

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of	§	
	§	
Petition for Declaratory Ruling	§	PS Docket No. 21-479
Regarding Use of a Patented Method for	§	PS Docket 13-75
Enhancing 911 Reliability	§	
	§	
Filed by:	§	CC: PS Docket No. 15-80
FailSafe Communications Inc.	§	PS Docket No. 13-75 ET
	§	Docket No. 04-35

PETITION FOR DECLARATORY RULING

Pursuant to Section 1.2 of the Commission’s Rules (47 C.F.R. § 1.2), FailSafe Communications Inc. (FailSafe) respectfully seeks a ruling that T911™ is in the public interest and that Communications Service Providers (CSPs) be allowed to recoup the costs of adopting this approach. In [Comments](#) filed July 11, 2025¹ we described T911,™ a system that operates outside Next Gen 911 (Next Generation Core Service or NGCS) that offers a way for callers to reach 911 during network outages, busy conditions, or call congestion. T911™ sends alerts to 911 and 988 call centers based on *Intelligent Signaling Network* data derived directly from each individual phone attempting to reach help.

We seek affirmation by this Commission that:

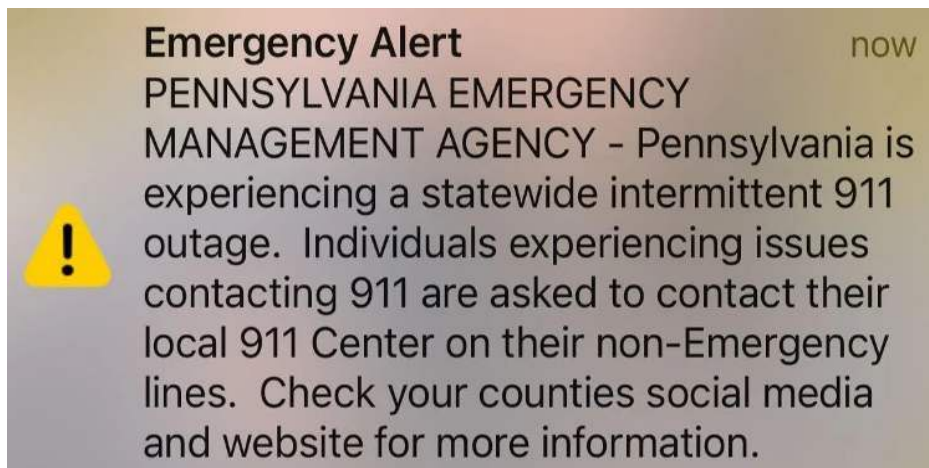
- incumbent Communications and CSPs should be required to cooperate in its deployment;
- providers should be allowed to recoup reasonable costs as to not create a financial burden, and to forestall resistance by CSPs that may be wary of new rules or mandates.
- the Commission authorize CSPs to collect license fees and CSP charges for T911™ on phone or service bills whenever responsible executive, elected, or public officials resolve to request this capability.² (Example Exhibit 1)

¹ In *Matter of Facilitating Implementation of Next Generation 911 Services (NG911) and Improving 911 Reliability* FailSafe described a system called T911.™ PS Docket No. 21-479 and PS Docket 13-75

² License fees are no more than \$1.00 per resident one time set up fee followed by \$0.10 a month per resident. We request the FCC authorize CSPs to collect these charges along with a reasonable mark-up to cover their unique costs.

I. THERE IS AN URGENT NEED FOR NEW APPROACHES TO 911

As this Commission is aware, failures involving 911 systems are frequently in the news. Just last week, Pennsylvania 911 systems experienced an “intermittent outage,” which prompted this alert:



Outages affecting NGCS have become too frequent to ignore. With the advent of 911 consolidation they often affect multiple 911 centers or even multiple states. The Commission will recall last year the state of Massachusetts experienced a statewide outage. Another outage caused by a contractor working on a single light pole knocked out 911 to multiple states. Dozens of others have occurred since. FailSafe applauds the Commission’s efforts to promote NG911, but it also must explore new answers like T911™ which insulates NGCS from “Sunny Day Outages” and better protects public safety.

II. AN APPROACH THAT CAN BE ADOPTED NOW, NATIONWIDE

The details of T911™ have been provided to the FCC in a Response to a Notice of Proposed Rule Making on July 11, 2025 and can be found here. <https://www.fcc.gov/ecfs/document/1071163008209/1> Briefly stated, T911™ utilizes the power of existing Intelligent Signaling Networks to identify 911 callers who cannot get through to the Public Safety Answering Point (PSAP) during times of high call volume. T911™ allows the caller to be identified (and potentially called back). It also alerts decision-makers and public officials about problems within calling networks.

