

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Agency Action to require)	DOCKET NO. 900297-TL
unbundling of E911 terminal equipment)	
and allow for the competitive provision)	ORDER NO. 22996
of E911 equipment by other than the)	
serving LEC)	ISSUED: 5-29-90
)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL McK. WILSON, Chairman
- BETTY EASLEY
- GERALD L. GUNTER

NOTICE OF PROPOSED AGENCY ACTION

ORDER REQUIRING THE UNBUNDLING OF E911
TERMINAL EQUIPMENT RATES AND ALLOWING FOR THE
COMPETITIVE PROVISION OF E911 EQUIPMENT

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

The digits "911" have been established as a universal dialing code for those persons seeking emergency services such as the police, fire department, ambulance, or a poison control center. There are two major types of 911 emergency response systems: Basic 911, and Enhanced 911 (E911). Southern Bell Telephone and Telegraph Company (Southern Bell) also offers tariffed a Stand-alone Automatic Location Identification (SALI) system as an alternative to network E911.

The current trend is to install or up-grade to the more sophisticated E911. Three major features differentiate E911 from basic 911 service: 1) Selective Routing (SR), which routes the 911 call to the correct Public Safety Answering Point (PSAP) regardless of PSAP serving boundary and central office boundary mismatches, 2) Automatic Number Identification (ANI) which produces the caller's telephone number on a console

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at the PSAP and 3) Automatic Location Identification (ALI) which provides the street address associated with the ANI of the party calling 911. When 911 is dialed, the information generated by these features, plus additional helpful information, is displayed on a CRT console at an emergency services dispatch center. Printouts of the displays are also available for a permanent record when desired.

E911 service is provided to cities, counties and municipalities using a telephone network with a centralized data base which stores the dispatch information. The 911 data base is updated by LEC service orders and Master Street Address Guide information from the County. This stored information allows for the automation of the events leading to the dispatch of appropriate emergency services. E911 automation minimizes human error, provides precise location information, fosters better response times, minimizes wasted effort on false alarms, delivers emergency services more efficiently, and potentially saves human lives.

911 emergency service, including terminal equipment, is by the LECs pursuant to tariff. The LECs 911 tariffs currently require that the serving LEC be the sole provider of 911 terminal equipment. The counties and municipalities have recently sought to provide such equipment through competitive bids. Several manufacturers such as Northern Telecom, AT&T Information Systems (ATTIS), Southern Bell and General Telephone Data Services are currently capable of providing E911 terminal equipment. The ability of counties and municipalities to accept bids for E911 terminal equipment has been hampered by "sole provider" restrictions in the LECs' tariffs.

On July 12, 1989, AT&T Information Systems, Inc. (ATTIS) informally asked our Staff whether Southern Bell was permitted to be the sole provider of terminal equipment for its 911 service. ATTIS's inquiry was prompted by several requests from several South Florida municipalities for ATTIS to submit proposals to provide E911 ANI and ALI terminal controllers. These requests called for E911 equipment to be integrated into the 911 system purchased by the municipalities. Both, the City of Coral Gables and the City of Miami, were advised by Southern Bell marketing personnel that Southern Bell's tariff requires that all ANI and ALI controllers must be provided by Southern Bell within its service area.

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In support of its question as to whether Southern Bell is allowed to be the sole E911 terminal equipment provider, ATTIS cites Section A24.1.2.R of Southern Bell's tariff. Section A24.1.2.R states that:

Any terminal equipment used in connection with E911 service, whether such equipment is provided by the Company or the customer, shall be configured so that it is unable to extract any information from the Data Management System other than information relating to a number (identified through the Automatic Number Identification feature as the source) of an in progress 911 call.

In response to the apparent tariff conflict, Southern Bell states that the definition of terminal equipment under the term "CPE" includes telephone sets, teletypewriters, data terminal equipment, PBX systems, key systems, mobile telephones, dialers and other supplemental equipment. The company further states that it is the terminal equipment used to actually answer the emergency calls to a 911 system that may be provided by the customer. Southern Bell argues that the Commission did not intend to allow vendors, other than the LECs, to supply ALI and ANI controllers essential to the provision of the 911 service.

