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MINNESOTA DEPARTMENT OF PUBLIC SAFETY



ARMER/911 Program

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September 28, 2006

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State Fire
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Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In The Matter Of The Proposed Rules Of The State Department Of Public Safety
Relating the Statewide 911 Emergency Telephone System, Minnesota Rules, Chapter
1215; Governor's Tracking #AR265

Dear Librarian:

The Department of Public Safety, ARMER/911 Division, intends to adopt an amendment to the rules governing the 911 emergency telephone system to establish accuracy standards for subscriber information submitted by telephone companies to the 911 Automatic Location Identification (ALI) database. We plan to publish a Dual Notice Of Intent To Adopt Rules Without A Public Hearing in the October 9, 2006 State Register.

The Department has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library a copy of the Statement of Need and Reasonableness at the time we are mailing our Notice of Intent to Adopt Rules.

If you have any questions about these rules, please contact me at 651-201-7546.

Yours very truly,

Ronald L. Whitehead
ARMER/911 Program Director

Enclosure: Statement of Need and Reasonableness

Minnesota Department of Public Safety

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Governing the Statewide 911 Emergency Telephone System, *Minnesota Rules*, Chapter 1215.

INTRODUCTION

The Minnesota Department of Public Safety, ARMER/911 Division, coordinates the provision of 911 service telecommunication service throughout the state of Minnesota. That service allows citizens to gain immediate access to the appropriate public safety service by simply dialing the digits 9-1-1 from any telephone (wired or wireless). Over the years, the 9-1-1 system has evolved to the level where an emergency call is routed to the appropriate Public Safety Answering Point along with essential emergency response information including the call back number, telephone subscriber information and the location of the telephone. The routing of the 9-1-1 call and the availability of the essential emergency response information is derived from Automatic Location Information (ALI) provided by telecommunication service providers to the 9-1-1 service provider in accordance with state and federal laws. Telecommunication service providers charge and the state pays a monthly fee based upon their total number of subscribers for the timely and accurate provision of ALI information maintained in the ALI database.

Given the critical nature of these 9-1-1 calls, competitive local exchange carriers routinely implement class marking of subscribers lines within their exchanges to route 91-1 calls to specific Emergency Service trunks to implement default routing to a predetermined PSAP in the event that an Automatic Number Identification (ANI) failure or No Record Found (ALI database failure) condition occurs. In the traditional wired line telecommunication environment, telephone exchanges were very local and the number of Emergency Service trunks was determined solely by the expected call volume. With the changing telecommunication environment, however, competitive local exchange carriers and wireless carriers frequently provide service from central locations and, in some cases, from central offices located outside the state.

Based upon statute, the state pays the cost of providing 9-1-1 service, including the cost of all Emergency Service trunks from the telephone company exchange to the selective router. As such, the cost of dedicating default trunks for multiple PSAP's has consumed a greater and greater portion of the funds available to maintain the 9-1-1 network. In the state's implementation of wireless 9-1-1 service, the default routing trunks were necessarily limited because the aggregate cost of providing default trunks to every potential PSAP was excessive. Similarly, the recent implementation of one competitive local exchange carrier with a statewide coverage profile will add nearly

\$500,000 per year in network costs for that telecommunication service provider to provide default routing in the event of a No Record Found condition. In the competitive and changing technological environment of telecommunication customer arbitrage, the continued escalation of network costs for each new or expanding vendor is impossible to sustain. The need for these costs will be substantially reduced by implementing reasonable standards for ALI information submitted by telecommunication service providers to the 9-1-1 ALI database.

ALTERNATIVE FORMAT

Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact Mary Kay Frisch at the DPS, 444 Cedar Street, Town Square, Suite 137, St. Paul, Minnesota 55101-5137, telephone number 651-201-7551, fax 651-296-2665. TTY users may call the DPS at TTY phone number 651-282-6555.

