Next Generation 9-1-1 Transition Policy Implementation Handbook

APPLICATION OF THE IMPLEMENTATION CHECKLIST

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Table of Contents

I. Introduction 1
II. Overview of 9-1-1 in Colorado 1
III. Statewide 9-1-1 Planning 2
IV. Application of the Checklists 2

NG9-1-1 Transition Policy Issue Number: One 3
State-Level 9-1-1 Leadership and Coordination

NG9-1-1 Transition Policy Issue Number: Two 6
Funding the NG9-1-1 System

NG9-1-1 Transition Policy Issue Number: Three 10
Addressing Transitional Regulation/Legislation/Tariff Modifications to Enable Next Generation 9-1-1 Deployment

NG9-1-1 Transition Policy Issue Number: Four 15
Establishing State-Wide Emergency Services IP Networks (ESInets)

NG9-1-1 Transition Policy Issue Number: Five 18
Confidentiality, Disclosure and Retention of 9-1-1 Call and Other Emergency Information

NG9-1-1 Transition Policy Issue Number: Six 22
Next Generation 9-1-1 Liability Issues

V. Results 25
VI. References 25

FOR MORE INFORMATION
To learn more about the topic area meetings, or for information on how to become a member of the Next Generation Partner Program, contact Dr. Robert Cobb, program manager, at 1-800-332-3911 or via email at bcobb@nena.org.

Visit www.nena.org for a copy of this report and for additional information on the NG Partner Program.
I. INTRODUCTION

In March 2010, NENA published a report titled “Next Generation 9-1-1 Transition Policy Implementation Handbook: A Guide for Identifying and Implementing Policies to Enable NG9-1-1”. In that report, six key policy issues were presented, and for each issue a number of checklist items developed. The checklists were intended to provide states and other regional 9-1-1 authorities with a framework with which to evaluate their respective state and/or local legislation in light of how well that legislation enables the transition to NG9-1-1. It was decided that within the Next Generation Partner Program, a group of members would “test” those checklist items against a state’s legislation. The Colorado 9-1-1 Resource Center volunteered to work with the group to provide information regarding Colorado-specific legislation as a means to evaluate how well the checklist items met the intended need.

Members of the Next Generation Partner Program’s Regulatory/Legislative Subcommittee held regularly scheduled conference calls to walk through each of the implementation checklist items. Joining the calls were representatives from the Colorado 9-1-1 Resource Center and the Colorado 9-1-1 Task Force.

The purpose of the calls was to determine how well the checklist items served to identify key elements of 9-1-1 transition policy – how the state of Colorado is presently structured to implement NG9-1-1, what legislative or other barriers can be identified, and to identify what positive steps can be taken to remove those identified barriers.

The work group convened calls over a 5-month period in mid-late 2010.

This report summarizes the substance of those calls by listing each checklist item and then providing a summary of the discussions that ensued.

II. OVERVIEW OF 9-1-1 IN COLORADO

The Colorado 9-1-1 Resource Center is a nonprofit agency created by order of the Public Utilities Commission to provide assistance to 9-1-1 authorities and public safety answering points throughout the state. The members of the Resource Center’s Board of Directors are elected from the membership of the Public Utilities Commission 9-1-1 Task Force. This ensures that the Resource Center’s direction is represented by stakeholders with a thorough understanding of Colorado’s public safety communications issues.

The Colorado 9-1-1 Resource Center exists to support those 9-1-1 professionals keeping the public and public safety responders of Colorado safe. It does this by creating a statewide information database and clearinghouse where 9-1-1 professionals can learn about current issues, how other authorities and PSAPs do business, see sample policies and organizational documents, and make their voices heard.

One of the primary purposes of the Resource Center is to facilitate communication and collaboration
between 9-1-1 professionals and policy makers in Colorado. This is done through a variety of media, including a comprehensive website, newsletters, email lists, Colorado 9-1-1 blog, and regional meetings. Specifically, the Colorado 9-1-1 Resource Center website contains information concerning upcoming public safety communication-related training and meeting opportunities, grant and funding information, and general information for 9-1-1 professionals.

In addition to these services, the Resource Center produces research into 9-1-1 issues at the request of Colorado 9-1-1 professionals, can assist in communication with vendors, telecommunications providers, and legislators, and advocates for the improvement of 9-1-1 services with state and federal agencies and elected officials. The Resource Center also hosts an annual training summit to provide 9-1-1 professionals with the most up-to-date information available.

III. STATEWIDE 9-1-1 PLANNING

The Colorado 9-1-1 Resource Center is now creating a comprehensive State 9-1-1 Plan, scheduled for completion by December 2011. The purposes of that plan are:

- To ensure that Colorado remains eligible for future federal grants for 9-1-1 funding
- To create a clear picture of what the state of 9-1-1 in Colorado is
- To express a comprehensive vision of what Colorado wants its 9-1-1 system to look like in the future

The Plan will be a vision document, but it will not have regulatory or statutory power. It recognizes that 9-1-1 services are controlled locally.

IV. APPLICATION OF THE CHECKLISTS

The following sections of this report provide the substance of the discussions regarding each checklist item. It will become clear to the reader that the discussions will vary from state to state, depending on existing or proposed legislation. The value of the checklist items, however, is to structure that discussion so that meaningful analysis and identification of needed changes to legislation can take place.
NG9-1-1 TRANSITION POLICY
ISSUE NUMBER: One

SUBJECT: State-Level 9-1-1 Leadership and Coordination

OBJECTIVE: Establishment of a state-level organization to plan, coordinate, and implement a ubiquitous Next Generation 9-1-1 system

DISCUSSION: The principle of state-level coordination for 9-1-1, and of overall emergency communications, is not new. It is explicitly articulated in the Wireless Communications and Public Safety Act of 1999¹, in which Congress encouraged states to implement seamless, end-to-end emergency telecommunications services and found that efficiency in deploying such services “requires statewide coordination of the efforts of local public safety, fire service and law enforcement officials, emergency dispatch providers, and transportation officials; the establishment of sources of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment; the coordination and integration of emergency communications with traffic control and management systems…” Furthermore, Congress directed the FCC to help make this happen by encouraging the development and implementation of “coordinated statewide deployment plans, through an entity designated by the governor” that should “include representatives of the foregoing organizations and entities in development and implementation of such plans.” The principle of statewide coordination and planning under the auspices of a designated state-level entity is reinforced in the ENHANCE 911 Act of 2004² and is a specific eligibility criterion for PSAP grant funding under the Act. Similarly, statewide planning and coordination for use of homeland security communications grants is being required, and gradually expanded from solely first responder voice communications to include all emergency organizations and all types of emergency communications.

IMPLEMENTATION CHECKLIST:

☐ Is there an existing state-level agency that will be responsible for the coordination, oversight, and/or management of the NG9-1-1 system(s) within the state and responsible for coordination with other local, state, interstate, and federal authorities? If not, has a recommendation been made to establish an appropriate entity for this function, whether this involves modifying the authority of an existing entity or creating a new entity?

