

Pennsylvania Telephone Association

*"The Communications
Leader in Pennsylvania"*

A graphic element consisting of a series of horizontal lines of varying lengths, creating a stylized, modern representation of the state of Pennsylvania.

SENATE VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE

PUBLIC HEARING ON 9-1-1 REAUTHORIZATION

MONDAY, SEPTEMBER 11, 2023

TESTIMONY OF

STEVEN J. SAMARA

PRESIDENT

PENNSYLVANIA TELEPHONE ASSOCIATION

Chairs Mastriano and Muth and members of the Senate Veterans Affairs and Emergency Preparedness Committee, thank you for this opportunity to offer the perspectives of Pennsylvania's rural local exchange carriers (RLEC) on reauthorization of the state's 9-1-1 statute.

The Pennsylvania Telephone Association (PTA) represents the interests of all of Pennsylvania's RLECs ranging in size from a few hundred access lines to hundreds of thousands. And, while all of the PTA member companies have the similarity of providing world-class voice and broadband services to customers in all corners of the commonwealth, for purposes of today's hearing, this is the industry which has constructed, upgraded, and maintains the network on which 911 calls travel.

Background

This industry has been a critical component of the emergency calling system since 1981, when the legislature passed laws requiring public safety agencies to participate in 911, in 1986 when the network was upgraded to "Enhanced" or

E911 and offered perspectives in 2015 when the “Next Generation” or NG911 was proposed, migrating legacy systems to what we’re envisioning today, by 2025.

While much of the public discussion on Act 12 of 2015 focused on an increase in the 911 surcharge to \$1.65, the objectives were numerous; including the consolidation of county public safety answering points (PSAPs), ensuring that changes in technology were being reflected in the emergency calling network, and recognizing new entrants such as wireless and Voice over Internet Protocol (VoIP) carriers.

The Pennsylvania Emergency Management Agency (PEMA), the counties and the members of the PTA all worked cooperatively to ensure that the act was implemented properly and that our 911 system continued to provide the expected level of service and peace of mind to all Pennsylvania citizens.

From an industry perspective, our most important obligations are to maintain our physical plant to ensure the “Five 9’s” of reliability, work with counties and all interested parties on keeping the relevant databases current in order that dispatchers are sending emergency personnel to appropriate locations, ensure that we meet all of our obligations with the relevant tariffs we have on file with the Pennsylvania Public Utility Commission (PAPUC), offer comments on 911

service to regulatory bodies such as the PUC and Federal Communications Commission (FCC)(which has opened an investigation on NG911), and participate in a variety of capacities with organizations where we can both educate and be educated on the latest developments in emergency telecommunications services.

Of particular note is PTA's involvement as a member of the 911 Advisory Board and serving as co-lead of the Communications Workgroup of the PUC's Black Sky Committee.

As the RLEC industry did back in 2015 and 2019, I expect that we will be intimately involved with the full House and Senate, the relevant standing committees and all of the aforementioned parties as we work to craft a reauthorization statute that works for Pennsylvanians and Pennsylvania's telecommunications service providers.

RLEC Perspectives on Reauthorization and Next Generation 911

Reauthorizing and updating Pennsylvania's 911 statute is necessary based upon the rapid pace of technological advancements and the volume of calls being handled by 911 telecommunicators that are now coming, and will continue to

come, from non-traditional sources. It's no surprise that calls from cell phones, smartphones, tablets and other connected devices are increasing dramatically.

What may be surprising is the fact that, best we can tell, the NG911 network architecture, as proposed by PEMA and its contractor NextGen/Comtech makes dramatic (and not necessarily positive) changes to 911 in Pennsylvania which impact many different parties.

Traditionally, RLECs route 911 traffic through a jointly provisioned connection or have established a direct connection depending on the location of the public safety answering point. Counties order these circuits and pay a fee to the RLEC based upon tariffs approved by the PAPUC.

Under the scenario proposed by NextGen/Comtech, RLECs will now be the customer of the NG911 network and be responsible for equipment upgrades necessary to connect to that network at points of interconnection as prescribed by the new network operator. Suffice it to say that the cost of technology upgrades could be sizeable, especially for rural telcos who, because of decreasing market share and significant competition, are unable to recoup those costs.

With regard to interconnection, where the RLECs are being required to connect to the new network (commonly referred to as points of interconnection, or POIs)

seems to conflict with the provisions of Act 12 of 2015 which requires that interconnection be accomplished “through the use of generally accepted industry standards”, i.e. within RLEC service territory boundaries where it currently connects with other providers in the 911 call chain. Again, it is unfair to shift the cost of building and maintaining a network to interconnect at potentially far-removed locations to the only entity that does not receive any funding for such costs.

The interconnection discussion poses a series of questions more important than simply who is responsible for the requisite costs, including: How will this traffic reach the POIs and who will transport it? How many carriers are involved in transporting the 911 call? Will 911 calls leave the local calling area? Will 911 calls leave Pennsylvania? Will these calls be cloud-based? With all of the potentially new providers to be involved in transporting calls, how do we ensure 911 call reliability remains in that “Five 9’s” category and that everyone involved knows what their rights, responsibilities and costs are?

One proven way to achieve that goal is through a commonly used mechanism called an interconnection agreement (ICA). The transport and routing of 911 calls by NextGen/Comtech between originating carriers and the PSAPs is a

jurisdictional carrier activity. The PAPUC has previously found that the provision of 911 services on behalf of PSAPs is a competitive local exchange carrier (“CLEC”) operation and jurisdictional under the Telecommunications Act of 1996 and the Pennsylvania Public Utility Code. It has previously approved interconnection agreements between carriers to serve that purpose and has submitted comments to the FCC in that agency’s Notice of Proposed Rulemaking detailing how it has certificated NextGen/Comtech to provide 911 services in Pennsylvania.

For its part, NextGen/Comtech represented to the PEMA in its NG911 proposal that as a competitive local exchange carrier, it had the capability and experience to ask for and negotiate appropriate ICAs with the RLECs and noted that obtaining ICAs from these carriers is challenging and accompanying negotiations difficult.

Since no 911 ICAs have been proposed to the RLECs at this point, it’s hard to discern what the basis is for this declaration.

Consequently, the PTA, on behalf of its members, has prepared an interconnection agreement that it intends to present to NextGen/Comtech in the near future to facilitate earnest discussions on all of the questions previously mentioned in this testimony.

In the interim, the PTA has reached out to the PAPUC to assist in sponsoring a dialogue with PEMA and NextGen/Comtech on the topic and remains hopeful that further discussions on this important matter will result in a cutting-edge 911 network that treats all parties fairly and provides Pennsylvania citizens with the best emergency service calling network available.

Thank you again for this opportunity and I am happy to answer any questions you may have.