STATUTORY AUTHORITY

The Department's statutory authority to adopt the rules is set forth in *Minnesota Statutes* 403.07, subdivision 1, which provides:

“The commissioner shall establish and adopt in accordance with chapter 14, rules for the administration of this chapter and for the development of 911 systems in the state including:

- (1) design standards for 911 systems incorporating the standards adopted pursuant to subdivision 2 for the seven-county metropolitan area; and
- (2) a procedure for determining and evaluating requests for variations from the established design standards.”

All sources of statutory authority were adopted and effective prior to January 1, 1996, and Minnesota Statutes, section 14.125 does not apply. See Minnesota Laws 1995, chapter 233, article 2, section 58.

REGULATORY ANALYSIS

The following persons will be affected by the proposed amendment to chapter 1215:

- Incumbent Local Exchange Carriers (ILEC), Competitive Local Exchange Carriers (CLEC), wireless carriers and other service communication service providers.

This class of person represents the data providers who provide subscriber information and other emergency response information for the Automatic Location Identification (ALI) database. They are reimbursed for their cost of providing this information in an accurate and consistent format. The most common form of reimbursement to this class of person is a monthly payment for all active telephone number records. As such, it is assumed that this class of person is already

reimbursed for their cost of providing accurate and appropriately formatted information and that there would be no additional cost associated with the implementation of this rule. The rule would, however, benefit customers of this class of person (telephone company subscribers) by articulating a standard of accuracy to assure an appropriate emergency response to any 9-1-1 caller.

- 911 Service providers.

This class of person represents Automatic Location Identification (ALI) database and Selective Router service providers to which subscriber and emergency response information is provided by ILEC, CLEC, wireless carriers and other communication service providers. They are reimbursed for their cost of maintaining this information on a per entry basis. There are two companies (Qwest Communication and Independent Emergency Services) currently providing these services in Minnesota and each has a policy in place to identify and resolve instances of No Record Found or ANI failure. This regulation may require minor adjustment in those policies. In addition, the regulation will require an annual report of No Record Found or ANI failures to the commissioner of public safety that is not presently required as part of their current practices. This annual report is merely a compilation of information which is already collected as part of the 911 service provider's routine processes and should not be extensive. The 911 service providers will also benefit from the imposition of this rule, in that, their ALI databases will be more accurate and they will have a greater level of confidence in the proper operation of their service of selectively routing 9-1-1 calls to the appropriate Public Safety Answering Point (PSAP).

- Public Safety Answering Points (PSAP)

This class of persons represents the public safety agencies to which 9-1-1 calls are originally routed. The accuracy of database information is of vital interest to them in appropriately responding to calls for service. The proposed rule does require this class of persons to promulgate a policy for handling No Record Found 911 calls, but it is anticipated that all such agencies already have formal or informal procedures in place. Similarly, the assignment of default PSAP's and reduction in default trunks imposed by this rule may result in a negligible increase of calls to a few designated default PSAP's but such instances will be negligible and more predictable and manageable. PSAP's will benefit from this rule by assuring the imposition of accuracy standards assuring a higher level of accuracy in selectively routing calls and the accuracy of subscriber and emergency response information.

- Citizen of State of Minnesota

This class of persons represents all potential user of Minnesota's 9-1-1 system, who will be assured of more accurate routing of their 9-1-1 calls for emergency services. There will not be any direct cost to this class of users, but they will benefit from the

accurate routing of their call and the accurate reporting of subscriber information and emergency response information.

The following probable costs to the agency and to any agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue:

- Department of Public Safety (DPS)

The DPS administers the Statewide 911 Program and reimburses telephone companies and 911 service providers for their cost in providing 911 services. The imposition of this rule will require the DPS to monitor compliance by communication service providers. Based upon experience in the metropolitan area, it is anticipated that most telephone companies will be in compliance with the database standard and that those few non-compliant telephone companies will resolve issues upon notification. The actual cost of collecting the information annually from 911 service providers and of notifying non-compliant telephone companies is estimated to be minimal and will be absorbed by the program. The imposition of this rule will allow the DPS to reduce the number of default trunks. The exact savings in default trunks is not known because each situation will be different. However, in the seven county Metropolitan area the reduction of 18 default trunks to 8 default trunks for each CLEC is estimated to save the state nearly \$500,000 per year. Cost reductions outside the metropolitan area may be less dramatic, but as previously indicated the statewide 911 program is currently predicting a cost of nearly \$500,000 per year in implementing default routing on a county by county basis for one expanding CLEC.

