



## FCC ISSUES ORDER IMPLEMENTING 911 RELIABILITY OBLIGATIONS

The FCC issued a Report and Order (“R&O”) on December 12, 2013 adopting rules to improve the reliability and resiliency of 911 communications networks. The R&O attempts to address shortcomings in those networks revealed by failures during the June 2012 derecho and Hurricane Sandy.

The R&O announces rules requiring that 911 service providers take reasonable measures to provide reliable 911 service. Providers can meet these requirements by implementing industry-backed best practices or alternative measures that are reasonably sufficient to ensure reliable 911 service. The R&O also requires covered entities to provide public safety answering points (“PSAPs”) with timely and actionable notice of 911 outages.

Critically, the 911 service providers covered by the new provisions are only entities that actually deliver traffic to the PSAPs. An entity must provide call routing, automatic location identification (“ALI”), automatic number identification (“ANI”), or the functional equivalent of those capabilities directly to a PSAP (or statewide default answering point or other local emergency authority) to be considered a “covered entity.” The R&O specifies that “covered entities” do not include “entities that merely provide the capability for customers to originate 911 calls.” In other words, a carrier or interconnected VoIP provider that merely delivers calls to a selective router operated by another carrier is not a “covered entity” subject to these new requirements.

The best practices endorsed by the R&O were developed by the FCC’s Communications Security, Reliability, and Interoperability Council (“CSRIC”), with some modifications designed to add clarity and specific guidance regarding implementation in the context of 911 networks. The best practices fall into three categories: (1) yearly auditing of the physical diversity of all 911 circuits (or equivalent data paths); (2) maintenance of reliable backup power in any central office that directly serves a PSAP sufficient to maintain functionality for at least 24 hours at full load; and (3) comprehensive network monitoring.

Providers must annually certify that they have met their obligation. Those providers that perform all the certification elements in the rules can bypass any need to submit additional documentation to support their certifications. Those that rely on alternative measures instead must provide a brief explanation of those steps with the certification or, conversely, an explanation of why certain elements of the certification do not apply.

The R&O also reserves to the FCC the right to require 911 network providers to undertake remedial action if their annual certifications demonstrate vulnerabilities or if the FCC determines that the providers have not adhered to the best practices or adopted sufficient alternative measures.

**W&G REGULATORY ADVISORY**  
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