March 9, 2015

VIA ELECTRONIC SUBMISSION
Federal Communications Commission
Attn: Chairman of the Federal Communications Commission

Subject: Comments on Proposed 911 Governance and Accountability; Improving 911 Reliability

I am a law student at the University of California Hastings College of the Law, and as a United States citizen who relies on 911 services, I am interested in this proposal. I am in favor of the proposed amendments, and think the additional 911 purveyor regulations should be supervised by an independent third party. However, although the Federal Communications Commission cannot require all states and localities to follow the proposed regulations to avoid Constitutional issues, I believe passing the regulations as optional may render them too ineffective to warrant implementation.

First, I will respond to the proposed requirement that 911 service providers who seek to offer new services that affect 911 call completion must certify to the Commission that they have the technical and operational capability to provide reliable 911 service. The question posed by the proposal is whether it is sufficient for service providers to conduct their own analysis or whether the Commission should require analysis and certification by an independent third party. In order for this proposal to be effective, the best option would be to employ a neutral third party. One of the main policy considerations behind this proposal is that uniform regulation among 911 purveyor regulations will improve the overall reliability of the system. However, this unification becomes much less possible when there is no third party monitoring of the requirements the Commission proposes. 911 purveyors may not fully understand the requirements, or they may claim to comply when in reality they fall short. These small deviations from the requirements, easily made without third party supervision, will drastically undermine the effectiveness of the proposal.

Second, although the proposal addresses the issue of imposing federal regulations on 911 purveyors when state regulations already exist, I do not think the issue has been given the weight it deserves. The solution of simply giving states the “option” of implementing this new proposal does seem to skirt Constitutional federalism issues, because the Commission is not forcing the states to implement federal regulations. However, the solution defeats the purpose of the proposed regulation as described above. If only some states implement the proposal, the unified regulatory ideal will not be achieved and the issues with the current 911 system will likely not be significantly improved. This is especially true if, as the proposal states, 911 systems are becoming “increasingly interstate in nature.”

In sum, third party monitoring should be implemented to ensure the proposed requirements of technological and operational capacity for 911 purveyors are followed faithfully and correctly. This will minimize deviations and ensure maximum benefit from the proposed regulation. The option to allow states to choose whether or not to follow the regulations may render the proposal fully Constitutional, but much less effective.

Respectfully submitted,
Emily Shulman