- Public Utilities Commission

As regulated industries, telecommunication service providers are subject to the oversight and regulation by the Minnesota Public Utilities Commission (PUC). All competitive Local Exchange Carriers (CLEC) must file 911 plans with the PUC. Violations of database standards may be reported to the PUC for resolution. There is no cost estimate concerning this action, as it is anticipated that telecommunication service providers will reasonably be able to meet the proposed standard and that 911 service providers will be able to provide the required information without any significant problems. With respect to wireless telecommunication service providers and certain Voice over Internet Protocol service providers the PUC may not have oversight jurisdiction.

The following comments are relevant to whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule:

- The proposed regulations seek to articulate a standard for information telephone companies are required to provide for the 9-1-1 system to operate. The companies are compensated for providing the information. As such, the regulation is designed to operate within the existing structure and processes by simply requiring reporting to the DPS to allow monitoring of these database standards, procedures and practices

to assure compliance. The only less costly and less intrusive method is to do nothing which imposes a substantial burden upon the state in maintaining a extensive network of default trunks, just in case.

The following alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule:

- It has been suggested that such standards might be incorporated into the contracts for 911 services the DPS has with each telephone company, 911 service provider and county (911 authority). These standards relate to a non-competitive industry that is uniquely subject to rules and regulations necessary to assure uniform statewide standards. The statewide 911 program is required to contract with every telephone company to providing 9-1-1 service. The program has over 800 individual contracts with expiration dates spanning a five year period. Negotiating and contracting for different standards is impractical. The imposition of uniform standards and the coordination of those standards among different elements of the system is necessary to assure a coordinated effort to address the accuracy of the ALI database, reporting of errors and follow upon those errors.

The probable costs of complying with the proposed rule are as follows:

- The probably cost of complying with this rule are essentially the cost of reporting results to the DPS. As previously indicated, communication service providers are currently required to provide accurate information to 911 service providers and they are reimbursed on a monthly basis to maintain accurate and timely information for all subscribers. It would be difficult for a telephone company to assert that they are being reimbursed for providing inaccurate information for such an important purpose. The essential reporting requirement of this rule is placed upon the 911 service providers who have a vested interest in assuring accuracy of the databases they maintain; these 911 service providers are also paid a monthly fee for each entry in their database. The procedural requirements of the rule, 911 service provider procedures for identifying, reporting and resolving incidents of No Record Found and PSAP procedure for handling No Record Found calls simply documents procedures already in place.

The probable costs or consequences of not adopting the proposed rule are as follows:

- The lack of database standards with uniform reporting requirements precludes the appropriate monitoring of the accuracy of ALI database information which directly affects the reliable routing of 9-1-1 calls to an appropriate PSAP and the provision of accurate subscriber and emergency response information. As such, the lack of database standards and uniform reporting requirements affects the ability of PSAP to respond to emergency calls for service.

- The lack of articulated procedures for identifying, reporting and resolving incidents of No Record Found (911 service providers and PSAP's) precludes the development of uniform approaches and uniform identification of database problems.
- The designation of default routing plans based on presumed inaccurate 911 information eliminates a coordinated approach to default routing issues.
- The lack of database standards with uniform reporting requires will require the state to continue an antiquated norm of implementing default trunks on a county by county basis in the rapidly expanding and competitive environment of telecommunications.

An assessment of any differences between the proposed rule and existing federal regulations are as follows:

- Under FCC regulations, telecommunication service providers are required to connect 9-1-1 calls to the appropriate Public Safety Answering Point; 47 CFR §64.706. The provision of accurate and timely subscriber and emergency response information is essential to the requirement of connecting to the appropriate Public Safety Answering Point. The FCC regulation does not provide any particular database standards, but is consistent with the objectives of this rule.