No, there is no single entity in Colorado with oversight over NG9-1-1. 9-1-1 is locally governed by 9-1-1 Authorities. Moreover, no formal recommendations have been made to establish such an entity.

An analysis of current agency capabilities would be a starting point to determining who can do what to facilitate deployment of NG9-1-1. Need to determine the existing agencies and their functions/structure. Need to analyze what can be done, or not done, under the existing structure.

There are ways to create a statewide coordinated effort without creating a state-level agency through inter-local agreements, etc.

The statewide non-profit that runs the radio network is a conglomerate. When difficult decisions need to be made, the lack of a final, state-level authoritative voice impedes the decision making process.

Does the state-level agency have the appropriate authority and technical resources available to undertake the activities necessary for the coordination, oversight, and/or management of the appropriate state-level NG9-1-1 functions within the state, which could include funding, access to and use of the system, maintenance and security of the system, and other technical and system operations issues? If not, are steps being taken to provide that authority?

No. Everything to do with 9-1-1 in CO, except for PUC surcharges, is handled locally by 9-1-1 Authorities. The PUC lacks jurisdiction to regulate NG9-1-1.

The Colorado state IT department (OIT) also has no role currently. They focus on broadband deployment, shared computer systems, and network security. They have access to funding and could play a potential role in the technical aspects of NG deployment so this may be a place to start. Perhaps could provide direction and funding while leaving a lot of the control and on-the-ground-work to local inter-governmental cooperatives.

Colorado should investigate whether an existing or planned state IP network could provide connectivity for NG9-1-1.

There is no state broadband plan in Colorado at present. The OIT has established a broadband working group. They are still trying to determine broadband status by county across the state. This must be done before they can develop a plan. Possible effort to ensure 9-1-1 and public safety broadband connectivity needs are addressed by this group.
A potential model is the Colorado radio oversight board.

Need to determine how to leverage entities such as the 9-1-1 Taskforce rather than starting from scratch. May be useful as a NG9-1-1 coordinator between all the stakeholders since most are already Taskforce members. Consider more formally establishing the Task Force through legislation providing the Task Force with sufficient resources and authority to play a more central role as appropriate.

☐ Has the role of the state public utilities commission (PUC), in support of the above state-level agency’s Next Generation 9-1-1 effort, been identified? As the 9-1-1 system moves to a more competitive environment with many functions of the system provided by IP based, non tariffed and unregulated communications providers, PUC and FCC regulations may need to be modified (See Brief #4).

The role of the PUC has not been identified. A rule revision has been put on hold. PUC jurisdiction over wireless and VoIP re: 9-1-1 is unclear. What can the commission mandate? How can providers be encouraged to roll out services in a competitive nature that keeps the rates low for rural areas? How will 9-1-1 rural service be funded? Who is responsible for mandating 9-1-1 services and/or 9-1-1 fees for new providers and technologies? The PUC needs to resolve this issue, or have it resolved through federal action.

What should the role of the PUC be? What should other agencies be responsible for?

☐ Is coordination between the state-level information technology agencies and the state-level agency overseeing the NG9-1-1 system required? Are steps being taken to facilitate this relationship? Are there state-level information technology and/or information technology procurement requirements in place that may impact the provisioning of NG9-1-1 facilities and services at the state level?

Coordination with the state-level IT agency is not required and no significant steps have been taken to facilitate that relationship. PUC to reach out to OIT.

Need to explore whether any CO state rules or local rules on procurement affect the ability of one government entity to procure services of another (state agency to state agency; local agency to state agency; local agency to local agency (Note: A NENA Workgroup document on network planning characteristics is currently under development).

☐ Do current organizational structures within the state facilitate the sharing of resources among various government agencies that can benefit from shared networks and applications envisioned in an NG9-1-1 system?

See above.

☐ NG9-1-1 systems can allow increased security of information through role based access control and data rights management that limits access to information only to authorized entities. Is there an existing state-level agency responsible for overall security of the NG9-1-1 system and for developing, implementing and enforcing policies that govern information sharing and overall information management within the system?

No current agency is responsible for assessing overall security needs. If there is a state level ESI net or interconnected regional ESI nets this needs to be addressed.
NG9-1-1 TRANSITION POLICY
ISSUE NUMBER: Two

SUBJECT: Funding the NG9-1-1 System

OBJECTIVE: Ensure sufficient resources are made available to implement and operate the NG9-1-1 system.

DISCUSSION: The 9-1-1 system and other emergency communications functions are funded by different and disparate funding sources. Those funding structures are used, and indeed are typically required to be used, to create separate and distinctly different systems (e.g. 9-1-1; interoperable Police/Fire/EMS radio systems; public health alert networks, poison control centers). Absent significant inter-governmental cooperation, this form of planning and funding may not lead to economies of scale that will enable parity of emergency services capabilities, interoperability, increased efficiency or cost savings within all aspects of emergency communications. More so than today, the Next Generation System will be a shared system comprised of multiple entities and components, including 9-1-1, the support of which will require coordinated planning and funding. Therefore, funding mechanisms and authority for all emergency services, including 9-1-1, should reflect and enable the shared network/services environment of Next Generation 9-1-1 and emergency communications.

IMPLEMENTATION CHECKLIST:

☐ If there is a state-level 9-1-1 coordinator/agency in your state, is statewide funding coordinated through this office? Is the 9-1-1 system planning/operations function coordinated through that same office?

No state entity is responsible for funding. The Colorado 9-1-1 Task force has no authority over the funds. Local authorities can require a surcharge of up to .70 per month. The PUC has some authority to approve a local surcharge over that amount. There is no overall state-level coordination on planning and use of funds (local decision within allowable uses of funds by statute)

Could the state fund the IP backbone? This is unlikely due to limited funds at the current time.

☐ Are there funding mechanisms to ensure sustainable funds to support current E9-1-1 operations as well as investments for NG9-1-1?

Paying for current systems and simultaneously saving funds for future investment in NG9-1-1 is not prohibited, but many state legislators look askance at 9-1-1 Authority boards accruing large balances (even if earmarked or planned to be used for NG9-1-1).

Larger counties (high population density) are able to pay for the current system and set aside funds to pay for transition to NG9-1-1 (Jefferson County, Larimer, Boulder, Denver, etc. – top 8); not possible for the smaller counties.
There is a potential need for statutory clarity or policy statement that accruing balances with funds targeted for transition to NG9-1-1 is allowable and desired.

It is difficult to have 9-1-1 revenues from one locality used to fund underserved areas (urban areas subsidizing rural areas) because any “taxes” (as opposed to fees) must be voter approved. Doing this would likely raise the attention of the voters who may not approve.

