Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications	)	PS Docket No. 15-80
	)	
Improving 911 Reliability	)	PS Docket No. 13-75
	)	
New Part 4 of Commission's Rules Concerning Disruptions to Communications	)	ET Docket No. 04-35

COMMENTS REGARDING CCA'S PETITION FOR RECONSIDERATION

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April 14, 2023

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On March 14, 2023, the Competitive Carriers Association ("CCA") submitted a Petition for Reconsideration requesting the Federal Communications Commission's ("FCC" or "Commission") to reconsider in part the *Second Report and Order* regarding 911 outage reporting.[1] FailSafe Communications, Inc.[2] ("FailSafe") has reviewed that Petition and submits the following comments for the Commission's consideration.

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[1] *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; Improving 911 Reliability; New Part 4 of Commission's Rules Concerning Disruptions to Communications*, Second Report and Order, FCC No. 22-88, PS Docket No. 15-80, PS Docket No. 13-75, ET Docket No. 04-35 (rel. Nov. 18, 2022) ("*Second Report and Order*"); *see also Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; Improving 911 Reliability; New Part 4 of Commission's Rules Concerning Disruptions to Communications*, Third Notice of Proposed Rulemaking, FCC No. 21-45, PS Docket No. 15-80, PS Docket No. 13-75, ET Docket No. 04-35 (rel. Apr. 23, 2021) ("*Third Notice of Proposed Rulemaking*").

[2] FailSafe Communications, Inc. is the owner of two patents (US Patent No. 10,812,663 B2 and 11,582,352 B2) relating to deriving new information by combining information from the telephone network with external databases. FailSafe believes this technology can assist in the detection and correction of outages affecting 911 calls.

One of the fundamental purposes for which Congress created the Commission is to "promot[e] safety of life and property through the use of wire and radio communications."[3] The Commission has adopted the goal of "proactive, measured accountability for reliable 911 call completion exten[ding] from the provision of service to the 911 caller at one end to the provision of service to the [Public Safety Answering Point] PSAP on the other."[4] FailSafe believes accomplishing that goal should be among the highest priorities of all carriers and PSAPs.

The CCA Petition seeks relief, in part, from the requirement that carriers notify the PSAP of an outage within 30 minutes.[5] Part of CCA's concern arises out of the difficulty in detecting the outage early enough so that the 30 minutes is a practical requirement.[6] FailSafe agrees that this is a difficult proposition when the only warning may be an alarm bell in a central office.

FailSafe shares the CCA's concerns about the prompt detection of outages. FailSafe has been in the disaster recovery consulting business for decades. Its CEO, Leo Wrobel, is the author of 12 books and over 1600 trade articles and has written disaster recovery plans for dozens of Fortune 100 companies.[7] His experience led him to focus on how emergency calls are handled, particularly callers to 911 that do not get through. With this in mind, Wrobel developed FailSafe technological solutions that not only help telephone companies comply with current rules, but actually get ahead of the FCC's likely requirements.

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3 47 U.S.C. § 151.

4 Policy Statement and Notice of Proposed Rulemaking, In the Matters of 911 Governance and Accountability, Improving 911 Reliability, PS Docket No. 14-193 and PS Docket No. 13-75 Released: November 21, 2014 ¶ 7.

5 CCA Petition at p. 2 – 9.

6 *Id.* at 7.

7 For more information on Mr. Wrobel, please click here.

The technology allows a carrier to obtain information from existing signaling networks when 911 calls are not going through, and then utilize external databases to determine the location of the caller and the probable reason for the disruption. FailSafe calls this technology "TeleSentient."™ In deference to the Commission's time, FailSafe requests that the Commission view a short 3 minute video that explains the TeleSentient™ technology here.

Utilization of this technology may help address the CCA's concerns about the early detection of outages. The technology can be modified to allow alerts to be sent to the carriers on a real-time basis, identify which calls are not getting through to the PSAP and identify the affected caller. FailSafe also anticipates that it will be possible to automate some of the reporting requirements. This should make it much easier for outages to be reported within the 30 minute window prescribed by the Commission.

FailSafe anticipates that every one of its potential licensees will utilize the FailSafe patents in different ways. One possible enhancement would be to display the calls not getting through utilizing the client's (or a vendor's) geographic information system ("GIS"). The Commission expressed interest in such a development in its *Second Report and Order*:

> We direct the Public Safety and Homeland Security Bureau to gather for future consideration additional information on 911 special facilities' capabilities to use graphical outage information, the utility of that information for 911 outage remediation, and the formats in which the graphic information would be feasible for service providers to produce.[8]

FailSafe has been working with vendors with demonstrated proficiency in GIS displays of disasters for the past four years. One of these providers, the Hawaii-based Pacific Disaster Center

[8] *Second Report and Order* ¶ 15.

(www.pdc.org) has confirmed that TeleSentient™ data can be displayed on a system called DisasterAware® with relative ease. FailSafe anticipates that this information can be transmitted to network operation centers, desktop PCs, and to mobile devices.

Besides these concepts, FailSafe is confident that its licensees will develop even more innovative applications that will enhance communications during disasters and emergencies. Some of those potential applications are contained in our capabilities brochure which can be viewed here.

The Commission has consistently been on the forefront of identifying enhancements to 911 and facilitating the introduction of those enhancements into the marketplace. The Commission's long-held vision of "end to end" communications between callers, carriers and PSAPs is on the horizon. This assumes that, as the CCA requests, the industry has adequate time to absorb new technologies like TeleSentient™ in the coming weeks and months. FailSafe applauds the goals set by the FCC and pledges to work with the Commission, PSAPs and communication providers toward a safer America.

Respectfully submitted,

/s/ Eddie M. Pope

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