PERFORMANCE-BASED RULES

The proposed rules are, in fact, performance based standards which emphasize superior achievement in meeting the agencies regulatory objective. They do not specify the specific means by which the standard should be met and allow each telephone company maximum flexibility in achieving the specific performance standards. Additional requirements seek merely to require clear articulation of existing procedures and for periodic reporting of performance.

The proposed standards are based upon standards adopted and maintained by the Metropolitan Emergency Services Board for 9-1-1 service in the seven county metropolitan area. The standards have been demonstrated to be reasonably achievable and similarly, those standards are considered the basis under which the extensive default routing network was reduced in the seven county metropolitan area.

ADDITIONAL NOTICE

Notice of intent to adopt new rules related to Automatic Location Identification (ALI) database standards was provided to persons who may be affected by the proposed rule as follows:

- Notice was mailed to all telephone companies based upon the Department of Commerce list of all Incumbent Local Exchange Carriers (ILEC) and Competitive Local Exchange Carriers (CLEC) and 911 service providers approved by the Minnesota Public Utilities Commissioner to operate in the State of Minnesota.

- Notice was e-mailed to all ILEC, CLEC, and wireless telecommunication services that routinely contract with the statewide 911 program.
- Notice was e-mailed to all Public Safety Answering Points and was published in the Statewide 911 Program newsletter. The newsletter was distributed to all telephone companies and PSAP's the Statewide 911 Program routinely does business with.

Our Notice Plan also includes giving notice required by statute. We will mail the rules and Notice of Intent to Adopt to everyone who has registered to be on the Department's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

CONSULT WITH FINANCE ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Department has consulted with the Commissioner of Finance. We did this by sending to the Commissioner of Finance copies of the documents sent to the Governor's Office for review and approval by the Governor's Office. We sent the copies on June 2, 2006. The documents included: the Governor's Office Proposed Rule; draft proposed rules; and a completed draft copy of this SONAR. The Department of Finance sent a letter dated July 24, 2006 with its comments.

With respect to local governments, the proposed rules impact them because they operate the Public Safety Answering Points. The proposed rules will require local governments operating PSAP's to document their processes related to identifying, responding and correcting No Record Found 9-1-1 calls. Although no formal requirement for such procedures has previously existed, the problem, itself, has always been present. As such, the proposed rule simply requires the documentation of those practices as part of a more comprehensive effort to assure ALI database standards.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Department has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Department has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

The Department has made this determination based on the following:

- Incumbent Local Exchange Carriers (ILEC), Competitive Local Exchange Carriers (CLEC), wireless carriers and other communication service providers

are already paid a monthly fee by the State of Minnesota to provide this information.

- The fee paid to Incumbent Local Exchange Carriers (ILEC), Competitive Local Exchange Carriers (CLEC) are tariff rates approved by the Public Utilities Commission and are generally structured as a monthly fee of 7 to 9 cents for every telephone subscriber.
- Similarly, 911 service providers are paid a monthly fee for every record maintained by them in the 911 selective router and ALI database which are based upon the number of records they must maintain. 911 service provider fees are also based upon tariff rates approved by the Public Utilities Commission.

The need for accurate and timely information to the 9-1-1 databases has always been an important priority justifying the reimbursement of these costs based upon tariff rates. As such, the Department is of the opinion that the standards and actions required by this rule, aside from the documentation of existing procedures and the annual reporting to the State of Minnesota by 911 service providers is already occurring and funded through these monthly fees.

LIST OF WITNESSES

There is no public hearing anticipated as part of this rule making process.

RULE-BY-RULE ANALYSIS

1215.0200 DEFINITIONS

1215.0200, Subpart 1a. Automatic location identification (ALI). “Automatic location identification” or “ALI” means the process of electronically identifying and displaying the name of the subscriber and the location, where available, of the calling telephone number to a person answering a 911 emergency call.