There have been recent discussion (in legislation recently passed) to have revenues from prepaid wireless sales to be distributed by state Dept. of Revenue to local 9-1-1 authorities based on wireless call volumes.

It is difficult to equip the entire state with the broadband connectivity needed for NG9-1-1 due to the amount of rural areas in Colorado.

☐ Are definitions/requirements clear in statutes and regulations concerning which communications devices/services are required to remit 9-1-1 fees? For example, has legislation been enacted in your state to generate revenue from all devices capable of calling 9-1-1, including automated sensor-initiated calls?

Fees on wireline, postpaid wireless, VoIP, and prepaid wireless; telematics to the extent the telematics provider is used as a cellular personal calling service.

Wireless and wireline are a single fee level (no difference based on technology type) within each 9-1-1 authority jurisdiction.

There is no collection from non-voice services.

Recognition in Colorado, but need for further discussion on how to assess and collect fee on newer non-traditional applications and services with a goal of a 9-1-1 fee being collected on all services that can access 9-1-1.

There is a need for further discussion on non-fee based solution to paying for 9-1-1.

☐ Are elected leaders in your state in compliance with federal statutes that authorize the imposition and collection of 9-1-1 fees provided that such 9-1-1 fee revenues are used for the intended purpose of the fee, rather than being diverted to other purposes?

Yes
Do the allowable uses of 9-1-1 fee revenues explicitly allow for capital expenditures to support NG9-1-1 in addition to current E9-1-1 systems? Do current definitions in statute or regulations limit what fees can be used for?

- Some definitions refer to “9-1-1 calls”, but 9-1-1 call is not defined? This could be an issue for the eligible uses funds for equipment to route non-traditional text or video communications that may not be considered a “9-1-1 call.”

- It may be a good idea to define a “9-1-1 call” broadly or to include a new broader term such as an “emergency request for assistance” and replace references to “9-1-1 call” with the more inclusive definition.

- The term “emergency telephone system” refers to a “telephone system” that utilizes a “single three digit number 9-1-1.”

- References to the “telephone system” could be narrowly interpreted to allow only the use of a traditional telephone network for the 9-1-1 system. This term is referenced in numerous other defined terms and throughout the document. It may be necessary to more broadly define the term “emergency telephone system” or to strike the term and replace it with a broader term such as “emergency communications system.”

- Also, NG9-1-1 may not always require the use of the “single three digit number 9-1-1”, so it may be good to reference the fact that there may be other methods of accessing emergency services via the NG9-1-1 system.

- Definitions of “emergency telephone charge” and “equipment supplier” have the same telephone network limitations described above.

- Definition of PSAP refers to “9-1-1 calls” (see above).

- Definition of service supplier is limited to exchange access service, wireless service, or VoIP; may need to refer to subsequent successor technologies.

- Definition of emergency notification service limited to telephone technology (likely other ways to notify the public other than via the traditional telephone network.

- There is presently no definition of NG9-1-1. May be a good idea to develop a non-technical, functional definition in state statute.

- The currently pending Next Generation 9-1-1 Preservation Act of 2010 (HR 4829 and S 3115) includes a definition of NG9-1-1 that could be adopted.

See 29-11-102: the section limits fees to be imposed on and collected from users of exchange access service, wireless and VoIP (and now prepaid); may be other types of services and applications from which fees may need to be collected moving forward.
Have you estimated costs (initial one-time as well as recurring) associated with the migration to NG9-1-1? Have you estimated transition costs? Have you estimated any potential savings once NG9-1-1 is in place? Do you have a Funding Plan beyond the current year? Do state/local 9-1-1 funding provisions reflect these reasonable budget estimates?

- No estimated costs have been generated for the migration to NG9-1-1

- Can be done, but there are a lot of unknowns and it would take a lot of work to determine all of the capital costs and potential operations savings

Do your state 9-1-1 policies allow for 9-1-1 funding contributions from sources other than fees/surcharges imposed by statute (e.g. voluntary contributions, federal grants)?

- Statute does not explicitly make clear that federal grants or voluntary contributions or other non-fee or general fund revenue sources can be collected. Might be beneficial.

In an environment where services will be shared by numerous entities, does the current policy framework allow for cost sharing? Is there a mechanism for determining the relative share that each entity pays to fund and maintain the shared services?

- CO governing authorities would need to enter into inter-governmental agreements for cost sharing today (e.g. the statewide radio system) among multiple governing authorities.

- It does not appear to be prohibited in any way under current rules

29-27-101 – but it is very restrictive on the ability of government to enter into contracts with a non-governmental body (e.g. a communications company) to share a network or lease capacity to a private entity.

Has a group been formed within the state and/or sub-state regions to examine shared services?

- No. The 9-1-1 Task Force could tackle these types of issues, but that is not what they were charged with doing today (working with OIT and others).
NG9-1-1 TRANSITION POLICY
ISSUE NUMBER: Three

SUBJECT: Addressing Transitional Regulation/Legislation/Tariff Modifications to Enable Next Generation 9-1-1 Deployment

OBJECTIVE: Modify and update current legislation, regulations and tariffs to ensure a competitive E9-1-1 environment and a transition to a full NG9-1-1 system

DISCUSSION: NG9-1-1 will not be deployed in a “flash cutover”. There will be PSAPs and areas that remain tied to the legacy E9-1-1 system for quite some time that must be able to interoperate with PSAPs that have migrated to NG9-1-1. With that reality in mind, it is imperative that 9-1-1 authorities at every level – as well as industry – begin now to lay the foundation for NG9-1-1 by facilitating the deployment of “dual-mode” capabilities in networks and/or IP-enabled PSAPs that can translate between the legacy circuit switched environment and the next generation environment. This will be a significant issue as NG9-1-1 will not be deployed as a single nationwide project. It will take several years to complete the transition.

Much of the legislative and regulatory framework governing the provisioning, operation and maintenance of PSAPs, and the 9-1-1/emergency communications system that serves PSAPs, rests with state and local governments, and as such, varies greatly across the country. Additionally, the Federal Communications Commission plays a significant role in regulating communications providers and contains current rules that require the delivery of wireless and voice over IP (VoIP) 9-1-1 “calls” over the “wireline E9-1-1 network” which could be argued does not clearly include the routing of 9-1-1 calls via an IP-based NG9-1-1 system. These state and federal laws were written in an era where all the possibilities and technological capabilities of NG9-1-1 simply did not exist. Many existing laws, regulations and tariffs make specific reference to older technologies or system capabilities which may inadvertently inhibit the migration to NG9-1-1. To foster the rapid migration of NG9-1-1, it is essential that state and federal legislatures and regulatory bodies review current laws and regulations to keep pace with the rapidly changing public safety marketplace. Efforts should be designed to create a framework which will optimize 9-1-1 governing authority choices and establish a competitively neutral marketplace that allows 9-1-1 authorities to replace legacy 9-1-1 functions component by component.

