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Emergency Communication Networks

445 Minnesota Street • Suite 137 • Saint Paul, Minnesota 55101-5137

Phone: 651.201.7547 • Fax: 651.296.2665 • TTY: 651.282.6555

www.ecn.state.mn.us

November 15, 2021

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place E. Suite 340
St. Paul, MN 55101

RE: Docket No. P999/CI 21-86

Dear Mr. Seuffert,

These comments from the Department of Public Safety Emergency Communication Networks (DPS/ECN) division are provided in response to the Minnesota Public Utilities Commission (PUC) Notice of Comment Period, issued June 30, 2021, *In the Matter of a Notice to Rural Digital Opportunity Fund Winners (RDOF Winners)*. The PUC authorized Eligible Telecommunications Carrier (ETC) status for twenty one winning bidders in the FCC 904 Auction for RDOF grants.

DPS/ECN is responsible for the design and maintenance of the state 911 network, as provided in Minnesota State Statute 403. ETCs provide both broadband and voice services. Thus it is the responsibility of several Minnesota agencies to work closely together to ensure all Minnesotans receive a parallel level of service regardless of which provider they use. The fact RDOF dollars are being awarded for subsidizing broadband and voice service to unserved Minnesotans underscores that universal service has still not been attained for many Minnesotans, and in unserved areas residents may not have other options besides the offering by the RDOF recipient. In such cases these Minnesotans rely on the ETC to access 911 for public safety assistance.

Given the PUC is the only regulatory agency in Minnesota that can establish regulations and reporting requirements that apply to ETCs, DPS/ECN works closely with the Minnesota PUC in the ETC designation process in order to ensure the same standards and requirements for delivering a 911 call to a Public Safety Answering Point (PSAP) are followed by ETCs as are required to be followed by all other telecommunications and information service providers who offer service in Minnesota.

The PUC supports the certification process that DPS/ECN has established which includes but is not limited to, providing a 911 plan, delivering a valid location and callback number to the PSAP, reporting and addressing network outages promptly, and collecting and remitting 911 fees.

The information below describes in detail the ETC requirements in the State of Minnesota and clarifies the role of DPS/ECN. Additionally, we are providing some feedback as to common issues we currently see from any originating service provider. Further, there are specific issues we see as it relates to the lack of regulatory oversight for VOIP providers as this relates to 911. While ultimately the ETC will be responsible for ensuring that a caller can dial and be routed to 911, they likely will contract out some or all of the transport of that call to a VOIP provider. Putting a requirement on the ETC to ensure proper routing of a 911 call is a significant step forward, if the ETC requires language in its contracts with underlying providers to deliver a valid location and callback number to the PSAP. In the absence of the ETC being able to secure such contract terms a VOIP provider may be unable to satisfy the requirement and would need to seek a waiver from the PUC.

I. What is the role of DPS with respect to ETC designation and regulation?

- a. 47 C.F.R. 54.101 identifies the supported services to be provided by ETCs receiving federal universal support. This includes voice telephony or its functional equivalent, which is used to place a 911 call. DPS works to ensure that all voice service providers, regardless of their designation, have proper requirements in place for routing 911 calls to the appropriate PSAP and that those 911 calls present accurate location information based on the location of the caller to ensure a proper public safety response.
- b. Ensure that VoIP providers transmit both the callback number of the device and the physical location of the device, being used by the caller, to the appropriate PSAP in the form of a civic location (address).
 - The civic location (address) is used not only to determine which PSAP the call should be routed to but also to accurately dispatch the appropriate first responders with respect to the caller's location.
- c. Receive and address notifications of 911 disruptions.

II. Problems with all providers pertaining to 911

- a. Lack of reporting and lack of reporting information that is actionable/harms Minnesotans.
 - i. Lumen is the only OSP who routinely notifies PSAPs of a service disruption. No other OSPs. They do not notify ECN.
 - ii. If a wireline customer has no dial tone, we don't want to broadcast that there is a 911 outage (which is what Lumen does), but rather educate the public to use a different mode (wireless for example) to call for help if there is an emergency.