This subpart of the rule provides an essential definition upon which the proposed regulation is based. The mechanics of providing Automatic Location Identification (ALI) information is that the data is indexed in the ALI database by the calling telephone number. When a 911 telephone call is made, the calling telephone number or Automatic Number Identification (ANI) provided with the call is used to query the ALI database for the associated Automatic Location Identification (ALI) information. Where the ALI information has been provided, it is used to route the call to the appropriate Public Safety Answering Point (PSAP) and to display the subscriber’s name, location and additional response information to aid the emergency responders.

1215.0200, Subpart 1b. Automatic location identification (ALI) database. “Automatic location identification database” or “ALI database” means the set of ALI records residing on a computer system.

This rule provides an essential definition upon which the proposed regulation is based. The Automatic Location Identification (ALI) Database is the collection of individual ALI records for each subscriber, including routing information, subscriber information (name and Master Street Address Guide valid address), emergency response information and telecommunication service provider information. A "No Record Found" condition occurs when no records are associated with the Automatic Number Identification (ANI) received when a 911 call is connected to the Public Safety Answering Point (PSAP).

1215.0200, Subpart 2. Revisor suggested housekeeping text change to remove parenthesis.

1215.0200, Subpart 3a. Default routing. "Default routing" means the capability to route a 911 call to a PSAP designated as the default PSAP when the incoming 911 call cannot be selectively routed due to ANI failure or other cause.

This rule provides an essential definition related to the proposed regulation. Default routing occurs when the 911 call can not be connected to an Automatic Location Identification (ALI) record in the Automatic Location Identification (ALI) database. This can occur where the Automatic Number Identification (ANI) is not transmitted with the 911 call, but more routinely occurs where there is no Automatic Location Identification (ALI) record associated with the Automatic Number Identification (ANI) of the 911 call in the Automatic Location Identification (ALI) Database. Where a No Record Found (NRF) condition exists with a 911 call the call will be routed to a Public Safety Answering Point (PSAP) based upon the trunk group it was received upon at the selective router. Where the communication service provider is able to provide class marking at their central office based upon the PSAP jurisdiction of the caller, the default routing is based upon the trunk group the 911 call is assigned to at the communication service provider's central office.

1215.0200, Subpart 4. Busy hour; busy month. "Busy hour" means a one-hour period during a 24-hour day where the number of 911 calls to the public safety answering point is usually a maximum. Similarly, "busy month" means the busiest month during a 12 month period.

This subpart is in existing rule and is amended by Revisor to add "busy month" to the title because it is also defined.

1215.0200, Subpart 4a. 911 service provider. "911 service provider" means a 911 emergency service provider that provides selective routing and ALI database services.

This rule provides a definition of a 911 service provider to assure clarity in the application of the proposed rules. A 911 service provider is a unique service provider who provides selective router and automatic location identification database services for routing 911 calls to the appropriate Public Safety Answering Points (PSAP). This definition assures that the requirements of the rule related to 911 service providers are applied to the proper service provider.

1215.0200 Subpart 4b. No record found (NRF). “No record round” or “NRF” means a condition where no ALI information is available for display at the PSAP.

This subpart of the rule provides an essential definition upon which the proposed regulation is based. The objective of this regulatory change is to reduce the number of 911 calls that can not be routed properly when the Automatic Location Identification (ALI) information is not available. Those situations exist when the Automatic Number Identification (ANI) which is part of the basic call can not be matched to routing information or Automatic Location Identification (ALI) data.

1215.0200 Subpart 5. Existing rule with Revisor suggested housekeeping text change for “which” to “that”

1215.0200 Subpart 6. Existing rule with Revisor suggested housekeeping text change for “which” to “that”

1215.0200, Subpart 8a. Service provider. “Service provider” means a wire-line service provider, wireless service provider, packet-based service provider or any other telecommunication or data service provider that directly accesses the 911 network through a selective router through dedicated trunk circuits or that accesses the 911 network under an arrangement with another service provider having direct access. This rule provides a comprehensive definition of service provider to assure that the database standards are applicable to wired line providers, wireless provider and to packet based service (VoIP) which may be considered a data service. The definition is comprehensive enough to include new and emerging technologies, such as, text messaging and others that might be provided access to the 911 network through other service providers. The intent of this definition is to cover all service providers without regard to their technology.