IMPLEMENTATION CHECKLIST:

☐ Have you reviewed and analyzed existing rules and regulations to determine which ones affect 9-1-1?

Yes, that is what is underway on these calls.

☐ Have you solicited input from all interested stakeholders to determine which rules and regulations may inhibit the evolution of Next Generation technology? In doing so, have you ensured participation by existing 9-1-1 system service providers, as well as new competitive 9-1-1 SSPs?

According to the Colorado participants on the call, the state has begun to examine rules for NG9-1-1, but had questions as to whether NG9-1-1 can be regulated within current legislation. Anything having to do with IP telephony cannot be regulated under existing legislation.

Colorado has issued an RFP of which one task is to examine existing rules and regulations. Stakeholders have had input as to whether NG9-1-1 is subject to regulation. Waiting to see what
the FCC does in defining IP telephony. Is it limited to broadband or part of telephony? Will involve stakeholders once that is determined.

One company has indicated that it would like to be a CLEC. Paragraph 28 asks vendors how they will provide basic telephony service. In Colorado, those companies without interconnection agreements will need to establish interconnection agreements in order to become service providers. For that to occur, you have to be a CLEC, but if you don’t have those agreements, you can’t be a CLEC. One option is for vendors to establish interconnections with ILECS. The issue is that there needs to be guidelines for incumbent 9-1-1 service providers to interconnect to new 9-1-1 service provider via commercial contracts. Any aspiring Basic Emergency Service Providers (BESPs) should be able to interconnect with CLECs without having to have agreements in place prior to becoming a CLEC, in the interest of competition. Should new entries have a minimum amount of regulation in order to compete with incumbents.

Another issue to be resolved is how to level costs to 9-1-1 Authorities across the state, recognizing that there are variable costs between large urban areas vs. rural areas.

A recommendation was made that the contractor selected by Colorado should go through the checklist as part of their contract.

☐ Based on the review of current rules and regulations with all affected stakeholders, have you made recommendations to revise all laws, rules, and regulations that may impede the evolution of Next Generation technology? Have you proposed enabling legislation or recommendations for specific regulatory/rule revisions to the appropriate authorities?

These recommendations will be made at a later date.

Specific Examples:

☐ 9-1-1 System Service Provider (SSP) – In NG9-1-1 systems, entities who are not traditional telecommunications providers may be in a position to provide NG9-1-1 service. Therefore, any statutes/regulations that limit competition by indicating that the role of a 9-1-1 SSP can be performed only by a specific type of entity (e.g. a provider of local exchange service), should be amended. Are there provisions that require specific technology components for "E9-1-1" service delivery that are not necessarily the same for NG9-1-1 (e.g. ANI, CAMA trunks, etc)? Does the statute allow for competition for the provisioning of the 9-1-1 system, and individual components within that system?

The rules provide for competition, but IP telephony is not a telephony service. If you declare that a service is an information service as opposed to a telephony service, there needs to be federal guidelines and definitions.

☐ Are there statutes and regulations that do not afford new competitive SSPs reasonable and nondiscriminatory treatment equal to that of incumbent SSPs? Are there comparable requirements for quality of service and other requirements (e.g. provider of last resort, security) for all NG9-1-1 SSPs, regardless of their regulatory classification?

In NG9-1-1 and data, there are not mechanisms that provide for nondiscriminatory treatment. This needs to be reviewed in light of definitions to determine if there is a place in statute to include.
Are all suggested revisions to existing regulatory requirements based upon functional and performance objectives without reference to any specific proprietary technologies, manufacturers or service providers?

*Suggestions have been made but tabled.*

Do suggested modifications to existing regulations/laws/tariffs ensure that 9-1-1 authorities or new SSPs are entitled to receive relevant routing, location and other related 9-1-1 information in the possession of the incumbent SSP at reasonable rates and terms?

*Yes they do, to the extent that they are defined as a telephony service, not an information service.*

Do suggested modifications to existing laws and regulations enable competitive 9-1-1 SSPs to connect to other competing 9-1-1 SSP networks in a non discriminatory, technically feasible, and economical manner to ensure interoperability among 9-1-1 SSPs?

*Yes, on a non discriminatory basis.*

Do modifications to existing laws, regulations, and tariffs require the unbundling of 9-1-1 component services? Where tariffs are involved, do suggested modifications to existing tariff structures require that each component be tarifed at a reasonable, cost-based rate?

*No. Colorado has bundled services and does not require unbundling. Each component is to be tarifed at a reasonable, cost-based rate.*

Do modifications to existing laws, regulations, and tariffs require that all 9-1-1 SSPs meet the same standards of functionality and performance, while recognizing that many of the legacy technical standards (CAMA trunks, for example) may become obsolete?

*Colorado is modifying existing rules to accommodate new technologies, but these rules are not in place yet, having been tabled.*

Do suggested modifications to existing laws, regulations, and tariffs facilitate the migration of individual 9-1-1 authorities to alternative Next Generation 9-1-1 SSPs without incurring continuing legacy costs for component services that are no longer needed?

*Rules are not in place to facilitate migration – waiting for determination as to whether new technologies are telephony or information services. A 9-1-1 Authority that wants to migrate to NG9-1-1 still has to connect to legacy PSAPs and pay for the cost of doing so. This can be changed by reviewing and rewriting tariffs. The problem of cost averaging still remains. Another issue is that ILECs are permitted to recover cost for 9-1-1 whereas CLECs are not.*

Where multiple competitive 9-1-1 SSPs are deployed in a region, or new competitive SSPs are seeking to deploy service in a region, do existing laws, regulations, and tariffs, or suggested modifications to such laws, regulations and tariffs, effectively account for the responsibility of cost distribution for the decreasing use of shared legacy resources (e.g. legacy selective routers)?

*Colorado does not have a cost-sharing cost option. There is no mechanism to offset that cost, other than raising rates. No thought has been given to determine how to assess this – there would need to be legislation but none is underway.*
Access to 9-1-1 systems – One of the many benefits of implementing NG9-1-1 is to allow appropriate and authorized sharing of automated data sources (e.g., telematics data, bioterrorism or health sensors) with PSAPs and other emergency response agencies. Do suggested modifications to existing laws, regulations and tariffs allow for new types of services that are currently legally prevented from accessing the 9-1-1 system, such as sensors and alarms?

There will need to be modifications in the Colorado 9-1-1 legislation to accommodate non-verbal communication, and information.

There is not any language in the legislation about auto-dialers to 9-1-1. It will be up to local ordinances to address this – no state legislation. Sensors will be of increasing importance, and some may send data directly to CAD systems. Telematics communication is not in violation of the legislation.

Sensors can either be with data or linked to data. As Colorado reviews legislation, the system needs to allow the data to be hooked up with the service provider.