We respectfully note that FailSafe has filed no less than nine petitions with this Commission since 2023 including a test number **(202) 920-9008** that has been demonstrating T911™ live for over a year. No comments whatsoever have been filed in objection to this methodology even though it has been common practice for many carriers and coalitions of carriers to frequently object to any new proposed rules by this Commission.

FailSafe recognizes that its approach will not solve all of the problems that CSPs and PSAPs may have with the completion of 911 calls. However, it should save *some* lives. At a time of catastrophe from floods in Texas to wildfires in Hawaii, to dozens of “Sunny Day Outages” this Commission should welcome the opportunity to take a bold action that could improve public safety and response.

FailSafe’s approach is an ingenious innovation licensed by a small company - but to very large companies that have the depth, expertise, and service footprint to make a huge difference in NGCS at an almost negligible cost. It is exactly this kind of private sector innovation that should be encouraged by this Commission. T911™ can be implemented without government bureaucracy or the need for endless meetings or conferences. It can be swiftly rolled out on a nationwide basis. The Commission should explicitly authorize stakeholders to implement this approach with all deliberate speed.

III. THE COMMISSION HAS THE POWER TO GRANT THIS PETITION

A. THE COMMISSION HAS THE POWER TO ISSUE DECLARATORY RULINGS

There should be no dispute that the Commission has the power to issue the requested ruling. 47 C.F.R 1.2(a) provides:

The Commission may, in accordance with section 5(d) of the Administrative Procedure Act, on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.

While FailSafe has marketed T911™ around the country, it has often been asked by potential licensees how to charge for implementing this service. The Commission can “remove uncertainty” and speed deployment by explicitly authorizing state and local jurisdictions to expend 911 funds for this purpose.

B. THE COMMISSION HAS THE POWER TO CLARIFY WHAT EXPENDITURES ARE ALLOWED TO BE PAID FROM 911 FEES

On December 27, 2020, the President signed the Don't Break Up the T-Band Act of 2020 as part of the Consolidated Appropriations Act, 2021. Section 902 of the new legislation requires the Commission to take action to help address the diversion of 911 fees by states and other jurisdictions for purposes unrelated to 911. Specifically, Section 902(c)(1)(C) adds a new paragraph (3)(A) to section 615a-1(f) that directs the Commission to adopt rules “designating purposes and functions for which the obligation or expenditure of 9-1-1 fees or charges, by any State or taxing jurisdiction authorized to impose such a fee or charge, is acceptable” for purposes of Section 902 and the Commission's rules.

Specifically, 47 C.F.R. Chapter 1, Subchapter A, Part 9, Subpart 1, Section 9.23(b)(2) allows for the expenditure of funds for “PSAP operating costs include technological innovation that supports 911.” Section 9.23(b)(5) also authorizes expenditures “Providing for the interoperability of 911 systems with one another and with public safety/first responder radio systems.” T911™ is a “technological innovation that supports 911,” and encourages “the interoperability of 911 systems with one another.”

IV. CONCLUSION

Approval of this Petition will benefit everyone with the peace of mind that a T911™ “safety net” offers during and long after the NGCS roll-out. It will enhance speed and simplicity by allowing CSPs fair compensation for capabilities already in their networks. It will provide a means to gauge “presumptive reliability” and “reasonable reliability compliance expectations” (as defined by this Commission) when Sunny Day Outages associated with NGCS conversions inevitably occur. It will help automate FCC 11-88 reports by CSPs, safeguard against regulatory fines, allow faster trouble isolation by all CSPs, and avoid “Sympathy Reports.” Perhaps most important, approval of this Petition will provide Legacy and NGCS 911 providers with high quality non-duplicate Alerts based on actual 911 and 988 callers, rather than “estimates” of 911 call impact based solely on 11-88 reports.

Since we propose compensation to the carriers as part of this Petition we do not expect any industry push back. For this reason we ask that the Commission consider forgoing the normal notice provisions, but we stand ready to accept any path it chooses to take. We are prepared to defend this Petition if notice must be given to the industry and to provide detailed information to any Commenter or this Commission as to any questions they may have. We pray that the FCC rules promptly on the merits of this Petition and joins us in our effort to save lives.

Sincerely,

s/ *Eddie M. Pope*

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Exhibit 1



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;

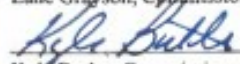
NOW THEREFORE BE IT RESOLVED:

- 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

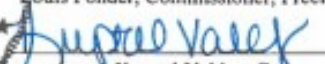

Lane Grayson, Commissioner, Precinct 2


Kyle Butler, Commissioner, Precinct 4




Randy Stinson, Commissioner, Precinct 1


Louis Ponder, Commissioner, Precinct 3


Attest: Krystal Valdez, County Clerk