1215.0200, Subpart 9. Existing rule with Revisor suggested housekeeping text change to add comma after “Commerce”.

1215.0800 DESIGN STANDARDS

1215.0800, Subparts 1 through 5. Existing rule with Revisor suggested housekeeping text changes for consistency with rules grammar standards.

1215.0800, Subpart 6. Default Routing. The commissioner shall determine the number of trunked circuits and designated default PSAP for routing 911 calls from each service provider.

A. The basic level of default routing coordination must be at the level of the selective router. The affected 911 service provider and representatives of the public safety answering points associated with the selective router must recommend the default routing plan to the commissioner.

B. In determining the number of trunked circuits and in designating a primary default PSAP for a service provider, the commissioner must:

(1) consider the default routing plan recommended by the affected 911 service provider and representatives of the public safety answering points associated with the selective router;

(2) provide for default routing to at least one PSAP in each area code;

(3) if a primary service area can be identified for a service provider, require the primary default PSAP to be the PSAP jurisdiction where the service provider's primary service area is located; and

(4) consider whether additional default routing may be provided to a PSAP if:

(a) the service provider is a competitive local exchange carrier (CLEC) capable of providing class marking for trunk assignment; and

(b) the service provider has a substantial number of customers within the PSAP's jurisdiction.

This subpart provides a substantive element of the regulator proposal by providing that the commissioner shall determine the number of trunked circuits and the default routing of 911 calls for all telephone companies. As a practical matter, this has occurred in the past as Competitive Local Exchange Carriers (CLEC) and wireless telecommunication carriers have expanded their coverage areas. The application of the subpart is further defined by the additional language indicating that the basic level of default routing must occur at the selective router level in consultation with various Public Safety Answering Points associated with the selective router. Basic connectivity to a selective router (two emergency service trunks) is necessary for 911 calls to be routed to any Public Safety Answering Point associated with the selective router. Additional trunked circuits are dictated by the number of customers to P.01 service levels (no more than one call out of 100 incoming calls will receive a busy signal on the first dialing attempt during the busy hour of an average week during the busy month, *MCAR 1215.0800, Subp. 1*) and default routing requirements. The rule is directed at the default routing requirements which provide call routing when a No Record Found (NRF) condition exists. The proposed subpart also provides additional direction as follows:

- The primary default routing should be to the communication service providers' primary service area where a primary service area can be identified. As a general rule, this would be the area where most of the communication service provider's customers are located.
- Where the communication service provider has customers in more than one telephone exchange area, default routing will be provided to at least one Public Safety Answering Point (PSAP) in each area code.
- Additional default routing may be provided where the communication service provider is a Competitive Local Exchange Carrier (CLEC) able to provide class marking (necessary to route calls upon specific trunks from the communication service providers' switch) and there are a substantial number of customers within the Public Safety Answering Point (PSAP) service area. The rule allows the

commissioner to determine when additional default routing might be appropriate based upon customer counts.

1215.0900 OPERATIONAL REQUIREMENTS

1215.0900, Subpart 11. ALI database standards.

(A) A service provider shall provide accurate data to the 911 automatic location identification database with no more than 0.5 percent of all calls received by the 911 network during any calendar year resulting in a no record found (NRF) condition.

(1) If a service provider provides service in areas covered by different 911 service providers, the standard must be applied to each 911 service provider's network separately.

(2) Adjustments to the number of NRF 911 calls attributed to a service provider during a calendar year shall be made for the following:

(a) for multiple 911 calls received from the same telephone number over a 24-hour period;

(b) for 911 calls received from a telephone installed less than one full business day, which includes each weekday except a legal holidays, following the date of installation;

(c) for pre-arranged test calls made to verify the operation of the 911 network:

(d) for manual searches on telephone numbers not received as 911 calls.