Definitions, Terminology and Lexicon – Definitions contained in laws, regulations and tariffs should not limit the ability to implement NG9-1-1. Current rules using terms such as “calls,” “telephone service,” “emergency telephone system,” “trunks,” “dials/dialed,” etc. will need to be examined and modified as appropriate to cover the calling and messaging capabilities enabled by NG9-1-1. For example, does a definition for “calls” include not just a voice call, but also messages or any other type of communication delivered over the NG9-1-1 system? Another example is the definition of a PSAP. Does a definition limit a PSAP to a physical facility or building, or can a PSAP be “virtual” whereby 9-1-1 calls may be answered from anywhere IP access to an ESInet is available once an authorized person logs in with the proper user ID and password? Do suggested modifications to definitions in existing rules in any way limit the ability to implement NG9-1-1?

When we get to NG9-1-1 in the Colorado legislation, there is a need for new, expanded definitions for new devices and services/applications (e.g. text messaging). Perhaps use the NENA Glossary.

Sometimes the 9-1-1 legislation “bleeds over” into other non-9-1-1 legislation, so comprehensive review of all state legislation is required.

9-1-1 Authority capabilities – Do suggested modifications to existing laws and regulations enable a state, regional, or local 9-1-1 Authority to deploy, operate, or manage software and database controlled NG9-1-1 systems that replace traditional wireline E9-1-1 systems?

In Colorado, there is nothing in existing state statute that would apply, except if there is a proposed replacement of private entities with public entities that would compete against utilities. Public entities cannot replace BESPs, unless they serve only their own PSAP. Public entities (e.g. communities) cannot compete against private utilities (e.g. Qwest). If a consortium of local governments band together to provision a service to themselves only, that is ok. They do that today for multi-county 9-1-1 service as a shared arrangement, but only for members of the consortium, and only if properly structured and provisioned only to themselves. They would not be a BESP in Colorado, as defined.

There are no statutes that would limit the purchase and provisioning of equipment or services that would allow them to offer 9-1-1 services as multiple counties functioning as a 9-1-1 Authority.
Do suggested modifications to existing laws and regulations provide 9-1-1 and public safety authorities with sufficient authority to implement emergency service IP networks to replace dedicated 9-1-1 telephony systems which are shared among multiple emergency response entities (not stand alone 9-1-1 networks)?

Nothing prohibits an entity from establishing its own capability to provision 9-1-1 service. Should review to expand to NG9-1-1. Suggest looking at surcharge legislation and how it defines telecommunications services. May need to modify to incorporate information services.

Call Routing – With NG9-1-1 call routing may be affected by business rules/policies, which may indicate that calls should be routed based on caller characteristics, not just the location of the call. For example, a Spanish speaking person could dial 9-1-1, the caller’s device could indicate a Spanish speaking caller, a business rule built into a policy based routing function could indicate all Spanish callers for this location route to a pre determined PSAP and call taker position number OR if no call taker available, add Language Line to the call and route to appropriate PSAP based only on the location of the call. Another example would be a video call from a deaf caller that could automatically be routed to a certain PSAP or call taker that would enable a real time video call to a 9-1-1 calltaker certified in American Sign Language (ASL) interpretation. Do modifications to existing statutes and regulations enable non location based call routing.

Need a review of local/regional/state regulations to determine if non-location-based (policy-based) routing is allowed. In Colorado, current regulations and statues are silent on this question, therefore policy-based routing would be allowed (although it is neither expressly permitted nor restricted). Non-location based routing is happening today in Colorado with Phase-0 wireless.

Example: If a call is originated at a poison control center and there is a need to connect to 9-1-1, does the legislation permit that. Technically, yes this can occur.

National organizations involved in N11/800 calls are seeking location based routing for all calls using shared IP networks – a discussion contained in Issue 4 on ESInets.
SUBJECT: Establishing State-Wide Emergency Services IP Networks (ESInets)

OBJECTIVE: Ensuring that State/Regional/Local authorities recognize the need and initiate state-wide ESInets needed for NG9-1-1

DISCUSSION: ESInets are critical to the NG9-1-1 and next generation emergency communications architecture. They will provide or support call routing, transport, interoperability, security, and related services that can most effectively and efficiently be coordinated at the state level and facilitate required intra and interstate connectivity that will be very difficult, if not impossible, to achieve at the regional or local level.

State-wide ESInets are more than just physical pathways. They host (or provide access to) numerous application layer services that support interoperability among the highly diverse regional/local networks and agency applications. These include appropriate standardized core services such as GIS-based directories of authorized organizations and resources, and access control/identity management for implementation of information sharing policies. These directories will enable interstate and intrastate dissemination and queries for emergency incident information and messages, including references to locations, agencies and data sources. All authorized organizations (local, state, national, public, private) need to be able to implement their data policies through these core services. The ESInets may also offer optional managed services (or access to them) for use by individual agencies.
While there are numerous state-level programs in place for the funding and administration of 9-1-1 service and other emergency services, as of the beginning of 2010 no state today is implementing and operating a comprehensive ESInet shared by 9-1-1 and other emergency services and government functions. Some have state networks for specific emergency functions (e.g. Indiana’s statewide wireless 9-1-1 network; numerous state Health Alert Networks; state law enforcement networks including NCIC and NLETS). Some states do not have the ability or authority to establish a statewide ESInet. Some states do not have a state-level 9-1-1 authority. Most states do not have a comprehensive state emergency communications agency, or if they do have one, the agency does not have the authority or funding to implement an ESInet and carry out these comprehensive new responsibilities involving all emergency response agencies, including coordination with state and local agencies or organizations responsible for 9-1-1.

IMPLEMENTATION CHECKLIST:

☐ Policy makers should be aware of NG9-1-1 benefits and encouraged to support establishment of state-wide ESInets. Are policymakers at all levels committed to the development and deployment of interoperable state-wide ESInets as a fundamental 9-1-1 and emergency communications policy objective?

No, not at all levels. Local public safety entities, regional 9-1-1 authorities, and state agencies are all aware of NG9-1-1 to varying degrees. There is some uncertainty, however, as to the level of commitment to NG9-1-1 at all levels. Local support seems to be very high. More knowledge and understanding is needed at lower levels (local and 9-1-1 Authority). Work is ongoing to educate state legislators on the need for a statewide ESInet or regional ESInets.

☐ Statutes and regulations should be reviewed to determine where changes will be required to facilitate establishment of state-wide ESInets. Where necessary, changes must be initiated well in advance of planned implementation dates. Do existing state statutes and regulations support cooperative working relationships between state, regional, and local 9-1-1 and emergency services authorities to facilitate the establishment of state-wide ESInets?

The best way to approach this may be to amend and/or modify existing legislation and statutes for a statewide or regional ESInet rather than attempt to pass new legislation. Need to point out need to link ESInets as a “system of systems” either in state or between Colorado and other states.

Denver is not looking to build a stand alone ESInet.