In response to the policy question of whether vendors other than the LECs should be allowed to provide E911 terminal equipment to counties or municipalities, Southern Bell argues that the more entities that become involved in providing service to a 911 system, the more disputes there will be as to responsibility for repair work and restoration of service. The company further argues that if 911 service fails, it is essential that response time for restoring service is minimized and not wasted determining whose equipment is at fault. When there is only one provider of 911, the provider has no opportunity to point fingers and is only concerned with repairing the problem. Also, in the event that repairs are required, it is much easier using one provider because the sole provider is familiar with the whole system and coordination with another company is a non-issue. Southern Bell also argues that, because ANI and ALI controllers are used together, unbundling is not appropriate so long as the LEC continues to provide ANI and ALI controllers under tariff.

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ATTIS responded to Southern Bell's safety and dependability claims arguing that a single vendor environment is not essential. ATTIS argues that E911 service agencies seek multi-vendor participation because of the diversity of terminal equipment already in place. As an example, AT&T stated that for the City of Coral Gables, Southern Bell's 1A2 key equipment co-resides with AT&T 400A key modules utilizing Southern Bell 911 lines. Accordingly to ATTIS, Southern Bell often cannot provide parts or service on AT&T manufactured ANI or ALI controllers, forcing AT&T to provide service to preserve the integrity of the 911 offering.

A review of the tariffs of the four major LECs, Southern Bell, GTE Florida, Inc. (GTEFL), United Telephone Company of Florida (United), and Centel Telephone Company of Florida (Centel) indicates that "terminal equipment will be provided by the Company for 911 service". With respect to the positions of the other major LECs on the E911 issue, United and GTEFL indicated that they do not oppose unbundling and competitive provision of E911 equipment. Centel has not taken a position. In addition, there appears to be a few instances where the local serving LEC is not the provider of the E911 terminal equipment. For example, in Lake County, which is served by United, the terminal equipment is provided by GTEFL. In Metro Dade, which is Southern Bell's territory, the equipment is provided by Ring of North America.

Upon consideration, we find that neither Southern Bell nor any other LEC should be allowed to continue to be the sole provider of E911 terminal equipment in its serving territory. It is clear that there is a competitive market for E911 terminal equipment. We also note the existing desire of counties and municipalities to competitively bill for E911 equipment. Southern Bell's tariff restriction as well as those of other LECs discriminate against other vendors and prohibits counties and municipalities from purchasing E911 systems that may better meet their technical and economic needs. We do not believe that sole equipment provider accountability is essential to the reliability or integrity of E911 service. Southern Bell already utilizes terminal equipment obtained from different equipment manufactures. Southern Bell benefits from the competitive acquisition of the E911 equipment it provides. It is reasonable that this competitive benefit be shared with other vendors of this equipment and with the counties and municipalities needing this equipment.

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Accordingly, each LEC shall file revisions to its 911 tariff to unbundle the rates for the terminal equipment it provides in conjunction with E911 service. Each LEC shall also remove any restriction in its tariff requiring that it be the sole provider of E911 terminal equipment. Such tariffs shall be filed by June 1, 1990, with an effective date of June 15, 1990.

Since certain LECs have indicated that they do not oppose the competitive provision of E911 terminal equipment, a protest of our actions proposed in this order by one LEC shall not prevent the order from becoming effective to a non-protesting LEC.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each local exchange company shall file revisions to its tariffs to unbundle the rates it charges for the provisions of E911 terminal equipment as set forth in the body of this Order. It is further

ORDERED that each LEC shall file revisions to its tariffs to remove any restrictions requiring that it be the sole provider of E911 terminal equipment as set forth in the body of this Order. It is further

ORDERED that a protest of our actions proposed in this order by one LEC shall not prevent the order from becoming effective to a non-protesting LEC.

By ORDER of the Florida Public Service Commission,
this 29th day of May, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

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by: Kay Flynn
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 19, 1990. In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.