(e) for 911 calls received from a location that was referred to the PSAP jurisdiction for addressing while the addressing request is unresolved; and

(f) if a telephone number generating the NRF call has been transferred to another service provider or entity, based upon reference to the Number Portability Administration Center, in which case the incident must be reassigned and reported as a NRF call to the appropriate service provider.

(3) A service provider must submit a claim for an adjustment to a NRF 911 call to the 911 service provider as part of its resolution of the incident and must submit a written claim for any adjustments to the commissioner within 30 days of the incident.

This clause of this subpart articulates the basic requirement of the rule of 99.5% accuracy for each communication service provider for all 911 calls during a calendar year. This standard would require that 995 calls of 1,000 calls from a telecommunication service provider must be routed properly and contain appropriate Automatic Location Identification (ALI) data at the time the 911 call is made. It is noted that communication service providers are paid by the State of Minnesota to provide and maintain accurate Master Street Address Guide (MSAG) validated information to 911 service providers within one business day of implementing service. The rate of compensation is generally a recurring monthly amount related to the communication service provider's total number of customer. The subpart goes on to clarify this standard further by indicating that the rule shall be applied to each of the two 911 networks operated in the State of Minnesota

(Qwest and Independent Emergency Services) separately. The subpart also clarifies the rule as follows:

- By counting only one 911 call where there are multiple 911 calls from the same telephone within a 24 hour period. This provision would be applicable where the telecommunication service provider has not had enough time to rectify a known deficiency.
- By not counting 911 calls where telephone service was installed within the last business day. This is necessary to accommodate the fact that a telephone service provider has 24 hours to provide Automatic Location Identification (ALI) data to the 911 service provider for inclusion in the Automatic Location Identification (ALI) Database.
- By not counting pre-arranged calls made to verify the operation of the 911 network. This provision is necessary to assure calls made to test the system and the operation of the 911 networks are not counted in the communication service providers total 911 calls or in the No Record Found (NRF) count.
- By not counting No Record Found incidents where the phone number has been manually entered into the network by a Public Safety Answering Point (PSAP).
- By not counting 911 calls where the service provider has requested addressing information from the appropriate Public Safety Answering Point (PSAP) while that request is pending.

The rule also provides that No Record Found (NRF) incidents subscribed to a service provider that has transferred the phone number to another provider in accordance with phone number portability requirements will not be required to account for that incident and that the No Record Found (NRF) incident is reported to the appropriate service provider for resolution.

The rule requires a communication service provider to submit their claim for adjustment to any No Record Found 911 call to the 911 service provider as part of its efforts to current the incident. This information will aide in resolving the incident and in assuring there is no reoccurrence of the incident from the subscriber's telephone in the future. Claims for adjustment must also be submitted to the commissioner to provide a basis for evaluating any problems related to maintaining appropriate Automatic Location Identification (ALI) database standards. Based upon these claims for adjustment, the commissioner will monitor compliance and determine whether alternative actions might be necessary to assure compliance with the standard or whether additional default trunks may be needed.

1215.0900, Subpart 11. ALI database standards.

(B) Every 911 service provider must:

(1) maintain a written procedure defining the 911 service provider's procedure for identifying, reporting, and resolving incidents of NRF, which provides for the timely reporting of each incident and the details of the incident, including the trunk

group and trunk the call was received upon, if available, to the responsible service provider; and

(2) report the following information to the commissioner for each service provider within 30 days of the end of each calendar year:

- (a) total number of 911 calls;
- (b) total number of NRF 911 calls; and
- (c) for each NRF 911 call:
 - (i) a list of the date, time, and phone number of each call;
 - (ii) a brief description of the action taken to prevent a reoccurrence, if known to the 911 service provider; and
 - (iii) the basis for any adjustment requested by the service provider.