Building a statewide ESInet or network of interconnected regional ESInets in Colorado will be extremely difficult. There has been no substantive discussion between any state, regional, or local entities about beginning such a project or projects.

Colorado can benefit from the work of the Texas ESInet Advisory Council – the Council has established scope and structure for an ESInet.

The Colorado 9-1-1 Task force was created by PUC rule. Need to update charter to expand role and focus on ESInets and the coordination of NG9-1-1. Need to redefine the scope and make it more current. Can the PUC authorize creating an ESInet Advisory Council similar to that in Texas, to provide advice to those who will be developing ESInets?

Colorado needs to develop costs for a change from the existing structure to one with a statewide or regional ESInets. A cost/benefit analysis is required. Also, a review of current method of collecting
and distributing 9-1-1 fees is required. The availability of Federal grants must also be considered.

☐ Policies, statutes and regulations that will enable ESInets should be actively pursued. Any current rules that would prohibit the establishment of ESInets must be modified. Transition Policy Brief #3, Addressing Transitional Regulation/Legislation/Tariff Modifications to Enable Next Generation 9-1-1 Deployment, provides additional background and examples on this subject. Do existing legislation and regulations present barriers to the establishment of state-wide ESInets (through a single state-level ESInet or multiple interconnected regional ESInets)?

Covered in previous discussions...

Whole CO system is based on the premise of local 9-1-1 authority and autonomy. Each authority determines how it will operate the 9-1-1 system. The regulations and legislation that put this system in place create substantial barriers to statewide or regional ESInet creation and interconnection.

☐ It is in the operational and financial interests of emergency agencies to share and contribute to an ESInet. Planning and funding should involve and come from all emergency services, including but not limited to 9-1-1. Has the state affirmatively legislated, authorized, organized and funded state-wide ESInets and key interoperability services hosted on, or accessed by them?

Not at this time

☐ The development of shared ESInets calls for the development of new cooperative working agreements between federal, state and local agencies to participate in underlying shared state-level backbone networks that include priority access for emergency services, particularly during periods of disaster. This new high-capacity, multiple application environment could, in addition to public safety services, include; health, transportation, education, libraries, and myriad community services components. Have policies, statutes or regulations been modified to encourage emergency services agencies to plan for the sharing of infrastructure with other governmental entities as a matter of efficiency and affordability?

The Colorado 9-1-1 Resource Center is developing a statewide 9-1-1 plan that may address these issues
NG9-1-1 TRANSITION POLICY
ISSUE NUMBER: Five

SUBJECT: Confidentiality, disclosure and retention of 9-1-1 call and other emergency information

OBJECTIVE: Ensuring that information delivered over Next Generation 9-1-1 systems can be appropriately delivered to Public Safety Answering Points (PSAPs) and shared with emergency response organizations while conforming to applicable confidentiality, disclosure and information retention statutes and rules

DISCUSSION: Today’s E9-1-1 systems are dedicated, closed, single purpose systems. The amount of information currently delivered with a landline, voice-over IP (VoIP) or wireless 9-1-1 call is limited compared with the information that will be available through NG9-1-1 systems. Since information associated with a 9-1-1 call in today’s E9-1-1 system is generally stored in a single restricted location, preserving the confidentiality of the information and retaining appropriate records as required by local or state law is a relatively straightforward process.

NG9-1-1 systems will not be dedicated, closed, single purpose systems. They will be shared systems comprised of multiple entities. 9-1-1 will be only one part of a much larger system shared with general government, private sector entities and other public safety services/agencies. The amount and types of information (voice, text or video) that may be received by PSAPs and shared with emergency response agencies will greatly surpass current E9-1-1 systems. In addition to the increased amount of data, the nature of the content of data will be dramatically different in some instances. For example, NG9-1-1 will make it possible to transmit video, still images, medical information and a host of other data for a 9-1-1 call. Additionally, the architecture of NG9-1-1 systems will significantly increase the amount of data that is contained in shared databases with data residing in the network rather than in single-purpose databases housed locally. Finally, next generation systems can allow increased security of information through role-based access control and data rights management that limits access to information only to authorized entities. Existing local, state, and federal confidentiality, retention and disclosure laws were not designed to address these types of information and systems.

NG9-1-1 will make it possible to transfer the voice and data records associated with a 9-1-1 call, and ensuing actions in response, from the PSAP to other agencies, in real-time during an emergency, and to archive them (or portions of them) in a decentralized location (or locations) off site.

NG9-1-1 will make it possible for aggregate or anonymized information to be shared outside the bounds of the parties involved in the local response to a specific emergency. Governmental agencies such as the Centers for Disease Control (CDC), state/local health departments, state or federal departments of homeland security, emergency management agencies may have a legitimate need to be aware of a situation, and to have adequate information to assess the situation, anticipate what is likely to happen next, and decide what action(s) to take.

3 Medical information may involve special federal and state laws designed to protect patient confidentiality.
In this environment, states and the federal government need to be careful not to unnecessarily restrict access to critical emergency information, while maintaining the confidentiality of specific data. Privacy advocates and emergency responders can almost always agree on exceptions for life-saving situations, as they have done in the federal health records law, the Health Insurance Portability and Accountability Act (HIPAA), and with E9-1-1 location information in Section 222 of the Communications Act and comparable state laws. Similar exceptions to privacy laws for emergency purposes should be extended to all types of data. The last thing we want to do is limit the availability of information for which the NG9-1-1 system is specifically being designed to receive and share among authorized entities. Real time crash data from telematics/event data recorder systems in cars sent to 9-1-1 centers and emergency medical entities is a growing example.

Similarly, there need to be exceptions for legitimate research regarding improving end-to-end emergency response, assuming appropriate protections ensuring anonymous and aggregate use of data. For example, NG9-1-1 will make possible the collection and analysis of data from the beginning of an incident to the discharge of a patient from the hospital. Such data will enable research that will be invaluable in improving emergency response. Properly anonymized, it needs to be encouraged. In short, as NG9-1-1 systems are implemented that enable a much more data rich 9-1-1 and emergency response environment, laws should be crafted in a manner that enable the most effective real-time emergency response, as well as providing for appropriate anonymous data sharing, data mining and research.

IMPLEMENTATION CHECKLIST:

☐ Do existing privacy, confidentiality, disclosure and retention statutes or regulations apply to all types of 9-1-1 calls and call content that are possible with an NG9-1-1 system (e.g., voice, data, images, video, information from third party databases added to a 9-1-1 call record)?

Colorado’s existing statutes do not have a lot of information regarding confidentiality. PUC rules address confidentiality. Customers at present forfeit privacy and forego confidentiality when they make calls, since information has to be given to a first responder. Colorado’s open records law is very broad and covers calls coming in to PSAPs. Calls involved in a criminal investigation are not released until after the criminal investigation is completed. Calls are recorded and are subject to the open records provisions. No thought given to data images and information other than recorded calls.