III. Problems with VoIP providers pertaining to 911.

- a. Broadband providers required to provide voice telephony may provision the VoIP service via contract with a VoIP provider.
 - i. The underlying VoIP provider may not allow visibility into the customer location database, claiming the database is proprietary information:

1. DPS cannot be assured of delivery of 911 calls to the appropriate PSAP (because the address associated with the customer may be a billing address and not a physical location address, or in cases where it might be a physical location address, the format of the address may not be alignment with the PSAP 911 ALI database. This must be very specific with respect to the order of the house number, street name, directional, etc. and abbreviations must be precise, in order for the address to verify within the PSAP computer aided dispatch system)
 - a. Wireline providers already are required to allow both the state and PSAP's access to this database (ALI database) for periodic verification and to be updated.
 - b. PSAP's do not have an ability to update an incorrect 911 address with the VOIP provider. It is currently the customer's responsibility and often a long and drawn out process.
 - i. Many VOIP customer service agents are not aware there is a separate 911 database from the customer billing database.
 - ii. If the VOIP service is being provided third-party they may contract out 911 database support to a different provider than the underlying VOIP service.
2. DPS cannot accurately collect 911 fees that keep the 911 network operational.
 - a. 911 fees are paid on a voluntary basis and the only way to verify that an OSP is paying the correct amount of 911 fees that they collect would be from DPS having an associated list of all the OSP's Minnesota customer TNs.
3. MN PSAPs likely are not able to notify all local subscribers of a 911 disruption as they are not aware of these subscribers.
 - a. 911 centers use reverse 911 technology to push out alerts based upon wireline databases that 911 is disrupted and to use alternate methods of calling for help
 - b. 911 centers (PSAPs) also have the ability to initiate Wireless Emergency Alerts (WEA) to any wireless subscribers who are within an area of a 911 disruption to provide related information.
- b. Disruption notifications may not occur or may lack intelligence on the disruption.
 - i. A short disruption for network maintenance would be treated differently that a disruption that is expected to last for hours.
 - ii. A VoIP provider may not provide a notification, and the PSAPs are then needing to spend time to figure out what is going on and how it should be addressed.
- c. DPS does not have the jurisdiction to enforce compliance of obtaining location information and disruption notifications with VoIP providers.
- d. Example: Rice-Steele Consolidated PSAP
 - i. Starting in July 2021, this consolidated 911 center received upwards of 20 calls that came into their center as a transfer from "Northern 911" which is the default center 911 calls are routed to that have inaccurate location details. This facility is in Canada and will often transfer this call to a random MN PSAP, a 10 digit administrative line for the PSAP or in a few cases to the PSAP manager's voice mail line. I was notified by the PSAP manager after she'd spent two months calling the VOIP provider's customer service line (the only number published) and was

told by multiple representatives that the issue was “fixed” even though it wasn’t. The PSAP had a quick way to test because their own phone lines from the call center would route test 911 calls to Northern 911 not the center they were standing in! Luckily the provider had submitted a CLEC plan and while there is no phone number listed there were email addresses. I was able to get a senior level staff person quickly to acknowledge the issue and my assessment that there were some significant issues in their 911 address database. Turns out, this provider had purchased a local VOIP provider in July of 2021 and merged those customers from the old database into the new database without checking that the data had transferred correctly. It took several weeks for this to be completely remediated but the issue did get resolved. This is an example of a good case where the provider understands how 911 calls are routed to the 911 network, their responsibility and worked with the PSAP. Even still, in this case the PSAP was made aware of someone who had called 911 and ended up getting a ride to the ER as they were having a stroke. Had this database been made available to the PSAP or the state prior, we could have easily identified the addressing issues and suggested the corrections before a 911 call was dialed.

IV. The Commission can alleviate the problem for ETC broadband fund recipients.

- a. All broadband providers use VoIP telephony as the means to satisfy the voice requirement in 47 C.F.R. 54.101.
 - i. ETC high cost fund recipients could be ordered to ensure that location information is visible to the State emergency network, and any contracts entered for the provision of voice/911 services must allow for location information to be visible to the State emergency network.
 - ii. ETC high cost fund recipients could be ordered to provide detailed/intelligent notification of any disruption affecting the ability of customers to place a 911 call.
- b. While the PUC may be able to only place conditions on those companies that are receiving federal government funds via their ETC status, without the PUC requiring the above protections, people will die because 911 calls will route to an incorrect PSAP and/or emergency services are sent to an incorrect address.
- c. DPS supports the Department of Commerce provisions that pertain to public safety for ETC high cost fund recipients because the provisions would start to address the issues laid out previously:
 - i. Service disruption notifications
 - ii. DPS to approve 911 plans
 - iii. Restoring outages promptly

DPS/ECN appreciates the opportunity to contribute comments on this important initiative and appreciates the support of the PUC in helping to ensure that all citizens and visitors to Minnesota have equitable 911 service throughout the State of Minnesota, regardless of the type of technology being used to place the request for emergency assistance.

Sincerely,



Dana Wahlberg, Director
Minnesota Department of Public Safety
Emergency Communication Networks Division