This clause of this subpart articulates a requirement of 911 service providers related to the regulatory process. The two 911 service providers operating in the State of Minnesota are Qwest and Independent Emergency Services. Both have indicated they have procedures for following up on No Record Found (NRF) incidents. As such, this clause simply requires them to document their procedure for identifying, reporting, and resolving these incidents. As an added requirement, 911 service providers will be required to report to the commissioner annually, the following information for each telecommunication service provider:

- Total number of 911 calls
- Total number of No Record Found 911 calls
- Total number of adjusted No Record Found (NRF) 911 calls with details.

This information is necessary to ensure compliance with the standard articulated in clause (A) of this subpart, which is 99.5% accuracy. It is the least onerous method of acquiring the information and it can be collected as part of the 911 service providers routine process of following up on these matters.

1215.0900, Subpart 11. ALI database standards.

(C) Every public safety answering point shall adopt a procedure for handling NRF 911 calls, which must include:

- (1) a description of the causes for a NRF 911 call from service providers using different technologies, including but not limited to wire line, wireless and VoIP;
- (2) recognition of a NRF 911 call by PSAP personnel;
- (3) any attributes of the 911 calls display that might aid in identifying the location of the caller;
- (4) the PSAP's procedure for handling the call; and
- (5) procedures for reporting the NRF to the 911 service provider.

This clause of this subpart requires Public Safety Answering Points (PSAP) to have written procedures related to No Record Found (NRF) incidents. There are two attributes to this requirement. The first is related to the Public Safety Answering Points increasing

potential for No Record Found (NRF) incidents resulting from the implementation of newer technology (VoIP) and the marginal potential for increased incidents of No Record Found (NRF) incidents with fewer default routing trunks. The second relates to the procedure for reporting No Record Found incidents to the Public Safety Answering Point's (PSAP's) 911 service provider to assure appropriate documentation and resolution.

Summary analysis of 1215.0900, Subpart 11, ALI Database Standards. Clauses (A), (B), and (C) of this subpart establish the basic accuracy requirement for Automatic Location Identification data to be applied to telecommunication service providers and establishes a minimally intrusive reporting requirement modeled around existing practices for 911 service providers and Public Safety Answering Point (PSAP). As previously indicated telecommunication service providers are paid to provide and maintain accurate (MSAG validated) and timely Automatic Location Identification data which is essential to emergency response to 911 calls. Both 911 service providers and Public Safety Answering Points (PSAP's) have an inherent and vested interest in assuring that accurate information is immediately available to them.

In addition to these interests, the continued implementation of default routing trunks as a back up to No Record Found incidents has become exceedingly costly and continues to consume resources that could be used to provide further enhancements to the 911 network. As a back up, this method lacks a clear demonstration of value, in that, default routing also requires a telecommunication service provider to accurately class mark records in its switch. Additionally, default routing provides no protection against misdirected calls or bad Automatic Location Identification (ALI) data.

1215.0900, Subpart 12. ALI database records. Each 911 service provider must report annually, within 30 days of the end of each calendar year, to the commissioner the following information:

- (1) the total number of records maintained in the ALI database for all areas served by the service provider;
- (2) the total number of records maintained in the ALI database for each National Emergency Number (NENA) company identification; and
- (3) the number of records associated with each PSAP based upon emergency service Number or other appropriate index for each National Emergency Number Association (NENA) company identification.

This subpart of the rule is a necessary part of the overall regulatory process. It requires 911 service providers to provide information to the commissioner annually for review the network design to identify if additional default routing trunks are needed. This subpart of the rule relates to proposed rule 1215.0800, Subpart 6 where additional default trunks may be added where a telecommunication service provider has a substantial number of customers within the jurisdiction of a Public Safety Answering Point (PSAP). It is assumed that communication service providers will seek to expand their customer base within their service area and that the customer counts for each communication service

provider are subject to change. Although this is a new reporting requirement, 911 service providers have routinely reported this information to the commissioner, and their tariffed billing rates are based upon these record counts and the requested information can be compiled and reported from the automated database in a reasonably straightforward manner.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

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[Date]

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