Many states have laws pertaining to event data recorders (e.g. OnStar and FordSync) which cannot be used as open records. New laws following Toyota regarding event data recorder (EDR) have been passed. Sometimes there are very graphic photos or videos at accident scenes that you would not want to release. There may be federal legislation on recorders, but not in the current session of Congress.

Qwest tariff deals with confidentiality within the commission’s rules. Non public and non-listed numbers are considered confidential.
Colorado’s statute does not address retention. This may be a matter for the state archivist (in the Colorado Department of Personnel Administration) to determine retention times for 9-1-1 call records. Not sure how individual 9-1-1 Authorities and PSAPs determine retention times in their SOPs.

Health information and other forms of information may be determined by outside entities and statutes, e.g. HPPA. We need to recognize that as it impacts states. Before information is released, it should be reviewed in light of these outside (mostly federal) entities. Some material, e.g., video and floor plans may be subject to copyright or other non-9-1-1 statutes.

☐ Does the 9-1-1 statute or regulations provide a uniform and suitably broad definition of “9-1-1 call” that takes into account all types of information that may make up a 9-1-1 request for assistance? (see footnote 9 for example)

*Colorado legislation does not have a broad definition of a 9-1-1 call in terms of anything beyond voice or ALI information. A broad definition of 9-1-1 call should be added to the statute.*

☐ Does the existing 9-1-1 statute and rules allow for the storage and retrieval of 9-1-1 call information in non-local shared and/or distributed databases? Note: In NG9-1-1, 9-1-1 call information may be available in multiple, distributed databases. The entire record of a call may not be available in a single location.

*There needs to be an incident number assigned to make sure the information is stored locally, given that some of the data would be housed externally. Hyperlinks in the CPE to external data would be a way to do this. In a wireless environment, calls may be moved to another PSAP – how would the information then be saved and archived?*

*The USDOT NG9-1-1 Initiative had some use cases to show how this might be handled.*

☐ Do existing 9-1-1 statutes, rules and/or policies provide clear direction to all parties with regard to their relative responsibilities in situations in which 9-1-1 call information will be stored in non-local shared and/or distributed databases?

*No. There needs to be clear direction in any future legislation.*

☐ Are state and local 9-1-1 governing authorities required to develop standard operating procedures (SOP’s) establishing rules governing who has access to 9-1-1 call information, under what circumstances, and are these access rights incorporated in data rights management, identity management and access control applications?

*Not at present, but need to be in place as we move forward.*

☐ Do existing rules provide appropriate protection of personally identifiable information, while enabling the sharing of this data with other authorized parties?

*Not addressed today – need to determine what constitutes adequate protection.*
In NG9-1-1, non-local agencies or local PSAP telecommunicators answering 9-1-1 calls outside of a physical PSAP (e.g. a virtual PSAP) will need to have access to 9-1-1 call information. Do laws provide for appropriate access to 9-1-1 call information, regardless of where the call is answered?

Nothing in current statute would seem to preclude access to information from virtual PSAPs or other remote locations. Need to review statute in terms of future access, especially for archived information, after the incident that generated the call is over.

Work is underway in Colorado to create virtual PSAPs.

Is there a formal education and awareness program for users of the system regarding confidentiality issues in an NG9-1-1 environment?

No, but given the issues discussed above, there needs to be. An educational program for confidentiality would be desirable. The program should be looked at in terms of jurisdictional responsibility, perhaps with an agency that would assume responsibility for coordinating NG9-1-1. Don’t know how that will evolve in future. Prosecutors, defenders and the news media need to be part of this education as well.

Companies like Ford, whose vehicles may send data that are subject to privacy requirements in either 9-1-1 law or in EDR laws, need to make sure they’re not violating any laws re when and how they can disclose EDR information. Typically, disclosure requires the vehicle owner’s permission or a subpoena, except when the information is used to facilitate or determine the need for emergency response.

What about interstate calls – is there state legislation concerning calls? This would likely be a federal issue, since it involves multiple states across state lines. That would resolve differences between legislation in adjoining states.
NG9-1-1 TRANSITION POLICY
ISSUE NUMBER: Six

SUBJECT: Next Generation 9-1-1 Liability Issues

OBJECTIVE: Ensuring that state/federal liability statutes cover all public and private entities involved in the end-to-end provision of NG9-1-1 and emergency communications systems and services.

DISCUSSION: Experience in the deployment of E9-1-1 has shown that a lack of legal clarity on the issue of liability can lead to delays in the provisioning of E9-1-1 service. NG9-1-1 will promote a more complex service delivery environment, with more types of services able to connect to NG9-1-1 systems, more external data sources available to PSAPs, and increased information sharing options among emergency response agencies. These technological possibilities will potentially complicate how liability protection is appropriately provided for new and future services. 9-1-1 SSPs, emergency response agencies and originating service providers that are prepared to transition to NG9-1-1 systems will likely more rapidly do so with the legal certainty that their good faith efforts to improve 9-1-1 and emergency communications services will not expose them to further liability.

Recently passed federal legislation (the New and Emerging Technologies 911 Improvement Act of 2008)\textsuperscript{4} provides liability protection for PSAPs, service providers, and their vendors consistent with existing state liability protection provided through statute, tariff or judicial decision.\textsuperscript{5} This protection applies to all communications services that are required by the FCC to provide 9-1-1/E9-1-1 (today and in the future), as well as for services that voluntarily provide information to PSAPs, in the absence of an FCC requirement, with approval from the appropriate state or local 9-1-1 governing authority. Thus, where there is existing state 9-1-1 liability protection, federal law now covers communications to PSAPs from new types of services enabled by NG9-1-1. This should encourage the entry of new services and provision of innovative data solutions that could result in more effective emergency response.

It is important to note that in some states liability protection may not be provided through a statute, but rather through the tariff of a Local Exchange Carrier (LEC). In such states, if the LEC is permitted to withdraw its tariff (which includes liability protection), and that is the only source of liability protection in the state, then no liability protection will be in place for any providers or PSAPs. Therefore, it is increasingly important for states to ensure liability protection is provided through a statutory mechanism, particularly since NG9-1-1 will potentially be provisioned without the use of tariffs.

Even where current liability statutes are in place, other liability issues may still need to be addressed through state or federal statutes. For example, NG9-1-1 is designed to increase choices and opportunities to empower 9-1-1 governing authorities and

\textsuperscript{5} 47 U.S.C. § 615a.
PSAP Administrators to design 9-1-1 systems that enable the sharing and receipt of information consistent with local needs. One region may choose to receive all possible information (voice, text, images, and video) from all devices. Another area may choose to filter and limit receipt of certain information and to route calls differently based on unique local capabilities and needs. Differing 9-1-1 system policies and structures, enabled by standards-based NG9-1-1, is an advantage of NG9-1-1. However, it could also raise possible liability concerns if individual PSAPs choose not to receive all information (e.g., direct video communications) despite the technical availability of such information.

