texas (PUC). In January 1991, Diehl was named legislative director to U.S. Senator Lloyd Bentsen. In September 1992, the Senator promoted him to majority staff director of the Senate Finance Committee. On the first day of the Clinton administration, Diehl moved to the U.S. Treasury Department and was named Chief of Staff to Treasury Secretary Bentsen. Diehl has been recognized by Advertising Age as among its Top 100 in Marketing and received the American Society for Public Administration Government Executive Leadership Award, the Faith and Politics Institute's St. Joseph's Day Award for values-based leadership, and the Treasury Medal for Outstanding Public Service awarded by Treasury Secretary Lawrence Summers.

Donald Benson – Board Member

Don Benson positions have ranged from being manager of command and control systems for the Pentagon, the White House, and the Pacific Theater to senior executive positions in defense, insurance, financial services, healthcare and real estate management. He is skilled in guiding companies through operations consolidations, greenfield start-ups, organization design, change management, culture integration and turnaround situations. Benson has held senior executive positions for such Fortune 500 companies as CIGNA, Aetna, Coventry Health Care and Connecticut General. He holds a Bachelor of Science in Management from Central Connecticut University and also completed continuing studies at The Wharton School, University of Pennsylvania, The Darden School, University of Virginia and Cornell University. He was awarded a Doctor of Humane Letters (Honorary) from Strayer University.

Kathy G. Benson – Board Member

Kathy G. Benson graduated from the University of Connecticut at Storrs magma cum laude and has held various management positions during her career, including Aetna Life & Casualty, Travelers Insurance , Northeast Utilities, Connecticut General Insurance (later CIGNA) Storage Technology, Programming Resources, and finally Synercom, where she was promoted to General Manager. As Founder and Principal of Prosource she oversaw three divisions including software product development, marketing, and financial management. She has extensive experience researching, recommending, and developing new technologies, methods, and standards to help keep her employers competitive in rapidly changing marketplaces.

Mark Allison – Board Member

Mark Allison studied Electrical Engineering at The University of Texas at Arlington. He was employed as an internationally known live sound engineer who provided sound engineering services for, among others, Billy Joel, Barry Manilow, The Beach Boys, The Grateful Dead, Willie Nelson, Bob Dylan, Fleetwood Mac, Elvis, The Boston Pops Orchestra and US Presidents Ford and Carter. After switching careers, he then spent 22 years in avionics engineering at Lockheed Martin Tactical Aircraft Systems in Fort Worth, Texas working on the F-16 program where he retired.

Debra K. Smyth – Treasurer and CFO

Ms. Smyth has an MBA from the Keller Graduate School of Management and over 35 years experience. She has been a key member on many management teams and has played an integral role in the implementation of many company visions including systems development, financial and profitability analysis, planning, tax returns, contract negotiations, benefit plans, exit strategies and insurance plans to suit a specific business need.

Eddie M. Pope – General Counsel

Mr. Pope's experience spans 40 years as an attorney, including the Oklahoma Corporation Commission and Texas Public Utility Commission (PUC). He co-authored *Understanding Emerging Network Services, Pricing and Regulation* ©Artech House Books. The people who know Eddie best appreciate the lasting impact he had on telecommunications. As Chief of Staff to the Chairman of the Texas PUC he was one of the final editors on the first "guide book" governing telecommunications competition. The Texas T2A Interconnection Agreement would go on to become a "gold standard" governing competition in the telecom industry nationwide.