NG9-1-1 will also enable, as desired and appropriate, 9-1-1 call routing based on caller characteristics, not just the location of the call. For example, a 9-1-1 call might be made via a video-enabled device by a deaf caller whose native language is American Sign Language (ASL). Rather than route to the closest “geographically appropriate” PSAP that is not video enabled, it may be preferable to enable an intelligent 9-1-1 system to route the video 9-1-1 call to a PSAP that is video-enabled with a 9-1-1 telecommunicator prepared to respond to the caller using the caller’s native sign language.

NG9-1-1 will also enable informed dispatch decisions to be made based on information about the incident and caller available from external sources, a capability that is not possible with today’s E9-1-1 system. An example is a 9-1-1 call that arrives at a PSAP from a telematics equipped vehicle with information on the severity of a crash along with information from the vehicle occupant’s electronic health record. Based on that information, algorithms may be able to predict the probability of severe injury and suggest a certain type of response. These capabilities are intended to result in the appropriate level of care quickly being sent to victims in need of assistance. This should lead to lives saved. However, it may also result in unintentional errors despite the best efforts of all parties involved in the response. Liability protection statutes should extend to intentional non-location-based routing capabilities and the use of incident and personal data for emergency dispatch.

Another example of a possibility created by NG9-1-1, with liability implications, is the ability to utilize a “virtual PSAP.” Today’s 9-1-1 system generally requires 9-1-1 telecommunicators to answer calls from within the walls of a physical PSAP. With a connection to a high-speed broadband network and access to the necessary software needed to connect to the NG9-1-1 system, a 9-1-1 telecommunicator can answer local 9-1-1 calls from virtually any location. This capability is particularly advantageous during disasters and high call volume situations. However, liability laws were not written with this capability in mind and may need to be updated to ensure that 9-1-1 calls being answered “virtually” in potentially non-local locations separate from the physical PSAP do not create liability exposure.

A final example of a potential liability issue is the ability to transfer calls and data among multiple national N-1-1/800 numbers (e.g. 2-1-1, 3-1-1, 8-1-1, 9-1-1, suicide hotline, poison control centers). The current ability to transfer calls/data among the multiple N-1-1 entities is limited, but should not be as NG9-1-1 systems are deployed and N-1-1 calls are able to be routed over shared networks. This ability should not open these entities up to liability exposure when they are making good faith efforts to get information to the right people to enable an effective emergency response.

IMPLEMENTATION CHECKLIST:

☐ Does your state currently ensure liability protection for 9-1-1 calls? Does it effectively cover PSAPs, originating service providers, 9-1-1 SSPs and their vendors, as well as 9-1-1 callers? Have you located the 9-1-1 liability provision in your state, either through statute, tariff, or judicial decision?
Emergency service suppliers and local exchange providers, and employees thereof, have general liability protection unless gross negligence is proven. Regulated providers fall under the liability provisions of this statute. It has been extended to Wireless and VoIP as well. At present, liability does not extend to NG9-1-1.

Liability applies to public employees – dispatchers in private 9-1-1 centers are likely not covered.

☐ If the liability protection is provided through a non-statutory mechanism (tariff or judicial decision), have you considered the need for a codification of 9-1-1 liability protection?

To the extent that you want to extend coverage for non-regulated entities, the legislation would need to be extended.

Ford – may want to have some protection for disclosure of information provided in good faith once it is out of Ford’s control. Would need to check with Ford attorneys.

☐ Is your 9-1-1 liability provision technology neutral, rather than applying to any particular technology (e.g. CMRS wireless, VoIP, traditional landline)?

Colorado legislation specifically mentions wireline, wireless and VoIP. If you are in a NG9-1-1 environment other than VoIP, legislation would need to be broadened to accommodate additional technology.

☐ Have you reviewed federal legislation that addresses liability protection, contained in the Wireless Communications and Public Safety Act of 1999 (PL 108-61) and the New and Emerging Technologies 911 Improvement Act of 2008 (PL 110-283), codified at 47 U.S.C. § 615a.?)

No. Will need to review. Colorado may want to reference the federal statute.

Because this affects all states, should this be examined at the federal level?

States often codify the federal statute.

☐ Do you believe your existing state liability protection provision, coupled with the federal statutes, is sufficient to cover ALL services and information that may be delivered over NG9-1-1 systems and shared among emergency response entities (e.g., voice, sensors, images and other data, video, medical records and any new, not yet developed, product or service)? Do current laws cover all potential 9-1-1 System Service Providers (SSPs), regardless of whether that SSP is a traditional regulated local exchange carrier (LEC) or an unregulated IP-based SSP?

Statute-identified service providers would be covered by existing liability protection regardless of the method of service delivery or platform.

☐ Even with the current federal liability protection statute, have you considered drafting a state-specific 9-1-1 liability statute that directly addresses all forms of communication that can be sent and received via the NG9-1-1 system? For example, such a state statute could explicitly cover:

- Non-voice video and data communications;
• Entities beyond the PSAP involved in the emergency response using information shared within the NG9-1-1 system, including the sharing of information with other N-1/1/800 numbers (e.g. 2-1-1, 3-1-1, 8-1-1, 9-1-1, suicide hotline, poison control centers);
• Acquisition and use of data from external sources that do not come with the call, but that are added to the 9-1-1 call record;
• The ability to do non-location based routing (e.g. routing based on call type or language of the caller; and
• The ability to establish virtual PSAPs.

No, Colorado has not done that, but it would be helpful to add these items to existing state statute.

V. Results

1). In general, those that participated in the discussions concluded that the checklist items served as an excellent set of questions to review the current structure for 9-1-1 in Colorado and to identify key issues related to the transition to NG9-1-1.

2). Action items were identified to be addressed by the appropriate state entities or 9-1-1 authorities in Colorado, keeping in mind that 9-1-1 is primarily a locally-controlled public service.

3). Overall, working through the checklist items was deemed highly beneficial by those who participated in the exercise.

4). The group suggests that all states will benefit from a similar exercise to review the checklist items for their respective state. The process used by the Subcommittee can easily be replicated in other states, under the leadership of the responsible 9-1-1 governing authority.

VI. Selected References


• National Emergency Number Association (NENA) - *Next Generation 9-1-1 Project*: Detailed information on all aspects of NG9-1-1 can be found at http://www.nena.org/ng911-project.

• National Emergency Number Association (NENA) - *Next Generation Partner Program (NGPP)*. All products of the NENA NGPP can be found at http://www.nena.org/ng-partner-program.

• National Emergency Number Association (NENA) - *Next Generation Transition Planning Committee (NGTPC)*. Detailed information relating to NG9-1-1 system transition issues being done by the NGTPC can be found at http://www.nena.org/technical-committee/next-generation-transition-planning


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